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GIVE POSSE SLIP

Convicts Break Through Strong Cordon.

IN CLACKAMAS COUNTY

Terrorize Farmers en Route and Secure Meals.

MORE MILITIAMEN CALLED OUT

Durbin Throws Guard Around Fugitives' Hiding Place, and Goes to Aurora With Bloodhounds for Rest-Sheriff Cooke at Head.

Tracy and Merrill, the escaped convicts, elude their pursuers at Gervala in the night and make their way into Clackamas County. They are now believed to be surrounded near Molalla Corners. The men appeared at two farmhouses yesterday, and secured meals. The Oregon City militia has been ordered out by Governor Geer, and is now on the scene. Sheriff Cooke, of Clackamas County, with a posse has also joined in the search for the men.

NEEDY, Clackamas County, June 12.—(Special correspondence.)—With something like 350 militiamen, Deputy Sheriff, Constable, City Marshals and private detectives in their wake, the outlaws Tracy and Merrill today proceeded on their way over hill and dale in the direction of Portland. They were last seen near this truly rural village, where they took dinner and five pounds of bacon at the residence of a farmer named E. D. Graves. Sheriff Durbin, who alone of all the motley throng has been pursuing the fleeing convicts, has kept within reasonable shooting distance of them, threw out a line of deputies and soldiers tonight around what was supposed to be their position. Then he and his trusty bloodhounds went to Aurora to rest, for three days of marching vigil have proved wearing on both men and dogs. Sheriff Cooke, of Clackamas County, has now assumed command, having hurried to Molalla Corners this evening at the behest of his brother officer from Marion. He is backed by the Oregon City militia company, which left at 8:30 tonight, and as he has the advantage of being ahead of the fugitives, instead of behind them, he ought to be able to bring them to bay; that is, if he ever sees them.

Just at present the desperadoes, who are now in Clackamas County, are either sneaking through the undergrowth that adorns the hills in this vicinity, or are taking a quiet sleep, perhaps within easy range of 250 45-70 Springfield rifles, a battery capable of firing a broadside that would mow down the forest like a cyclone, and leave not a tree standing beneath which the fugitives could hide their shaven heads.

For some reason or other the convicts did not care to stay in Mr. Ellis' wheat field near Gervala, where they were surrounded last night. There was a good deal of firing by the surroundings, who kept seeing things at intervals, and the noise probably disturbed their sleep. So, about 2 o'clock in the morning they got up and left, and when, at 7 o'clock, a telephone message was received from Monitor, five miles away, that the convicts had breakfasted there, the militiamen began to conclude that perhaps their birds had flown. Sheriff Durbin, however,

had been up earlier. One of the guards, Charles Tub, or Tubbs (the name is of little moment), noticed a dark form climb over the fence during the night and shot at it. The form went on, and the guard a determination to investigate all rumors. Durbin set his bloodhounds on the field as soon as morning broke, and they found several scents, but failed to express much enthusiasm about any of them. Then Durbin heard that the men had taken their morning meal at Monitor, and, ordering all hands forward, went on ahead to see what was doing.

The Monitor message proved to be correct. Mrs. Barney Aker, who lives at that village, was somewhat annoyed early in the morning by a visit from two gentlemen, who frankly told her that they were the terrible escaped convicts, and that they wanted breakfast. Mrs. Aker got it. While the meal was in course of preparation the visitors locked Miss Aker and a neighbor, who was at the house, in a room to insure against their going out and raising a posse, and when their involuntary hostess went forth to the cooling-house to get milk Tracy followed her with his gun on his arm. The men ate breakfast with their rifles in their laps, and appeared to be agitated and nervous. While they were in the middle of the meal the whistle of the mill near by was blown, and both of them jumped up like rockets, and, hastily seizing the bread, took their departure, to the relief of all the members of the household.

The men did a good deal of talking while they ate. They said that they did not want to harm anybody, but that if brought to bay those who brought them there would have to look out. They also said that they had been trying to cross the Pudding River bridge, for three days, which was a lie, a circumstance which may not have occurred to them at the time.

The country round about Monitor was apparently built for the use of escaping convicts. A straggling fir forest, broken here and there by clearings, low hills, with deep gullies between them, and creek bottoms filled with thick undergrowth, afford continuous cover for miles. There is an occasional road to cross, but it is the work of a few seconds to do so, and, again, plunged in the wilderness of shrubs and second-growth fir, the fugitive is as safe from detection as if he were walking the streets of Portland.

So Tracy and Merrill went their way, through the Butte Creek bottom, up over the hill on the eastern side of it, doubtless down the county road, and on to Graves, where their stomachs told them it was lunch time, and they went in and fed fat on all the delicacies the table afforded. But they were not without pursuers. Durbin came on in a three-quarter moon as he heard that they had been at Monitor, and it was not long before his posse and the bloodhounds, in charge of Guard Carson, were exploring the creek bottom for a fresh scent. Other posses followed after, and it was not later than noon when the Salem and Woodburn companies, commanded by Major Leabo, in charge of Lieutenant Kurts and Captain Finner, respectively, and with Surgeon-General Gillis as medical advisor, were mobilized, and began to arrive, singly, and in detachments.

