

RUSSIANS PRESS ON

Inclement Weather Fails to Deter Kuropatkin's Advance.

SEIZE ANOTHER POINT SERIOUSLY INTERFERES

Reported From Mukden That Japanese Seizing Kuroki's Right Are Driven Out and Their Bat- tery Captured.

(Journal Special Service.)
Mukden, Oct. 21.—(Bulletin.)—The St. Petersburg correspondent of the Exchange Telegraph company asserts that the general staff has received a telegram reporting that the Japanese are endeavoring to seize along their whole front. The St. Petersburg correspondent of the Central News wires that an unconfirmed report has been received from Mukden asserting that the Russians have captured 47 guns.

(Journal Special Service.)
St. Petersburg, Oct. 21.—A dispatch received from the front this morning says that Kuropatkin yesterday made a slight advance all along his line, and in many places resumed the offensive. He took an important position to the right of General Kuroki's army after a fierce assault, and thus gained a foothold which is a menace to the Japanese general's army.

Two guns were captured, together with 140 shells, and the remainder of the enemy who survived the attack. The Japanese did not retreat, but held their ground until all but 65 were killed. These latter were fairly overpowered and captured.

Inclement weather was expensive, the correspondent adds, inasmuch as the Russian killed and wounded numbered 500 men. Beyond the statement that the position is important enough to be a threat to Kuroki, the correspondent does not give the details of the situation, nor the exact location of the hill which was captured.

Common Are Mixed.
Bad weather continues and the roads are in an even worse condition than in the early part of the week. In an attempt to move a battery of artillery forward on the Russian right yesterday, the roads were in such a muck that the movement was abandoned until a corduroy road could be built across a low-lying valley.

Heavy guns mire themselves to the axle of the carriages and even the lighter of the Russian places are moved only with extreme difficulty and the employment of all force that can be utilized. The correspondent says these difficulties will be largely obviated by the arrival of the Russian gunners, several of which are on the way from Harbin.

Kuropatkin Will Advance.
Despite the bad weather and almost impassable condition of the roads, Kuropatkin will continue his forward movement. The men are in a measure gaining rest, as the heavy work of the advance is being done by troops that were held in reserve back of the Hun river, who have changed places with those who fought so steadily for 10 days.

Another dispatch from Mukden states that on the Russian right center last night the Russians surprised a Japanese battery, killed the gunners and captured three guns. No other details of this engagement are given.

General Sakharoff officially reports that the armies are today maintaining their respective positions, and that there is continued noncommittal on both sides. He says there was no severe fighting on the Russian right yesterday, and makes no mention of the capture of a Japanese position of value to Kuroki.

Official Casualties.
The list for the heaviest day's fighting south of Mukden is still unreported. It will doubtless exceed the losses at Liao Yang, where 500 officers were killed or wounded.

The losses among the men are not yet reported, but it is thought they will approximate not much more than 20,000.

(Continued on Page Two.)

ENGLAND REFUSES

Germany Cannot Land Troops and Supplies at Walvisch Bay.

REPORTS INDICATE THAT KAISER'S FORCES ARE MEETING WITH REVERSES IN THE SOUTHWEST AFRICA REBELLION.

(Journal Special Service.)
Berlin, Oct. 21.—The British government has positively refused to grant the request of Germany to permit the latter to use Walvisch bay for the landing of troops and supplies for use in the war against the natives in German Southwest Africa. This refusal will seriously interfere with Germany's military plans in Southwest Africa, as Walvisch bay is the only good harbor for a distance of 100 miles along the coast.

Reports of German reverses in Southwest Africa continue to be received. The German station at Namibia has been captured by the Hottentots. Official reports, it is said, are made to conceal the really true state of affairs. These, however, are beginning to come to light. The fact that Great Britain has refused to allow the landing of troops at Walvisch bay is taken to indicate that England does not intend in any manner to allow the impression to get abroad that she is in any way whatever sympathetic or lending aid to her German cousins in their effort to subjugate the rebellious Hottentots.

