

# CASE OF THE DAY

## Report of Committee on Bar Jetties.

## DELAY IS NOT SERIOUS

### Stone Up to Requirements of Size and Quality.

## DREDGE HAS BEEN RUSHED

## Chamber of Commerce Agrees That Delay is Unavoidable—Twenty-Two Feet of Water at Low Tide.

The Chamber of Commerce yesterday decided that the extension of Columbia bar jetty, while delayed, is going forward as rapidly as circumstances permit. The Chamber arrived at this decision from the investigations of its standing committee on navigation.

The report of the committee was adopted by the trustees of the Chamber without discussion. The trustees present were W. J. Burns, L. A. Lewis, W. H. Corbett, Samuel Connell, A. F. Biles and Alfred Tucker.

The navigation committee is composed of George Taylor, E. T. Williams, Alfred Tucker, W. S. Sisson and W. D. Wheelwright. Mr. Wheelwright is not in the city, and did not participate in the investigations of the committee.

"Our report," said Chairman Taylor yesterday, "is the product of extensive inquiry into the jetty about three weeks ago and thereby acquired close information about actual conditions. The whole committee conferred with Major Langitt and Assistant Engineer Hegardt, who put the members in possession of the precise facts.

The members are all practical shipping men. They regret the delay for it means as much to them as to anybody, but they see no help for it. It took them no time at all to see that the Government engineers and the contractors are doing as well as they could be expected to do.

The report is as follows:

### Report of Committee.

PORTLAND, Ore., Sept. 22.—(Chamber of Commerce, Portland, Ore., Gentlemen: Your navigation committee, to whom was referred the questions of the present condition of the jetty, beg to report as follows:

The Government Engineers informed us that the latest official survey of the bar was made in June, showing a depth of 22 feet at low water. This has been confirmed unofficially. The pilots, we believe, claim about a foot less than this, which, we understand, from the different methods of measuring, is not a case, the depth of water is about a foot more than last year.

### Contract for the Jetty.

Your committee called on Major Langitt, of the United States Engineers, who most courteously gave them the information they asked for. The contract awarded to the company, to whom the contract was awarded for the rock to be provided for the jetty, are considerably behind in their supply of the rock, but by October 15th they expect to have the completion of the first contract, they will be only about one month behind, or say, 50,000 tons which could be very readily made up within the month.

### Quality of the Rock.

There has been a great deal said in the public print and by irresponsible parties that the quality of the rock is very poor. Your committee is assured that the rock already furnished is entirely in accordance with the specifications as to size, which called for pieces ranging from 25 to 100 pounds, and then on up to six or eight tons, all of which requirements have been amply fulfilled. Mr. Hegardt, the superintendent at Fort Stevens and who took care of the former rock on the jetty, states positively that the rock furnished is of fully as good quality as it is possible to get from any quarry in this neighborhood. Also, the contractor who delivered in a great many instances, has delivered larger rock than was called for.

Regarding the statement that broken down on the jetty has disintegrated and broken up, the statement is absurd, for it is a fact that positively no rock is set showing above the water, nor near enough to the low tide to allow of its being seen except by a diver. At the time of the commencement of the work the most abstruse and positive instructions were given to the contractor, Major Langitt, that no rock was to be received which did not come fully up to the requirements, both as to quality and size of pieces, and from the well-known reputation of Major Langitt and that of his superintendent, Mr. Hegardt, are very safe in assuming that this has been fully lived up to.

It will not be possible to continue the work very much longer this winter, which was entirely expected by those who are familiar with the conditions at the mouth of the Columbia River, as it would be most dangerous to both life and property to attempt to continue the work on the jetty, five miles out at sea.

Major Langitt very kindly extended an invitation to the committee or any members of the board of trustees, to take a trip to the jetty, when every information would be given them and the whole works shown, but this was considered by the committee as hardly necessary, especially as some of its members have lately been out on the jetty, and the information given by Major Langitt confirms what they saw, but it can be easily ascertained if desired.

