

NEW BODY TO INQUIRE

Mayor Appoints Committee to Look into Tanner Creek Sewer.

COUNCILMEN REGARD ACT AS OFFENSIVE

Member of Grand Jury One of Those Who Will Probe Reports of Poor Work.

Mayor George H. Williams has announced his committee which will investigate the Tanner creek sewer. It is composed of the following: Capt. W. W. Goodrich, civil engineer; Gabriel Wingate, civil engineer; N. A. King, president of the King estate, and H. B. Larson, attorney, both of whom are large property owners in the affected sewer district.

This committee will be accompanied in its investigation by John M. A. Lase, a member of the grand jury; Rodney Giffan, a member of the city executive board; City Engineer Elliott and a representative of the Oregon Savings bank, which organization went on the bonds of the contractors.

Preparations are being made to enter the sewer early tomorrow morning. City engineers are collecting tools, rubber boots and other paraphernalia needed in the investigation. The engineers are studying the plans and specifications today, in order to familiarize themselves with the work which should have been done on the drain.

Personal of the Committee.
 Mayor Williams has instructed the committee to make a thorough investigation of the construction of the conduit. Both engineers are said to be thoroughly reliable men. Captain Goodrich is a member of the firm of Goodrich & Goodrich, architects and civil engineers of Baltimore, with a branch office in the Yenton building in this city. He has been in Portland since last July.

Gabriel Wingate, whose business is in the Sherlock building, is well known as a civil engineer in Portland.

The two engineers and a representative committee are said to be among the largest real estate holders in the district in which the sewer is situated.

The grand jury has been investigating the scandal since last Friday. They have called various witnesses to tell them of the conditions of the sewer. Today cement inspectors W. L. Lillinger and A. J. Lillinger were questioned concerning the inspecting of sidewalks and other work done in the city. He told of the methods employed in the city engineer's office.

Jury Will Await Report.
 Since the grand jury will participate in the investigation of the sewer to be made this week it is understood that no report will be made on the scandal until the work of the experts is completed.

Members of the former committee which handed in a report telling of glaring defects in the work say that they did not tell of all the defective work, and it will be an easy matter for any expert to find defects which they did not speak of.

It is rumored that the council intends to take some action regarding the sewer scandal at its meeting on Wednesday.

Mayor Williams' stand in refusing to follow his recommendation to bring impeachment charges against City Engineer Elliott has aroused considerable feeling against him. The appointing of another investigating committee is taken as a direct challenge of the integrity of the members of the council in accepting the report of the former committee of investigation.

MESSAGE LAID ASIDE

Opening of Second Session of Fifty-Eighth Congress Devoted to Mourning.

DESKS OF HOAR AND QUAY DRAPED IN BLACK

Fairbanks a Conspicuous Figure in the Senate—Regular Business Will Begin Tomorrow.

(Journal Special Service.)
 Washington, D. C., Dec. 5.—Congress convened promptly at noon today. This is the last session of the 58th congress. Senator and Speaker Proteo Frye called the senate to order, and Speaker Cannon performed a similar duty in the house. The lobbies and galleries were crowded. The private galleries were filled with fashionable women and men and friends of the president, diplomatic corps and members of congress. Floral pieces covered the desks of the members and overlaid into the lobbies. As usual, the usual business of the congress was laid aside in respect to the late Senator Hoar and Quay who were draped in black. Senator Burton of Kansas was not present.

In the house where 145 members occupied the available floor space there was perhaps less dignity and more noise and laughter than among the 90 veterans of the senate.

Speaker Cannon's room was besieged by a long procession of members seeking the speaker's desk in the fire early. The speaker's desk was covered with flowers for introduction.

The senate adjourned at 1:30 p. m. and the house at 12:30 a. tribute of respect to the memory of Senator Hoar and Senator Quay.

General estimates of the appropriations for the fiscal year 1906 were submitted to congress today by the treasury department. The grand total is \$1,161,523.21, as compared with \$825,502,146.07, the estimate for the year 1905, and \$614,648,927.03 actually appropriated for that year.

The merchant marine commission will submit its preliminary report to congress Tuesday, including three volumes of testimony taken during the recess of the senate. The committee is proposing a joint resolution authorizing it to continue its sittings until January 5, when a complete report will be made.

A member of the commission said that the general scheme of legislation agreed upon by a majority of the commission includes the abolition of the army transport system in order that commercial steamship lines may do business between the United States and Manila, an extension of the coastwise laws in the canal zone, the amplification of the ocean mail subsidy act, the increase of tax on foreign vessels from 2 and 4 cents to 8 and 16 cents, and increasing the revenue from \$300,000 to \$3,000,000.

