## HARRIMAN MERGER | PITTSBURG MOB CASE HEARING

Asst. Traffic Manager Bishell of The Santa Fe Gives Sensational Testimony.

IS AN UNWRITTEN AGREEMENT

His Road and the Southern Pacific Are Both Observing It.

San Francisco, Jan. 30.-Testimony of a sensational character was brought out by the government at today's hearing of the Harriman merger case before Inverstate Commerce Commissioner Lane. W. A. Bissell, assistant traffic manager of the Santa Fe system, and a director in the Northwestern Pacific railroad, conceded, under oath, that the Santa Fe and Southern Pacific managements are observing an unwritten agreement" whereby they share about equally the citrus fruit traffic of southern California, each scrupulously avoiding any intrusion into the other's teritory after the fruit has been packed.

R. A. Graham of New York, formerly R. A. Graham of New York, formerly manager of the Oregon-Oriental Steamship company, agreed to produce as evidence a letter which he testified he had received from Benjamin Campbell as traffic manager of the Oregon Rallway and Navifiation company, peremptorily cancelling a traffic contract between the two companies because the latter road had acquired a fleet of steamships, and refusing to longer give Graham's company any traffic, or the use of Oregon Rallway and Navigation docks at Portland, or rail rates other than the full local tariff.

rail rates other than the full local rail rates other than the full local tariff.

Today's hearing was conducted for the government by Atty. C. A. Severance. S. R. Lovett appeared for Harriman and Peter F. Dunne for the Southern Pacific. Among the witnesses called by the prosecution were W. J. Shotwell, general coast agent for the Denver & Rio Grande and other Gould lines; J. D. Mansfield, assistant to Mr. Bhotwell, and E. E. Calvin, general manager of the Pacific coast division of the Southern Pacific.

H. P. Schwerin of the Pacific Mall Steamship company took the stand. Schwerin testified that besides the fleet of steamers owned by the company, it operates the Mongolia and Manchuria, which are owned by Harriman. Severance called attention to the minutes which showed that the Oregon Short Line owned those steamers, but Schwerin said that so far as he knew, that Harriman charged the Pacific Mail \$30,000 a month for the use of the steamers. Schwerin testified that the San Franciseo and Portland Steamship company, of which he is president, had recently raised steamship rates, and that at the same time the Southern Pacific railroad raised its rates to Fortland.

A statement of interest to shippers made by Schwerin was to the effect that all trans-Pacific freight could be moved without coming to San Francisco at all, owing to the railroad facilities on the north. The Pacific Mail is willing to make concessions to get Santa

Fe business.

Schwerin said that he does not consider Harriman or the Southern Pacile is endeavoring to get business. His reight arrangements with the Southern Pacific he makes with J. C. Stubbs, and Harriman, he said, has nothing to with them.

to make concessions to get Santa

with them.
General Agent Shotwell of the build lines was called to the witness air at the opening of the afternoon ssion. He testified that the busiess he is able now to get for the liver & Rio Grande and connecting ould lines is less by 50 per cent than

session. He testined that the Business he is able now to get for the Denver & Rio Grande and connecting Gould lines is less by 50 per cent than gould lines is less by 50 per cent than it was prior to 1901, since which year, he said, the Southern Pacific has been devoting its efforts to secure all the business it can for the Union Pacific. To this cause he attributed the great slump in the Gould business east-bound from the Pacific coast. The Union Pacific was acquired by the Southern Pacific has acquired by the Southern Pacific Manager Bissell of the Santa Fe system, who is also a director in the Northwestern Pacific, was called by the prosecution. Answering questions by Atty. Severance, he said: "I don't think we make any effort to get fruit traffic in southern California that originates on the Southern Pacific lines—we have been giving all our time to getting our own cars back from the east. The citrus fruit business in southern California is so situated that it practicallys takes care of itself. The routing of most of the fruit grown between Los Angeles and San Bernardino is determined by the location of the various packing houses."

Testifying as to the alleged Harriman merger, Pacific Mail Steamship company pact, Bissell said that by a three-cornered agreement the Santa Fe was to fill certain space on each Pacific mail steamship leaving the port of San Francisco and was to be Siven 25 per cent of each cargo brought into San Francisco from the orient by these vessels for shipment, the Southern Pacific to have the remaining 75 per cent.

