2.4

WRANGLE IN THE RUMELIN TRIAL

Manning and Howell Exchange Words During Latter's Examination.

WHY W. C. ELLIOTT QUIT

says He Was Imposed Upon by the Politicians and Was Forced to Be Responsible for His Incompctent Deputies.

Judge Sears, three of the jurors who are hearing the evidence against C. E. Rumelin, who is on trial for having atempted to bribe ex-City Engineer W.

C. Elliott, and the attorneys took a hand in interrogating the witnesses resterday afternoon. The state con-cluded its case when George Scoggin, who was Elliott's deputy had finished his testimony. Throughout toe trial of Thursday and all day yesterday C. E. S. Wood, attorney for the defense, puncured the proceedings with his objeclons. There was a monotonous, "I ob-ect to the question as incompetent, irrelevant and not good testimony." but just as often, almost, as the objections were made, would Judge Sears quietly repeat, "Same ruling."

Once or twice during the proceedngs the inwyers on both sides engaged a verbal tilts and once it grew so torul that Judge Sears stated that unless he attorneys did not observe the rules of the court, he would find a way to compet them to do so. There was also a lively exchange of sarcastic repartee netween District Attorney John Man-ning and George H. Howell, an ex-nember of the Executive Board, Howell had been called by the defense and beame a bit muddled in attempting to acw just what connection the City & Suburban Railway had with the final jetting of the Front-street bridge contract. When Mr. Manning was about in ine middle of his cross-examination, he intid:

Manning and Howell Wrangle.

"Mr. Howell, do you remember that when I had you in my office and after i had finished talking with you that I said that when I got through with you, that you ought to resign from the board?"

"No, sir." replied the witness. "you nover made any such a remark. A man of your caliber could not make a re-mark of that kind to me. A man who would dismiss an indictment against Blazier could not talk to me that way." "Nor a man who would dismiss an in-dictment against Mayor Williams,"

sneeringly remarked District Attorney

Manning quickly apologized to the court and once more the cross-exam-ination went on. The squalls between plained to the court that the reason he ination went on. The squalls between the attorneys and the grilling cross-section of Joseph Weber and George Howell and the presence of Senator Fulton helped to enliven the day's proceedings. The visit of Senator Fulton and the fact that he took a sent directly behind Councilman Bumelin and engaged in conversation with him before the eyes of the jury, caused considerable comment among those before the cycs of the jury, caused considerable comment among those was recognized the Senator. Senator Fulton and Rumelin were in conversa-tion for several minutes. It was broken up by District Attorney John Manning, who, on catching sight of Mr. Fulton. Secare objected to doing this. His Honor Bolse. Judge Sears answered the tele-phone, and when he returned he explained to the attorney for the defense that Mr. Bolse was too ill to appear. Mr. Wood then with there his demand. Secare objected to doing this. His Honor the ameeting nearly the entire audience athered about the Mayor, anxious to take him by the hand. At the meeting of the property-owners and rezidents of the East Twenty-eighth-street district, a few weeks ago, he was introduced as the 'next Mayor of Port-

stepped over to where he sat and shook hands with him. There was some whis-pered conversation between the Dis-trict Atterney and the Senator. Shortly after this Mr. Fulton rose and left courtroom. The most important witness of the day was W. C. Elliott, Rumelin's acser. There was a stir and a craning necks when Elliott took the stand. He was a most reluctant witness, notwithstanding the fact tht it was upon the information he gave the District Attorney that Rumelin was charged with attempting bribery. The witness answered the questions put to him on direct examination in a voice so low that even Judge Sears had to repeatedly request him to talk louder. Even then his answers could not be heard a half dozen yards from him. On crossexamination by Attorney Wood, however, Elilott seemed to have found his voice, for his replies were audible. Mr. Manning, by the pardest and closest kind of questioning, brought the story of the alleged bribery offer from the witness. Mr. Manning paved the way

the next bid; he would get me a share of the Q. Did he my anything to you about if you do not knock it out he would get someone dd not knock it out he would get someone else to do it? A. He waited that the certificate of deposit was not a certified check; he could have it declared as such by certain parties. G. Who was that party? A. He would have the City Attorney 49 that.