It is proposed to use this fund for subsidies, of which the Pacific coast companies would get \$1,300,000.

SUPPER BANK FAILS.
 (Journal Special Service.)
 Buffalo, N. Y., Dec. 5.—With the withdrawal of the support made by President Emery of the German-American bank, that he would prosecute the ones responsible for the run, the fears of depositors in the institutions with which the bank had connections were allayed. Following the assumption of the run on the German-American bank Saturday, the German bank, of which Emery is also president, closed its doors this morning, owing to the wholesale demands made by depositors for their money.

BOY IS DROWNED.
 (Special Dispatch to The Journal.)
 Vancouver, B. C., Dec. 5.—While playing on a small tugboat Sunday Leslie Bailey, aged 11 years, fell overboard and was drowned. The body has not been recovered. The accident occurred in a rough sea near Bowen Island. The tugboat was towing logs, and although the boy's father, who is captain, jumped to the rescue he could not locate the body.



Mrs. Chadwick Before Her Marriage to Dr. Chadwick. When She Was Known as Mrs. C. L. Hooper.

DROWNS AFTER HE SWIMS BIG RIVER

Strange Death of Dr. R. H. Barber, Owner of Gardiner Hospital in Drain.

MEETS DEATH WHILE ON WAY TO HELP ANOTHER

Horse Carries Him Safely Across Siu-slaw—but He Falls into Tank on Other Side.

(Special Dispatch to The Journal.)
 Drain, Or., Dec. 5.—The strange disappearance of Dr. R. H. Barber, owner and superintendent of the Gardiner hospital, has been explained in the finding of his body where it rested in a government jetty. Since Thursday search has been made.

Dr. Barber was called to Florence, Thursday night to see a patient. He had before him a 20-mile horseback ride. He was unfamiliar with the country to be traversed, but was informed how to cross Tom Mills, a small creek, and then the Siu-slaw river. He evidently mistook Tom Mills and plunged into the Siu-slaw, where his horse swam the river, which at the point where he crossed in half a mile wide.

Barber, not arriving at Florence, another doctor was sent for and search at once instituted. His body was found at the bottom of a tank 14 feet deep on the government jetty, which has been apparently been walking in search of water or to get warm.

It is presumed he was so chilled and numb after his long, cold ride and immersion in the water, that he was unable to climb out of the tank. There were a few bruises on his face.

The body was shipped from Drain to Portland today noon to be cremated.

Gardiner hospital was established here last spring by Dr. Barber. He leaves a widow and one son.



Mrs. Cassie L. Chadwick, from Her Latest Photograph. It Has Been Assented and Denied That Mrs. Chadwick Was Formerly Known as Lydia Devere, Who Was Implicated in Swindling Operations in Canada and Ohio and Served a Term in the Ohio Penitentiary.

CHADWICK NOTES SIGNED CARNEGIE

Steel Magnate's Name May Have Been Forged—Chadwick Boy Still Missing—May Have Gone on a Secret Mission to Ashtabula—Bank President Faces Music.

(Journal Special Service.)
 Cleveland, Dec. 5.—Emil Chadwick, the son of Mrs. C. L. Chadwick, did not arrive at Cleveland at 7:15 this morning, as was expected. It is reported that he left New York last night on a secret mission.

January 1, 1904.—One year from date I promise to pay to O. L. Chadwick or order \$250,000 with interest at 5 per cent. (Signed) ANDREW CARNEGIE.

This note is indorsed on the back "C. L. Chadwick." The note for \$250,000 is supposed to be in a safety-deposit box of President Beckwith of the Oberlin bank. A subpoena for Robert Lyons, receiver of the Oberlin bank, was issued by District Attorney Sullivan this morning, ordering him to appear at the preliminary hearing of President Beckwith and Cashier Spear and bring all the Carnegie or Chadwick securities found in the bank. The vital question now is whether or not these notes are forged.

MRS. CHADWICK WATCHED.
 (Journal Special Service.)
 New York, Dec. 5.—Mrs. Chadwick is still at the Holland and is closely watched by secret service men. Deputy Sheriff Ring made an unsuccessful attempt this morning to secure from the management of the hotel a certificate setting forth the belongings of Mrs. Chadwick now in the house. It is stated on good authority that the woman has nothing but a hand bag with her, and has no jewels in the safe, as supposed.



Lydia Devere, from a Photograph Taken in the Ohio Penitentiary in 1901.

SHOOT MESSENGER AND ROB THE CAR

Two Robbers Conduct Most Daring Robbery on Santa Fe Road in California.