R. A. Graham of New York formerly manager of the Coos Bay Rati-

in Southern Pacific to have the relating 75 per cent.

R A Graham of New York forlerly manager of the Coos Bay Raillead company and of the Oregon
riental Steamship company, testied that the latter company operated
of connection with the Oregon Raillay and Navigation company, 'under
contract which had been reduced
of writing but not signed," and that
that time the steamship company
(as in competition with every other
rans-Pacific steamship company on
the Coast. The contract with the
regon Railway and Navigation comlay was that the Oregon-Oriental
must route exclusively from the orient
(as the O R. & N. and its conneclons, receiving in exchange from the
person Railway & Navigation comleave a certain amount of orientcound traffic.

"On the 16th of March 1901," testlight One-

ind traffic. "On the 10th of March, 1901." tesled Graham, "the O. R. & N. having squired its own fleet of vessels (the 
ordand & Asiatic line). I received a 
tier signed by Benjamin Campbell, 
affic manager of the O. R. & N., 
ancelling our contract at 30 days' 
otice, notifying me that the O. R. & 
would give my company no more a holfying me that the O. R. & mid give my company no more can refusing the further use of R. & N. docks at Portland untiple and the full wharfage and local freight rates." deded commissioner Lane.

Iness replied that he had it in York.

Ill you produce it in this court idence?" inquired the commis-. Graham replied that he be glad to.

IDAHO LEGISLATURE.

Bill Creating the Counties of ner and Twin Falls.

Jan, 30.—The house toda dilis creating two new counties, Bonner county, embracing the iportion of the present county enal. Its county seat will be sent in the other is Twin Falls with the town of Twin Falls county seat, and taking in the portion of Cassia county. The d ne opposition.

## AFTER A NEGRO

Trouble Started When He Began Choking a Newsboy Who Hit Him With a Stone.

CRY, "LYNCH THE NIGGER."

Hundreds Rushed for Him, He Fled, Ran Into Squad of Police Who Saved Him.

Pittsburg, Jan. 30.-C. A. Jackson, a negro, bleeding from many wounds, is locked up, following an exciting and almost successful attempt to lynch him tonight by a crowd of several hundred persons in the heart of the business district.

A number of unknown negroes wh tried to protect Jackson were roughly

The trouble started in Fifth avenue near Market street, when a newsboy asked the negro to buy a paper. Jackson shoved the boy into the street, and the latter threw a stone that struck the negro on the head. Jackson then seized the boy and began to choke him.

The street was crowded at the time.

and in a moment several men caught the negro and began to beat him. Some one cried "lynch the nigger," and hun-dreds of men and boys rushed upon Jackson.

Jackson.

Backed up against a building, Jackson, trembling with fear, shielded himself as he could while the crowd beat him and tore off his clothing. About this time several other negroes tried to protect Jackson, and immediately there were cries of "lynch them," and "kill the niggers."

The mob then turned its attention to the other negroes, and soon there were several fights in progress. Several negroes were caught and severely handled.

Jackson, terribly beaten, managed to

led.

Jackson, terribly beaten, managed to escape. Hundreds of persons took up the chase, and the negro was almost caught when he ran into the arms of several policemen. The officers were attacked by the crowd and were hard pressed when a large force of firemen came to their aid. The two forces held the frenzied mob back until a patrol wagon of officers responded to a riot call.

a riot call.

The crowd was soon dispersed and Jackson taken to jail, where his wounds were dressed. He is being held on a charge of disorderly conduct.

#### NO PRODUCTION OF OPERA OF "SALOME" IN NEW YORK

New York, Jan. 29.—A decision to discontinue the present rendition of the opera "Salome" at the Metropolitan Opera House was reached today at a conference between the directors of the company owning the house and representatives of the Conreid Opera company. The conference was the result of a letter sent by the directors of the owning company protesting against further presentation of the opera.

Mr. Conreid announced this afternoon that he had decided not to give "Salome" in this city in any theater. No decision has been received as to the performances of "Salome" scheduled for other cities.

The company owning the building

other cities.

