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WORK ON THE COURT HOUSE IS SUSPENDED

Legality of Method of Paying for Improvement Questioned and Contractor Lays Off His Force.

For Past Two Months General Fund Warrants Had Been Irregularly Issued.

BANKS WILL NOT CASH THEM

Anti-Progressive Element Blamed for Condition—Legislature Can Afford Necessary Relief at Its Next Session.

The people of Clatsop county have been paying for their fine new court house out of the wrong pocket. Instead of slipping their fingers into a vest pocket and extracting therefrom the funds necessary to the construction work, they have gone down into the big hip pocket—which the law—an ancient law—proscribes against. So, until such time as the people aforesaid can angle in the vest pocket referred to and find therein considerable quantities of national currency, the fine, new court house will remain in an embryonic state.

When the county court determined to build the new structure the presumption was entertained that the people of this community really wanted a new court house. Some of them kicked at first—out of a habit that generations and generations and generations had cultivated and carefully reared. But finally, when the progressive element—the element that wants to see Astoria grow—in its might, the kickers repaired to the lofty forests, where they sojourned until quite recently. Everybody was glad to see the court houses rise from the pretty location which had been defaced for 50 years by a tumbled-down structure that was a disgrace not alone to Clatsop county and the state of Oregon, but as well to the United States of America. People congratulated themselves, and the spirit of gladness was so prevalent that the wobbly city actually undertook to provide a decent headquarters for itself. As the new court house assumed proportions, the old decreased in size, until now it includes only promiscuous piles of lumber that have been permitted to retain the shape of boxes, wherein the affairs of the county are conducted.

Used the General Fund.

The county court levied a court house tax of 2 mills. For two years collections were made on this levy, about \$15,000 being secured. With this sum in its vest pocket, the county proceeded with the construction work, under the assurance, it is reliably stated, that county paper for this particular improvement would find ready sale at par. About two months ago the special fund was exhausted. In view of the fact that special funds are derived by general levy, just as general fund money is secured, the county court, relying upon the self-respect of the people and firmly convinced that they were even more than anxious for the improvement, continued the work, issuing in payment warrants drawn on the general fund. There is an obsolete law in the Oregon statutes which limits the indebtedness of counties to \$500. The law also provides affect the situation. The law provides that such improvements as that under way up to noon yesterday must not be paid for by warrants drawn on the

Some watchdog of the treasury—some obstructionist with a decided aversion to any display of public enterprise—took occasion to acquaint himself with the situation. He raised the question of the illegality of the warrants drawn on the general fund in payment of the court house construction—perhaps thence to have the courts declare the warrants irregular—and, as a monstrous technicality added impetus to the backward leverage which his obstructionist soul constituted, he was enabled to apply his cant-hook of retrogression with marvelous success. The banks refused to negotiate the county scrip and the contractors were notified that they could no longer expect money for paper.

Work is Stopped.

Yesterday an adjourned session of the county court was held. Mr. Dougan, one of the contractors, appeared to explain to the court what had been explained to him, adding that work on the new structure had been suspended at the noon hour.

However, Mr. Dougan said he knew the people would never repudiate the court house debt, and he was willing to proceed with the work if arrangements could be made to dispose of enough warrants to pay freight charges on material and defray the labor item. He said he thought \$7000 or \$8000 in ready cash would be sufficient for the purposes mentioned.

One of the Remedies.

The deplorable condition can be righted at the next session of the legislature, when a bill bonding the county for, say, \$200,000, for carrying out the court house improvement, could easily be enacted. The legislature, knowing the true sentiment of the people of Clatsop county, would utterly ignore any protest as might be made by the obstructionist element. To make the thing unanimous, the legislature might, at the request of the progressive element, pass another act bonding the county for another \$100,000 for good roads. Then the obstructionists would have something to think about.

But there is still another way out of the matter—two ways, in fact. The county court may permit the obstructionists to carry the case into the courts, where a real bright attorney—say some young fellow with auburn locks—might fight the case for several years to come, by which time the court house would be completed and the warrants taken up. The people may buy warrants enough to permit prosecution of the work and merrily laugh at the warnings or the legal proceedings of the mossback element. This last-named plan is perhaps the most feasible.

What Mr. Allen Says.