Your committee comes to the conclusion and hereby reports that although the Northwest Construction Company is somewhat behind in its delivery of rock on its first contract, the delay therefrom is not serious, and

has made no material difference at the work that could have been done towards the extension of the jetty for this winter, and that everything that could reasonably have been expected has been done by the Government officials and by the Northwest Construction Company in prosecuting the work at the mouth of the Columbia River.

Respectfully,  
GEORGE TAYLOR, Chairman.  
E. T. WILLIAMS,  
W. S. SISSON,  
ALFRED TUCKER,  
Navigation Committee.

### Work on the Dredge.

It is quite likely that the committee's report on the dredge will be of the same tenor as on the jetty. From all that the committee has learned, the building of the dredge has been rushed as fast as has been possible or has been convenient to the Navy Department.

## DEFENSE OF REFERENDUM

### Briefs Submitted to Supreme Court by Friends.

The "friends of the court" who will argue to sustain the validity of the initiative and referendum before the Supreme Court have prepared their briefs. The first submitted to the court is a declaration of emergency of the Legislature, placing in immediate effect the new Portland charter under the initiative and referendum was constitutional and valid. The second maintains that the initiative and referendum itself is constitutional and valid. Both submit that the decision of the Circuit Court of Multnomah in Kaddery vs. the City of Portland should be reversed.

The Circuit Court held that the ultimate decision as to whether a law is necessary for the immediate preservation of the public peace, health or safety "cannot be controlled or affected by any recital in the bill" to that effect. "The elaborate recitals in the bill," the court said, "electors an opportunity of approving or rejecting measures adopted by the Legislature would prove of little value, if the Legislature adopted that the Legislature Assembly possessed absolute power to decide in what cases the referendum power may be exercised by the people.

The first brief argues that the question of emergency is political and not judicial and is to be decided by the Legislature in every case and not by the courts. It also argues that the initiative and referendum does not apply to local laws.

The second brief submits that the amendment is a valid part of the constitution. It argues that the constitution has no jurisdiction to pass upon the ratification of any amendments to the constitution; that power rests exclusively in the political department composed of the legislative and executive departments of the state government. The initiative and referendum amendment is a part of the constitution because it has been submitted to the people by two consecutive Legislative Assemblies and ratified by a majority of the electors of Oregon.

The second brief argues that the amendment is a valid part of the constitution. It argues that the constitution has no jurisdiction to pass upon the ratification of any amendments to the constitution; that power rests exclusively in the political department composed of the legislative and executive departments of the state government. The initiative and referendum amendment is a part of the constitution because it has been submitted to the people by two consecutive Legislative Assemblies and ratified by a majority of the electors of Oregon.

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## Mrs. Riggs Will Ignore State Commission's Demand.

Mrs. Riggs has refused to resign as superintendent of the Home for the Blind, and she will ignore the demand of the State Commission that she do so. She has written a letter to the commission stating that she will not resign and that she will continue to do her duty as superintendent.

## IT CANNOT DICTATE TO HER

Superintendent of Florence Crittenton Home Says Only Board of Managers Can Make Her Resign—Board is Divided.

Mrs. Riggs has refused to resign as superintendent of the Home for the Blind, and she will ignore the demand of the State Commission that she do so. She has written a letter to the commission stating that she will not resign and that she will continue to do her duty as superintendent.

The board of managers is divided on the question of whether they should insist on Mrs. Riggs' resignation. Some members believe that they should, while others believe that they should not.

Mrs. Riggs, at Mrs. Bryman's house the other day, advised to Governor Chamberlain's letter as a "death blow," but after thinking it over all night she decided not to surrender in passiveness and nonresistance.

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## CHIEF WITNESS MISSING

### TRIAL OF ACCUSED INCENDIARY SUDDENLY STOPS.

Joseph Magee Sees Release and Goes Hopping—District Attorney Threatens a Surprise.