The company owning the building was represented at the conference by J. P. Morgan, D. O. Mills, W. K. Vanderbilt, August Belmont and others. Otto Kahn, Robert Goelet, Rawlins Cottonet, K. R. Wintrhop and James Speyer represented the leasing company. It is understood that harmony prevailed among the representatives of both companies, and that the Conreid company agreed to withdraw "Salome" if the owners of the opera house continued to protest. It was agreed that the production of the opera came with-

the production of the opera came with-in the provisions of the lease that the operas must be approved by the owners of the building and that no performance can be given if objected to by them.

STRAUSS INTERVIEWED.

Chicago, Jan. 30.—A dispatch to the Tribune from New York says:
Richard Strauss, composer of the sensational musical setting of Oscar Wilde's drama, "Salome," in an interview with the New York World correspondent in Berlin yesterday, expressed his opinion of the furore created by the production of the musical drama here in these words: in these words:

production of the musical drama here in these words:

"Probably there are two classes of persons in New York who discover that 'Salome' is immoral. The first are those whose own lives, especially their secret lives, are not above reproach, men and women whose minds dwell on things prurient, who have sounded in their thoughts all that is morally base. The second are those who oppose any and all dramatic treatment of a Biblical story or legend. To these people 'Saint Saens' 'Sampson and Delilah' is immoral; so are all mystery plays and passion plays.

"In art there is never the moral nor the immoral; such conception are incompatible with the conception of art. In art there is only good and bad. Is an artist's work good art? Is it bad art? These are legitimate questions and these the artist must face and answer.

swer.

"In Berlin and other cities 'Salome' has been given upon the stages of royal theaters. Its art has been approved by specialists whose morality cannot be questioned. What is good enough for these famous stages is good enough for New York. It is really all the same to me whether or not New York rejects 'Salome.'"

#### THE AMERICAN FLAG

Not a Toy and Duty Charged at 50 Per Cent Instead of 35.

New York, Jan, \$1.—"We do not think the American flag, however diminutive it may be, is commercially, commonly or nationally regarded as a plaything for children, and we find that the flags in dispute are not toys."

This was the verdict of the board of United States general appraisers in the case of a shipment of miniature silk flags imported by a toy firm as toys.

The decision was rendered yesterday, the flags having been made in Japan and shipped at \$5 per cent duty. The flags being classed as silk were taxed 50 per cent.

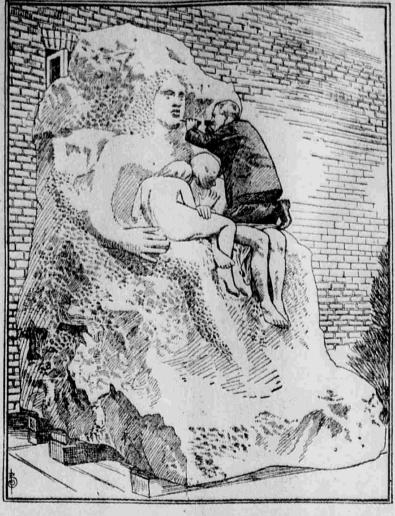
Coffee

Dyspepsia and Liver Troubles leaves when

is used in place of coffee

"There's a Reason"

A COLOSSAL STATUE BY A NORWEGIAN.



The huge statue herewith pictured is called "The Birth of Mother Earth It is the work of Stephan Sinding, a Norwegian sculptor, who has already devoted eight years to the undertaking and has used 36,000 pounds of Carrara marble. The picture shows Mr. Sinding at work in the yard of the sculpture gallery at Copenhagen. Denmark.

S. C. T. DODD DEAD.

He Was Solicitor for the Standard Oil Company.

Company.

Oil City, Pa., Jan. 31.—Advices received here state that S. C. T. Dodd, sollicitor of the Standard Oil company, died last night at Pinehurst, N. C. He was born in Franklin, Feb. 20, 1836. He learned the trade of a printer in Franklin, and between times prepared himself for college, graduating from Jefferson coilege, Canonsburg, Pa., in 1857. He was admitted to the Venango county bar in 1859, and at various times acted as counselor for prominent oil operators and transportation companies, the most prominent of which were the Vandergrift and Foreman lines, which were developed by the United Pipe lines. He was a delegate to the last constitutional convention of Pennsylvania.

His knowledge of corporation law was widely acknowledged.

CASTRO'S GOVERNMENT.

Gen. Emilio Fernandez Has Decided To Join Insurrection Against It.

