PORTLAND, OREGON,

SUNDAY MORNING,

The Seriously Injured.

Of the 51 persons injured in the wreck,

is are seriously hurt, nearly all having

J. R. Whitehead, Monelora, O., sub half-back on Purdue team; fracture, cut and

everal ribs broken.

E. S. Mills, Rensselaer, sub quarterback on Purdue team, both legs broken, cut and bruised

shoulder broken; very serious. L. E. Rush, Darry Station, Pa., member

of scrub team; both legs broken; serious. Carl Wilmore, Winchester, Ind., broken

From the 12 coaches were coming the

joyous cries of a thousand rooters for

Purdue, clad in gala dress with colors

streaming, while in the front coach sat

20 great muscular fellows, trained to the

our, on whom the hopes of a brilliant

victory on the gridiron were confidently

placed. Rounding a curve at the Eigh-

teenth-street cut, Engineer W. H. Schu-

maker found directly in front of him the

freight engine and coal cars moving

slowly from a switch leading to a gravel

pit. He reversed his engine and jumped.

and three front coaches against the steel

freight cars loaded with coal, that plowed

their way through and buried under a

pile of wreckage weighing many tons

The first car, in which were the play-

ers, was completely demolished, the roof

being torn away and falling across a

car of coal, while the body of the car

was reduced to kindling wood against

second coach, containing a brass band,

was partly telescoped, and the third coach

was overturned and hurled down a 15-foot

embankment. The other coaches did not

Women Are Proven Heroes.

Immediately after the shock, the pas-

the heads of the dying and injured and

was rushed to the wreck, which was

muscular students wept aloud as they

friends and saw them writhing in pain.

To add to the horror of the situation, the

wreckage caught fire, but the flames were

Of the surviving members of the foot-

ball team, who lived in all parts of the

country, C. W. Zimmerman has the

extinguished.

gloomy witnesses of their heroism.

the side of the steel freight cars. The

fully 60 human beings.

The crash hurled the passenger engine

broken bones. They are as follows:

NOVEMBER 1, 1903.

PRICE FIVE CENTS.

TYLL NO.

Supreme Court Hands

IT IS UP TO THE COVERNOR

Down Opinion.

Special Session of the Legislature May Be Called.

linings Lewmakers Act the Interest Charged Up on State and County Warrants Will Rus Up Into a Bly Sum.

The Lagranian of 1901 passed to met whichering the time of grabbing count has been from Harmary to July and I was provided that the man set chart as the effect of June. mane in every county in the state in contemplation of a levy in January. The Supreme Court holds that when the state board of apportionment and the county courts hold their meetings in January they will be without any authority to make a tax levy at that time, for the new law has chtirely swept away the old. A spe-

of authorizing a levy in January, for otherwise state, county, city and school district warrants must be ened for want of funds and the est they will draw will amount any times the cost of a special

cial session of the Legislature will

probably he called for the purpose

I, Or., Oct. 31.-(Special.)-The Court today rendered a decision It is held that under existing annual tax lecy can be made ry. 1904. It seems inevitable that y this defect a special session of slature must be held before the

it authorizing such a levy r a FF and sension shall be held, treey with the Governor, who is alifornia on his way home from Mississippi. The Governor has he will call a special session if : finances require it.

censurer Moore says that without January the state must pay inon warrants to the amount of for an average of six months, he state's interest account gione mount to \$30,000. Nearly every city and large school district similarly affected and the exfor interest, if this defect be died, would amount to at least A regular session of the Legisasting 40 days, costs \$50,000. A easion of ten days, if economiducted, could be held at a cost

ed Before Judge Cleland.

se in which this question was before the Supreme Court was Maria L. Flanders, respondent, smah County and the county ofpellants. The suit was tried by hn B. Cleland, upon demurrer, s held that no levy can be held v under existing laws. This deas affirmed in an opinion written by Justice Wolverton.