The trial of Samuel Wolfe, a tailor, on a charge of arson, set for yesterday, was indefinitely postponed by Judge George, on motion of District Attorney John Manning, because of the absence of the principal witness for the prosecution, who has disappeared. Magee was held in the County Jail for some time to insure his appearance, but he finally succeeded in getting on the right side of the officers of the law, and promised that, if they would only trust him with his liberty, he would be on hand when wanted, but he failed to appear and Sheriff Magee is searching for him, armed with a bench warrant.

Wolfe is accused jointly with George Hanlon of setting fire to a dwelling-house on 321 1/2 Commercial street, on the evening of July 4, for the purpose of obtaining insurance which he carried on his household furniture. The building was owned by George Wagner and Herman Ellerman, and was occupied by the Hanlon and his wife. Mrs. Wolfe and Mrs. Hanlon were not at home when the fire broke out, and their husbands were out of the city at the time.

The theory of the prosecution is that Wolfe did not apply the match himself, he caused it to be done, and this fact was to have been proved by Magee.

Wolfe's trial was set for yesterday, and the matter of Wolfe's release was the subject of the trial. The defendants, who were at liberty on bonds, were in attendance when court convened, surrounded by friends and witnesses, and were accompanied by counsel, F. M. Farris, who appeared as attorney for Hanlon, and W. T. Hume for Wolfe.

After three jurors had been called, and the clerk was proceeding to read the verdict, Mr. Manning came walking hurriedly into the courtroom, and raising his hand to stop further proceedings, addressed Judge George, saying it was necessary to ask whether the jury had returned a verdict. He was allowed to go to the hospital, and Mr. Manning, who had been in the hospital, returned, but left for parts unknown Monday night. He can testify to a letter he received from Wolfe at Seattle, in which he is told to be careful what he says, and the incident is being investigated.

The District Attorney, with suspicious glance at Wolfe, said Magee had been influenced to run away, and that he wanted a bench warrant issued, and desired to have Wolfe arrested. It was necessary to make an example of witnesses who absent themselves in this manner.

Mr. Hume, attorney for Wolfe, vigorously objected to any postponement of the trial. He stated that they had all the witnesses for the defense present, and had brought witnesses from Albany and Salem, and a continuance under the circumstances was not proper. Counsel said he was tired of talking about witnesses disappearing. The same thing happened when the case of "Chick" Houghton was called for trial on Monday. A jury, he said, is possible, but the jury will not be called.

"I have practiced law in Portland for 20 years," said Mr. Hume, "and I have never seen a District Attorney or otherwise, when accused of tampering with witnesses, who have anything to do with a witness on the other side; I don't care to know anything about them whatsoever. The District Attorney let Magee go himself. He had him in jail, why didn't he keep him there? The order of the court was that Magee should be held in jail or released on bonds, and yet he permitted him to go to the hospital. There is nothing in the records to show that he was released from the jail, and it appears to me that Magee ran away because he was afraid to testify."

"Don't make any grandstand play like that," said the judge, "and if you will throw the letter out as soon as it is read. What you ought to do is to find the witness. Your whole army of policemen and Deputy Sheriffs ought to be able to get him."

"I'll read portions of the evidence Magee gave me," answered the District Attorney. "Wolfe said it was easy to make 40, and Magee he knew wanted money, and he had him in jail, why didn't he keep him there? The order of the court was that Magee should be held in jail or released on bonds, and yet he permitted him to go to the hospital. There is nothing in the records to show that he was released from the jail, and it appears to me that Magee ran away because he was afraid to testify."

Concerning the witnesses for the defense from Albany and Salem, Mr. Manning said: "They will simply say Wolfe was in those cities at the time of the fire. It is reasonable to suppose that an incendiary would not be at home when his house is burning. Mr. Manning has just received a note stating he is hiding in the city."

Mr. Hume read authorities to show that not justified in granting a continuance. He said, however, that he would refer the case to Judge Cleveland, the presiding judge, to be reset for trial at some future date, and allowed the application for a bench warrant.

