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CALLED IN REBUTTAL

Last Stage of the Schley Investigation Begun.

MANY WITNESSES WERE HEARD

Captain Chadwick Contradicted One of the Admiral's Statements—Sigsbee Took Part of His Interview on the Brooklyn.

WASHINGTON, Oct. 31.—In the Schley court of inquiry today a number of witnesses were introduced by Judge-Advocate Lemly to testify in rebuttal of the evidence given in Admiral Schley's behalf. The court decided early in the day that no witnesses could be introduced at this stage of the proceedings to give testimony on immaterial points. This announcement was made in connection with an effort to prove a conversation on board the Massachusetts, in which Lieutenant Sears, who was Admiral Schley's flag lieutenant, was reported to have said: "For God's sake don't disgrace me (meaning Commodore Schley). It's all we have been able to do to work him up to this." It had the effect of relieving Lieutenant Commander Grant, Lieutenant Commander Peiss, and other officers of the Massachusetts, who had been called to testify concerning this conversation with Mr. Sears, which is said to have occurred on the Massachusetts just before the reconnaissance of May 31.

On the other hand, the court held that it was not bound by the ordinary proceeding in civil cases as to the time when testimony can be taken, and that witnesses might be called or recalled any time for the purpose of making additions to former statements, but that none of them could reiterate testimony previously given. This decision was rendered after an objection raised by Mr. Raynor to allowing Captain Sigsbee to give new testimony when called as a witness for rebuttal purposes.

The witnesses called in rebuttal were: Captain Charles D. Sigsbee, Captain French E. Chadwick, Captain Joseph G. Eaton, Lieutenant John H. Roys and Chief Quartermaster Nell Anderson, all of whom testified to the incidents connected with the campaign of 1888. Captain Chadwick, in his statement today, said that the precautionary dispatches from the Navy Department in regard to attacking the Spanish shore batteries had not been communicated to Commodore Schley. This statement is regarded as of great importance by Admiral Schley's supporters, as it distinctly contradicts the Admiral's own statements. Captain Sigsbee testified concerning his interview on the Brooklyn with Commodore Schley. Captain Eaton, who was on the Massachusetts during the battle of July 3, and his testimony related largely to events which occurred just before and just after the battle of July 3. Lieutenant Roys served on board the Eagle, and his statement bore upon the Eagle's meeting with the Brooklyn when the latter was en route to Cienfuegos and again while the flagship lay off that port. He stated that Lieutenant Commander Southard had asked not to be sent to Port Antonio for coal, and had asked to be allowed to coal from the Merrimac. Mr. Anderson was Chief Quartermaster of the Brooklyn during the Spanish War, and was at the wheel during the battle of July 3. He said that Commodore Schley had given the order of "hard sport," but that when the order was given the vessel was then hard astern.

Before witnesses were introduced for the department, the court heard Captain T. S. Borden, of the Marine Corps, who served on the Brooklyn, in Admiral Schley's behalf. He was the last of the Admiral's witnesses, and he testified that the Admiral had borne himself superbly during the battle of July 3. Admiral Schley will probably not return to the witness stand for the correction of his testimony for two or three days.

The Proceedings.
Captain Borden said he had been junior marine officer on the Brooklyn, and stated that the distance of the blockading line from the entrance to the harbor at Santiago was not to exceed 4 1/2 to 5 miles. He said he had seen picket boats at night during the battle of July 3. He said the vessels at night had steamed about 4 1/2 miles back and forth. Speaking of the events of the battle of July 3 he said the lowest range given was 100 yards, and that this was given just before the turn, while the maximum range was 300 yards. He had clearly observed the Brooklyn's loop, and speaking of this he said:

"In the course of the turn I fired guns on either side, starboard and port. Smoke was very thick at that time, and during the turn I saw no vessels at all, although I had a plain view out of the stern ports. I judge I could see about 500 yards distinctly."
In reply to questions from Mr. Raynor he said he had seen Commodore Schley three times during the battle, and that his bearing was "everything that the officers and crew could have expected."
The witness then related other incidents of the battle, saying:

"The most vivid feature of the battle in my recollection occurred just after the Brooklyn had made her turn. I had received the gun captain in charge of the starboard six-pounder gun, and I fired at three ships inside of three minutes by a slight change in train. At that time I could see no other American ship."
On cross-examination the fact was brought out that during the turn he had been in charge of the guns in the stern of the ship, and had not been able to see ahead. Captain Borden was then accused, and as he left the stand Mr. Raynor said he would have no more witnesses to call. He said:

"May it please the court, we have closed our case."
This statement was made in such quietness that it is doubtful whether its purpose was understood by half those present. Captain Parker then asked to have put in evidence a number of documents, including the report of the battle of July 3. Admiral Schley made from Montevideo, July 13, 1898. This report has never been printed. Following is an extract from it:

admit of no contradiction, for they are based upon the independent judgment and observation of two or more persons, and upon the statement in the hands of a person skilled in its use. Ten minutes were consumed in presenting this report, which was admitted.