New York, Jan. 31.—According to the Tribune, Gen. Emilio Fernandez. exgovernor of Caracas, who is now in this city, has decided to join in an insurrection, now said to be contemplated, against the Castro government.

Gen. Fernandez will throw in his lot with Gen. Antonio Parades, who is now in the West Indies preparing for the reported movement against the Castro government.

government,
Gen. Fernandez will sail for the West
Indies in about a week.
This announcement by Fernandez, the
Tribune says, is of great importance,
as Gen. Fernandez is known as an able
military leader and has a large following in Venezuela.

JESSE A. COOPER DEAD.

To Sacramento in the Forties.

Victoria, B. C., Jan. 30.—Jesse A. Cooper, a pioneer who crossed from St. Louis, Mo., to Sacramento in the 40s with an ox team and prairie schooner, died here koday, aged 84 years. He came to Victoria from San Francisco in 1860, and built the first brick building here, where he opened the first shoeshop in British Columbia,

MUTUAL LIFE LOSES SUIT AGAINST D. T. HALDEMAN.

London, Jan. 30.—Justice Sir Charles Swinfen Eady, in the chancery division of the high court of justice today, pronounced judgment in favor of D. T. Haldeman, former London manager of the Mutual Life Insurance company of America and the North British and Mercantile Insurance company, from the sult of the Mutual company asking for an injunction and indemnities. Justice Eady said the plaintif's case had failed against both defendants, and it was therefore dismissed with costs against the Mutual Justice Eady added that he was satisfied that Mr. Haldeman had not done anything inconsistent with his duty. The circular alleged to have been sent out by Mr. Haldeman was really sent by the committee of the policyholders.

The Mutual asked for an injunction and indemnities against Mr. Haldeman and the North British company, alleging that while the former was still in their employ he suggested to the North British company a scheme to transfer the British policyholders of the Mutual to the

STUDYING KINGSTON QUAKE.

yet complete. Five shocks were felt here Tuesday night and Wednesday morning.

GOT GOVERNMENT POSITIONS.

DELEGATES RECEIVE THEIR PAY

and ex-Gov. Higgins often was there.

Pittsburg, Jan. 31.—At a meeting held here of the National Brokerage com-pany, representing all the independent window glass manufacturers of the

FUNERAL NOTICES.

COWLEY.—Funeral services over the remains of little Walter Cowley, who died yesterday from the effects of a bump on the back of his head, will be held Friday, at 2 p. m. from the Seventh ward meetiaghouse. Situated on Fifth South between West Temple and First West streets. Interment will be had at the city cemetery. Friends are invited.

North British and that upon the day of the termination of his engagement with the Mutual Mr. Haldeman sent out a cir-cular to all the British policyholders in-viting them to surrender their policies in the Mutual and to transfer them to the North British. It was further con-tended by the Mutual that Mr. Haldeman wrongfully used information which he obtained as London manager of the Mu-tual.

Kingston, Jan. 31 .- Prof. Brown Kingston, Jan. 31.—Prof. Brown, of Brown university, is here studying the earthquake. He stated that the intensity of the earthquake here was slightly less than at San Francisco. He says the area of the shock covered Jamaica and Cuba, but the area of intensity was confined to Jamaica. He says the earthquake was caused by a readjustment of the earth's crust around Kingston. Slight shocks show that the readjustment is not yet complete.

Havana, Jan. 31.—Gens. Aranetba and Baldomero Acosta, well known rebel leaders, have been given posi-tions with the government. The ap-pointments have caused some adverse

Guthrie, Okla., Jan. 21. The delegates to the constitutional convention re-ceived from the territorial secretary the final amount of the official salaries paid by the federal government vesterior inal amount of the official salaries paid by the federal government yesterday. At the same time they were given checks for return mileage to their homes. For their further services in making a constitution the delegates must look to the state for payment. If the constitution should be rejected and statehood fail it is hardly believed that Congress would make any deficiency appropriation.

HOTEL ALBEMARLE CLOSED.

ppropriation.

New York, Jan. 31.—The Hotel Albermarle in West Twenty-fourth street was closed yesterday for the first time in many years. It is said the house is to be renovated before it is reopened. The Albernarle for years has been the favorite storping place for payal offifavorite stopping place for naval offi-cers and visiting Englishmen of rank. Admiral Dewey, Admiral Schley and Admiral Davis were frequent guests,

TO CURTAIL GLASS PRODUCTION.

window glass manufacturers of the country yesterday, it was unsulmously agreed to curtail the production.