District Attorney Harrison Allen was seen by a newspaper representative yesterday and asked as to the legal status of the matter. Mr. Allen said:

"The difficulty with reference to the court house construction is news to me, as I had no intimation of it until my return from trying a case in the United States court last week, and my knowledge at present is limited to what I have read and heard. I have never been requested by the county court to give my opinion as to the legality of the warrants in question, and have never advised the court that warrants for the construction of the court house could legally be drawn upon the general fund.

"I learned by inquiring at the county clerk's office that the county court first ordered warrants drawn on the general fund about two months ago. The legal advice for this step certainly did not emanate from my office. The only opinion which I ever delivered to the county court affecting a question of this kind was delivered to the late Judge Gray, and was in writing. It was with reference to the right of the

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MILITARY COUP ON ISTHMUS MAY LEAD TO MUCH TROUBLE

Panama, Nov. 17.—The rumored coup d'état by the military elements, it seems, is more serious than was at first thought. Minister Barrett, after a consultation with the Panama government and General Davis, commander of the canal zone, decided to ask Admiral Goodrich to leave one of the warships of the United States here to prevent possible disturbance.

This morning 200 marines from Empire camp arrived here. General Huertas, minister of war, announced his intention of resigning, which will clear the political atmosphere. Although a disturbance is not feared in the present circumstances, Panama is greatly excited.

The developments in the situation are being awaited with great interest in this city and elsewhere on the isthmus.

STOESSEL DECLARES THAT PORT ARTHUR WILL RESIST ATTACKS OF JAPANESE

Not One of the Main Forts Has been Taken and the Garrison Has Been Recently Supplied.

Nogi's Nine-Day Siege Has Not Been Successful and Confidence is Expressed That Garrison Will Hold Out Until Arrival of Fleet—Stoessel is Wounded, but Will Not Be Compelled to Relinquish His Command.

The Japanese army south of Mukden is reported to be concentrating on the left and center, presumably with the intention of attacking, and a renewal of the fighting is expected today.

The statements given out at St. Petersburg regarding the situation at Port Arthur are more hopeful and represent that the garrison is expected to hold out until the arrival of Rojestvensky's squadron. The report that Stoessel is wounded is confirmed, but it is said that the injury is not sufficient to prevent him from directing the defense of the fortress.

STOESSEL WILL HOLD OUT.

Russian Commander is Wounded, but Remarkably Optimistic.

St. Petersburg, Nov. 17.—Rejoicing over the undaunted spirit displayed by the Stoessel in his telegram of congratulation to Emperor Nicholas on the anniversary of his accession to the throne and officially announcing the failure of General Nogi's nine-day attempt to present Port Arthur to the mikado as a birthday gift, is tempered by private information that the gallant commander of the garrison has been wounded. Stoessel was struck on the head by a splinter from a shell while personally directing the repulse of a desperate assault, but fortunately the wound is not serious and Stoessel will not be obliged to relinquish the command.

The other information sent by Stoessel, which is not divulged for strategic reasons, is said by the war office to be by no means unfavorable.

While the garrison is now hemmed in in the citadel itself not one of the main forts has been taken. The garrison has been provisioned, fresh ammunition has arrived and Stoessel expressed confidence that the defense will be successfully maintained until the arrival of Rojestvensky's squadron.

The report that the cruiser Gromobol was damaged at Vladivostok is confirmed. The vessel grounded as she was returning to the harbor from a trial trip, but the admiralty states that the damage is slight.

FORT WAS NOT BLOWN UP.

Reported Loss of Port Arthur's Defense is Contradicted.

Chefoo, Nov. 17.—A Russian, who has just arrived from Port Arthur, reports that the fortress is holding out well, despite three months of almost continuous bombardment. The report that the Japanese blew up fort No. 2, the Associated Press' informant says, is incorrect.

The crew of the Ratsorophny has been taken aboard the Chinese cruiser Hai Yung and the small arms taken from them. They will be kept on board the Hai Yung in order that the Chinese authorities may completely govern them.

FIGHTING PROBABLE TODAY.

Expected at Mukden That Battle There Will Be Resumed.

Mukden, Nov. 17.—Everything was continued quiet up to the present moment, but it is confidently believed the fighting will be resumed on Friday.

The report of Kuroki's death persists, but the Chinese deny it.

HITCH NOT SERIOUS ONE.

Russia and England Can Not Agree on Convention Details.