ROBBERS ESCAPE WITH NO ONE TO PURSUE

Train Runs Forty-Five Miles Before Crime Is Disclosed, to the Train Crew.

(Journal Special Service.)
 San Bernardino, Cal., Dec. 5.—An overland train robbed and the express messenger mortally wounded, the robbers fleeing leaving no clue to their identity and the discovery of the crime not made for hours, is a strange occurrence reported here today.

The train which was the moving scene of the tragedy was the Santa Fe Overland No. 1 and the robbery took place in the long lonely stretch between Ludlow and Daggett, where the trains stop only to take water.

Through these places the messenger usually sleeps on the night run, as hours pass by without the necessity for a transfer.

When the agent at Daggett pounded on the door for admittance of express matter there came a sound from within. The conductor was called and entered the front door. When it was opened the messenger, Charles Roberts, was found lying in a pool of blood. Roberts gaspingly told how two men had rapped on the front door and said they were passengers who wanted to get back into the train.

The messenger unlocked the door, when the two strangers pushed it open, tearing the chain loose. Gaining entrance to the car, they struck the messenger twice on the head. He made an effort to fight, and was then shot through the breast, falling unconscious on the car floor. The robbers then looted the safe of drafts and money to the amount of \$6,000.

As the train was entering Daggett the robbers escaped. After the robbery was committed the train ran a distance of at least 45 miles.

There was a heavy gale and no sounds were heard by the trainmen.

The dying messenger was taken through here to Los Angeles. He lapsed into unconsciousness here and will not long survive.

The robbers failed to get into the train and were seen to get into the train through the back door. One of the robbers was a white man and the other a negro.

A big sheriff's posse has gone to the scene, under the leadership of Joseph Arbois, one of the most famous guides and coolest men in southern California, who has assisted in some of the most desperate chases and captures ever made in southern California and Arizona.

DEFENSE IS BEGUN

L. F. Puter Speaks for the Prisoners Accused of Land Frauds.

CASE MAY NOT REACH JURY TILL TOMORROW

O'Day Follows Puter for the Defense and Henry Closes the Case for the Prosecution.

Attorneys for the defendants in the land-fraud case are today making their last efforts to save their clients from conviction. Lawrence F. Puter, brother of the defendant, S. A. D. Puter, made the opening argument for the defense this morning, and was followed by Judge O'Day, whose speech occupied the rest of the morning and the greater part of the afternoon.

The closing argument for the government was made this afternoon by Francis J. Henry, special assistant to the attorney-general. When court adjourned at noon it was expected that Judge Bellinger's charge to the jury would not be given until tomorrow morning. As soon as the charge is given the jury will retire, and it is the belief of the government's attorneys that little time will be lost in reaching a verdict.

Frank H. Waismann's plea of guilty renders his conviction certain. The government's recommendation of acquittal for Marie Ware will result in a verdict as to her of not guilty. As to S. A. D. Puter, Emma L. Watson, Horace G. McKinley and Dan J. Tarpey, the government's attorneys confidently expect conviction. It is thought that by noon tomorrow the jury's conclusions will have been made known.

L. F. Puter for the Defense.
 Immediately upon the opening of court this morning Lawrence F. Puter began his address to the jury. Mr. Puter spoke with the earnestness of one who pleads not only as an attorney, but as a brother, and was followed by the jury with the closest attention. All that could be said in behalf of the defendants, especially of his brother, on whom the government's evidence bears with especial severity, he said. He vehemently assailed the testimony given by some of the witnesses for the prosecution and ridiculed the conclusions of the handwriting experts.

"I approach the discussion of this case," said Mr. Puter in opening his argument, "with a sense of grave responsibility. In the first place, I am a stranger in your midst. I come from an adjoining state. I am acquainted with the judge who presides at this trial and with you. I am unacquainted with the people of this great state of Oregon, and I am discussing a matter which is to be passed upon by men who are strangers to me. I appreciate, furthermore, my own incapacity to present such a formidable legal opponent as the two distinguished prosecutors who represent the government in this case."

Dwells on Jury's Duty.
 After referring in terms of high compliment to United States District Attorney Henry, whom he characterized as "one of the greatest advocates in America," Mr. Puter said:

"If the tables were turned, and if my client had been represented by such a legal giant as Mr. Henry, things would be different. It is the realization of my own inability to cope with these distinguished opponents that is one cause of my embarrassment. It is further embarrassed by the fact that one of the defendants on trial before you is my own brother."