The act which has been found defective was House Bill 107, passed for the purpose of providing a more efficient method for the assessment and collection of taxes, and to amend sections 2067, 2060, 5082, 2084, 2085. 2690, 2098, 2196, 3107, 2112, 2116 and 3120, of Bellinger and Cotton'e Anotated Codes and Statutes. After setting out these sections in some detail, the opinion of the Supreme Court says:

What Changes Were Made.

"It will readily be observed that the purpose of the amendatory act is to change the dates upon which the several official acts designed shall be performed, the mode of assessment and levy and the oner of collection remaining the same. All the dates in the process are completely shifted; that is to say, instead of beginning the assessment on the first Monday in March and making it as of that date, returning the roll on or before the first Monday in September, giving notice of the meeting of the Board of Equalization on the last Monday in August to examine and correct the roll, making the estimates and levying the tax at the January term of the County Court and apportioning the revenue by the State Board to the several counties in January; the amendments contemplate that the assessment shall begin on the first Monday in January and be made as of that date: that the return shall be made on or before the first Monday in July, notice given of the meeting of the Board of Equalization to be held on that day; that the estimate be made and the tax levied at the September term of the County Court, and that the apportionment of revenues to the several counties shall be made in July, and instead of the taxes becoming payable on the first Monday in April and October, and requiring the Sheriff to proceed to collect after the first Monday in May, to extend the delinquent list on the roll after the first Monday in October, and give notice of the sale of real property for delinquent taxes to be made not later than March prst; the amendments contemplate that the taxes shall become payable on or before December 31, and the first Monday in April following; that the Sheriff shall proceed with collection after the first Monday in February, extend the delin-

quent list after the first Monday in April and give notice for the delinquent sale to e held not later than October 1.

Old Law Abrogated.

"The time situation is perfectly manitest. The old statute relative to the matters alluded to is to be replaced by the idments, thus abrogating completely the law as it now stands. It is not the case of a repeal, either directly or by implication, except as the amendments superseds and displace the old statute. The new is substituted for the old, leaving no ventice of the old for operation

"Such is the holding of the Supreme Court of Indiana, under a constitutional clause providing the mode for revision and amendment precisely as ours, and from which ours was probably adopted. (Blackmore vs. Dolan, 50 Ind. 194, 204.) . . .

No Power to Levy in January.

"All the sections of the old law relative to the assessment and collection of taxes set out in the amendatory act, as amend ed to be in effect from and after January 1, 1904, will be wholly obliterated and superseded by the new sections as contained in the amendatory act, which latter THE OID LAW IS INOPERATIVE will become solely operative and effective om and after that date. The logical

squence is that the County Court or Board of County Commissioners will ft without power or authority to este the amount of money to be raised county purposes, or to apportion the same with the state and school taxes acng to the valuation of the taxable erty in the county, or to levy a tax son for the purpose of raising revenue

s term in January. with the Governor, Secretary of a and State Treasurer. They cannot in apportioning the revenues for the among the counties until July.

Present Proceedings Valid. Thatever act shall be, or shall have regularly done under the old law so the time of the taking effect of the amendatory act, must stand as perfectly valid and effectual; but no act can be performed thereafter under the sections of the old law falling within the purview of the amendments, simply because it will not then exist or be at all operative, having been wholly obliterated and displaced by such amendments.

Courts Cannot Legislate.

"Buch is the necessary and inevitable effect of the legislation, adopted no doubt in its present form through casual oversight, and, although it may operate unfortunately in leaving the state and its subordinate political subdivisions without adequate revenues for the current year, the courts are powerless to remedy the evil. They cannot legislate, but must construe the law and determine its effect an they find it, and beyond that they cannot assume to act. This is decisive of the ontroversy."

It will be noticed that the Supreme Court holds that present proceedings may continue under the old law, until January L, so that if a special session be called to

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hopes on Legislature. Page 3. National. ships of the irrigation committees; Wyoming

is hot after them. Page L. bristow report on postal fraud makes charges against Smith and Heath. Page 3.