The Salem company proceeded to Monitor, where they stayed until the dawn began to fall, in a state of indolence, but enjoyable, desuetude. The Woodburn soldiers, clad in khaki, and with a Springfield rifle mounted on each man, turned to the left at the railroad crossing just east of the Pudding River bridge, and soon swung into the winding lane that leads to Butte Creek, where they came to a halt.

It was here that a thrilling episode occurred. Jack Luberan, otherwise known as Wright, a former resident of the penal institution at Salem, where Tracy and Merrill had been confined, was one of a posse, of which there were limitless numbers, dotting the country for miles around. There were five of them at the bridge waiting for Durbin to chase the convicts down the creek in their direction, and one of these five claimed Luberan as a member. Luberan led Major Leabo up the hill on the east side of the creek and pointed to a bend in the road. Major Leabo could not see anything particularly striking about the bend, but Luberan said that around and beyond it was a house, and in that house lived a woman—Mrs. Koontz—Tracy's sister! There began

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THE NASHVILLE FAIR

Another Successful Exposition About "Our Size."

ECONOMICAL BUILDING METHOD

Review of the Motives Leading to the Nashville Enterprise—Interesting Points on Promotion.

(By a staff writer—Second Letter.)
NASHVILLE, Tenn., June 7.—The position of the State of Tennessee has never quite matched the ambition of her people. They are of a good old Southern stock crossed with the Scotch-Irish, and have the social spirit and the political propensity which belongs to both breeds. Tennessee would like it mightily if she had a large position in the world of business, not because she is especially ambitious for wealth, but because of the general rank it would give her, and the figure it would enable her to make in the political world. But neither business nor political distinction is for a state which lies away from the great trunk railway lines, which has no great city and no means of making one, which is too far South to be of the North and too far North to be of the South.

The fates have written it that Tennessee is to be a domestic country, a rural country; that her development, which is bound to be considerable since her resources are very great, is to be along rural and domestic lines. Her fortunes are comfortable; the average of her citizenship is surprisingly good; but for 40 years she has had no great business or political figure—no distinguished citizen. She has men of ability enough, but her position in the modern world yields to her sons no backing of the kind essential to political or other form of greatness. Her capital comes largely from the North and in its moral weight it still supports Northern, rather than Southern ideas and men. Her persistent Democracy keeps her representation in Congress on the minority side and denies to her statesmen the opportunities which come only to those who associate and work with contemporary ruling forces.

Tennessee is not, I think, to be commended with an account of the circumstances which hold her to a secondary status in the world of American affairs. In the comparative isolation of her situation and in the domestic character of her people there are many—many—advantages. Those who live in Tennessee may enjoy scenery as beautiful as any to be found on the American continent; they escape contact with those extremes of fortune which make so much of the world's pathos; they may not hope for wealth on the one hand nor fear poverty on the other; they may live in the social comfort which characterizes a little world not corrupted by floods of immigration and in which domestic and friendly sentiments and manners hold sway from age to age. These are undeniable advantages. They sweeten life at many points. In Tennessee, where 98 per cent of the population is home-born and bred, man can count upon man and neighbor upon neighbor; and one who has spent much of his life in this homely but gracious atmosphere does not easily find any other country he likes so well.

An incident of the Nashville exposition of five years ago will illustrate the spirit which gives Tennessee so strong a hold upon the hearts of all who know it well. At the end of his speech in the crowded exposition auditorium President McKinley turned to the presiding officer and asked if a way might be provided for Mrs. McKinley to leave the building and enter her carriage before the break-up of the crowd, her wish being to avoid the confusion bound to fol-

low the outpouring of 20,000 people. Instantly the gentleman to whom this request was made rose and, addressing the great audience, said: "The formal exercises are now done, but I have to ask that the wife of the President of the United States, who sits upon the platform, be allowed to pass through the aisles and from the building before the audience leaves its present position. No person, I hope, will leave his or her place until Mrs. McKinley shall have time to pass beyond the entrance doors."

The then Secretary of State, Hon. John Sherman, hearing this request remarked to Director-General Lewis, who sat next him: "That's all right, Lewis, but I'll bet you something handsome that you'll never restrain that crowd!"

"I'll bet on 98 per cent of them, sir," was the reply.

"Why 98 per cent?" I asked the secretary.

"Because," replied the director-general, with rising pride, "98 per cent of 'em, sir, was bo'n in Tennessee."

The great audience rose respectfully and stood in absolute silence while the wife of the President slowly walked through the aisle and out the front door. So much for being "bo'n in Tennessee."

