

# DEATH OF WITNESS GIVES LYMAN HOPE

## Promoter Begins Fight to Secure Release From Custody on Technicality.

### ESCAPE HELD NO CRIME

Contention Made That No Authority Existed for Detention in Hospital — Federal Authorities to Continue Pursuit.

SAN FRANCISCO, Oct. 26.—(Special.)—Dr. John Grant Lyman, on seeing the news that the chief witness against him on the fraud charge in Los Angeles is dead, this morning began a carefully-planned legal battle designed to free him from the charges of conspiracy to effect his escape from the Federal custody.

From courtroom to courtroom in the postoffice building he limped today, resting his weight on his crutches, which he still handles unskillfully, appearing before two magistrates. Throughout the ordeal his face bore a more cheerful expression, in marked contrast to the air of gloomy stoicism which seemed stamped upon it at his appearance three days ago. Lyman first was taken into the United States District Court to plead to the conspiracy charge, guarded by United States Marshal Elliott and a phalanx of deputies. His attorney, Carroll Cook, asked the court's permission to file a motion to the indictment and submit authorities. This was granted and one day was given Attorney Cook to present his authorities and one day to the United States District Attorney's office to reply.

Attorney Cook intimated that he would make the contention that there was no authority in law to place Dr. Lyman in the Providence Hospital in Oakland, from which the escape resulting in the alleged conspiracy took place, and that the grand jury indictment must fall. At the conclusion of the brief hearing in the District Court, Lyman was taken before United States Commissioner Krull for a hearing on the removal proceedings to Los Angeles, where Lyman is wanted on a charge of using the United States mails to defraud customers in a Panama land deal.

Lyman and his counsel today learned of the death of L. R. Smith, secretary of the Panama Development Company, who actually signed the letters which Lyman is accused of sending through the mails to induce customers to pay him for land to which he had no valid title.

Smith died at sea on the way from Panama on the day Lyman effected his second sensational escape from Federal custody. It is believed that the loss of Smith as a witness may prevent the conviction of the promoter of the Los Angeles charge. However, the lawyers do not despair of landing Lyman behind the bars and charges may be brought against him in Nevada or some other scene of his financial activities if the prosecution in California fails.

### Y. M. C. A. MEN TO CONFER

State College Organizations Send Delegates to Albany.

ALBANY, Or., Oct. 26.—(Special.)—A special conference of the Young Men's Christian Associations of the college of Oregon will be held in this city tomorrow afternoon and Saturday. About 75 delegates will attend from the various Y. M. C. A. organizations of the state, including the University of Oregon, Oregon Agricultural College, Pacific University, Willamette University, McMinnville College, Pacific College, Dallas College, Philomath College and Albany College. This is the first special conference of the college associations ever called in Oregon and is principally for a consultation among students who are preparing for the ministry. The sessions of the conference will be held in the First Presbyterian Church. Among the leading speakers will be Professor Patterson, of San Francisco Theological Seminary of San Anselmo, Cal.; President Homan, of Willamette University; Rev. Levi Johnson, of Seattle, Wash.; Dr. H. C. Mason, of Seattle, Wash.; President Riley, of McMinnville College; Dr. Edwin Lincoln Smith, of Portland, and Senator of Law, of Albany, Cal. International secretary of the Y. M. C. A. for the Pacific Coast.

### CONVICT ROADMEN TO GO

Builders of Crater Lake Highway to Leave Prison Monday.

SALEM, Or., Oct. 26.—(Special.)—Governor West completed plans today for shipping the 25 convicts who will be sent from the State Penitentiary for work on the Crater Lake road. Twenty-five of these will be pick-and-shovel workers, two will be cooks and one blacksmith. The gang will leave here Monday.

The Governor says the gang will be kept there indefinitely and as fast as the terms of any of the men expire, others will be sent to take their places, that the gang may remain intact.

The camp of the convicts will be on the T. M. Peeler ranch at Florence Rock, 196 yards from the present wagon road, in a grove well supplied with water. The road that is to be constructed this winter will be from the base of the hill at what is known as the Higginbotham ranch to the new Dimick Hill grade, this being at present the worst part of the Crater Lake highway, and is practically impassable.

### CENTRALIA PEOPLE LOSE

Merchants Find Checks of Stranger Are Worthless.

CENTRALIA, Wash., Oct. 26.—(Special.)—A man named Henderson has swindled Centralia merchants out of various sums of money this week. Henderson made a small deposit in the Farmers & Merchants Bank and proceeded to issue checks for many times the amount he had on deposit. The plan used by Henderson was to enter a store, make a small purchase and receive currency in exchange for the checks, and it is believed that the man secured nearly \$500. Henderson cannot be found.