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rassed. Page 12. New time card to be made at Salt Lake meet ing of Harriman officials. Page 10. Walter F. Burrell shoots a burglar.

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N. R. HOWARD, La Fayette, Ind., president of the Indiana Laundrymen's Association. PATRICK M'CLAIR, Chicago, trainer. SAMUEL TRUITT, Noblesville, Ind., sub. G. L. SHAW, La Fayette, Ind. BERT BRICE, Spencer, Ind., sub. J. C. COATES, Berwin, Pa.

Train Carrying Football Hosts is Wrecked.

FIFTEEN PERSONS KILLED

Injured Over Fifty, and Number Seriously Hurt.

COLLISION WITH COAL CARS

Joyous Cries of Rooters Are Turned Into Walls of Grief---Young Women Prove Themselves to Be Real Heroes.

NEARLY 1000 PASSENGERS.

On the wrecked passenger there were 654 passengers. It came upon the coal train while rounding a curve near Indianapolis. The steel coal cars plowed their way through three hes and buried the passengers under a mass of wreckage, from which it took considerable time to extricate them,

Both engineers declare they had the right of way. The company has been too busy caring for the dead and injured to make an investiga-

A general alarm was sounded in Indianapolis, and every assistance that could be afforded was rushed

INDIANAPOLIS, Oct. 31.-Fifteen perons were killed and 51 injured, some fatally, at 10:20 today in a collision between a special passenger train on the leave the track. President Stone, of the Big Four Railroad, and a freight engine University, with his family, was in the with a cut of coal cars. The accident fifth coach, and was not injured. happened in the edge of this city. The passenger train of 12 coaches was carryng 254 persons, nearly all of whom were ndents of Purdue University and their sengers, men and women, began the frande from Lafagatio to Indiamarche for the work of towning artist of analyzing classical football gime between the and pulling our the and dying class. Purdue team and the Indiana University mates and friends. "The young women, squad for the state championship, which dressed in bright colors for the holiday, was to have been fought this afternoon. performed heroic work. Though the

In the first coach back of the engine bodies were in several instances horribly were the Purdue football team subplayers | mangled, one completely and one partialand managers. Three players, the assist- ly beheaded, they took upon their laps ant coach, trainer and seven subplayers of the university were killed, and every soothed their sufferings as best they one of the 53 other persons in the car could until the surgeon arrived. Their were either fatally or seriously injured. bloodstained and grimy garments were

CHARLES GRUBE, Butler, Ind., sub-CHARLES FURR, Vedeersburg, Ind., E. C. RODERTSON, Indianapolis, assistant and captain of the team two years

WALTER L. ROUSH, Pittsburg, sub. R. J. POWELL, Corpus Christi, Tex., end

W. D. HAMILTON, Lafayette, Ind., center GABRIEL S. DOLLINER, La Farette, SAMUEL SQUIBB, Lawrenceburg, Ind.,

JAY HAMILTON, Huntington, Ind., sub

No Chance to Head Irrigation Committees.

bruises, serious.

Sam Miller, Ninvah, Ind., end on Purdue team; both legs crushed; serious.

G. W. Nichols, Philadelphia, half-back second Purdue team; left shoulder broken and WYOMING HOT AFTER THEM

W. W. Taggert, Owen, Ind., tackle on scrub team; arm broken and injured about Dan O'Brien, Syracure, N. Y., guard on Mondell Likely to Win in the scrub team, Purdue; left leg broken. Hendricks Johnston, Evansville, Ind., quar House. terback on Purdue team; both legs crushed

SOME DOUBT AS TO WARREN J. H. Mowry, Chambersburg, Pa., half back on team; left leg crushed. Louis Smith, East La Fayette, Ind., center on team; injured about head and spine;

A. L. Holter, Oberlin, O., halfback on team; legs crushed, skull fractured; serious Harry Adams, Frankfort, Ind., sub half-back on team; left ankle fractured and ribs Senator is Senior Member, but Would Have to Surrender Better Place--Simon and Tongue Held the Chairmanships. Cries of Joy Give Way to Weeping.