"The duty of the jury to weigh impartially the evidence in the case and the solemn obligation imposed upon them were dwelt upon by the attorney at some length. The jury, he declared, is the safeguard devised to shield the citizen from the power of the government. Jurors hold the power of kings, with power to acquit or to convict."

Exposes Irregular Entries.
 Passing to a review of the evidence in the case, Mr. Puter declared that 99 per cent of the homestead entries on the Pacific coast were taken up in the same manner as the entries involved in this case.

"I don't say it is legal, but the practice has been almost universal. Go through the great state of Oregon, and how many homesteads will you find that were acquired in accordance with the law?"

Mr. Puter declared that the proofs had shown the close business relations existing between Puter and McKinley, but had failed to connect them with the

(Continued on Page 12.)

EARL SEEKS CONTROL OF VAST COAL TRADE

(Journal Special Service.)
 New York, Dec. 5.—Planning to control the coal trade from the Pacific islands through the Panama canal, Earl Fitzwilliam arrived here today from England. He will remain in this country until the Harloch Castle, a 4,800-ton steamer which he recently purchased, can reach San Francisco to take him and a party of friends on a tour in search of coal.

The earl will be gone many months, for he intends to visit the Solomon Islands, New Guinea, Celebes, Philippines, and probably the north coast of Australia. Vast territories of these regions are unexplored so far as a search for mineral deposits goes. The earl expects to be a few million pounds richer after he returns. The earl seeks no financial aid. He is wealthy enough to supply capital for 100 such ventures. Naturally he is independent of criticism and does not think it worth while to defend the practicability of the project.

MANY RIDERS START IN SIX-DAY RACE

(Special Dispatch to The Journal.)
 New York, Dec. 5.—The six-day bicycle race commenced last night, when, amid deafening applause of over 20,000 spectators, Senator Timothy D. Sullivan acted as starter, fired the starting pistol and started the riders on their dizzy whirl for six-day honors.

Eighteen teams started the race, among which is the largest contingent of foreign riders that was ever entered in a local six-day event.

The team composed of the Downing brothers of San Jose, Cal., was broken up at the start, Carl Lumberg of San Jose being substituted for Burton Downing.

Gougoly, the Frenchman, who has endeared himself to the American public by his treatment of the late Jimmy Michaels, before and after the latter rider's death at sea, is riding at a terrific pace and is often applauded on a spurt.

Hobo of the Italian team, King and Rossillo, found the pace too strenuous and dropped out of the race four hours after the start. Patsy Keegan of Lowell suffered a fall in which he cut his face badly.

At 7 o'clock this morning all the contestants still riding were 116, having covered 157.3 miles, which is five miles and two laps behind the record.

New York, Dec. 5.—At 9 o'clock the score was 197.1 miles. Several of the riders have dropped one lap behind that mark.

EXPECTS TO CROSS THE ATLANTIC IN SUBMARINE

(Journal Special Service.)
 Newport News, Va., Dec. 5.—The keel is being laid in a shipyard here of a new and larger Lake submarine boat, in which the inventor, Simon Lake, expects to make the trip across the Atlantic under its own power in an effort to demonstrate its seaworthiness. The new vessel is 83 feet long and proportionately large, will carry four torpedo tubes, 10 torpedoes, and without assistance will have cruising radius of 1,000 miles.

This will be the first submarine boat of any class to attempt a trip across the ocean," said Lake, "and there is no reason why the vessel should not cross the ocean in safety. Ordinary torpedo boats have made the voyage without inconvenience and the craft we are now having built will be more seaworthy than any torpedo boat that has ever been built."

LAURA BIGGAR BENNETT SECURES A COMPROMISE

(Journal Special Service.)
 Pittsburgh, Dec. 5.—Within the next week Laura Biggar Bennett, wife of the late H. K. Bennett, will receive securities to the amount of \$240,000, which will bring her an income of \$1,000 a month, in addition to \$40,000 cash, all from her husband's estate. This arrangement was made yesterday.

Through some litigation entered into by F. P. McDermott and E. A. Johnson, of New Jersey, the Bennett estate had to be tied up indefinitely, but Mrs. Bennett came here a month ago and made things lively until a compromise had been effected.

PRINCE OF ITALY IS GIVEN HIS BAPTISM

(Journal Special Service.)
 Rome, Dec. 5.—Despite the heavy rains and storminess of the weather, the infant prince of Italy was baptized in the cathedral yesterday, in the presence of a most notable gathering of prominent men of the kingdom and foreign representatives.

The ceremony required 15 minutes, and the only outcry made by the prospective ruler of Italy was when the holy water was applied to his forehead. The king kissed the infant at the close of the baptism and the queen carried the babe around the room where it could be seen by all present.