Despite denials that emanate from German sources that the uprising is of an insignificant character, the move on the part of the German government to allow the landing of troops at Walvisch bay gives rise to grave suspicions that the extent of the trouble is much greater than has heretofore been known and that nothing but an overwhelming force of reinforcements will enable the Kaiser to retain control of his possessions in Southwest Africa and maintain anything like peaceful relations with the native subjects.

GIRL OF 14 POISONS HER INFANT NEICE

(Journal Special Service.)
New York, Oct. 21.—Alice Klingenberg, a girl of 14 years, poisoned her infant niece yesterday at Upper Montclair, N. J., giving her carbolic acid. Alice lives with her sister, Mrs. William F. Poescher. Poescher is a newsdealer and his wife took charge of the store during the noon hour while he went home for dinner. She left the six-week-old baby in charge of Alice. On her return she found the child dead.

Finally Alice confessed that she had given the baby a spoonful of something from a bottle in mistake for a soothing preparation. She had mixed the poison with water in a cup. The bottle was labeled "poison" and contained a carbolic acid mixture. The girl was placed in charge of the police. She expressed no fear and accompanied the police willingly. She made no apology for the deed.

THREE MEN KILLED IN TRAIN COLLISION

(Journal Special Service.)
Genoa, N. Y., Oct. 21.—Three members of train crews killed and three injured in the result of a collision between two freight trains on the New York Central near here this morning. The dead are: Charles Ruloff, engineer; John Hickey and George Rogers, firemen.

The train came together in a dense fog while running at full speed. A mistake in orders was the cause.

YACHTS CRUISE WALK.
(Journal Special Service.)
New York, Oct. 21.—The French cruiser Dupuy de Lome and the Italian cruiser Duca degli Abruzzi, which have been visiting the port of New York for several weeks, departed today for the West Indies under command of Admiral Rivet.

(Continued on Page Two.)

SHERIFF IS DEFIED; POOLROOM IS RUNNING

Warwick Commission Company Operates Despite State Official's Threats to Raid—Word Will Not Swoop Down Until Method of Procedure Is Settled.

Sheriff Word has been given the "def" by the Warwick Commission company, which is operating a poolroom at its room on Fourth street, near Alder, yesterday afternoon, and the place was again opened for business at 11:30 o'clock this morning.

While no arrests were made yesterday, and so it is announced, none will be made this afternoon. Sheriff Word has not receded from the position he has taken in the slightest. His failure to raid the establishment, arrest the manager and operators and seize the paraphernalia, it is asserted, is not due to a belief that he has assumed an incorrect position, but in order that his method of procedure may be accurately determined on before a decisive step is taken. This policy is adopted by the sheriff to avoid being handicapped in his operations by giving the pool room men chance to take advantage of technicalities.

Sheriff Word realizes that a great deal depends on the method he adopts for suppressing poolrooms. In view of the support the gamblers will receive from municipal officials. He is closeted with his legal counsel this afternoon. It is believed for a number of reasons that his first raid on the poolroom operated by the Warwick Commission company will take place tomorrow afternoon.

W. L. Johnson and John Bain, two prominent members of the Municipal Reform association, called at the poolroom early this afternoon in order to study of the mode in which it is being operated. They conversed with Local Manager M. G. Nease for about 30 minutes and were evidently keenly interested in their effort to subjugate the rebellious Hottentots.

"In the first place, it is not true that our rooms were fitted up as a club at great expense last summer in order to carry on gambling. We have evidently been confused with the Orpheum establishment. This place is not a room upstairs. There is no room upstairs. All we have is a poolroom."

"Again, it is an error to say that pools are being sold at the Irvington track or to connect us with the track in any way. There are no racks there now and this poolroom has nothing to do with it."

ILLINOIS HAS AN UNUSUAL MURDER

Woman Said to Have Been Attacked in Waiting Room of Depot by Prominent Persons.

(Journal Special Service.)
Peoria, Ill., Oct. 21.—Mrs. Nellie Thompson, the wife of a former real estate dealer, of this city, died at her home, Leavenworth and Richard Higgins, a son of John C. Higgins, who is a member of the board of directors of the Peoria county and a prominent politician, is under arrest on a state warrant accusing him of the murder.