IRRIGATION COMMITTEES.

SENATE-

*Chairman Warren, of Wyoming. Stewart, of Nevada. Quarles, of Wisconsin Bard, of California. Kearns, of Utah. Dietrich, of Nebraska

> Bailey, of Texas Patterson, of Colorado Gibson, of Montana. *Vacant.

HOUSE-Jenkins, of Wisconsin.

Reeder, of Kansas. Mondro, of Wyoming.

Tirreil, of Massachusetts

Underwood, of Alabama.

*Vacant.

OREGONIAN NEWS BUREAU, Wash ington, Oct. 31.-Wyoming is after the chairmanship of the irrigation committees the Longress. Its proportative Mordell has long been a candidate to succeed the late Congressman Tongue on the House committee, and is favorably regarded by Representative Cannon, who will be the next Speaker. His appointment to the House chairmanship will more than likely be made. In the Senate, however, there is more doubt. The retirement of Senator Simon, who was chairman of this committee in the past two Congresses, leaves Senator Warren, of Tyoming, the rank-A general alarm was sounded, and man of the committee on claims, generalevery assistance that could be afforded ly considered mere important than irrigation, and carrying with it a far superior three miles from the business center. Big committee-room. He is willing to exchange the claims committee for irrigastood over the bodies of ther dead tion, provided he can have a good com-

mittee-room in the Capitol building. The fact that Warren is now senior member of the irrigation committee will, no doubt, give him the chairmanship when the apportionment is made by the special Senate committee early in December, provided he asks for the place, but in taking it he must surrender a more important

place. If Warren steps aside, Bard of California is the next eligible man, for Stewart and Quarles have better chairmanships than irrigation, and would not be willing to lose them to succeed Simor If an Oregon man goes on the irrigation committee of either the Senate or the House, he must start at the foot of the list. There is no possibility that Oregon can have either of these chairmanship in the coming Congress, though 'It had both in the Fifty-sixth and Fifty-seventh

TO TAKE UP THOMSON CASE. Hitchcock Will Next Week Consider

the La Grande Rceivership.

OREGONIAN NEWS BUREAU, Washington, Oct. 31 .- Secretary Hitchcock will, early next week, confer with officials of the General Land Office, and decide wheth er the public interests demand the ap pointment of a new receiver of the land office at La Grande, in order that business at that office may be resumed. The Sec retary has received letters from the Oregon Senators transmitting requests from Thomson's attorneys and friends asking that no final action be taken before the trial, but the question has arisen in the department as to whether Thomson's usefulness has been destroyed by the indict ment, even though he may be declared innocent.

There is a great press of land business at La Grande that must walt as long as Thomson stands suspended, and the Sec retary, of his own knowledge, is not ready to say whether this business should be allowed to accumulate during the greater part of November before a verdict can be

Supplementing previous requests for delay of action on Thomson's case, the Senators today received messages signed by W. J. Furnish, W. C. Taylor, C. B. Web ber, H. F. Johnson, F. W. Vincent, F. S. Curl, Frank Frazier, R. Alexander, E. W. McComack, F. W. Crow, L. C. Taylor, C. B. Wade and E. J. Somerville. All express the belief that Thomson will establish his innocence, and ask that he be not removed in the meantime. These telegrams will be laid before the Secretary.

AN EXPLANATORY STATEMENT How the Indictment of Moody Came

to Be Known Beforehand. OREGONIAN NEWS BUREAU, Washington, Oct. 31 .- Before Senators Mitchell and Fulton left Oregon, they were told in Portland of the probable indictment of Moody on the charge of having had improper access to mail in The Dalles Post-Their information was to the effect that at the time the Treasury Department declared the final dividend on The Dalles National Bank, notification to this effect was sent by the department to a woman who had been one of the bank's depositors. As the Senators explain, Moody is charged with having in some way interfered with the proper delivery of the letter, and used his knowlof its existence in an attempt urtail or postpone the final payment due the woman. The woman, so they say, when she learned what amount was due her, consulted attorneys, and, confronting Moody with the department's letter, demanded and received full amount due her. The Senators make their explanations very indefinite, giving the impression that they are not advised as to details, and insist that they do not understand the indictment. They as carefully concess the identity of the man who Moody's indictment, as well as the source of the information in Portland. Probably this was Mays.

