



## STILL IN A CELL

### Mrs. Chadwick Remains In the Toombs.

## FEARED SHE'LL SUICIDE

### Incarcerated Woman Not Even Allowed a Fork at Her Meals.

## ALWAYS UNDER INSPECTION

### Insanity May Be the Plea Urged If New York Attorneys Are Allowed to Continue in Their Defense of Their Client.

New York, Dec. 9.—Every move Mrs. Chadwick has made today has been under the eye of a secret service man. Not a pin, nor a paper-cutter nor an implement of any kind with which suicide might be attempted has been allowed her. It was even denied that she be allowed a knife and fork with which to eat her meals, for, with all her hopes, the bureau is positive in its opinion she will try to end her life at the earliest opportunity.

## Stays in Toombs.

New York, Dec. 9.—After a day of disagreements with her counsel in which Mrs. Chadwick reiterated her intention to waive examination and go to Cleveland for trial on the charge brought through the indictment of a grand jury, she was induced to remain in the Toombs another night by her attorneys, and the developments of tomorrow are matters for conjecture.

Notwithstanding her ultimate consent, Mrs. Chadwick expressed the hope that she might go to Cleveland tomorrow and is but little reconciled to her present incarceration.

The advice of her New York attorneys apparently fell upon deaf ears until, late in the afternoon, she received a message from Judge Albaugh, asking her not to return to Cleveland as yet. It was this that induced her to stay in the prison another night.

In regard to what the plans of the defense are Attorney Carpenter was decidedly non-committal and refused to discuss the situation.

## Talked Freely.

Mrs. Chadwick spent the greater part of the day from 7 o'clock to 4 in the afternoon in the corridor in front of her cell, and she talked easily and freely to those who called to see her. She was led to her cell by the matron about 4 o'clock, and to her she said: "I am glad I am not going to Cleveland tonight. I am tired enough to sleep well, I think, even behind those awful bars."

"It has been an extremely trying day, and I am thankful it is over. I do not care to go through any more such ordeals."

## MRS. YORK'S STORY.

### Says She is Mrs. Chadwick's Sister, Despite Denial.

San Francisco, Dec. 9.—Notwithstanding Mrs. Chadwick's emphatic denial, Mrs. Alice M. York, of this city, persists in her statement that she is Mrs. Chadwick's sister, and her story is sufficiently circumstantial to convince all who have heard it. Her delineation of Mrs. Chadwick's life is identical in so many particulars with the facts that the interviewers of Mrs. York think it impossible she could have so intimate a knowledge had it been acquired at second hand. Her story is given credence, and she will undoubtedly be called to testify in the case, and the spectacle will be presented of a sister engaged in sending another to the penal cells.

## False Alarm Wins.

Milwaukee, Dec. 9.—Charlie Neary, whose specialty is the toning down of depleted Chicago dubs, won a draw

with Walter Smith, tonight on a knockout. Smith got his head in the way and was too tired to remove it, so Neary made a hurricane finish. It was done without the aid of a club.

## MANY OFFICERS KILLED.

### Jap Casualties Are Not Confined to the Ranks.

Tokio, Dec. 9, 10:30 a. m.—Imperial army headquarters has published a list of 26 officers killed and 58 wounded. No mention is made of where these casualties occurred, but it was presumably at Port Arthur.

## Japs Answer Note.

Tokio, Dec. 9, 11 a. m.—Baron Komura, minister of foreign affairs, has delivered the Japanese response to the invitation of the American government to participate in the proposed peace conference, to L. C. Griscom, the American minister, who has transmitted it to his government at Washington. The text of the response has not been made public.

## War Ships Burn.

Headquarters of the Third Japanese Army Before Port Arthur, via, Fusan, Dec. 9.—On the night of November 26 the Japanese established infantry trenches inside the parapets of the two Rihung and the north Kekwan forts, but on the following day they were compelled to retire beyond the moats. Since then, there has been practically no fighting done along the incline of the eastern ridge of forts, the main strength of the Japanese troops having been concentrated to effect the capture of 203-Meter hill.

The battleship Pobieda has keeled over in the harbor and is now burning. The battleship Retvisan and the turret ship Poltava has been sunk. The armored cruiser Bayan has been beached. The other vessels are making no effort to escape.

## Another Strike On.

New York, Dec. 9.—Window shade makers to the number of 500 have declared a strike for the recognition of their union which is affiliated with the Federation of Labor. About 20 firms are affected.

