

# The Morning Oregonian

VOL. XLIV.—NO. 13,716.

PORTLAND, OREGON, THURSDAY, NOVEMBER 24, 1904.

PRICE FIVE CENTS.

## HEADS MAY FALL

### Removal of City Engineer Urged.

### COUNCIL TAKES VOTE

### Assistant Scoggin Also Condemned.

### SEWER SCANDAL THE CAUSE

### Grand Jury Asked to Make Special Inquiry.

### CONTRACTORS ARE DISHONEST

Committee Brings in Report Charging City Officials With Incompetency and Neglect of Duty, Which Council Adopts.

#### FOR FURTHER INVESTIGATION.

Following is the resolution introduced by Mr. Zimmerman, chairman of the Tanner-Creek sewer investigation committee:

"Whereas, There are rumors and insinuations current that the bridge across the river at Morrison street, the bridge at South First street and the bridge at South Front street are not being constructed according to plans and specifications; and

"Whereas, There are complaints that the bridge at Willamette Heights will not be completed within the time allowed; therefore, be it

"Resolved, That a special committee of C. E. Rumelin, Sanford Whitman and M. Foster be and here is appointed to take such steps as are deemed necessary by them to investigate the facts concerning the bridge above named. Such committee is directed to report in writing its findings, together with such recommendations as they deem proper in the matter."

With the special investigation committee recommending to the Council the removal of City Engineer W. C. Elliott and his assistant, George Scoggin, for negligence and incompetency, and ordering another committee to run down the scandal rumors concerning other big city work, the question about the City Hall is: "What next?"

What happened in the Council Chamber yesterday afternoon is without precedent in the history of the city, so far as the memories of present officials go. Not only are the two officials named deeply implicated, according to the committee's report, but outsiders may be caught in the steadily spreading net inadvertently cast out by the Council.

This is Thanksgiving morning, but it is a sorry Thanksgiving to more than one. The fable of the evil geni of the Tanner-Creek gulch seems to be substantiated by the outcome of the sewer scandal investigation. For in the grand jury-room secrets will undoubtedly be told which the committee in its informal way could not fathom.

Had the Council Chamber been draped in crepe yesterday afternoon the feeling throughout the room could not have been more funeral. The committee went the limit in its recommendations, and others beside Mayor Williams were surprised at the sweeping exorcism of the City Engineer's Department.

#### Special Council Meeting.

The special meeting of the Council was called to hear the report of the special investigation committee, Messrs. Zimmerman, Albion and Sigler. The stenographic notes on the evidence submitted to the committee Tuesday were rushed into readable form, that they might be submitted with the committee's report. The report of the four examiners, a complete summary of which was published in Sunday's Oregonian, was read, but the main of testimony was simply handed in.

The committee worked until the last moment in drawing up its report, and the Council was called to order 20 minutes late. There wasn't a trace of the jollity apparent at the regular meetings. It was a dismal contrast to the session three weeks ago, when Councilman Rumelin moved for the appointment of the investigation committee, acting, he said, on the request of City Engineer Elliott. The Council then went out of its beaten path to clear away, as it thought, all the rumors of faulty construction in the big Tanner-Creek sewer, which had been accepted by the Executive Board on the recommendation of the City Engineer.

To Pay for Hump-Back Pavement. All the Councilmen, except Messrs. Bentz and Fiegel, were present. A preliminary was the motion of Mr. Rumelin that the assessment ordinance for the wood block pavement on Salmon street should pass, as the contractors had laid the pavement according to the instruction of the City Engineer, though the pavement now has humps and hummocks. This was hurriedly passed.

A measure on bicycle riding on sidewalks

was a further irritation to the nerves of the Councilmen. Then, when the time for reports of select committees came, Mr. Zimmerman moved that the clerk, Mr. Auditor Devlin, read the report of the four examiners.

This told how the experts had found missing stone blocks in the bottom of the sewer, how one and two rings of brick were found in the walls in place of three, how the arch was sagging, and other defects as summarized. Mr. Zimmerman moved that the report of the committee be read.

The gallery was crowded with the property-owners in the sewer district, attorneys and contractors. The Riners were not to be seen, but the former trusteekeeper

#### CHARGES MUST BE PREPARED BY MAYOR.

As to City Engineer Elliott's removal, it is so to Mayor Williams. "I will announce my stand in a day or two," said he yesterday. "But I will say that I was surprised at the report."