The woman's death is said to be the result of a mysterious affair which took place in the waiting room of the Rock Island depot in this city last Saturday.

It is alleged that Richard Higgins, aged 34, and his sister, Jennie, aged 34, intercepted a letter from the woman to one of their relatives, taking her to a meeting at the depot and that Higgins, his sister and uncle then met Mrs. Thompson and an altercation followed.

The ticket agent assisted the woman in the train, after which she found a pool of blood on the floor of the waiting room.

The woman was severely injured. She remained in a comatose condition for several hours and died without making a statement. It is alleged that young Higgins and his sister admitted that the woman had been attacked.

THE IRVINGTON TRACK, NOR WILL POOLS BE SOLD THERE UNTIL RACKS ARE HELD THERE AGAIN.

"As far as our business is concerned we contend that we are pursuing a legal vocation. So far as Sheriff Word's actions are concerned, we will be guided in our policy only by what he does. We are going to continue business, as we have a right to do. We will not accede to events transpire. We have retained the law firms of Dolph, Mallory, Simon & Guarin and Watson, Beekman & Watson as our counsel, and are now doing business under their advice. This is all I have to say until we are raided, as we expect to be."

"There is not a shadow of doubt that Tom Word can close the poolrooms and keep them closed. The law is clear and unmistakable. The attempt of the city council to license the poolrooms amounts to nothing, and the sheriff has full warrant to suppress every poolroom in the city."

This declaration was made this morning by one of the most prominent attorneys at the local bar, who has given careful study to the question at issue, and whose opinion carries weight. He was emphatic in the declaration that the poolrooms are illegal and that the sheriff is clearly within his powers in arresting the proprietors and inmates whenever the places are found running.

"No one can question that poolselling is gambling, and the only defense advanced for the poolrooms is the argument that this form of gambling is not expressly prohibited by the laws of Oregon, and is therefore not illegal," the lawyer continued. "As a matter of fact, there are several provisions of the code which reach the offense, and Sheriff Word can proceed against the poolrooms on any one of several grounds."

Section 1344 of the Oregon statutes deals with various enumerated forms of gambling, such as faro, roulette and poker, but poolselling and betting on races are not among them. This section, however, does prohibit gambling with cards, dice or any other device, and it would require no very strained construction to make this language apply to the poolrooms.

"If any person should willfully or knowingly violate this section, he would be guilty of a crime, and the courts would interpret this section, there is another which is believed to afford ample warrant for suppressing the poolrooms. Section 1346 reads as follows:

"Whoever commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages the public decency and is injurious to public morals, is deemed to be guilty of a crime, and is punishable therefor by this code, upon conviction thereof shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than \$10 nor more than \$100."

This section is a re-enactment of the old common law, and therefore the section will be interpreted in accordance with the common law decisions found in the English reports and in the reports of other states. The meaning of the language must be determined in that way, for in re-enacting the common law the legislature plainly intended to give to it the meaning established by a long line of judicial decisions.

Common Law Applies.
The prohibition of "any act which openly outrages public decency and is injurious to public morals" is deemed to afford ample ground for proceeding against poolrooms, which are placed in the same class as common gaming houses. Bishop on Criminal Law, one of the leading text books on the subject, declares (sec. 1355): "Even at the common law gaming houses may be a public nuisance and the keeper punishable, it being a disorderly house."

Justice Chapman in the Massachusetts supreme court, in the case of Commonwealth vs. McDonough, 12 Allen, reiterated the doctrine that under the common law "brothels and gaming houses were held to be nuisances under all circumstances." And in Commonwealth vs. Victoria Goodall, 145 Mass., p. 383, the court lays down the rule that a conviction for keeping a disorderly house may be had "although at the trial the evidence shows that the house has not been disorderly otherwise than as a place resorted to for immoral purposes."