## BOYS KILL A RABBI

### Stoned While at Work by Malignant Hoodlums.

## SNOWBALLS CARRIED STONES

### Six Schoolboys Arrested and Held in Chicago When the Old Man Died From His Wounds in a Few Minutes.

Chicago, Dec. 9.—Six schoolboys, none more than 14 years of age, were held at the police station awaiting the coroner's verdict, on the sudden death of Rabbi Abraham Gillick.

Gillick was killing chickens for David Levy in the rear of the latter's store when a crowd of boys made him the target of a volley of snowballs, some of which, it is said, contained stones, to give weight and accuracy.

One snowball struck Gillick on the back of the head, making a small wound. Trembling with excitement, the rabbi ran four blocks to the police station, where he was advised to secure warrants.

Gillick hurried from the police station to Levy's store. At the door he threw up his hands and fell, dying in a few minutes. The arrest of the boys followed.

## Fairbanks Resignation.

Washington, Dec. 10.—Senator Fairbanks arrived in Washington from Boston this afternoon, and this evening he said he would serve his state in the senate until March 4. He was not yet ready to announce when he would send in his resignation from the senate and said the date was a matter which would interest only his Indiana constituents but whenever his resignation went in it would be to take effect on March 4. It is assumed that he will send in his resignation some time before the expiration of this Congress, however, in order that his successor may be elected at the approaching session of the Indiana legislature.

## ALL CAN DRINK

### States Attorney Declares Chemawa Is Open.

## FAIR MAY HAVE BARS

### Selling of Liquor May Go On Despite Local Option Law.

## DECISION FAVORS COCKTAILS

### Dry Precinct of the Fair Grounds at Exposition May Be Irrigated by Ministrations of White-Aproned Lifesavers.

Salem, Dec. 9.—Attorney General Crawford in an opinion requested by President Downing of the state fair board holds that the vote for prohibition in Chemawa precinct will not affect the right of the board to grant a license to sell liquor during the time of the state fair. This is in line with the opinions of the law as expressed by the Salem Journal.

The opinion in full is as follows: "Yours of recent date stating that prohibition carried in Chemawa precinct, Marion county, at the November election, and that the state fair grounds are located in said precinct, and asking my opinion as to whether by virtue of said election and the terms of the local option law, the power vested in your board by act of the legislature of this state, filed in the office of the secretary of state February 1, 1901, session laws of that year, page 9, to license the sale of liquor, malt, vinous, or distilled, for not to exceed 30 days and only for the 30 days or less period during which the fair is held each year, is repealed or superceded."

"The first thing to determine is the effect to be given to the local option law, and I am of the opinion that it should be given the same consideration and have the same effect as though enacted by the legislature. The fact that it became a law by direct vote of the people in pursuance of initiative petition, does not give the act the standing of a constitution, but the amendment of our constitution allowing direct legislation by means of initiative petition is only another mode of enacting laws, and laws so created must be in harmony with the constitution and are subject to the same rules of construction as acts passed by the legislature."

"The local option law went into effect June 24, 1904, upon proclamation of the governor. It was general throughout the state, and the only question is whether it repealed the special act above referred to. There is no provision the latter act expressly repealing the former, and it is a general rule of statutory construction that a later statute, general in its nature and terms, and not expressly repealing a prior special statute, will ordinarily not affect the special provisions of the earlier statute, unless repeal is expressly named or necessarily implied from the language of the later statute and the subject matter thereof."

"26 Am. and Eng. Encyc. of Law, 2 Ed., page 739; Endlich on the Interpretation of Statutes, section 216; Sutherland on Statutory Construction, section 157."

"The latter announcement that 'it is a principle that a general statute without negative words will not repeal by implication from their repugnancy the provisions of a former one which is special or local, unless there is something in the general law or in the course of legislation upon its subject matter that makes it manifest that the legislature contemplated and intended a repeal.'"

"Dillon on Municipal Corporations, section 54, is to the same effect, also in Re Commissioners of Central Park, 50 N. Y., 493. The supreme court of our state has declared the same rule. "In the case of State vs. Sturgeis, 10 Or. 58, at page 62, the court says: 'A general statute will not repeal a particular statute previously enacted simply because it contains inconsistent

provisions.' In re Ah Hoy, the court, by Bean, Justice, says: 'General legislation on a particular subject must give way to special legislation on the same subject.'"