That. Q. And then what did you do? A. I simply told him I would not do any-thing of that kind; I wasn't going to do it. When Attorney Wood took the witness in hand his cross-examination was in the line of impeachment. To the question asked by Mr. Wood as to what was the ecasion of his (Elliott's) resigning from

George Scoggin followed Elliott on the stand. His testimony substantiated that given by his former chief. His examina-tion by the state was brief, and when he was upried over to the storney for the defense Mr. Wood followed the same line of impeachment. Attorney Wood went over the details leading up to the expos-ure of the Tanner-Creek sewer. Scoggin admitted that he had been forced to re-sign along with his chief, Elliott, on account of the action of the City Council. When Attorney Wood asked the witness If he "forged the names of Elliott, Chandler and Riner to the certificates of ac-ceptance," Stoggin replied: "I did not forge the names of anybody

to the certificates. I signed the names of the City Engineer and the Surveyor, but I did not forge them."

"Did you forge the name of Riner?" asked Mr. Wood. "I certainly did not," was the quick

rejoinder. The first witness called by the defense was William Filedner, a member of the Executive Board. Mr. Fliedner could not

throw much light on the case, and his examination developed nothing of much importance, and not much time was wasted in his examination. Joseph Weber, another member was next called. Attor-ney Wood asked him if Rumelin had ever talked to him concerning the Maney bid. Weber stated that he had not, nor had anyone else. When the District Attorney came to cross-examine him, Weber got badly tangled up, and the combined effort of the court and the District Attorney could not get him straightened out. Mr. Manning did eet him to admit that in all the time he had served as a member of the board that no other contractor had ever been given back his contract and his certificate of deposit. The Maney case was the only one he could remember. The witness explained that this was done or the strength of a letter that Maney had written, and which was read before the

one had interested themselves in Maney's

Weber would not admit that any-

board.

Boise Too III to Attend.

At the conclusion of Weber's testimony attorney Wood called for Whitney L. Attorney Wood called for Whitney L. Boine, Mr. Boise was not present. A telephone message had been received from Mr. Boise during the morning stating that he was confined to his bed. An attempt was made to have Mr. Bolse's testimony taken Thursday evening, but the attorney for the defense refused to permit him to testify because what he would testify re-Manning. Howell was in the midst of a hot retort, when Judge Sears put a stop to the controversy by declaring with a show of dignity that the witness was under the protection of the court. Mr.

> street district, a few weeks ago, he was introduced as the 'next Mayor of Port-land." The meeting was called to con-sider the matter of fire protection. Mayor Williams then gave another frank talk, explaining the difficulties and lack of money, and was heartily thanked by the entire and ence. His supporter any that Executive Board Appears. Several other members of the Executive Board who had been summoned to appear as witnesses for the defense were also absent. Deputy Haney suggested to Mr. in his talks at Woodhawn and at East examination revealed that his left arm Wood that he order bench warrants for the entire board. "I'll do that," fired back the attorney for the defense, "if it the necessary. It was not necessary, for some one tele. soon as possible. phoned to the board, which was in ses-sion, and its members lost no time in ap-

denly remembered that he had a witness wished to leave town, and he called to the stand. He was Charles S. who wished to leave town, and Charles S. him to the stand. He was Charles S. Bichler, a civil engineer from Tacoma. Mr. Bichler testified as an expert. He testified that he bad made a bid on the front-street bridge, and that he had, since We had been brought to the city, made estimates of what it would cost to who since We had been brought to the city, made estimates of what it would cost to build the bridge. From these estimates, when he had compared them to those made by the Pacific Construction Com-pany, of Everett, Wash, through J. J. Maney, he had figured that Maney would have lost money. Mr. Manning drew an admission from him that the charges for extras on the Front-street bridge work extras on the Front-street bridge were