Several prominent attorneys express the opinion that under the broad provisions of the common law, re-enacted by section 1346, Sheriff Word will have no difficulty in driving the poolrooms out of business. Even should he fail to do this, adjoining property owners can sue to have the houses removed as public nuisances and enjoin them from doing business. This has been clearly established in this state, where the supreme court has upheld the right of property owners to enjoin the use of adjoining property for immoral purposes.

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(Continued on Page Two.)

NEIGHBOR WILL HELP

Walla Walla Promises \$5,000 Toward Oregon Portage Road.

WHITMAN ASKED TO AID MANY PANAMA RUMORS

N. G. Bialock Requests the Business
Men to Give \$3,000 Toward Build-
ing the Line—\$15,550 Already
Promised for Open River.

(Special Dispatch to The Journal.)
Colfax, Wash., Oct. 21.—Dr. N. G. Bialock of Arlington, Or., was here yesterday conferring with Whitman county people in regard to the project of the Open River association of Oregon, looking toward the improvement of the Columbia and Snake rivers and their tributaries, as navigable streams, and the immediate opening of navigation on the Columbia river to Priest Rapids and the Snake river to a point above Lewiston. He explained that he was seeking financial aid to enable the portage board of Oregon to complete the road, thereby connecting the navigable waters above Cello falls with the navigable waters below The Dalles rapids.

The immediate result of the building of the portage road will be the establishment of boat lines on the upper Columbia and Snake rivers and a relief to producers and shippers from the present excessive freight charges. On May 17, 1903, there was a meeting composed of delegates from various sections of Oregon, Washington and Idaho, tributary to the Columbia river, held in The Dalles, which resulted in the organization of an open river association, which it is intended shall be a permanent institution.

Urged to Proceed.
Since the organization of the association the executive committee, assisted by the open river committee of the chamber of commerce of Portland, has worked with the state portage commission which has been urged to proceed with the fulfillment of the portage act of 1903. This act provided for the appropriation of \$100,000 for the construction of a railroad 8 1/2 miles in length for a connection of steamers above and below the rapids. In answer to the claim that the appropriation was not sufficient to build and equip the road, as the cost has been increased by the necessity of keeping on the government canal right of way, and that \$200,000 would be needed, the executive committee of the open river association has assumed the responsibility of agreeing to make up the deficiency of \$100,000 by soliciting subscriptions from the producers and shippers of the districts interested in lower freight rates.

The road when completed will be owned and controlled by the state of Oregon and will probably be the first railroad in the United States owned by a state government.

Will Begin Campaign.
Although \$200,000 seems like an enormous amount to construct and equip a road only eight and one-half miles long, it must be taken into consideration that the road will be built in a place where it is necessary to blast every foot of the road. The canvass of the open river association has just begun and Walla Walla county has promised \$5,000, Umatilla county, \$5,000, and Walla Walla county, Wash., is asked for \$5,000.

The following prominent men of Colfax have been made trustees for Whitman county: Charles E. Scriber, cashier First National bank; E. T. Coman, cashier First National bank, and C. L. McKenna, representative from this district. These men will solicit subscriptions at once, but no cash will be collected until the contracts are let. It is proposed to have the road done in time for the handling of the 1905 crop.

Much satisfaction was expressed by the committee at the show of good feeling that is being evidenced in many of the doubtful states, and which at this time point strongly to giving a Democratic majority.

The crowd applauded many of the salient features in the show of good feeling that is being evidenced in many of the doubtful states, and which at this time point strongly to giving a Democratic majority.

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FLEET MAY GO SOUTH

Paul Jones Sent Out From San Diego With Rush Orders.

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(Special Dispatch to The Journal.)
San Diego, Oct. 21.—Hurricane orders were received yesterday afternoon by the torpedo-boat destroyer Paul Jones and stopping only long enough to take an extra supply of coal, the swift little craft left the harbor under what seemed a 30-knot speed, bound for Magdalena bay, where the vessels under Admiral Goodrich have been at target practice for some time. None of the officers could tell why she is going, but it is rumored that the destroyer carries dispatches which may start the fleet to Panama in a hurry.

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(Continued on Page Two.)