Innumerable employes who expected steady work until late in June, will be laid off at various periods between early next month and the two months following and will not again return to work until September, the time for the fall reopening of factories.

Their claim is that the market is overstocked and that some curtailment is necessary if present selling prices are to be maintained.

#### **FORTIFICATION** OF PEARL HARBOR

Secy. of War Taft Writes Senator Allison Urging an Immediate Appropriation for Same.

THERE SHOULD BE NO DELAY.

First Class Defense Arranged for Be cause of Strategic Importance Of the Place.

Washington, Jan. 30.—"There is every reason why the fortifications at Hawaii should be made ready."

Secy. Taft thus expressed himself today in an urgent letter to Senator Allison, chairman of the committee on appropriations, renewing his request for an additional appropriation of \$350,000 for the purpose of fortifying Pearl Harbor. Hawaii.

an additional appropriation of \$350,000 for the purpose of fortifying Pearl Harbor, Hawaii.

Late yesterday the senate passed an appropriation bill for fortifications, which contained an allowance of but \$100,000, which is \$250,000 less than the secretary asked for. There is now \$260,000 qualitable under last year's appropriation, and it is said to be the secretary's desire to expend at least \$600,000 for the fortifications in Hawaii.

The text of Secy. Taft's letter to Senator Allison is as follows:
"I write to urge on you that the appropriation for Pearl harbor be made \$350,000, instead of \$100,000. We can certainly expend this in the next year, and there is every reason why the fortifications of Hawaii should be made ready. Will you not bring this to the attention of your committee and the senate. The enclosed statement from the national coast defense board, recently appointed, shows the fact. I send it to you at the suggestion of Senator Pearlying."

the national coast defense board, recently appointed, shows the fact. I send it to you at the suggestion of Senator Perkins."

The report of the national coast defense board, referred to by the secretary, was made to the president and by him transmitted to Congress a year ago. In sending it, the president himself strongly endorsed the board's recommendations, which included a sweeping revision of the plans of the old Endicott board designed to apply modern appliances to the coast defense plants. The board makes a strong argument for the construction of 14-inch guns, a type now unknown in the service, instead of the 12-inch guns, for the fortifications of these points, in view of the wide channels to be protected. However, the defense scheme for Pearl harbor and Honolulu, as finally submitted, is upon the basis of the existing types of ordnance, and the board has asked for these items:

Six 12-inch guns; four 6-inch guns; Six 12-inch guns; four 6-inch guns

Six 12-inch guns: four 6-inch guns; 16 12-inch mortars, costing, with their carriages, altogether, \$2,544,390; submarine mines, \$225,260; power plants, \$34,469, for the central, and \$34,469 for the reserves; \$95,000 for searchlights; fire control, by which is meant an elaborate system of electrical communication enabling the commanding officer to control the fire of all the batteries with precision from one point, \$320,656, making the total of the estimate submitted \$3,254,244. The defense board says:

"Pearl harbor is of such strategic, and Honolulu of such commercial importance, that the national coast defense board arranges for such a first class defense, stating that these places cannot be held unless fortified before the outbreak of war. Today not a gun is mounted to defend either. They are related in such a way that the fall of one involves the loss of the other. Defenses should be immediately installed at both places."

SILVER WORKERS' DEMAND.

New York, Jan. 31.—The Brotherhood of Silver Workers, which has made a general demand all over the country for a nine-hour working day at 10 hours' pay, has decided to enforce this in the vicinity of New York. The officers of the union reported that strikes had been ordered at the Reiss factory in Manhattan horough and that of A in Manhattan borough and that of A. G. Webster & Son in Brooklyn. In all about 600 hands are out. Strikes ordered for Monday will increase this number by about 200.

A THOUSAND DOLLARS WORTH OF

A. H. Thurnes, a well known coal operator of Buffalo, Or., writes: "I have been afflicted with kidney and bladder trouble for years, passing gravel and stones with excruciating pain. I got no relief from medicine until I began taking Foley's Kidney Cure, then the result was surprising. A few doses started the brick-dust like fine stones and now I have no pain across my kidneys and I feel like a new man. It has done me \$1.000 worth of good." For sale by F. J. Hill Drug Co.

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