PORTLAND, OREGON, TUESDAY, AUGUST 9, 1904.

Colorado Train Wreck Near Record.

EIGHTY DEAD FOUND

Washington Doctor Is Among the Lost.

FIANCEE MEETS LIKE FATE

Scenes at the Morgue Beggar Description.

LIST OF THE MISSING IS LARGE

Flood Carried Many of the Victims for Miles and Remains Were Almost Completely Buried in the Sand.

GREAT WRECKS OF 1903.

Chiwaukum, Wash., January 20; 12

Graceland, N. J., January 27; 20 killed, 50 injured.

Vail's Station, Arizona, January 28, Rockfish, Va., July 7; 24 killed, 30

Durand, Mich., August 7; 23 killed,

Chehalfo, Wash., August 22, Elks' train wrecked; 2 killed, 40 injured.

Washington's Crossing, N. J., October 17; 15 killed, 40 injured.

Indianapolis, Ind., October 31, 18 killed, 49 injured. Mentwood, La., November 14; 20

Tremont, Ill., November 19: 18 killed.

FUEBLO, Colo., Aug. 8.—The wreck of the World's Fair Flyer on the Denver & Rio Grande Railroad, near Eden, north of Pueblo, last evengreatest railroad disasters in the history of this country. Two crowded pasenger cars and a baggage car were engulfed in the torrent that tore out a treatle spanning Steele's Hollow, otherwise known as Dry Creek, and so far as known tonight, only three of the occupants of these cars escaped death. Portunately, two sleepers and a diner, completing the train, remained on the track at the edge of the abves and none of their occupants were killed or

How many perished probably will never be definitely ascertained, for the treacherous sands are drifting over the odles. Searching for the dead was bague about midnight on an extensive scale, and is still in progress tonight.

Fifty Bodies Already Identified. All corpses found were brought to Pueblo and placed in four morgues here. At 8 o'clock this evening 82 bodies had been recovered, and of these 60 had been identified. Thirty-three are still missing. During the day bodies were recovered all the way along Fountain River from the scene of the wreck to this city. At I o'clock this afternoon two bodies were taken from the stream at First street, Pueblo, more than eight miles from the point where the disaster occurred, and It is probable that some may be recovered even further down stream, None of the bodies were badly mutilated, and all are in such condition as to be recognizable. Many identifications have been made by articles found on the bodies, no persons who viewed them

recognizing the features. A visit to the morgues presented a horrible picture. Relatives and friends were anxiously seeking friends and loved ones supposed to be among the blackened bodies plied in rows in different rooms of the undertaking es-

tablishments. The work apparently was conducted with as much system as was possible, bodies being carded as fast as recognized, and many of them being taken away immediately and several sent to

their homes in other cities. The streets of this city present a picture such as was probably never witnessed before. Women and men are to be seen rushing fruntically from one place to another, wringing their hands in anguish and imploring those supposed to be in possession of information to tell them the fate of their relatives and friends, and every few minutes a waii can be heard as they have found what they sought for, yet hoped not to find, the horrible reality that their fears were confirmed.

Washington Doctor's Sad Death.

Peculiar pathos attaches to the death Dr. James H. Mac Gregor, of Ballard, Wash., who were drowned together. Their engagement was announced last week to the friends of Miss McDonald and the wedding was planned for the near future. Miss McDonald had been connected with the Pueblo schools for several years and had been the principal of the Central High School one

Another very sad case of that of Mr. the street

City, who had been married only two months and were on their honeymoon trip. Gilbert is one of the three men who marvelously escaped from the chaircar. His wife, who was sitting beside him, was lost, and although he is unscathed, her death has made him a nervous wreck. He is now in the Pueblo Hospital. He was wire chief

pany at Oklahoma City, A dispatch from Jacksonville, Fla., inquiring for Miss Alice Wood, of that city, was received by the Chieftain. The name has not been reported among the dead or missing.

of the Western Union Telegraph Com-

A trunk was found containing a package of visiting cards bearing the name of Mrs. Everard Roscoe, of Durango, Colo., and she is supposed to have been a passenger.