The motive of the Nashville Exposition of 1897 was one with which we have become familiar. Nashville was afflicted with the dry rot. "Our people," said a leading banker to me yesterday, "had lost courage. They had suffered heavily in the hard times, and in four years nothing had been done to restore confidence and keep the wheels of business in motion. Our people had not only ceased to pull together, but they had ceased to pull at all. We were gliding down stream with no power within ourselves to stop the retrograde movement. All there was of public sentiment or feeling was on the negative side of things. Everybody cursed the town and it did, indeed, appear to be dead on its feet. There was not one ray of sunshine in the situation. The sterling qualities of good citizenship appeared to have abandoned us."

But the example of Atlanta in its successful fair was immediately before the people and every now and again some hopeful man would express the wish that Nashville had the nerve to undertake some large enterprise which might bring her people to a common purpose and restore something of the old spirit lost in the stress of the long period of hard times. In this way the notion of a fair got in the public mind; and some time in 1895 it was seriously proposed to celebrate the centennial anniversary of the admission of Tennessee into the Union. The suggestion came happily. No state had ever celebrated its admission, and it was thought that such a celebration would come with special grace from a state which had tried to leave the Union and had lived to rejoice that the effort failed. The project was discussed a little in the newspapers, and it "caught on." The state was for it. It was up to Nashville to carry out the suggestion or show the white feather.

A false start was made; the wrong people led off in an impossible effort; for a time it looked as if the project were doomed to failure. But it had reached a point where the credit of the city was at stake; a little meeting of responsible citizens resolved to take hold of the movement. Organization was not easy, for no one among the busy men of Nashville wished to abandon his business and take hold of a duty that could not fall to be difficult, and which could not in any possible way be turned to personal profit. But by dint of persuasion Major J. W. Thomas, president of the Nashville, Chattanooga & St. Louis Railroad, an old citizen and one of the most respected men in the state, was induced to take the lead in the enterprise upon the stipulation that the selection of minor officers should be in his hands. By similar process, Major E. C. Lewis, another well-known and highly respected citizen, was made director-general. These two men, supported by a representative board of directors, organized and put the fair through. Never were two officials more fortunately chosen. The name of Mr. Thomas at once gave standing to the movement and gained the good will and confidence of the whole tier

(Concluded on Page 8.)

TONGUE UPHOLDS IT

Proves Irrigation Bill Is Constitutional.

QUESTION WAS RAISED BY RAY

Shows the Necessity of the Legislation, Which is Expected to Dispose of Many Acres of the Public Domain.

That the Constitution does not limit the power of Congress in making regulations in regard to public lands, was clearly proven by Representative Tongue in a speech for the pending irrigation bill.

Mr. and Mrs. Crocker are confirmed, and the long fight over the Federal patronage of Washington is at an end.

The impression is growing that Congress will adjourn without doing anything for Cuba.

WASHINGTON, June 12.—In an able speech today, Representative Tongue, in answer to Representative Ray, of New York, clearly pointed out the constitutionality of the pending irrigation bill, and forcibly showed the necessity for the legislation. He said in part:

"The Constitution confers upon Congress the full and absolute right to dispose of and make all needful regulations in regard to territory of the United States. In dealing with public lands, there is no provision of the Constitution limiting the power of Congress—it is absolute. This view has been upheld by numerous decisions of State and Federal Courts. The absolute power of disposal implies the absolute power of disposing of the proceeds of the lands. The pending bill is designed to dispose of public lands. Millions of acres now worthless cannot be disposed of under any existing laws. This law proposes irrigation solely for the purpose of disposing of the lands. The United States having power to dispose of the lands, may take such means as in the judgment of the legislative authority is best adapted for that purpose. This view has been repeatedly upheld by the decisions of the Supreme Court of the United States."

Mr. Tongue cited a number of cases in State and Federal Courts, including the Supreme Court, to show that the United States, with or without the consent of the states or territories, may exercise the right of eminent domain and condemn private property wherever it is necessary to carry out any of the powers conferred upon the General Government. If it has a right to dispose of the lands, it has a right to condemn private property and acquire necessary water. The bill, however, provides that this right shall be exercised in conformity with the laws of the several states and territories, all of whose constitutions contain provisions authorizing the condemnation of water rights. These provisions, he says, have been repeatedly upheld in the courts, which also hold irrigation to be a public use. He denied Ray's statement that the Government has no Constitutional right to apply proceeds of public lands to irrigation. He added that this very principle has been carried out in numerous instances. Congress has authorized the use of such proceeds in the improvement of streams wholly within a state, for the construction of universities, agricultural colleges, normal schools, state penitentiaries, state asylums, mining schools, etc., and in the bill recently passed admitting three new states, he adopted these identical provisions. His argument was received with loud applause.

Prostrations at Chicago.

CHICAGO, June 12.—This was the hottest day of the year, the mercury touching 91 deg. There were four prostrations, one proving fatal. A violent wind storm swept over the city tonight, blowing down trees and signs.

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PART OF POSSE SEARCHING FOR TRACY AND MERRILL, NEAR MONTO.