CAN DO NOTHING FOR WOOD. Fulton Presents Reply of Portland

Pension Attorney to Office. OREGONIAN NEWS BUREAU, Wash ngton. Oct. 31 .- After a conference with Pension Commissioner Ware, Senator Fulton is of the opinion that T. A. Wood, the indicted pension agent of Portland, will have a difficult time escaping from thee lutches of the law. At Wood's request the Senator took to the Pension Office Wood's reply to the charges that were brought against him, and explained to the Commissioner that while Woods had no doubt violated the letter of the law, he had not, in his opinion, done so with wrong intent.

The Commissioner, however, furnished the Senator with considerable evidence that did not come out in the original filing of the charges against Wood, and told him his offense was regarded in a very serious light by the department. After hearing the facts, the Senator concluded there was nothing he could do.

Early Morning Blaze in Tenement House Causes a Panic.

NEW YORK, Nov. L-Fire early this norning in the tenement at 425 Eleventh tyenue, known as the "House of All Na-ions," caused the death of 20 persons. At 2 o'clock, 12 bodies had been recovered and the greater number of those are of Irish nationality. Most of them died from suffocation. Among the number were several women and children. The fire is supposed to be of incendiary origin, and although it burned but a short time, the smoke was so dense that whole families were overcome. On the fifth floor eight bodies were recovered, the stairway leading to this floor having been burned In the dense darkness, a terrible panic prevailed among the tenants of the house, many of whom evidently had fallen over the furniture in their apartments and met their death by suffocation Police Commissioner Greene was on the cene and the police reserves were called out, togethr with ambulances from many hospitals. The police and firemen rescued many of those women and children who had been overcome in the desperate rush to the street.

JOHN MITCHELL IS QUITE ILL. President of Mineworkers Is Threat-

ened With Appendicitis. SCRANTON, Pa., Oct. 31 .- John Mitch ell, president of the United Mineworkers, is reported to be quite ill at his hotel in this city, and has broken several local engagements. It is probable he will be com-pelled to postpone his visit to New York and remain here several days on account of his weakened condition. It is said that indications of appendicitis are pronounced. It is not known whether an operation will

Mediators at Butte Find No Solution.

DEPART FOR THEIR HOMES

Hope of Miners Is Now in a Legislative Session.

GOVERNOR TOOLE IS SILENT

Members of the Committee Will Not Inform the Public in Regard to the Plans Discussed for Opening Properties.

THE MEDIATORS.

J. J. Hill, president of the Great W. A. Clark, United States Senator for Montana. J. K. Toole, Governor of Montana.

Parts Gibson, United States Senator for Montana.

BUTTE, Oct. 31 .- The committee of mediation, acting at the request of the Chamber of Commerce of Great Falls and with the consent of the representatives of the United Copper Company and the Amalgamated Copper Company, after a ession lasting two days came to a cor clusion this afternoon that it could not find any solution of the Butte shutdown the public and adjourned sine die. The statement issued and signed by the members of the committee is given herewith: "Butte, Mont., Oct. 31, 1993.-Herhert Strain, President Great Falls Business Men's Association: Sir-We, the undersigned members of the mediation committee entered upon the discharge of our duties realizing the magnitude and difficulty of our task. Nevertheless, we have inbored assistuously to accomplish the arpose of our appointment.

We have failed to obtain a stipulation from the parties litigant which will insurresumption of work by the Amalgamated Copper Company and have been unable to devise any plan looking to that end which did not involve the mutual onsent of the parties interested.

"We regret this exceedingly and hope ne common ground may yet be found by the parties themselves upon which they can stand.

"J. J. HILL. "W. A. CLARK. "I K. TOOLE. "PARIS GIBSON.