"In the matter under consideration the facts are that in pursuance of law, the state of Oregon holds annually an agricultural fair. The state owns the grounds upon which the fair is held, and the legislature has provided by law for a commission to superintend the holding of the fair and have charge, care and custody of the property of the state connected therewith, and by the law of 1901, above referred to, for the purpose of deriving revenue for defraying in part the expenses of said fair, authorized the said board of commissioners to issue a license permitting any business to be conducted upon said fair grounds during the holding of the fair, including the sale of liquors as above stated. In June, 1904, a local option law was passed and in November an election was held in said Chemawa precinct, at which it was voted no intoxicating liquors should be sold within its boundaries."

"Section 1 of the local option law provides that: 'A subdivision of a county within the meaning of this act may contain two and as many more entire and contiguous precincts as may desire to join together in a petition for election and in an election as by this act provided, but in no case shall any part of any precinct less than the whole of such precinct be included in any subdivision or district in which such election shall be held. Such subdivision of a county or a precinct of a county, may embrace in its limits incorporated towns and cities and portions thereof, or may consist of the whole or a portion of an incorporated city or town, or may be partially within an incorporated city or town.' Direct reference is made to the incorporated cities or towns, plainly indicating that the act was intended to apply to them, but nowhere in the act is any reference made to the state board of agriculture, nor do I find anything in the act which would indicate that the law was intended to apply to the state fair grounds, during the holding of the fair."

"Section 18 of the act provides for (Continued on Page Four.)"

## VICTORIA SOLD OUT

### Great Northern Withdraws From Northern Town.

## CANADIAN PACIFIC CONTROLS

### Business Men of British Columbia Town Are Victims of a Railroad Deal—Much Excitement Over It.

Victoria, B. C., Dec. 9.—T. W. Paterson, M. P. P., announced to the Victoria board of trade at its meeting last evening that he had the best authority for telling them that the Great Northern Railway Company had decided to withdraw from this city and would abandon all their interests here within a few months. Also that the Canadian Pacific Railway Company is now negotiating with the Alaska Steamship Company of Seattle for the withdrawal of the steamer Thatom from the Victoria-Seattle route, on which it plys in opposition to the steamer Princess Beatrice, operated by the Canadian Pacific Railway Company. This would, as Mr. Paterson pointed out, give the Canadian Pacific Company a complete monopoly of the freight and passenger traffic to and from Victoria. The announcement made a profound impression on the members of the board, many of whom are inclined to take the matter most seriously as shutting out this city from healthy competition hitherto enjoyed, owing to the existence of other routes than that of the Canadian Pacific Railway Company.

Mr. Paterson insists that there is no doubt about the correctness of his statement. Some leading business men who were seen tonight on the question view it with something like alarm. On the other hand the Canadian Pacific Railway Company is spending huge sums here on improvements of various kinds and the city council and citizens have the assurance of the company's business on the Pacific coast, nevertheless there is something very like consternation among the business community of Victoria.

## MIDNIGHT ROW

### Sisters' Sale Don't Go with O. R. & N.

## HOLD-UP TACTICS USED

### Fourteen Men Working to Establish Nine Points of the Law.

## AN INJUNCTION TAKES TIME

### Carpenters Work Overtime to Build Foundation for a House and a Damage Suit in the Early Morning.

This morning at 2 o'clock, Mr. Maringovich, clamorously asked to see Dr. Tuttle, and, in company with Officer Oberg and a representative of the Astorian, went to that gentleman's office. It seems that Maringovich had leased some property from a Masonic Land & Building Association on Commercial street, adjoining the Steamboat Exchange. He had purchased a building from the Sisters and let a contract to L. Lebak to move the house on the lot he had leased.

The O. R. & N. Co. also claim title to the property, and, learning that Maringovich had leased the property and was about to move a house on it, they kept quiet until after midnight, when two loads of lumber were hauled to the place and a force of about a dozen men put at work erecting a building thereon.

At an early hour this morning, the foundation had been put in and the building partly raised, thereby preventing Maringovich from having his house on the property. A contract has been awarded to L. Lebak to move the house on the lot, and it had been partly moved and would have been completed this morning.

Possession is nine points in law, and the O. R. & N. Co. are in possession. Maringovich has a house, but no place to put it. It is understood that Judge Bowby represents the Masonic Land & Building Association, and Fulton Bros. the O. R. & N. Co.