Following is a part of section 189 of the charter. Any elected officer except Councilman may be removed by the Council upon charges preferred by the Mayor. Such charges shall be presented in writing to the Council and a copy furnished to each officer, who shall have the right to appear before the Council in person and by counsel and be heard in his defense. If by an affirmative vote of not less than two-thirds of the Council such charge be sustained the officer shall be deemed removed and his place filled as in case of other vacancies. Otherwise the charges shall be dismissed.

In case of a vacancy the Mayor makes the appointment. It is generally believed about the City Hall that the City Engineer and his assistant will resign, without waiting for further procedure.

on the sewer was there. The room was deathly quiet as Mr. Devlin read the most sensational committee report ever heard in the Council Chamber.

When the strata partially relaxed, Mr. Zimmerman arose.

"I desire at this time to say that the committee has gone very thoroughly into this investigation. We thought when the

examiners reported to us that the conditions might not be as bad as we expected, and we gave the City Engineer a chance to make an answer. But the City Engineer has done nothing more than say he had no time to look after all these things, and that he trusted to his inspector. But he recommended the acceptance of the sewer to the Executive Board. He should have gone into the sewer himself before making the recommendation.

Mr. Zimmerman Scores Contractors. "The committee is of the opinion that no work has been done this year without a pool of the contractors being formed. I advise that city work be advertised outside the city. This \$3000 that was to have been divided among the members of the pool was to come from the city or the property-owners or somebody. When thieves fall out, honest men may get their share."

The foreman who testified yesterday said that he would get into the trouble before the grand jury. I hope he will, and all others connected. He then moved that the report be adopted.

C. E. Rumelin, the man who introduced the resolution creating the investigation committee, moved that the report be so amended that R. M. and E. W. Riner be debarred from receiving any city contracts in the future. Mr. Albion stated that this had been considered by the committee, but it was considered within the province of the Executive Board and not of the Council. The amendment failed to pass.

Mr. Merrill suggested that Mr. Elliott be heard. The City Engineer, his face streaked with new furrows, quietly answered that his report to the committee in answer to the report of the examining experts be read. This statement, telling how the defects occurred and practically laying the blame upon Inspector Caywood, was summarized in Tuesday's Oregonian. The Councilmen heard the answer of the City Engineer, but did not discuss it.

"In justice to Mr. Elliott, I will say that I think it very poor business policy for the Executive Board to ask the City Engineer to put a man of his department as an overseer on such work when he gets \$250 a day and the bricklayers get \$4 a day," said Mr. Zimmerman.

#### Mr. Merrill Votes No.

For reasons unknown, Mr. Merrill's vote was the lone "no" on the adoption of the committee's report, minus the amendment debarring the Riners.

Mr. Zimmerman's resolution appointing a committee to investigate the bridges was next read. On motion of Mr. Rumelin, a committee was appointed to draw resolutions of condolence with Mr. Fiegel, whose child was buried yesterday.

#### The Bridge Investigation.

As to the bridge investigation, one of the principal features will be the cause of the delay in the construction of the Willamette Heights bridge. This was supposed to be ready before winter, whereas it was commenced but a short time ago. J. B. C. Lockwood received the contract for this structure. The rumor is that the contract has been hawked around. The Executive Board has granted more than an extension of time upon this contract. The Pacific Construction Company has the contracts for the building of the big Morrison-street bridge, and those across the Marquam Gulch, in South Portland.

Finally, the Councilmen wish it to be understood that they realize they have gone beyond their jurisdiction, according to the charter, in making these investigations, but that they consider it their duty, under the circumstances to do so. While they are fully critical of the Executive Board, they plainly state that it is the place of the Executive Board to look into such matters than of the Council.

#### Forest Fire in Pennsylvania.

MONONGAHELA, Pa., Nov. 23.—A forest fire, which was started last Sunday by sparks from a locomotive on the hillside opposite here, broke out afresh last night, and the flames now menace not only the tipple of the Monongahela mine and stove-house, which is in the path of the fire, but the whole village of Axletton. At the Monongahela mine an effort is being made to save the company's property by starting smaller fires.

## AT GALE'S MERCY

### Small Schooner Nearly Wrecked Off Coast.

### TOWED INTO ASTORIA

### Waterlogged, Dismasted and Unmanageable.

### MEN IN STARVING CONDITION

Mate and Two Sailors Who Left the Vessel in a Small Boat Off Tillamook in Search of Assistance Are Missing.

ASTORIA, Or., Nov. 23.—(Special.)—Five days at sea without food, excepting a single box of apples, without water and without sleep, excepting the few winks that could be caught at odd moments, is the tale of suffering brought by Captain Ben Lewis and four men of his crew who arrived here on the derelict schooner Webfoot, that was towed into port this evening by the tugs Wallula and Tatoosh. Three others of the crew who left the schooner in a small boat yesterday to go for assistance have not been heard from, and it is feared they are lost.