Paris, Nov. 17.—Official advices from St. Petersburg show that the hitch which occurred in the Anglo-Russian convention for arbitration of the North sea incident is not regarded as serious. The main issues are not affected, the

Russians desiring modification of certain points of detail. Unofficial information confirms the statements that the modification desired relates to the question of punishment of the officers.

JAPS ARE PERSISTENT.

Relentlessly Continue Their Attacks on Beleaguered Fortress.

Chefoo, Nov. 17.—Fighting at Port Arthur has taken place nightly since the Japanese began their general assault on October 26, according to Capt. Ronberg, a pilot, who was a passenger on the Russian torpedo-boat destroyer Rastorophny.

The Japanese trenches, the captain says, are closer to the forts on Rihlung and Kekwan Mountains, and to other forts of the northeastern group.

The sharpshooters of both sides occupying the pits converse with each other and frequently make individual truces in order to borrow cigarettes or to relieve their cramped limbs.

The Japanese are displaying great energy in the construction of trenches and the mounting of guns.

All the railroad steamers belonging to the Russians except the steel screw steamer Amur, have been sunk by Japanese shells.

The hospital ship Angara, formerly a transport, has been sunk in shallow water. The patients are still on board the ship, and are comfortable.

The Japanese shells directed against the harbor are fired with remarkable accuracy.

Recently a silk-clad Chinaman who was seen traveling in a sampan, was watched by the Russians, who observed that, following the discharge of each shell he placed a handkerchief to his nose and then into his left pocket, occasionally varying the movements, apparently thus signaling the landing place of the shells. The shells fell behind obstructions, which fact prevented the Japanese obtaining a direct view of their effect. The Chinaman was hanged.

One day last week a hospital ship moved too near the battleships in the harbor, whereupon the Japanese dropped small shells around her with the obvious purpose of warning her away. The ship took the hint, and when she was outside the zone of danger large shells began falling near the battleship.

WOUNDED IN THE HEAD.

General Stoessel Reports That His Injury is Slight.

St. Petersburg, Nov. 17.—General Stoessel, in his dispatches to Emperor Nicholas, reports the repulse of a Japanese attack October 26, on the north front of Port Arthur. The Russian losses were 480 killed or wounded. All the attacks of November 3, the day of the anniversary of the emperor's ascension to the throne was celebrated, were repulsed. General Stoessel was slightly wounded in the head during one of the latest assaults on Port Arthur.

General Kuropatkin reports that in an ambushade November 15, near Sincinpu, 32 Japanese dragoons were killed or wounded. The text of General Stoessel's dispatch of October 28 is as follows:

"We have the honor to report to your majesty that the Japanese bombarded very vigorously October 26, our forts and entrenchments north and northeast. The following day they also attacked one of the forts on the north side, but our heavy artillery and shrapnel fire dispersed their reserves and the assault was repulsed. Our losses were one officer and about 70 men killed and 400 wounded.

"Engineer Captain Shakharov, for-

merly governor of Port Dalny, died October 27, of typhoid fever.

"It is difficult to single out individuals for especial mention among the heroic defenders."

GIVES CREDIT TO THAYER.

Historian Says He Caused Oregon to Be Admitted.

Salem, Nov. 17.—One Franklin P. Rice, of Worcester, Mass., is writing the biography of Hon. Eli Thayer, ex-congressman of that state, and he would like to learn some of his history in connection with that of the state of Oregon. Mr. Rice, in a letter to State Librarian James Putnam, gives the deceased subject of his sketch credit for Oregon having been admitted to the union, and states that notwithstanding his early and valuable service to her in her hour of dire need, not once can he find Thayer's name mentioned in the archives of Oregon. He states that, had it not been for Mr. Thayer it is almost certain that Oregon would not have been admitted to statehood so early as she was.

It is claimed by Mr. Rice that in 1859, when Mr. Thayer was a member of congress, he and Horace Greeley were appointed and served as delegates from Oregon at the Republican national convention. In the Republican caucus Greeley was opposed to the admission of Oregon, while Thayer favored it. The caucus elected to refuse her admission, when Thayer bolted and took 14 men with him. They joined the Democratic ranks in congress and carried the day for Oregon. The credit for Oregon's admission is generally conceded to ex-Congressman Thomas H. Benton.

In view of all of these claims, it seems strange that Thayer's name is not mentioned in Oregon history, and Mr. Rice desires information as to how and under what circumstances it transpired that Mr. Thayer was appointed to represent Oregon's interests and fought for her so valiantly and successfully, when there is nothing to show upon the records that he had ever visited the territory.