First Witness in Rebuttal.
Lieutenant Grant was then called to the stand as the first witness for rebuttal. The witness was interrogated only concerning the events of May 31 when Commodore Schley went aboard the Massachusetts for the purpose of making the reconnaissance and bombarding the Colon, especially as to the conversation in which Lieutenant Sears, flag lieutenant of the Brooklyn, who accompanied Commodore Schley on this occasion, was represented as urging that no obstacles be put in the way of hitting the bombardment gun because as he was reported to have said, it had been difficult enough to get the Commodore up to the point of undertaking it.

In reply to questions, Lieutenant Grant said he had seen Lieutenant Sears on board the Massachusetts during the bombardment or reconnaissance of May 31 and that he first saw him on the quarter-deck about 11 o'clock of that day. "It had been below," continued the witness, "to get the powder division ready for action. Between 11 and 12 o'clock I went with Lieutenant Sears into the navigator's room, while he was washing his

hands previous to going into breakfast in the wardroom, and I had a conversation with him in that room and afterward at the wardroom table."

Sigsbee Recalled.
The witness said that the navigator was present for the time during this conversation. At the conversation he thought about 15 were present, practically the entire mess.

"I want you to state what the conversation was in the stateroom of the navigator." At this point the evidence was brought to a sudden close by Mr. Raynor saying: "Addressing the court, Mr. Raynor made a vigorous speech, claiming that the conversation in the wardroom was immaterial to the case; that it was irrelevant, and the evidence was clearly inadmissible. If this talk could be permitted, any remark made by Lieutenant Sears at any other place could be introduced, and his statement, Mr. Hanna contended that the testimony was material and therefore, under Mr. Raynor's own authority, admissible."

Mr. Raynor followed with a brief speech in support of Mr. Raynor's contention. "If," he said, "commanding officers are to be judged by all the foolish and ridiculous things young officers say in the wardroom, I don't know what would become of them."
The court then retired to consider the point raised. The members of the court were in consultation 15 minutes, and when they returned Admiral Dewey announced the court's decision as follows: "The objection as made is sustained by the court."

"The witness was then excused, and after a brief consultation between Captain Lemly and Mr. Hanna, Captain Sigsbee was recalled. When he had taken his seat Mr. Hanna stated that the witness had been called for the purpose of securing such facts as he might be possessed of as the court or counsel might want to elicit from him. This statement brought Mr. Raynor to his feet with the remark: "You are calling Sigsbee in rebuttal, of course?"

Captain Lemly—I don't call it rebuttal; we called Captain Sigsbee because he is recalled to testify."
Apparently Mr. Raynor was surprised. He said:

"Have we the right after we have called the case to recall witnesses except in rebuttal? That would lead to a minable case. The rule of the law is you can rebut anything that has been brought out, but you cannot call witnesses to sustain former statements they have made. There is no objection to a witness in rebuttal."
Captain Lemly—Counsel is wrong when he says I closed the case. I did not close the case. I simply said, "We rest here, and I propose to call further witnesses hereafter." I am only going to call such witnesses as the court thinks necessary in order to have the facts before it."

He contended that this is an inquiry, and not a prosecution, and that the usual rules of opening and closing and of rebuttal and sur-rebuttal followed in ordinary courts of law were not to be followed in this case. The controversy between counsel continued for some time. Mr. Hanna said he had had a conversation with Mr. Raynor, in which the latter had promised to call Sigsbee in rebuttal. Replying, Mr. Raynor said that his promise had only applied to rebutting testimony proper. Mr. Hanna then took up the question of the treatment of the case. He took exception to the characterization of the case as a prosecution. On this point he said:

"As to the use of the language which has been employed here, that this is very like a prosecution, I cannot allow the record to stand in that shape without saying a word or two upon that point. If this case has in any manner approached that of a prosecution, it has been due to the action of the applicant and his counsel. Out of generous consideration to the applicant, we have allowed every technical rule of the law to be invoked in his interest. That is generosity. That is not prosecution. Everything that the law has devised to screen and protect and defend a man who is under any sort of a charge has been allowed to come in before this court of inquiry. That was in favor of the applicant, not against him. A naval court of inquiry has the absolute right to

conclude on Second Page.

SQUADRON PUT BACK

Turkey Evidently Comes to Terms With France.