Just what steps will be taken today in the matter is not known, but it is presumed the court will be appealed to to settle the difficulty. The property claimed by the company stands in the same situation as the Logan property, and the Prael & Elgner Transfer Company, before the matter was settled. Judge Bowby was seen at 2:30 this morning by Officer Oberg and the Astorian representative, and stated that he did not know what could be done in the matter, except to go there and notify the carpenters to quit.

Then, upon consideration, the judge said he would attend to the matter in the morning, meanwhile 14 carpenters and laborers are working to establish the O. R. & N. title.

## RUN FAST TRAIN.

### To Save Time Between New York and Mexico City.

San Antonio, Tex., Dec. 9.—The National Railroad of Mexico in conjunction with the International & Great Northern, Texas & Pacific and Iron Mountain route will on January 8, 1905, put in service two record-breaking trains between Mexico city and St. Louis, reducing the running time 15 hours for one train and 20 hours for another. Both trains will handle mails and letters to reach Mexico city from New York and Chicago 20 hours earlier than heretofore.

## CONGRATULATES U. S.

### German Officers Speak Well of Our Institutions.

New York, Dec. 9.—Major General von Loewenfeld and Major Count von Schmetlow of the Germany army, who represented Emperor William at the unveiling of the statue of Frederick the Great in Washington, have arrived here after a tour of the east and middle west, and will start for home Saturday. "We have had a most delightful experience of American hospitality," said

General von Loewenfeld. "We have inspected some of the great industrial establishments and army posts. What we saw was wonderful. I visited army barracks in almost every part of Europe, and a comparison would not be unfavorable to this country."

## QUEER YOUNG MAN.

### Appropriating a Big Bunch of Money Is No Crime.

Chicago, Dec. 9.—William Begley has appropriated \$2700 belonging to his employers, a well-known detective agency. In doing so Begley committed no crime.

These are the admissions and the defense outlined by the young man's attorney, Joseph David, in Judge McEwen's court. The attorney argued that the officials at the head of the agency had shown by their actions that they had accepted \$100 and a diamond ring as part payment. He also said the jury could not convict the defendant, because Begley, at the time of the alleged embezzlement, was in the eyes of the law an infant, because he was only 20 years old, and therefore incapable, under the law, of making a contract.

## HANDICAP SHOOT.

### Indianapolis Gets the Big Meeting of Cracks Next Year.

New York, Dec. 9.—The Grand American handicap, greatest of American trapshooting events, will be held in Indianapolis next year. This has been decided here at a special meeting of the interstate association. No definite date was chosen but the month of June was set and arrangements of details left to the Indiana association.

The following officers were unanimously elected for the following year: President, Irby Bennett, Memphis, Tenn.; vice president, William J. Bruff, New York; treasurer, A. W. Higgins, New York; secretary and general manager, Elmer E. Shaner, Pittsburg.

Grand American handicap and tournament committees for the year: Irby Bennett, J. T. Skelley, Thomas H. Keeler, J. H. Marlin, A. C. Barrett, Harvey McMurchey, William F. Parker and Paul North of Cleveland.

## JAP LINER SEIZED

### Government Commandeers the Steamer America Maru.

## SAILINGS WILL BE CHANGED

### Co-operative Shipbuilding Yard the Latest Project for Union Labor Leaders in the City of New York to Consider.

San Francisco, Dec. 9.—News was received here today that the Japanese liner America Maru of the Toyo Kisen Kaisha Co., has been commandeered by the Japanese government and will be placed in commission as an auxiliary cruiser. She was scheduled to leave Yokohama today for this city. As a result of the liner being taken from the route no vessel of the line will sail from here for the orient on January 3, as has been scheduled.

## New Port of Call.

San Diego, Cal., Dec. 9.—It is announced that as a result of the heavy trade to Southern California the American-Hawaiian Steamship Company has decided to make San Diego a regular port of call and that there will be a more frequent service in the future. Two of the company's ships are in the harbor unloading freight and two more ships are on the way from New York.

## To Bridge Straits.

Sacramento, Cal., Dec. 9.—The Sacramento Union says today that plans for bridging Carquinez straits, perfected by the Southern Pacific, are in the hands of Col. W. H. Heuer of San Francisco for transmission to the war department for approval or rejection. The bridge is planned to span the straits from the Nevada dock to Fifth street, Benicia. It will be a draw bridge over a mile in length and will reduce the running time between Sacramento and San Francisco 30 minutes.

## Los-Angeles Beat Tacoma.

Los Angeles, Dec. 9.—Los Angeles beat Tacoma today by a score of 3-2.