### MANIA FOR SAVING MONEY.

#### Winters' Complaint Against His Wife as Ground for Divorce.

George A. L. Winters, an electric line man, says his wife, Bertha E. Winters, desires to accumulate property at any sacrifice, and in furtherance of her desire she has bought a house at East Fort-ly and East Main streets in a comfortable furnished house. Winters alleges that his better half, in order to save money, rented the dwelling-house and moved into the lower part of the house, thereby depriving him of human habitation and unhealthy. He charges that she neglects her household duties, leaving the dishes unwashed for days, and conducts herself in such a manner as to forfeit the respect of her neighbors.

Winters recites further in his complaint that soon after Martin V. Lewis had shot and killed his wife, Mrs. Lewis, Mrs. Winters obtained a revolver, which she has since kept in the house, and has remarked more than once that Lewis got what he deserved. Winters asserts that the defendant possesses an ungovernable temper and he is afraid of her. The parties were married in August, 1900, and the name of Mrs. Winters before marriage was Bohle.

### Saves Her Husband in Crisis.

#### Belle Munson has sued Manuel Munson for a divorce because of cruel treatment and failure to provide, and she asks that her former name, Nutt, be restored.

The litigants were married in Grant's Pass, November 27, 1900. Mrs. Munson alleges that her husband made a practice of abusing and beating her and falsely accused her of unchastity. She says he did not supply her with the necessities of life, and she was forced to leave him and go to her sister for assistance and shelter.

### Save a Deputy's Salary.

#### Since the Board of County Commissioners Denied with the services of Deputy Sheriff Atkins, who worked exclusively in Justice Reid's Court, the county will save a deputy's salary.

The board of county commissioners yesterday decided to discontinue the services of Deputy Sheriff Atkins, who worked exclusively in Justice Reid's Court, the county will save a deputy's salary.

### Chamberlain's Colic, Cholera and Diarrhoea Remedy.

#### The great success of this preparation in the relief of cholera and cholera has brought it into almost universal use. It never fails and when reduced with water and sweetened is pleasant to take. You say that the disapprobation which his course meets from some of the best

## MARKET COAST LUMBER.

### President Stickey Will Create One at Omaha.

In a speech delivered at an Omaha banquet President A. B. Stickey, of the Chicago Great Western Railway, showed the necessity of a Pacific coast lumber market to encourage the shipment of Pacific coast lumber products into the territory of the Great Western.

The significance of the speech was that President Stickey urged the Omaha people to prepare to make Omaha a great market center for the lumber and shingles of the Pacific Northwest. He urged the lumbermen of Michigan, Wisconsin and Minnesota were practically depleted and that the Middle West would have to depend upon the Pacific Northwest for its lumber and shingles.

The Great Western has recently purchased extensive acreage near Minneapolis and St. Paul for the purpose of giving that road an opportunity to put in a line of lumber yards in the Middle West. The interest shown by Mr. Stickey in the Omaha lumber market may mean that the lumbermen of the Northwest have gained a valuable ally.

The lumbermen of the Northwest have been fighting for several years to obtain rail rates that would enable them to compete successfully in the Missouri river territory against the yellow pine lumbermen of the Southern States. The railroads have not granted the rates lumbermen believe are necessary.

Mr. Stickey's prediction is that the lumbermen of the Pacific Northwest will depend largely upon the Pacific Northwest for its future lumber supply and he would make Omaha a distributing center. If he lends his influence to aid the lumbermen, it is possible that some further concessions may be made by the transcontinental lines.

The Omaha has just completed its line into the Great Northern part of a line from Omaha into St. Paul and another reaching Chicago. The Great Western's St. Paul line is 25 miles shorter than any other route, but its Chicago line does not get as far west as the Chicago line.

An interesting discrepancy is shown in a new folder just issued by the Great Western. The new folder is shown very prominently a detail map of the Omaha line, which has characterized the Great Western's advertising for years is shown. On the map the Omaha line is shown as a line that would run from Omaha into St. Paul and another reaching Chicago. The Great Western's St. Paul line is 25 miles shorter than any other route, but its Chicago line does not get as far west as the Chicago line.

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