office. Elliott replied: "The principal reason was I got dis-thing of resigning when I was in there thing of resigning when I was in there thire months. I feit I was being imposed upon by the politicians to a certain ex-tent. I was having incompetent men forced upon me, and other tilings. I was being held responsible for their acts, when I had nothing to say about who they were, through the newspapers. I got thor-oughly disgusted with the office." Scoggin Supports Elliott. George Scoggin followed Elliott on the urban Company heid the franchise over Front street and the Portland Rallway people, held the franchise over First street. This gave the company both fran-chises, and as they could use the First-street bridge, they were willing to drop the Front-street franchise and thereby save something like \$29,000, which was the ment which the City & Suburban would have to pay for the building of this structure. Mr. Manning attempted to draw from the witness whether he knew that the Pacific Construction Company, or California, and the City & Suburban were one and the same people. Mr. Howell stated that he did not know whether they were the same or not. It was while Howell was trying to explain the part that the City & Suburban threat had to do with the action of the board in letting Maney off that he became tangled up. Judge Brazer and three of the jurors plied the witness with questions, but the wit ness left the stand with the puzzle still

City Auditor a Witness.

City Auditor T. C. Devlin was the first witness called during the morning. Mr. Devlin explained the transactions of the board and how it came to let Maney off. He was subjected to a rigid examination by both sides, especialty as to the fact that he had closed his office at 1 o'clock that he had closed his office at 1 o'clock on the afternoon of June 25. Mr. Wood tried to prove that Mr. Devlin had closed ms office at that hour. Rodney L. Glisan was also called. Both Mr. Devlin and Glisan testified that, so far as they knew, he on was approached by Rumein in an effort to have Maney's bid set aside.

WILLIAMS ON EAST SIDE

His Friends Say Mayor Is Gaining Strength There Constantly.

Mayor Williams' supporters think they will carry the four East Side wards and

say that there has been a manifest swinging in his direction ever since the prima-ries were held, especially in the past week. They aver that the Tanner-Creek scandal has taken on a new aspect since the conviction of R M Riner, the contractor, which has put a different phase on the question on the East Side; also the fact that the Mayor has caused the sewer to npleted at the cost of the bonds

There are iwo big sewer contracts to be let on the East Side within the next year -the Irvington and the Brooklyn-and the manner in which Mayor Williams acted on the Tanner-Creek sewer, his friends think, has caused the people to feel that they can trust him to get them a first-class job. These two sewers will cost altogether about \$50,000-Brooklyn \$200,000

ant irrington \$150,000-Brookiyn \$200,000 and irrington \$150,000. At Woodlawn and in the district of many gravel pits, the people feet that Mayor Williams is their friend. At his visit there several weeks ago, before the primaries, he met the people and made a frank and effective talk. He and City At-torney McNary recomised that measures frank and energies that frequencies are formey McNary promised that measures would be taken forthwith to put a stop to the gravel-pit nuisance. At the close of thas meeting mearly the entire audience gathered about the Mayor, anxious to



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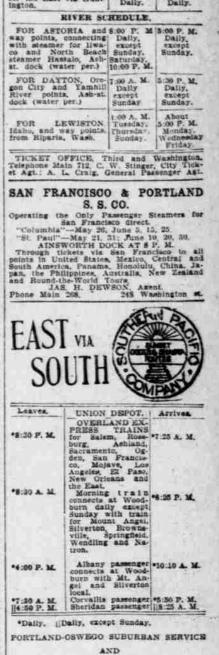
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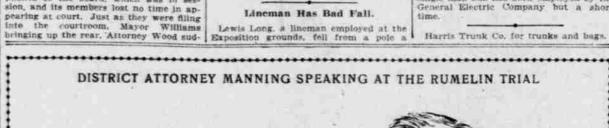
THE MORNING OREGONIAN, SATURDAY, MAY 20, 1905.

writness. Mr. Manning pared the way for this story by saying: Q. I will ask rou to state to the jury in your own way what connection sau had with the defendant. Charles E Rumelin, relative to a certain bid that was made by what was known as the Pacific Construction Company, of Pherett, Wash, by J. J. Maney, manger of the Front-street bridge across Marquam Gutch