NAMES ON THE DEATH ROLL.

Many Are Reported as Missing, and It Is Almost Certain Are Lost.

PURBLO, Colo., Aug. 8.—Following is a list of the identified dead in the wreck

J. P. BISHOP, architect, Pueblo, ETTA E. BISHOP, stater of J. P. Hishop,

- BETHEL, Cripple Creek, DON CAMPBELL, Pueblo.
MISS CARRIE DOWNING, Pueblo.
J. EMRICH, Pueblo. GEORGE ENGLAND, Colorado Springs,

JESSE E. GRAY, Pueblo. H. E. GRAVES Pueblo, MRS. GARTLAND, Denver. J. G. GALHRAITH, Pueblo. J. G. GRAHAM, Florence, Colo. A. E. HOES, Pueblo. HARRY HOUGH, Denver, WILLIAM HUGHES, Pueblo. A. G. HESS, Pueblo. MISS PEARL HOPPER, Pueblo.

HENRY HINDMAN, engineer, Denver. DOROTHY JOHNSON, 8 years old, Pueblo. MRS. JAMES KEATING, Pueblo. IDA LEONARD, Pueblo.
MRS. ROBERT LINFOOT, Pueblo.
MISS STELLIA M'DONALD, Pueblo. MAX MORRIS, Pueblo. R. O. MEATS, Denver

HUGH M'CRACKEN, Aurora, III. A. S. MAXWELL, Pueblo. MISS ANNIE PINE, Pueblo. MISS MARY PRICE, La Salle, III. MISS MARY PRICE, La Salle, III.

T. S. REINS, express messenger, Denver.
BUD SEWARD, Pueblo,
MISS ALLICE STURGEDON, Pueblo,
MISS VINNIE SELBY, Pueblo,
MISS LOTTIE SHOUP, Grand Rapida, Mich.
J. H. SMITH, conductor, Denver.
MRS. TILLIE THOMPSON, Pueblo.
THOMAS F. TURNER PORTOGON, Previous

THOMAS F, TURNER, brakeman, Denver MISS EMILY WOOD, Pueblo MRS. GEORGE F. WEST, wife of ex-Mayor

MISS IRENE WRIGHT, Pueblo MISS NELLIE WILLIAMS, Pueble MISS PLOMENCE WALKER, Pueblo. L. W. WRIGHT, Pueblo. MAJOR PRANK H. WHITMAN, formerly wentleth Kahmas Volunteers, address un-

MRS. A. L. YEAGLES, Pueblo.
DR. JAMES MACGREGOR, Ballard, Wash,
G. W. GEPPERT, St. Louis.
EDWARD AND LILLIAN GARTLAND, children, Deuver. MISS GERTRUDE BOYLE, Pueblo. AL MOSIER, IHC. Cole. PISHE BOWLAND, Lindsborg, Kan. B. T. LASHEL, Denver. MRS. PARKER, Pueblo.

The Missing. Those known to be on the train and now MRS. JAMES KHARLET, Poeblo. LITTLE DAUGHTER of Mrs. Thompson STEARNS, sister of Bochmann, FRANK BODMAN, Northampton, Mass ALEX S. MAXWELL. MARK M'DONALD, Pueblo, FRED MAHONEY, Pueblo. THOMAS SULLIVAN Poeblo. I. B. DUNHAM, Pueblo. EDWARD KNIGHT, Denver. B. T. LASHELL, Denver. MRS. J. M. KILLEN AND BOY. W. H. LAMOON AND WIFE. JESSE E. GRAY, Denver, MRS. MARY WALSH, Chicago. MISS MARY PRICE LASABLE, IR. MRS, HENRY GILBERT.