EFFECT OF THE DEMONSTRATION

Gaillard's Fleet Is Again Anchored at Toulon—What Caused Change of Plans Is Not Divulged—Arrangement With Russia.

PARIS, Oct. 31.—Late tonight the following dispatch was received from Toulon: "The complete Mediterranean squadron returned to Toulon this evening and anchored in the roads."

This would include Admiral Gaillard's

the French Embassy. He feels confident that there is not the slightest danger of a dissolution of the concordat, owing to the French Government's sending warships to make a demonstration in Turkish waters. The other nations, parties to the concordat, understand the situation perfectly, and in fact most of them have grievances and claims themselves like the French complaints, so they may look with complacency upon the effort to make the Porte meet its obligations. There also is precedent for this action, for a few years ago Austria seized a Turkish port in the Gulf of Alexandria and held it until her claims were paid, yet the incident did not cause protest by the other powers or even attract much attention.

THE PAN-AMERICAN CONGRESS

Finally Decided to Admit Representatives of the Press.

MEXICO CITY, Oct. 31.—The Pan-American Congress has received from the Spanish Colony at Buenos Ayres a cablegram congratulating it on the sentiments favorable to Spain expressed by General Rafael Reyes, delegate of Colombia, at the municipal banquet.

The session this morning, which finally resulted in the admission of the members of the press to the sessions of the conference, was very interesting. The first

PLAGUE IN BRITAIN

Four Cases Have Been Discovered at Glasgow.

WERE IN A RAILWAY HOTEL

No Further Deaths and No Fresh Cases at Liverpool—Quarantine Precautions Taken at Italian and French Ports.

GLASGOW, Oct. 31.—The bubonic plague has reappeared here during the week. Four suspected cases were removed from the Central Hotel, belonging to the Caledonian Railway, and one died today. The hotel has been closed, and all the guests have been warned to leave by noon tomorrow. It appears that all the cases under inspection are servants of the hotel. An examination of the bacteria proves conclusively that the disease is bubonic plague. The municipal authorities, in anticipation of the plague, urge all householders to destroy rats.

PLAGUE AT LIVERPOOL.

No Further Deaths and No Fresh Cases Reported.
LIVERPOOL, Oct. 31.—It is officially announced that there have been no further deaths from bubonic plague and no fresh cases reported. The precautionary measures, however, are continued. Thus far the outbreak seems to have had no restrictive effect on shipping, and the situation is regarded favorable.

An Investigation Ordered.

WASHINGTON, Oct. 31.—The United States Consul at Liverpool has cabled to the State Department that two cases of bubonic plague and a few other suspicious cases have developed in a hospital in Liverpool. The facts were communicated to the Marine Hospital Service. Surgeon-General Wynnan has cabled Post Assistant Surgeon Thomas, who did similar work in the outbreak at Glasgow some months ago, to proceed to Liverpool and investigate the outbreak and keep this Government advised of the situation. This is the first outbreak of plague in Liverpool in the recollection of the authorities here. No immediate danger to United States ports is apprehended.

New York Not Alarmed.

NEW YORK, Oct. 31.—Dr. Doty, health officer of the port of New York, is not alarmed over the fact that Liverpool has been declared a plague-infected port by the Italian and French Governments. He said today that New York's health is in no way threatened. He explained that Liverpool has only two antitoxic cases of the bubonic plague, and these were conveyed there from a ship port, being taken at once on their arrival to the hospital, so that the general health is in no sense involved.

Quarantine Precautions.

ROME, Oct. 31.—The port of Liverpool, England, has been declared infected with the bubonic plague. Arrivals from Liverpool at Italian ports will undergo the customary disinfection.

Bordeaux, Oct. 31.—Ministerial Instructions Have Been Received to Disinfect All Vessels Arriving at Bordeaux from Liverpool.

Boston Banking Firm Fails.

BOSTON, Oct. 31.—The failure of Topitt & Brooks, bankers and brokers of this city, was announced today on the Boston Stock Exchange, of which they were members.

SUMMARY OF THE DAY'S NEWS.

Schley Inquiry.

Captain Borden, the last witness for the applicant, testified. Judge-Advocate Lemly called a number of witnesses in rebuttal. Page 1.
Captain Chadwick contradicted one of Schley's statements. Page 1.

Philippines.

There was a complete surrender of rebels in Cuba. Page 2.
A detachment of the Ninth Infantry made a fight with Bamar bolomen. Page 2.
The Twenty-eighth Infantry may go from Vancouver to the Philippines. Page 2.

Federal Government.

Treasurer Roberts reports on the transactions of his office for the year. Page 2.
Secretary Gage offers to buy more bonds. Page 2.
The Inspector-General of the Army files his annual report. Page 2.
Commissioner Hermann reports the banner year of public land sales. Page 2.