### SINGER, WHOSE DIVORCE WAS NO SURPRISE TO HUSBAND'S FIRST WIFE.



## BREAK NO SURPRISE

### Mrs. Sutphen Comments on the Fremstad Case.

### HER SEPARATION RELATED

#### Grass Widow No. 1 Says She Got Decree Soon After Seeing Husband and Singer Together on Secret Tryst in Paris.

NEW YORK, Oct. 26.—(Special.)—It some people in New York, London and Paris were surprised when Mme. Olive Fremstad, the opera singer, divorced her husband, Edison W. Sutphen, the first wife of that ex-naval officer and ex-millionaire was not. "I knew it would come," said Mrs. M. Elizabeth Sutphen, of East Orange, N. J., who secured a divorce from Sutphen a short time before he married the prima donna.

Mrs. Elizabeth Sutphen supports herself by dressmaking. Her son, Judson Sutphen, is 21 years old and she is much devoted to him. Sutphen, it is understood, is in Central America some place, although he was in London this summer at the same time Fremstad was.

Sutphen's first wife says that he has been sliding down the financial toboggan for several years, and that after borrowing back some of the money he settled upon her when she got her divorce, he stopped paying her alimony altogether and announced that he was "broke."

### First Wife Desperate.

"I am not a business woman and things went very hard with me," relates Mrs. Sutphen. "I tried to run a boarding house and failed. I was quite desperate. About a year ago I was told that Mr. Sutphen and Mme. Fremstad were living at the Hotel Astor. He had told me he could not pay me any alimony because he was so hard up. But I thought that if he was living at that hotel he could surely help us."

"I called on Mme. Fremstad there, and she was pleasant enough. I told her the circumstances and asked her where Mr. Sutphen was. She said that she didn't know—that he wasn't living there, and she was very much worried about him."

Mrs. Sutphen met her ex-husband in 1882 when he was midshipman. When he had graduated they were married. A short time after that Sutphen resigned from the Navy and went to South America, where he became wealthy in the asphalt business. He suggested that she take their children to England to be educated, so Mrs. Sutphen maintained an establishment in London for more than nine years. She frequently came to New York to visit her husband and he made regular trips abroad to visit his family.

### Paris Seen in Paris.

"In May of 1905 I was in Switzerland and was expecting my husband to join me in London. I went to Paris and saw my husband driving through the Place de l'Opera with Madame Fremstad," said Mrs. Sutphen. "I was thunderstruck, because I had just heard definitely from him that he would not arrive until two weeks later. I made up my mind to find out where he was stopping. At the Continental I asked the clerk if E. W. Sutphen was stopping there, and he replied: 'No, we have a Mr. Stephens and wife. What were the initials?'"

"I told him E. W. and he said: 'Yes, this is Mr. E. W. Stephens and wife.' He said that the couple had arrived about three days before, which was the date of the arrival of the last boat. I knew this was my husband."

"I left a note for my husband and took the night train to London. He followed me there. I then came to New York, a few weeks later, and filed the suit for divorce. I named Madame Alberta in the papers—she is dead now."

When told of what Mrs. Sutphen had said, Madame Fremstad only said: "All rot—perfect rot. I don't know anything about her."

### BOND ISSUE \$1,000,000

#### SANTA FE ROAD TO SPEND BIG SUM IN IMPROVEMENTS.

Increase of \$1,000,000 in Capital Stock of Railroad Also Authorized by Stockholders.

TOPEKA, Kan., Oct. 26.—A \$100,000,000 addition to the capital stock and a \$100,000,000 bond issue were authorized by the stockholders and directors of the Atchison, Topeka & Santa Fe Railway in their annual meeting here today.

This brings the capital of the road to \$481,456,000. A big part of the convertible bond issue will be used for improvements, according to statements made by the officers of the company.

The purchase of the Garden City, Gulf and Northern Railway, a line between Garden City and Scott City, Kan., was

### DYSPEPSIA-PROOF.

#### How Any Meal Can Be Thoroughly Enjoyed by Any Stomach.

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Mer, as a rule, are first discovered by their enemies. Their antagonists turn on the searchlight, and the proof of merit will lie in being able to stand the test.

It was only in this way that Mr. White ever knew that dyspepsia was one of Mr. Black's worst enemies. Sitting face to face at a two-by-four table, he handed his afflicted friend the bill of fare:

- Oyster Cocktail. Stuffed Olives. Boston Clam Chowder. Strained Gumbo. Sirloin Steak with Mushrooms. Roast Beef Hash. Baked Ox Tongue with Sauerkraut. Lobster a la Newburg. Baked Pork and Beans. Combination Crab Salad. Hot Mince Pie. Pineapple Fritters.