MELDRUM FOUND GUILTY.

The Jury Convicts Him on Twenty-One Counts for Fraud.

Portland, Nov. 17.—Henry Meldrum, former United States surveyor, was today found guilty of forgery on 21 counts by a jury in the United States district court. The first conviction in the so-called land fraud cases is now pending before Judge Beilinger.

Meldrum is accused of having forged the names of 18 persons to applications for surveys of land in Harney county, Ore., west and southwest of Harney lake. The contract for surveying the land was awarded to Rufus S. Moore, Meldrum's nephew, for \$3500.

FOUR PERSONS KILLED.

Toronto Street Car Accident Attended With Frightful Results.

Toronto, Nov. 17.—A street car, with a trailer attached, got beyond control of the motorman and crashed through the guard gates at the Queen street crossing of the Grand Trunk railway tonight. A freight train struck the forward car, grinding it to splinters. Every passenger on the street car was injured and four were killed.

One of the dead, a 1-year-old baby, was thrown from its mother's arms and both its legs were cut off.

RECEIPTS WERE ENORMOUS.

Stanford-California Football Game Netted More Than \$2900.

Stanford University, Cal., Nov. 17.—The financial report of the Stanford-California football game has just been rendered and shows an increase over the receipts of any preceding game. The gross receipts were \$30,208, an increase of \$8000 over those of last year. The expenses were \$1000.

ATTORNEY-GENERALSHIP HAS BEEN OFFERED TO MR. BLACK

New York, Nov. 17.—The World tomorrow will say: Ex-Governor F. S. Black will be tendered the offer of the attorney generalship in President Roosevelt's cabinet.

While the president has not formally invited Black to become a member of the cabinet, the tender of the attorney generalship has been made in a way that carries with it the assurance that the president would like to have New York's ex-governor in the cabinet.

It is the view of ex-Governor Black's friends that he will not accept, because it would mean the sacrificing of his law practice, which, it is said, nets him \$100,000 a year, and which, his friends say, he could retain if elected to the senate.

CHOSEN FOR NEXT YEAR'S GATHERING

National Irrigation Congress Selects Portland as the Place for the Annual Convention in 1905.

Boise Was the Only Competitor, but Must Content Itself With a Bid for 1906.

PARDEE WILL BE PRESIDENT

Governor of California Recommended by Committee—E. L. Smith, of Hood River, One of the Vice Presidents.

El Paso, Nov. 17.—The national irrigation congress tonight selected Portland as the place for the next session and received the report of the committee on permanent organization, which recommended a list of officers for the following year.

The third day of the congress was marked by the reading of a number of interesting papers by delegates from various sections of the country at the morning meeting; by a reception in the afternoon by Governor Enrique Creel, of Chihuahua, in the sister city of Juarez; by the witnessing of a bull fight at Jaurez, and by the adoption tonight of many important resolutions.

During the day Senator Newlands and William E. Smythe, of California, withdrew from the race for the presidency in favor of Governor Pardee, of California. Tonight the committee on permanent organization recommended that the following officers be chosen for the ensuing year:

President—Governor George C. Pardee.

First Vice President—L. M. Shurliffe, of Utah.

Second Vice President—Congressman J. H. Stephenson.

Third Vice President—Hon. E. L. Smith, of Hood River, Ore.

Portland was selected as the place for the next meeting after two hours of speechmaking. Boise, Idaho, was the only competitor. Boise and Los Angeles gave notice that they would ask for the convention next year.

Texas, Mexico and New Mexico occupied the attention of the delegates today in the fight over the dam for storing the flood waters of the Rio Grande.

REFERRED TO COMMITTEE.

Chicago Federation Fight Before the National Federation.

San Francisco, Nov. 17.—The Chicago federation fight was threshed out on the floor of the convention at this afternoon's session of the American Federation of Labor, but after a hot debate the matter was finally referred to the committee on local and federated bodies, with instructions that a report be rendered at the earliest possible moment.

Proceedings Are Squashed.

New York, Nov. 17.—All action against Henry T. Scott, of the Hyde Windlass Company, of Bath, Me., and the Union Iron Works of San Francisco, in the famous litigation instituted by John A. Morris and five other minority stockholders against Charles M. Schwab and others, was discontinued today through an order signed by Judge Lacombe in the United States circuit court.