Refuse to Tell of Meeting.

Great disappointment prevails at the failure of the committee to come to some agreement with the parties in interest. The nature of the propositions as suggested by the committee are unknown to the public, as the members of the committee were pledged to secrecy during the conce. When asked what progress the committee had made this afternoon, Governor J. K. Toole said to the Associated

"You know we are all like clams on this business and cannot give out anything for publication, but I think the committee will make a statement this evening."

The committee met this morning in the offices of Senator W. A. Clark. The members were in consultation all forenoon, and at noon took a recess until 2:30. The neeting then lasted until 4:30 when it was decided that further deliberation was useless. About 5:30 o'clock, J. J. Hill, president of the Great Northern Railway, in company with Governor Toole and Senator Gibson journeyed on foot to the Great Northern depot and left for Helena on Mr. Hill's special.

Some speculation was indulged in as to whether or not Governor Toole would call TWENTY LIVES LOST IN FIRE an extra session of the Legislature as requested by the labor organizations, but the Governor would not volunteer any information as to what he intended to do in the premises.

Aside from the proceedings of the mediation committee the most important development in the situation was the meeting of the committee appointed by tha Trades and Labor Assembly mass meeting and Governor Toole, which was held this afternoon at the Thornton Hotel.

Governor Toole was handed the resolutions passed at the mass meeting and which were in the nature of an appeal to have the Governor call an extra session of the Legis'nture for the purpose of enacting some legislation that would re-

lieve the Butte situation. Washoe Smelters Are Cold.

All the fires in the great Washoe smelters at Anaconda were drawn this evening and the works are now in charge of nearly 100 watchmen, divided into three shifts each. Nearly all of the employer of the power-house at the works are retained and these with the exception of the watchmen are the only persons employed there, where a week ago over 200 men found employment. The furnaces were kept going for several days after the mill closed down as it was necessary to make extensive clean-ups around the converter.

Nearly 100 people left Anaconda on the vening trains for points East and West Acting under orders from Mayor Patrick Mulline, the Chief of Police today served notice on the proprietors of al gambling-houses, poker games and slot machines that they must cease doing business commencing at midnight. The order of the Mayor even went further and extended to all of the houses of prostitution within the city limits.

NEW CRUISER TACOMA, PHOTOGRAPHED ON HER TRIAL TRIP.

trial in the bny Thursday, and she proved herself a wonder. She exceeded 17. knots, when the contract requirements

1900, and on June 2 she was launched. Her length over all is 202 feet, breadth 44 feet 1% inches, mean draught 15 feet, displacement 3200 tons, indicated horsepower 4700, and contract speed 16% knots. Her coni bunkers have a capacity for

700 tons. The engines are four-crank triple-expansion type, with cylinders of 18, 29, 35 % and 35 % inches in diameter,

respectively, with 30-inch stroke, making 175 revolutions with 225 pounds pressure.

The armament of the Tacoran includes 10 five-inch rapid-fire rifles, eight six-pounders, 1wo one-pounders, and four

armor is expected to do away with the frequent docking so necessary with iron ships. Instead of docking once in nine

months, as customary, especially when navigating tropical waters, it is believed that copper-sheathed cruisers like the

cases of the little Wheeling and Marietta this sheathing proved a success. How it will serve in the case of the Tacoma

ins to be seen. Some naval constructors contend that the combination of the steel and copper, with the action of the

The Tacoma's hull is of steel, sheathed to the water line with teak, which in turn is sheathed with copper.

The Tacoma is the first of the larger type of vessels built in Pacific waters to be copper sheathed. This protecting

Colt's automatic guns. She will carry 30 officers and 281 men.

Tacoma will require cleaning not oftener than once in four years.

malt water, will cause decomposition of the hull through electrolysis.

The sheathed protected cruiser Tacoma, built for the United States navy at the Union Iron Works, was given her first

The Tacoma is one of the smaller cruisers authorized by Congress March 3, 1899. Her keel was faid in September,