The derelict, waterlogged and with all her masts gone excepting the stump of the mainmast, was spoken shortly after noon today off Tillamook light by the steamer Geo. W. Elder, which had just sailed from the Columbia River.

Captain Randall placed water and provisions on board the schooner and then turned back and notified the bar tugs. Both the tugs Tatoosh and Wallula, and cutter Perry went to the rescue. The schooner was towed into port by the two tugs after a hard pull against the strong ebb tide and anchored on the sands opposite the city, where she lies practically a total wreck.

The Webfoot sailed from Coos Bay on the afternoon of Sunday, November 13, with a cargo of 400,000 feet of lumber for San Francisco. She was commanded by Captain Lewis and carried a crew of 11 men, including two natives. The tale of disaster that followed is best told in the language of Captain Lewis, who, in telling of his experience this evening, said:

"Almost immediately after leaving port we ran into heavy weather and the schooner must have sprung a leak shortly afterwards, for when we sounded on Monday morning there was two feet of water in the hold. The men were put to work on the pumps fore and aft, but the water kept gradually gaining and on Wednesday the craft was waterlogged and practically unmanageable.

"The wind by this time had increased to a gale and the seas were running mountains high. There was little to be done, but we carried a small amount of sail and endeavored to work our way south. The wind and seas, however, were gradually drifting us to the north. All were drenched to the skin and we suffered intensely from the cold, but our worst experience was to follow.

"On last Saturday a big sea swept over the schooner, filling the deck, stripping the cabin and carrying away all our provisions and water, my navigation instruments and all our personal effects. The only thing saved was one box of apples. That is all we have had to eat or to quench our thirst since that time until the Elder gave us water and provisions this morning, and we have lived on the top of the house.

"Late last Sunday night we were off Tillamook and on Monday afternoon about 5 o'clock the schooner rose on a big wave, coming down with a lurch, and snapped off the three masts. Everything was swept clean with the exception of the stump of the mainmast. Then we were helpless.

Three Men Are Lost.

"Yesterday morning I determined to send ashore for assistance. Mate Cromer, Seaman James O'Neil and another man whose name I cannot remember left in a small boat, intending to make Tillamook Bay. Whether they ever reached shore or not I do not know, but I fear they are lost. Yesterday I sighted three steamers going north and four going south. We attempted to signal each of them, but got no reply. I also signaled Tillamook Rock light, thinking they had connection with the land and could send assistance, and once I think they answered my signals. I tell you the sight of the Elder, as she ran down toward us, was one of the most welcome things I ever saw, for I knew relief was at hand at last.

Captain Schrader, of the steamer Sun H. Elmore, arrived this evening from Tillamook and says the small boat from the Webfoot did not reach that port, and he saw nothing of the men, so there is every reason to believe that they are lost.

Both Captain Lewis and the members of his crew are worn out by the terrible experiences of the past few days, but none of them is seriously ill and all will survive, it is believed.

What will be done with the derelict is not known, but it is doubtful if the schooner can be repaired. The Webfoot is an old vessel, belonging to the Simpson Lumber Company, and whether she was insured is not known here.

#### TURNER NEARLY WRECKED.

Schooner From Ilo Ilo Encounters a Gale Off Washington Coast.

PORT TOWNSEND, Wash., Nov. 23.—Another victim of the recent terrific gales off the coast arrived this morning. The vessel is the schooner Matthew Turner, from Ilo Ilo October 27.

The vessel had a good passage until reaching the coast off her destination at Gray's Harbor, when the storm nearly wrecked her, tearing out the fore and mainmasts and breaking the booms of each. The wrecked schooner could be cleared away the vessel was nearly driven ashore. Heading southward a similar experience overtook the Turner off the Columbia River. The vessel was finally forced to try for the Straits, which she succeeded in entering only after closely skirting the dangerous rocks on the Vancouver Coast.

The vessel is here awaiting orders.

#### THANKSGIVING EVE BANQUET

Prominent Americans and Frenchmen Meet Around Paris Board.

PARIS, Nov. 23.—The Thanksgiving eve banquet at the American Club, at which prominent Frenchmen and Americans were guests, brought a notable demonstration for a strong navy, and at the same time an eloquent tribute from Baron d'Estermann de Constant to the part the United States is taking in the world's affairs, and particularly in the maintenance of the world's peace.