JOHN E. MOLITER AND TWO DAUGHTERS, aged 4 and 8, Pueble MINNIE DAVIS, Pueblo. MALCOLM S. DIGGINS, Publo. MRS. H. S. GILBERT, Pueblo. V. B. DURHAM, Pueblo MINNIE SELBY, Pueblo, SOPHIE GILCHRIST, Pueblo, JAMES O'BANNON, Pueblo. MISS CHANCELLOR, Pueblo MISS BOZEMAN, Pueb MRS. MARY WEICH, Chicago, MISS HADENBURG, Salina, Kan. MARGARET DONNELLY, Des Moines, In. MRS. HENRY DONNELLY, Des Moines. DR E, C. STIMMEL, Pur RALPH SWARTZCUP, Pur J. Q. THOMAS AND WIFE, Puchlo

HAROLD B. PAGE, Denver.

JAMES PAUL KEATING, 2 years old, MISS ALICE WOOD, Jacksonville, Fia. MRS. EVERARD ROSCOE, Durango, Colo.

MISS MARGUERITE KELLEY, Pueblo

MISS ALICE WOOD, Jacksonville, Fla. MRS. EVERARD ROSCOE, Durango, Colo. Injured but Escaped. The following were injured, but escaped: Theodore Fisher, Pueblo; J. Glibert, Pueblo; M. Kilien, Pueblo; David Mayfield, Denver; Miss Wright, visiting with Harry Johnson, of the Johnson Mercantile Company of Pueblo;

the 11-year-old daughter of Harry Johnson; Miss Winnie Polby, residing on Srpuce street, Pueblo; Thomas Bantman, Pueblo; Mrs. Cava-naugh, Pueblo; John West, Pueblo.

PORTER ONE OF THE HEROES. He Seizes the Handbrake and Holds on Like Grim Death.

W. Vance, porter on the forward sleep-ing-car Wyuta, was one of the heroes of the Chief of Police to go to the Portland the disaster. To him and his nerve and bravery the people on that car owe their lives. He was standing near the front end of the car when the crash came, and with rare presence of mind rushed to the hand brake on the front of the car and began tightening the brakes on the wheels. His car was elipping forward from the momentum and from the terrible drag of the forward cars falling into the stream. Vanca held on to the brake like grim His hands clenched the wheel until his fingers almost bled, but he held on until his tight grip stopped the car. The forward cars broke from the sleeper and fell into the water, while the car of Miss Stella McDonald, of Pueblo, and which Vance had held with the brake

of the chasm, overhanging the guich be-The forward trucks had left the track and gone down, but the remainder of the coach remained on the tracks and the lives of the passengers were saved. It required two engines and nearly a half hour's work to pull this sleeper back from the brink of the chasm. Nothing but Vance's cool and brave work at the brakes kept the car from plunging into in the demurrer.

Supreme Court Passes on Gambling Case.

OBEY LAWS FIRST OF ALL

No Official Can Order Him to Disregard Violations.

MANDAMUS NOT NECESSARY

Criminal Action May Be Brought Against Chief of Police If He Refuses to Close Portland Gambling-Houses.

Mandamus will lie to compel the Chief of Police of Portland to prosecute all persons whom he has reasonable cause to believe guilty of violating the ordinance prohibiting gambling.

In such a mandamus proceeding it is not necessary, and is therefore im-

proper, to join the Mayor and Executive Board as parties defendant.

If the Chief of Police refuses to per form his duty he may be presecuted in a criminal proceeding and his office declared vacant.

The mandamus once against the city officers has been reversed and remanded for further proceedings in the Circuit

SALEM, Or., Aug. 8 .- (Special.)-The Oregon Supreme Court rendered a decision oday holding that mandamus will lie to compel the Chief of Police of Portland to enforce the ordinances against gambling. Though the decision of the low-er court was to the same effect, that decision is reversed because of error in over-ruling a demurrer, and the case is sent back with instructions to sustain the demurrer and for such other proceedings as may be necessary, not inconsistent with the Supreme Court's opinion. The "further proceedings" are likely to be an amendment of the alternative writ, for the

"The relators are entitled to an effecthe relief has been amended it will be ef-

fective to compel enforcement of the gambling ordinances of Portland. te of Oregon, n the relation of R. Livingstone, W. J. Honeyman, N. P. Blagen, John A. Patterson, W. H. Markeil, David A. Patullo, J. W. Bell and E. Quackenbush, against Mayor Williams, Chief of Police Hunt, Municipal Judge Hogue and the Executive Board, composed of Charles F. Beebe, Whitney L. Boise, Edward D. Curtis, William Fleidner, R. L. Gilsan, H. W. Goddard, George H. Howell, Sig. Sichel, J. Weber and H. C. Wort-

Sears' Dissension Upheld.