BULLS MAKE IMMENSE PROFITS ON STOCKS

(Journal Special Service.)
New York, Oct. 21.—Profits exceeding \$600,000,000 have been taken by the ring which has been manipulating Wall street for the last 16 days. The profits are estimated to be a few millions through deliberate and well-planned manipulation of stocks. There was a slump on Wall street 13 months ago, and from that time until 19 days ago the loss, figured on paper, on principal issues, aggregated the colossal sum of \$1,999,000,000. In the last 16 days stocks increased \$999,000,000 in value, showing the profits taken by manipulators.

Six months ago, when stocks were at the lowest, the Standard Oil interests, Morgan, Russell, Baker, Harriman, Kuhn, Loeb & Co. and a western syndicate represented by J. G. Galt & Co. commenced buying at low prices. Ten days ago the prices of the stocks were enormous. By buying and selling back and forth they have run the figures gradually up, attracting attention and thereby luring outside speculators, until now the stocks are at boom prices. Enormous deals were necessary to bring about the valued artificial increase.

The heavier operators have all participated in the movement and the lads have been shown to a considerable extent in many quarters by the quick changes of an exceedingly active market.

CALCHAS MAIL SHORT REGISTERED LETTERS

(Journal Special Service.)
Hongkong, Oct. 21.—The postmaster at Hongkong informs the South China Morning Post that he has received one full bag and two empty bags from Peking out of a total of nine bags that were sent by the British steamer Calchas, which was captured by Russians.

More than 500 registered packages and letters for Hongkong are missing.

(Continued on Page Two.)

INVITE POWERS TO PEACE CONFERENCE

(Journal Special Service.)
Washington, Oct. 21.—The cabinet at its regular meeting today devoted most of the time to the formulation of a circular letter to the powers inviting them to participate in another peace conference at The Hague.

The letters will be sent out within a few days to American ambassadors and ministers abroad for presentation to their respective foreign offices. The letter makes no reference to Russo-Japanese peace.

(Continued on Page Two.)

AMES JURY HUNG, NEW TRIAL MONDAY

(Journal Special Service.)
Minneapolis, Minn., Oct. 21.—The jury in the third trial of ex-Mayor Ames of this city, who is charged with bribery, extortion and the maintenance of a wholesale system of blackmail of disorderly women, today reported a disagreement, and the case will be placed on trial again Monday.

Much interest is manifested as to the final outcome and the attorneys on both sides are exceptionally active.

(Continued on Page Two.)

UNION PACIFIC GROSS PROFIT IS \$29,243,624

(Journal Special Service.)
New York, Oct. 21.—The annual report of the Union Pacific was made public today and shows a large increase in the net income and surplus available for dividends.

After paying the regular dividends of four per cent on preferred stock the surplus will equal 11 per cent of common stock. The gross earnings were \$55,276,331, and operating expenses, \$28,026,607.

(Continued on Page Two.)

\$100,000 NECKLACE MYSTERIOUSLY LOST

(Journal Special Service.)
New York, Oct. 21.—It is reported in Malden Lane today among the diamond dealers that Mrs. Robert Slater, while staying at the Waldorf-Astoria, lost a diamond necklace valued at \$100,000. Mrs. Slater is the widow of John T. Lynch, a pearl and diamond dealer, who on his death two years ago left his wife a fortune, including gems of great value. He made a study of diamonds, and it is said the collection made by him of the 10 gems in the lost necklace was the work of years. In size, brilliancy and cut the stones are matchless. After the death of Lynch his widow married

Robert Slater. Mr. and Mrs. Slater dined 10 days ago at the Waldorf-Astoria. Mrs. Slater wore the famous necklace. After dinner the necklace was missed, and all search has, so far, according to the report, been fruitless.

No public notices have been posted and the dealers on Malden Lane say the police and detectives of the entire world have been conducting a secret quest for the stones. The very size of the stones makes it certain that an ordinary thief could not sell them. Almost the only way in which the stones could be marketed would be through mediation with a diamond dealer who would sell the gems before offering them to the public.