Mr. White ordered a "little of each." Mr. Dyspepsia Black ordered crackers and a glass of milk. "I had such a breakfast this morning," he said, "that I'll just take a bite to keep you company." But Mr. White could not be deceived. "I am afraid you can't stand the gleam, Mr. Black. Why don't you say you have dyspepsia and be done with it? You'll always have that hungry look anyhow as long as you have dyspepsia. Now listen. My stomach was in just as bad condition as yours at one time. But now I can eat anything, at any time. For instance, this clam chowder or sirloin steak or even the lobster would be just as welcome to my stomach as your crackers and milk. You don't realize how this dyspepsia business is robbing you of your spirit, of your energy and ability to think quickly. I can't help notice it. You haven't the cheer and sociability you had three months ago. Now I'll tell you what to do," and thereat the cheerful Mr. White took a vial from his pocket and extracted a wee tablet. "There, there is a tablet that contains an ingredient, one grain of which digests 3000 grains of food. For even the worst dyspeptic it's the only thing that really gives relief. The reason is it relieves the stomach of nearly all the work it has to do, digests everything in the stomach and stimulates the gastric juice. I can't get along without them. They are Stuart's Dyspepsia Tablets. You can get them anywhere on earth for 50c a package."

Yes, it is true. Stuart's Dyspepsia Tablets absolutely stop heartburn, nausea, indigestion, dyspepsia of the worst type, sour stomach, bloaty feeling and all eruptions and irritation, and freshen and invigorate the stomach. They cheer you up, and make you get all the good there is in your food. You will forget you ever had a stomach to worry you.

Send us your name and address today and we will at once send you by mail a sample package free. Address F. A. Stuart Co., 150 Stuart Bldg., Marshall, Mich.

Approved. Also the purchase of a part of the southern Pacific between Needles and Mojave, Cal. Leases of the Kings River Railway and the Laton Western Railway were ratified.

It developed at the annual directors' meeting today that the Atchison, Topeka & Santa Fe Railway now operates nearly 11,000 miles of road. Four directors of the road were re-elected for four years today. They are Charles E. Gled, of Topeka; H. R. Duval, Thomas P. Fowler and Walter D. Hines, of New York City. Walter D. Hines is now chairman of the board of directors.

The meeting today brought the largest representation of any meeting in the history of the Santa Fe.

### WOMAN AND BABE DEAD

#### TRAGEDY FOLLOWS CLOSE ON CANDY FEED AT LA GRANDE.

#### Other Members of Family Eat Sweet, but Suffer No Ill Effects.

#### Coroner Will Investigate.

LA GRANDE, Or., Oct. 26.—(Special.)—Strange coincidence, or perhaps a fatal consequence of eating poisoned candy is seen here tonight in the death of Mrs. Mary Mills, age 61, and her granddaughter, Mary Donaldson, age 21 months, who was a daughter of Mr.

and Mrs. William Donaldson. The two were ill but a few hours.

Earlier in the day the family had enjoyed a candy feast, but the two who became ill ate less than the others, who felt no ill effects. The sufferings were not indicative of poisoning, but the sudden deaths are blamed to the candy. An autopsy will be held tomorrow.

The two victims seemed to have suffered from different causes. The baby could not breathe, while stomach pains were evinced by Mrs. Mills. The bodies will be held until Coroner Baker returns from Portland. Physicians were not called until it was too late to make a diagnosis of the cases.

Mrs. Mills has had similar attacks before and an old disease aggravated



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by heart weakness, and not poison, may be responsible for death.

Fishing Boat Waterlogged.

VICTORIA, B. C., Oct. 26.—The Do-

minion wireless station received the following message today: "9:15 A. M.—Empress of Japan, eastbound, reports passing a waterlogged fishing vessel, latitude 49°11' north, longitude 127°31' west. No one on board. Empress made

attempt to pick her up, but was unable to do so without great loss of time."

Steinway, Weber Pianos, sold by Kohler & Chase, 375 Washington street.



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## Daily Train Service to Redmond and Bend, Or.

Will Be Opened Wednesday, November 1 via Oregon Trunk Railway

“The Inland Empire Express,” leaving the North Bank Station, Portland, at 9:55 A. M., will arrive Madras 6:08 P. M., Metolius 6:20 P. M., Culver 6:52 P. M., Opal City 7:07 P. M., Redmond 7:45 P. M. and Bend 8:35 P. M. Returning leaves Bend 6:30 A. M., Redmond 7:21 A. M., arriving Portland 6:00 P. M.

Stage Connections for Interior Points.

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