The case was tried before Judges J. B. and M. C. George, sitting en banc. An opinion was handed down by Judge Clei-and, Judges Frazer and George concurring, Judge Sears dissenting upon grounds which were successfully urged on appeal

by the appellants.
The purpose of the proceeding was to compel the arrest and prosecution of cer-tain persons for alleged violations of a clause of the city charter, of the provis-ions of a municipal ordinance and of the requirements of a statute of the state, prohibiting gambling.

Alternative writs were issued, con-manding the officers to perform the acts mentioned or show the reason why they should not do so. One of these writs was addressed to the members of the Executive Board as a body and one to each of the other defendants. The defendants severally demurred to

the writs on the grounds, (1) that they did not state facts sufficient to entitle the relators to the relief demanded; (2) that F. H. MESSINGER, bank cashler, Central it appeared therefrom that a plain, speedy and adequate remedy in the ordinary course of law existed for the suppression of the evil alleged; (3) that the court did not have jurisdiction of the persons of the defendants nor of the subject matter involved; and (4) that several causes of special proceeding were improperly united. These demurrers were ruled and the alternative writs made emptory, whereupon the defendants appealed to the Supreme Court.

Chief Justice's Decision.

The opinion of the appellate tribunal is written by Chief Justice Moore, who states at length the substance of the pe tition, which alleges that the defendants entered into a conspiracy to permit gam-blers in Portland to conduct their busi-ness upon their forfeiting cash ball twice each month.

In the alternative writs the Mayor and Club and errest all persons found gam-bling there and also to arrest certain per-sons who had been theretofore charged by the Chief of Police in the Municipal Court with violating the gambling ordinance, and also to arrest certain named persons who are keeping and using said gambling-house and to bring them into the Municipal Court and prosecute them. The writ against the Chief of Police commands him to execute the orders of the Mayor and Executive Board as con in the mandates to them, and the writ to the Municipal Judge commands him to issue bench warrants for the men who for-

The Supreme Court holds that the Chief of Police has authority to make an arrest without warrant only where a crime was committed in his presence, where the person arrested has committed a son arrested has committed a felony, though not in his presence, and where a felony has been committed and he has reasonable cause for believing that the person arrested committed it. Because the writs commanded the Mayor and Exutive Board to direct the Chief of Po lice to make arrests in cases other than these without warrants the writs are held to be subject to the objection urged

or or for the Executive Board to have directed the Chief of Police to enter any ganbiling-house in the City of Portland and arrested ail persons found therein offending against any law, for the individuals so discovered would be guilty of a crime committed or attempted in the presence of a peace officer. When, however, the Mayor and the Executive Board were commanded in the alternative writs, without either the filing of a complaint or the issuing of a warrant, to direct the arrest of the persons named, we do not think any authority existed therefor, for, if the persons designated were found offending against any law, the insertion of their names in the alternative writs was their names in the alternative writs was unnecessary; but if not so found, their alleged crimes being only misdemeanors and not committed in the presence of the court, it was powerless to command their

For the reason that the Chief of Police is ordered to make arrests without war-rants in unauthorized cases the writ is

rants in unauthorized cases the writ is held to be objectionable as to him, and the writ as to the Municipal Judge is defective because it commands him to issue bench warrants whereas that duty is imposed by law upon the Clerk of the court. Upon the fourth ground of demurrer the Supreme Court holds that the proceedings against the several defendants were improperly joined, "for the result desired can be secured by commanding the Chief of Police to perform a plain duty devolving upon him, and as a writ of mandamus will not lie to compel the execution of vain and useless things, no necessity existed for joining a cause of special proceedings against the Mayor or the Executive Board, the discharge of whose duties, if it be assumed they are imperative, were not an indispensable or succes-

tive, were not an indispensable or successive step in the procedure to suppress the evil of which the relators complain." Chief Must Obey Law.