PASS HONEYMOON IN TACOMA PEST HOUSE

(Special Dispatch to The Journal.)
 Tacoma, Wash., Dec. 5.—A honeymoon in a pest house is the peculiar experience of Mr. and Mrs. George O'Flynn, that Oregon couple who were recently married in Salem. O'Flynn is from the Bunch Grange region and the bride is from the Willamette valley. She will not tell her maiden name. They came to Tacoma for their honeymoon and were visiting friends on North Tacoma avenue. The husband was stricken with smallpox and sent to the pest house. The bride followed and nursed her husband. She was then stricken herself. The husband remained at her bedside. Both are now convalescing and will be released within a week. They contracted the disease before reaching Tacoma and it developed here.

STRAL OHRMAN'S TRUNK

(Special Dispatch to The Journal.)
 Starbuck, Wash., Dec. 5.—A Chinese restaurant keeper here took supper to a night bartender in the next building Saturday night and on returning found that his trunk containing his clothing, valuable papers and more than \$200 in cash had been stolen. In the morning the trunk was found in the street opposite the restaurant. The money had all been taken except 15. No clue.

SUSPECT MURDER.

(Journal Special Service.)
 Milwaukee, Dec. 5.—John P. Nolan, a prominent mill man of Fox River valley, was found dead near Appleton last night. There is evidence of foul play and the police connect his death with the recent big paper mill strike in the valley.

HURT FAMILY CURED OF HOLY ROLLERISM

(Journal Special Service.)
 Corvallis, Or., Dec. 5.—Mr. and Mrs. Frank Hurt, Mrs. Maud Hurt-Creefield and Mrs. O. V. Hurt are all home from the Salem asylum, cured of Creffieldism. They appear as before. Holy Rollerism sprang up in Corvallis, dress neatly and seem well.

DEATH'S STRANGE COINCIDENCE.
 (Journal Special Service.)
 Raymond, Mont., Dec. 5.—The 3-months-old baby girl of Hiram Crittenden this morning fell from the arms of her brother, alighting on her head and killing the child, and the 3-year-old daughter of John W. Lee, a neighbor, while playing in the kitchen, stumbled into a tub of scalding water, cooking her to death at nearly the same hour.

DECEMBER AND MAY DIE BY AGREEMENT

(Journal Special Service.)
 Des Moines, Ia., Dec. 5.—Annie Clark, 16 years old, died yesterday as a result of poison which she swallowed in pursuance of an agreement with Dr. J. H. Tucker, a prominent physician 65 years of age, to commit suicide. She swallowed the fatal dose at 8 o'clock Saturday night. Not until 1 o'clock yesterday did Dr. Tucker, having been convinced that she could not recover, send a bullet through his own brain, dying in the presence of his former wife and her brother, who had been momentarily expecting him to take his life for several hours.

Early in the day he informed the woman and his brother-in-law that he would take his own life unless the woman would recently obtained a divorce, agreed to marry him. They had continued to reside together, but occupied separate apartments. The separation was due to the wife's jealousy of the Clark girl.

To prevent him from carrying out his threat Mrs. Tucker agreed to marry him, then went to jail upon the girl to learn how much justification there was for her suspicions. She upbraided the girl unmercifully, and the latter's suicide followed almost immediately.

Mrs. Tucker returned to her former husband, who protested to the last that he was innocent. He locked himself in his room, saying that he would shoot himself. Mrs. Tucker and her brother waited anxiously for three hours in an adjoining room. Then the doctor emerged from his room, seemingly forgive his former wife, following the action immediately by committing suicide.

(Journal Special Service.)
 Washington, Dec. 5.—James M. Tyner, former postmaster general, died at his home at 9:35 o'clock this morning. He was head of the postal department under President Grant. He was removed from the office of assistant attorney general of the postoffice department last year and afterwards indicted together with his nephew, Harrison H. Barrett, on a charge of conspiracy in connection with the United States mails being used by alleged "Red fish" to smuggle goods through the postoffice system. Tyner was a friend of the late President Grant. From 1875 to 1878 he was a member of congress from Indiana. He served as first assistant postmaster general from 1883 and held that position until his death.

From the time he left college and entered the law field was one of steady advancement in the government service until his connection with the questionable transactions in 1883 forced his resignation under pressure that was brought to bear by higher officials. From 1892 to 1895 he was a member of congress from Indiana. He served as first assistant postmaster general from 1895 and held that position until his death.

JAMES N. TYNER OF WASHINGTON, DIES