The banquet was held in the superb new quarters of the Travelers' Club, in the Champs Elysees. The guests included Ambassador Foster, Baron d'Estermann de Constant, Admiral Turgot, Professor Barrett Wendell, of Harvard; Dr. Trounev, dean of the University of Paris, and over 100 members of the American colony.

Ambassador Foster's speech on the upbuilding of the American Navy was enthusiastically received. He emphasized the theory that a strong navy is the surest guarantee of the Nation's peace.

#### To Prohibit Religious Processions.

HAYANA, Nov. 23.—The House committee has reported favorably the bill prohibiting religious processions or functions except within churches.

#### "DERELICT IN DUTY, INCOMPETENT AND GROSSLY NEGLIGENT"

Committee Recommends Removal of City Engineer W. C. Elliott, Chief Deputy Scoggin, and Inspector Caywood—Grand Jury Asked to Investigate Sewer Scandal.

To the Honorable Mayor and Council of the City of Portland—Gentlemen: Your committee appointed to investigate the condition of Tanner-Creek sewer, in order that this department of the city government might be fully informed before levying an assessment against the property affected, begs leave to report that they secured the services of an independent committee of four, composed of the following-named gentlemen: George Knight, Peter Flynn, James Cunningham and R. S. Greenleaf, whose report thereon we attach hereto, marked "Exhibit A"; also the sworn testimony taken at several meetings of your committee, held on November 18, 19 and 22, marked "Exhibit B"; the statement of the City Engineer, in answer to the findings of the expert committee, and to all of which exhibits we ask your full and careful consideration, as the time at our disposal is too limited to enable us to report thereon at length.

First—We find that, in our judgment, the City Engineer, Mr. William C. Elliott, was extremely derelict in duty, in appointing only one inspector to cover work which was in progress for 24 consecutive hours each day; incompetent in not so organizing the affairs of his department as to make it possible to closely and carefully follow up the work of construction as it progressed, and, finally, grossly negligent in accepting this work without making a final inspection, and we respectfully direct the attention of that department of the city government which, under the charter, has authority in the matter, to the removal of the City Engineer from office.

Second—We find Mr. George Scoggin, the chief deputy in the office of the City Engineer, equally culpable and liable with the City Engineer, in not detecting, during his frequent inspection, that the work was not being carried out in accordance with the specifications, and we recommend to the proper authority that similar steps be taken in his case as with the City Engineer.

Third—We find that the inspector, Mr. J. M. Caywood, was incompetent and unreliable in certifying to the quantities of material used and the workmanship of constructing the sewer, in view of the facts contained in the report of the experts, and we recommend his removal from the list of inspectors and from employment by the city.

Fourth—We find the contractor, R. M. Riner, and his partner, E. W. Riner, to have been dishonest in not performing the contract in accordance with the specifications, as shown by the report of the experts and the testimony of the witnesses.

Fifth—We recommend that under the direction of a competent engineer the Tanner-Creek sewer be rebuilt in accordance with the specifications, the cost of the same to be deducted from the amount which would be due Mr. Riner in case he had performed his contract according to such specifications.

We are unable to obtain any evidence of collusion between any official of the city and the contractor, but, by referring to the testimony of Mr. Maurice Reinstein, there were insinuations of some city official or officials being implicated, and as we are not empowered to compel this witness to make more specific his insinuations, we recommend that the grand jury now in session subpoena Mr. Reinstein and Mr. Walter Thomas, whose testimony was taken on November 22, and investigate fully this phase of the subject. R. M. Riner and E. W. Riner should also be included in such subpoena by the grand jury.

In conclusion, your committee desires to state for the benefit of the public that the Council has nothing to do with the letting of contracts for street improvements, sewer or bridge construction, or the acceptance of such work when completed.

ments and all our personal effects. The only thing saved was one box of apples. That is all we have had to eat or to quench our thirst since that time until the Elder gave us water and provisions this morning, and we have lived on the top of the house.

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## FIND HIM GUILTY

### Jurors Convict August Erickson.

### GAMBLING IS THE CHARGE

### Verdict Comes Ten Minutes After Judge's Charge.

### DEFENSE PLEADS PRIOR SALE

Judge Sears, However, Rules Out This Evidence, and Attorneys for Erickson Submit Case to Jury Without Testimony.

August Erickson was arraigned, tried and convicted as a gambler in the State Circuit Court yesterday and to make an aggravating matter positively distressing, the jury returned a verdict in ten minutes after it left the courtroom.

It all happened in that particular division of the Circuit Court of Multnomah County, presided over by Judge Alfred F. Sears, Jr. The conviction of Erickson, a gambler, was the result of long hard work on that of his star-eyed young contemporary, Eugene Blazer, a hard jolt for the local "system."