It is also held that the Chief of Polices not bound by any orders he may have from his superiors not to enforce the laws, and he may be compelled by mandamus to prosecute all persons whom he shall have reasonable cause to believe guilty of a violation of the act prohibiting gam-bling, and if he refuses or wilfully neglects to perform his duty he may be tried in a criminal action, and if convicted his office may be declared vacant for the remainder of his term.

Because, however, of the defects in the alternative writ the case is sent back with instructions to gustain the degree of the degree of

with instructions to sustain the demurrer and take such further proceedings as may be necessary.

Other Court Decisions.

SALEM, Or., Aug. 8.—(Special.)—The Su-

ions as follows:
August Krause, respondent, vs. Oregon
Iron & Steel Company, appeal from Clackamas County, T. A. McBride, Judge, affirmed; opinion by Justice Wolverton.
This was a test case brought to deterine the right of the defendant company maintain a dam in the Tualatin River Clackamas County to the injury of farmers on low bottom lands above the dam. Plaintiff prevailed and on appeal has a decree enjoining defendant from maintaining a dam higher than two feet above the lowest art of the general con-tour of the bed of the stream.

Carl H. Barstow, appellant, vs. Steamboat "Aurelia," respondent, from Multnomah County, A. L. Frazer, Judge, reversed; opinisa by Justice Bean.

Held that under section 5700 of the code providing for liens on vessels the action may be hough; within one vessels the may be brought within one year after the debt becomes due, and where credit has been given the time is computed from the

Joseph Lemmons, appellant, vs. Steph-This decision was rendered in the case by George H. Burnett, Judge, affirmed; opinion by Justice Bean.

Where judgment had been rendered in Justice Court for defendant for costs and disbursements and appeal was taken to the Circuit Court from an order taxing sts, but more than 30 days after the original judgment had been rendered, held that this appeal could not be from the original judgment but only from the order taxing costs.

Elizabeth McFarlane, respondent, vs. A. McFariane, appeal from Marion County, R. P. Boise, Judge, reversed; opinion by Justice Wolverton. Held that the lower court erred in dis-

cretion in overruling defendant's motion to set aside default and for leave to answer to the merits. TALKS PLAINLY TO TURKEY.

Hay Informs Her American Patience is Nearly Exhausted.

WASHINGTON, Aug. 8.-Secretary Hay today bluntly told Chekib Bey, the Turk-ish Minister here, that the patience of the American Government is wellnigh ex-The Minister is expected to hausied. The Minister is expected to communicate this information to his home government speedily. Chekib Bey had no instructions from the Porte when he called at the State Department today. He had seen the newspaper reports of the State Department to Second Minister Victoria. Leishman's efforts diplomatically at Con-American warships in Turkish waters, and he doubted the reports. Secretary on satisfied him on that point, and the Minister returned to his legatic frame a dispatch for the information of the Turkish Foreign Office.

He did not care to make a statement himself as to the nature of his inter-view with Secrétary Hay. These appeared to be an impression in the minds of the Turkish statesman that because the President of the United States could not make war without the con-Congress, he thereby was estopped from andulging in a naval demonstration to forward his purpose to secure fair treatent for the Americans in Turkey, When heklb Bey left the State Department he evidently was in a state of concern over what he had heard. The Minister was unwilling to discuss the dispatch which he expects to send to his govern-

PORTE IS MUCH PERTURBED.

Dispatch of American Squadron Is Likely to Bring Her to Time.