Foreign.

The French fleet that sailed for Turkey has returned to Toulon. Page 1.
The plague has reappeared at Glasgow. Page 1.
Dickinson promised not to prosecute the brigands who kidnaped Miss Stone. Page 2.
Morley complains of England's South African war policy. Page 3.
Particulars are received of the recent conspiracy in Colombia. Page 3.

Pacific Coast.

Oregon Supreme Court heard arguments as to the constitutionality of the Lockwood act. Page 4.
Government may lose 400 head of reindeer in Alaska on account of herders being scared out by a ghost. Page 4.
Chief Joseph is being taken to Washington, D. C., for Nez Perce Indians and to renew his petition for his old Oregon home. Page 4.
Miners at Cornucopia mine, in Eastern Oregon, may sue on a strike. Page 4.

Commercial and Marine.

Decline in sugar in Eastern markets. Page 11.
Iron market shows moderate buying and little disposition to contract ahead. Page 11.
Light business in New York Stock Exchange. Page 11.
Record-breaking wheat and flour shipments in October. Page 10.
Dock-train handlers demand an advance in wages. Page 10.
Grade established for the 1901 wheat crop. Page 10.

Portland and Vicinity.

Smelter will be built in Portland specially adapted to ores of the Bohemia district. Page 12.
Commercial Commission decides on Councilmen-at-large as well as from wards. Page 8.
Washington cities endorse the Lewis and Clark Exposition. Page 8.
White House road will be widened this Winter. Page 12.
Mrs. Emmitt, the bride who committed suicide, was struck by her husband. Page 8.

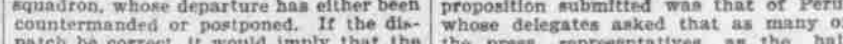
MEMBERS CHAMBER OF COMMERCE COMMITTEE ON LEWIS AND CLARK CENTENNIAL.



J. E. Haseltine.



Edward Ehrman.



S. M. Myers.

REPAIRS TO PEKIN.

Covering Up the Evidence of Foreign Conquest.

PEKIN, Oct. 31.—The repairs to the walls, towers and palace have been almost completed. A temporary structure of wood and cloth has been erected in place of the destroyed Chen-tien tower, under which Emperor Kwang Su will pass when entering the Forbidden City. It is painted to resemble the old stone tower, with cannon in the windows, and looks like a piece of theatrical scenery. Every effort is being made to conceal from the court the evidence of conquest. Prince Ching started to meet the court today.

Prince Chun at Hong Kong.

NEW YORK, Oct. 31.—Prince Chun has arrived at Hong Kong, says a dispatch from that city to the London Times and the New York Times. He visited the Governor, Sir Henry A. Blake, and received a royal salute, but no guard of honor was provided, with the exception of a few police. The Chinese merchants gave a banquet in honor of the Prince.

Kaiser's Gift to a Shanghai Church.

BERLIN, Oct. 31.—Emperor William has telegraphed the German Protestant community in Shanghai that he will give an altar and window to the new church there in memory of Baron von Ketteler. This gift, His Majesty said in the dispatch, would serve as an injunction to be true to Christianity and faithful to the fatherland unto death.

REDMOND PARTY LANDED.

Enthusiastically Welcomed by New York Irish-Americans.

NEW YORK, Oct. 31.—John E. Redmond, Patrick E. McFadden and Thomas O'Donnell, Nationalist Members of Parliament, who came here in behalf of the Irish cause, landed today from the steamship Majestic. They were enthusiastically welcomed on the pier by a large delegation of Irish-Americans. The envoys intend to make a six weeks' tour of the United States, and the object of their mission is to further the interests of the Irish League and explain the changes that have taken place in Parliamentary affairs since the death of Charles Stewart Parnell. Extensive preparations for their reception here and elsewhere throughout the country have been made. Five hundred Irish women tendered a reception at the Hoffman House tonight to Messrs. McHugh and O'Donnell and presented them an address of welcome and also presented them a floral harp, eight feet high and bearing the inscription "Coast Millie Fallithe." Mr. Redmond and his companions will leave New York Friday of next week for Boston. They will then visit Baltimore, Chicago, St. Louis, San Francisco and all the large cities in the United States and Canada.

WILL NOT ENDANGER CONCORDAT.

Europe Would Like to See the Porte Compelled to Meet Its Obligations.

WASHINGTON, Oct. 31.—M. Magier, the Charge d'Affaires of the French Embassy here, had a short interview with Secretary Hay this afternoon, after which the Secretary left at once for the White House. Mr. Magier was considered an expert in matters pertaining to the Levant, having spent several years at Constantinople recently as an attaché of