The roll-top neck-element "view with alarm" the harrowing events of the past two days.

Altogether it is quite too distressing for words. Has it come to this pretty pass, indeed, when a gent is not permitted to shoot a crap or two, to take out a small stack of whites or place a little piece of money four ways a time on the jack, or perchance to buy a nice little varnished roulette layout on installments with which to eke out a living? What with blue laws and Henry McGinn, Judge Fraser, Judge Sears, life in Portland has become just too distressful for words. The roll-top necks had just as well move to Connecticut and be done with it all.

Caught by Municipal League.

Mr. Erickson was one of the unfortunates whom the Municipal League caught with the goods on a particular July night four months ago. The "goods" in this instance, as in the others, consisted of a roulette game and the paraphernalia thereto appertaining.

The explorers who caught Mr. Erickson with the "goods" were Messrs. W. P. Edwards and W. L. Johnson, and they were the witnesses for the prosecution when the case was called yesterday morning. They told about the game so graphically that it was apparent to the jury that it was roulette and not crokinole that was being played within the varnished atmosphere of the Erickson palace of delight on that hot July evening. John Manning did his duty as public prosecutor and developed his line of evidence in a manner which offered no quarter to the suffering and malmed.

The testimony of the prosecution was almost identical with that used against the late Peter Grant, Nathan Solomon, Harry Dale and Eugene Blazer. That it stuck in this case as it stuck in that of Eugene Blazer and failed in the other case simply shows the difference in juries and the luck of gamblers.

#### Prior Sale Alleged.

"For the defense, those familiar champions of the oppressed, Ed Mendenhall and S. C. Spencer, appeared as attorneys-at-law. They attempted at the outset to introduce the familiar defense about a prior sale of the property. Their theory was that it was all a mistake and that Mr. Erickson didn't

own the varnished roulette layout on that hot July night. For the benefit of their clients they hoped to present Paul Wessinger, F. L. Allen, clerk of the Municipal Court; D. R. Shepherd, Louis Holman, J. F. Logan and R. F. Leashinsky, but this array of talent did not have an opportunity to go on. Judge Sears nipped the button-button-who's-got-the-button game at the start and ruled out all evidence relating to the alleged sale of the property. In view of this front the defense became sulky and decided not to introduce any testimony.

These preliminaries required the court's full time until noon and when the gong sounded at 2 in the afternoon Judge Sears released the lawyers and let them at the jury.

The arguments were not long, nor notable in any respect. Mr. Spencer attempted an end run but was downed on the prosecutor's five-yard line, but in the main their style of play was conservative, although they kicked frequently. John Manning, the prosecutor, got the ball, and advanced steadily down the field, save once when he forgot a statute and tried to make Mr. Erickson an exhibit. He was penalized for off-side play, but in spite of this he scored almost at will and then Judge Sears talked long and earnestly to the men in the box. The Judge talked 20 minutes. Then the balliff drove them back to their quarters.

Jury Returns Verdict.

In less than half the time the Judge had talked the jury returned a verdict coming to him so they came back into the courtroom and told Judge Sears. And there was August Erickson found guilty of owning and operating a varnished roulette layout on a hot July night four months ago.

#### L'Envoxy.

On a had eminence in that unsavory morass known as the North End stood last night a Palace of Delight. It reared its phony-jeweled front aloft amidst those of lesser fame. Embellished from its battlements a flambeaux cast upon the sky spelled out in letters of living light the name of its master, who got his in Judge Sears' court that day. Inside the walls there was still mirth and light. There was twanging of strings, clanking of pianos and the caroling of fairies. There were rakesh schooners in the offing, bar-bound and the sinister sound of cash-registers in pain was heard anon. Only this last was real and true and unassumed. All else was hollow mockery. Men gathered in knots and talked in portentous whispers. Underneath the fancy id, the place was sad and unassuming. And the burden of it all was that the roll-top necks might just as well move to Connecticut and have done with it all.

A. A. G.

#### HOT CHASE FOR MURDERERS.

One Thousand Men Join In, and Two Hold-Up Artists Finally Landed.

MINNEAPOLIS, Nov. 23.—Three murderers and hold-up men who killed Fred King, and seriously shot bartender Edward Mingo last night, during the progress of a turkey raffle in a saloon at Chicago Heights, a suburb of Minneapolis, were captured at Cambridge, Minn., 50 miles from this city tonight after a chase lasting 24 hours, in which at least 1000 men have engaged since the killing.

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