CONSTANTINOPLE, Aug. 8.—The American European squadron to Symr-na has perturbed the porte, and will doubtless hasten the solution of the questions at issue between the United tates and Turkey in a manner satisfactory to the former. The porte promised American Minister Leishnann that a reply favorable to the

swer has been received. The porte recognized the demand in rinciple, but thus far has falled to execute the necessary measures, and investigated the case and reported the American Legation has now sent the President today fully as to edly demanding a speedy and final settlement, the issuance of the necessary orders and the official acknowledgment by Turkey of the American demands. White House, Washi 'It would have been lawful for the May- There are no monetary demands.

Stoessel Said to Have Become Rash.

MEN SUFFER TOO MUCH

General Grieved Because He Could Give No Relief.

FAMINE ON AT PORT ARTHUR

Russians Deprived of Meat and Vegetables for Weeks_Hospitals Are Crowded With Sick and Wounded.

SPECIAL CABLE. LONDON, Aug. 9.-The Shanghai corpendent of the London Morning Post, cabling this morning, states that he has received information from a "reliable source" that the conditions within Port Arthur are appalling. The garrison is famine-stricken, and has been deprived of ment of vegetables, other than rice, for weeks. The result is that the sufferings of the sick and wounded are indescribable. According to the correspondent, there are upwards of 19,000 in the hospitals, and doctors are unable to at-

patients, who might have been saved had they had proper care. The correspondent winds up his dis-The correspondent winds up his dispatch with the amazing announcement that General Stoessel, who was in supreme command in Port Arthur, committed suicide because he was unable to relieve the sufferings of the brave men.

This fact has been specified because he was unable to relieve the sufferings of the brave men. under his command. This fact has been suppressed, declares the correspondent,

use of the effect it would have upon the garrison. None of the other London dailies have information confirmatory of the Post's advices, and they are not generally credited. It is pointed out that so far

as General Stoessel is concerned, dispatches signed by him have been given out at St. Petersburg, and that refugees have made their way out of the fortress during the last fornight, assert that General Stoessel has been the life of the date when the credit expires and not siege, and has been very much in evifrom the time when the debt was contracted.

That there is suffering to Poet Arthur

That there is suffering in Port Arthur is undoubtedly true; also that many of Eighty-two bodies are recovered and the the garrison are sick and wounded, but search continues. Pags 1. Post correspondent's figures seem Bridge collapsed under train without the least warning. Page 3. much too high. Marquis Oyama, Commander-in-Chief

of the Japanese forces in Manchuria, has proceeded north, and expects to attack Lino Yang, August 20.

Russians at Port Arthur Are Busy Strengthening Defenses.

SPECIAL CABLE TO THE LONDON TIMES

AND PORTLAND OREGONIAN. CHEFOO, Aug. 9.-A Russian military official, who escaped from Port Arthur on board one of the Chinese junks which have been running the Japanese blockade since the siege of Port Arthur closed here. The officer, who left the Russian stronghold two days ago, asserts that while the assaults by the Japanese land forces have been maintained with considerable regularity for the past 10 days, some of the actions being desperate in the extreme, the Russian defenders expected a final great attempt at storming British steamer Calchas, from Taco the principal fortifications Monday night. When the official boarded the junk preparatory to leaving the city the soldiers were engaged under their officers in a last effort to strengthen defenses in orstantinople by the presence of a fleet of der to present as stubborn resistance as possible to the expected attack. The arrival of further news from Port Arthur eagerly awaited.

More Rumors Port Arthur Has Fallen. ST. PETERSBURG, Aug. 8.—The city is full of wild rumors that Port Arthur has fallen, due to reports from Chefoo of another assault in which the fortress was taken by the combined land and sea Horse races open at Irvington. Page 8. forces, though the Japanese lost three warships, including the protected cruis-ers Chiyoda and Itsukushima. It is believed that the Japanese are still unable to capture the outerworks, much less the fortress itself.

Cossacks Approach Gensan. TOKIO, Aug. 9 (10 A. M.)—A detach-ment of Cossacks today approached Gensan, on the east coast of Corea, but re treated immediately.