A. I do not remember the exact dates as to when the bids were advertised, but I hap-pened to meet with the Executive Board when the bids were opened and they were referred to me. The bids were referred to the City Engineer In fact. I took the bids as Devin handed them to me, I think on the 24th of June I took the bids down to the City En-gineer's office. The next morning I began to work on them, comparing them, setting them ready to make a report on them. Mr. Humelin called that morning, I think, two or three different times; I am not aure. Just about, I think, ten minutes to 12 we started down the street, Mr. Rumelin, Mr. Scorgin and myself, and as we walked down the street he asked me if there was anything wrong with that bid or if it was not a very low one. I stude to the street, hought a very low one. I stude it was, I thought a very low one. I stude the scoret. What bid? I do not remember the exact dates as

did not know what they had to pay for insir steri.
Q The court-What bid?
A. The Maney bid. He saided ms if there was not some way in which we could throw to out. I told him there was none, for the reason there was nothing wrong with the plan.
Q. How many times did he call in your office to ask you it there was none way in which you could knock this bid out?
A. Two or intree times.
Q. What did he easy to you each time he called relative to this bid?
A. He says: "Is there something wrong with it?" I said: "No, there was not."
Q. What else did he say?
A. He said, could I not find something wrong with it? I said: "No, there man had submitted a bid attached to my own plan, which gave the dimension of the bridge."
Q. Each time he called, did he have a conversion with you about the Maney bid?
A. Tag sir, I think he did, each time.
Q. What conversation did you have with him then, if say, in regard to the Maney bid?

Then, if any, is regard to the same The conversation going down the street with reference to this bridge. What was that conversation? Whell, Mr. Rumelin ashed me if I could find something wrong with it. We con-ad down street until we got to Marrison et. Mr. Rumelin ashed me to shop there a moment, he wanted to speak to me. I ped at the southeast corner of Fitth and rison streets, and Mr. Scoggin walked me a screet. Mr. Rumelin asked me a scaln if I would not do this-if I would have that bid thrown out, that there have that bid thrown out, that there



YTTA TOUC MANNING.

Twenty-eighth street he was able to show the people that he understood their needs and was enxious to afford them helief as was badly crushed. It is not thought he sustained internal injuries, and there is nothing serious in his condition. He is

distance of 15 feet to the ground yester

day afternoon and sustained pathful in

juries. He 'was immediately removed to

Orpheum Sells Liquor Without single man and has been employed by the General Electric Company but a short a License.

HEARING IN COURT TODAY

Theater Contends That Conneil May **Revoke Its License Only Through** an Ordinance, and Gets

Out Infunction.

The Police Department of the City of Portland, its head and all its agents were served with an injunction at 10 o'clock last night, prohibiting inter-ference with the Orpneum Theater for selling liquor without a license. The temporary injunction was issued by Judge Sears, and will be argued this afternoon.

At 10 o'clock last night Deputy Saeriff Moreland entered the central police station and asked Captain Moore, in command of the first night relief, for Chief Hunt. He was told that the Chief was at his residence and had retired. Deputy Moreland then stated that he had a temporary injunction from the court of Judge Sears, restraining the Portland Police Department, and all its agents, from interfering with the Or-pheum Theater for selling liquor with-out a-license. In the absence of Calef Hunt, the injunction was served upon Captain Moore, his representative. It will also be served upon the Chief at an early hour this morning.

The injunction is the direct result of the revocation of the Orpheum The ater license by the Council. The resolu tion revoking the license was signed by Mayor Williams yesterday and it immediately became operative. There were rumors afloat last evening to the effect that the police were to raid the Orpheum last night and make pris-oners of the proprietors if any liquor

cured the injunction. It was immediate ly served upon the department. Las night liquor was sold as usual, and po

Today the question will be argued before Judge Sears, and the fate of the Orpheum Theater decided. The question at issue is whether the Council had a right to revoke the license in the man-ner in which the action was taken. The Orpheum people contend that the li-

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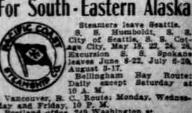


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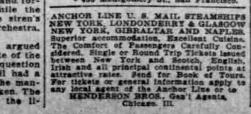
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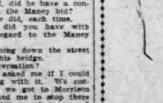


was sold. The proprietors of the theater se-

licemen who would have caused ar-rests for the infringement of the law were forced to walk backward and for-ward before the theater while the glasses tinkled inside and the siren's wall, accompanied by the orchestra, came floating out the doors.

FURMERI LITY

ENGINEER ELUDTT.



1.1