ROOSEVELT DENIES CLEMENCY Negro Guilty of Criminal Assault Cannot Escape on Insanity Plea.

WASHINGTON, Aug. 8.—President Roosevelt has declined to interfere in

the case of John W. Burley, confined in the jail of the Dis Columbia, under sentence of death for criminal assault, the victim having been a little girl 4½ years old. The American demand for the same favored President has directed that the sentreatment in the matter of schools, tence of the fury be carried into efhospitals and charitable institutions as is accorded to other powers, would be given August 2. The giving of the President to commute the sentence of the surprise president to the surpris answer was then postponed to August Burley to imprisonment for life, it be-4, but up to the present time no an-ing alleged that the prisoner was of mind so weak as to be irresponsible for his crime. The subject was re-ferred to Attorney-General Moody. He the President today fully as to the facts. In rejecting the application for the commutation of Burley's sentence President Roosevelt made the follow

White House, Washington, Aug. 8, 1904.— The application for the commutation of sen-

committed the most hideous crime known to our laws, and twice before he has committed crimes of a similar, though less horrible, char-acter. In my judgment, this is no justification whatever for paying head to the allegations that he is not of sound mind, allegations made after the trial and conviction. Nobody would

after the trial and conviction. Nobody would pretend that there has ever been any such degree of mental unsoundness shown as would make people even consider sending him to an asylum if he had not committed this crime. Under such circumstances, he should certainly be esteemed sane enough to suffer the penalty for his monstrous deed.

I have scant sympathy with the plea of insanity advanced to save a man from the consequences of crime, which, unless the crime had been committed, it would have been impossible to persuade any reasonable authority possible to persuade any reasonable authority possible to persuade any reasonable authority to commit him to an asylum as insure. Among them is the dangerous criminal, and especially among those prome to commit this particular kind of offense there are plenty of a temper so flendish or so brutal as to be incompatible with any other than a brutish order of intelligence; but these men are nevertheless responsible for their acts, and nothing more tends a productive crime among such men than the

to encourage crime among such men than the belief that through the plea of insamity or any other method it is possible for them to escape paying the just penalty of their crimes. The crime in question is one to the existence The crime in question is one to the existence of which we largely owe the existence of that epirit of lawlessness which takes form in lynching. It is a crime so revolting that the crimpathy from any human being. It is essential that the punishment for it should be not only as certain, but as swift as possible. The jury in this case did its duty by recommending the infliction of the death penalty. It is to be regretted that we do not have sweetial provision gretted that we do not have special provision for more summary dealing with this type of cases. The more we do to secure certain and swift fustice in dealing with these cases, the more effectively do we work against the growth of that lynching spirit which is so full of evil omen for this people, because it seeks to avenge one infamous crime by the commitment of another of equal infamy. The application is denied, and the sentence will be carried into effect. THEODORE ROOSEVELT.

GREAT FIRE IN ST. LOUIS. Refrigerator-Car Company Suffers a

Loss of \$250,000. ST. LOUIS, Aug. 9 .- The plant of the American Refrigerator Transit Company the Carey act, of 38,345 acres of land was almost entirely destroyed by fire to- along the Silvies River, near Burns. day entailing a total loss of about \$250,000. Some time ago the state asked for segre-The plant was valued at about \$500,000. The gation of this land in order that the Harmost serious loss is the destriuction of 100 new Valley Improvement Company might tend to all of them. This latter state of refrigerator cars worth about \$1500 each irrigate it under a contract with the affairs has resulted in many deaths of which were in the repair shops and on state. Immediately after the filing of side-tracks in the company's yards. It this request, the stock company rushed is believed that the fire originated by in with a protest, first on the the represparks from a passing locomotive. A first sentation that the land is not arid, and

> Rush for North Dakota Land. DEVIL'S LAKE, N. D., Aug. 8.-From 3000 to 4000 strangers were in Devil's Lake today when the Government opened the registration booth. Twelve hundred

persons registered today. Reyes Assumes Presidency. BOGOTA, Colombia, Sunday, Aug. 7.—(Delayed.)—General Batnel Reyes assumed office today as President of Colombia, succeeding Senor Marroquis.

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FLOW OF RIVER TOO SMALL

State Segregation Under Carey Act Now Probable.

PROTEST IS NOT RECOGNIZED

Livestock Company Must Go to Court to Secure Decision as to Whether Irrigation Concern Would Infringe on Its Rights.

OREGONIAN NEWS BUREAU, Wash-Ington, Aug. 8.-There is to be no Government irrigation in Harney Valley in Eastern Oregon. This fact was brought to light today by a ruling of the Acting Secretary of the Interior, dismissing the protest of the Pacific Livestock Company against the application of the State of Oregon for segregation, under

logical Survey, and after due examination a report was seht back to the Interior Department, in which it was explained that the carrying out of this project by the Harney Valley Company would seriously interfere with the thenproposed plan of the Government to irrigate lands in Harney Valley. The Geological Survey went further and expressed the opinion that the plan of the State of Oregon, under its contract with the Harney Valley Improvement Comport the General Land Office recommended that the state's application be rejected.

Held Unfeasible a Second Time. The Secretary of the Interior, however,

the matter, and sent all the papers back to the Geological Survey, which in the meantime had been pursuing investigations in Harney County to determine its irrigation possibilities. The Geological Survey again expressed the opinion that the state's plan was unfeasible, because of the scarcity of water, but withdrew any opposition to the approval of the state's request for the segregation of the lands, as it had been decided to abandon the Government project which contemplated storing the water of Silvies River. Acting Secretary Rvan holds that if the lands which the state has asked be segregated are known to be arid in character, such segregation shall be made, and he has directed that the General all communications by land, has arrived Famine conditions at Port Arthur are be- Land Office determine the character of coming appalling and hospitals are the lands and proceed accordingly. If crowded with stek and wounded, Page L the Harney Valley Improvement Company contemplates encroaching upon vested water rights of the Pacific Livestock Company, that dispute must be settled in the couris. The Interior Department holds it has no jurisdiction over

this matter. The Interior Department is satisfied there is not enough water in Harney Valley to justify the Government undertaking the construction of an irrigation enterprise there, but if private capital is willing to go ahead, under a conopen no headquarters in the West. Page 3. tract with the state, the Government ortsiyou opens Republican headquarters in will interpose no objection. Whether the vested rights of the Pacific Livestock Lamont will not be a candidate for Gov- Company will interfere with the plans of the irrigation company remain to be determined in the courts.

Northwest Postal Orders.

OREGONIAN NEWS BUREAU, Washington. Aug. 8 .- Rural free delivery service was today ordered established, September 15, at Scio, Linn County, Or.,

with one carrier. Postmasters were appointed today as follows: Oregon-Beuna Vista, F. C. McReynoids, vice Mattie J. Lee, resigned; Par-

kers, Julia A. Boone, vice William Pow-

ell, resigned. Washington-Long Branch, William C. Faulkner, vice M. J. Bullis, resigned. APPROVES THE REPRIMAND.

Roosevelt Passes on Case of Postmas-

ter of Philadelphia. WASHINGTON, Aug. 8 .- The President today approved the report of the Civil Service Commission recommending that Postmaster McMichael, of Philadelphia, be reprimanded as a result of the investigation of the charges filed by Robert B. Jenks, secretary of the Civil Service Reform Association of Philadelphia, alleging political discrimination in Postmaster Mc-

Sully Unable to Meet Agreement. NEW YORK, Aug. 8.-Daniel Sully & Co. today informed their creditors that they would be unable to carry out the proposition made to the creditors last month to pay off 40 per cent of the claims in cash, with 10 per cent additional in the form of

Schwerin declines to give Portland shippers 9-day notes, because certain individual rellef. Page 9.

Schooner Zampa rescued from North Beach. claims. The firm therefore will go into

Michael's selection of employes.