

"REMOVE CITY ENGINEER ELLIOTT" IS RECOMMENDATION OF COMMITTEE INVESTIGATING THE TANNER CREEK SEWER

"RINERS DISHONEST"

Inquirers Demand That Sewer Be Rebuilt at His Cost.

CAYWOOD AND SCOGGIN ALSO ARE CENSURED

Removal of Both Demanded—Sensational Recommendations to Executive Board.

City Engineer Elliott, Assistant Engineer George Scoggin, Inspector M. J. Caywood and Contractors R. M. Riner and son have been declared responsible for the defective work which has been done on the Tanner creek sewer.

The committee of investigation, consisting of L. Zimmerman, B. D. Sigler and H. R. Albee, completed their investigation and made a report to the city council at 2 o'clock this afternoon. They found City Engineer Elliott defective in duty in appointing only one inspector on such an enormous job as the Tanner creek sewer. They censured him for failing to inspect the sewer thoroughly after the work was completed, and state that he is held liable to discharge from his office for his negligence.

Practically the same charges are made against Assistant City Engineer George Scoggin, and he is held liable to removal by the city government.

Inspector M. J. Caywood was found incompetent and unreliable and his removal is recommended.

R. M. Riner and son are found to be dishonest.

It is recommended that the sewer be rebuilt and that the cost of the same be deducted from the amount which the contractor were to have received for the building of the sewer.

The text of the report follows:

"To the Honorable Mayor and Council of the City of Portland, Oregon:

Your committee appointed to investigate the condition of Tanner creek sewer, in order that this department of the city government might be fully informed before levying an assessment against the property affected, beg leave to report that they secured the services of an independent committee of four, consisting of the following named gentlemen: George Knight, Peter Flynn, James Cunningham and R. S. Greenleaf, whose report therein was attached hereto, marked exhibit 'A'; also, the sworn testimony taken at several meetings of your committee, held on the 18th, 21st and 22d of November, marked exhibit 'B'; the statements of the city engineer, in answer to the findings of the expert committee, and to all of which exhibits we ask your full and careful consideration; as the time at our disposal is too limited, enable us to report therein at length.

"First, we find that in our judgment the city engineer, Mr. William C. Elliott, was extremely derelict in duty, in appointing only one inspector for 24 consecutive hours each day; incompetent, in not so organizing the affairs of his department as to make it possible to closely and carefully follow up the work of construction as it progressed; and, of construction as it progressed; and, of construction as it progressed, in accepting this work without making a final inspection, and we respectfully direct the attention of that department of the city government to the fact that the city engineer has authority in the matter, to the removal of the city engineer from office.

"Second, we find that Mr. George Scoggin, chief deputy in the office of the city engineer, is equally culpable and liable with the city engineer, in not detecting during his frequent inspection, that the work was not being carried out in accordance with the specifications, and we recommend to the proper authority similar steps to be taken in his case as with the city engineer.

"Third, we find that the inspector, Mr. J. M. Caywood, was incompetent and unreliable in certifying to the quantities of material used in the construction of the sewer, and we recommend his removal from office and from employment by the city.

"Fourth, we find the contractor, R. M. Riner and his partner, E. W. Riner,

HERMANN A WITNESS

Congressman Testifies at Land Fraud Hearing This Afternoon.

WRANGLING ON POINTS OF LAW AD LIBITUM

As Every Possible Obstacle is Put in Way of Prosecution the Program is Slow.

Congressman Dingier Hermann, whose administration of the United States land office was the golden-age of the con-spirators whose colossal frauds robbed the government of hundreds of thousands of acres of the public domain, afforded the feature of today's proceedings in the Puter-Watson-McKinley-Wars prosecution.

Hermann was called to the stand this afternoon to explain the circumstances under which patents were issued upon the bogus homestead applications prepared and filed, as the government alleges, by the defendants and on, tried in his appearance in the courtroom created a sensation, for aside from those persons who have been actually indicted by federal grand juries for complicity in the land frauds, there is no one whose name has been so constantly linked with these transactions as Binger Hermann.

The immediate object of the government's attorney in placing Hermann on the stand was to establish the fact that E. A. D. Puter and Emma Watson were in Washington for the purpose of getting patents issued upon the fraudulent homestead applications previously filed in the Oregon City land office. Incidentally the government's attorneys brought out the sensational fact that it was through Senator John H. Mitchell that Puter and Emma Watson made their request to Hermann.

Hermann's Complacence.

Affidavits were made in Washington by Puter and Mrs. Watson vouching for the statements of the alleged defrauders, and the affidavits were already received by the general land office strongly indicative that the entries were fraudulent.

As to Hermann's testimony, the sensation of the day's proceedings was the partial identification of Emma Watson as the woman who filed homestead application under the name of Emma Porter, in the Oregon City land office. Much of the time was consumed in argument by the attorneys over the admissibility of the evidence offered in the government's behalf.

Every technically legal line of inquiry was being invoked to hinder the introduction of the government's proofs. Of the numerous documents already introduced by the prosecution, not one has escaped challenge by the defense. Judge Pipes and Judge O'Day are surrounding their clients with a veritable chevaux de frise of technical objections which are expected to withstand, in the event of conviction and appeal, the final onslaught of the prosecution.

The inevitable consequence is that the progress of the case, is very slow. Only three witnesses were on the stand this morning, although the testimony given by them did not actually occupy three quarters of an hour. All the rest of the morning was consumed in the arguments and objections of attorneys.

Partly Mentions Mrs. Watson.

Judge William Galloway, now on the circuit bench of the third district and for six years receiver of the Oregon City land office, was the first witness called. The feature of his testimony was his partial identification of the defendant Emma Watson as the person who appeared in the Oregon City land office four years ago under the name of Emma Porter and made affidavit to homestead application.

After questioning the witness upon the proceedings, when homestead applications were filed, Mr. Hall handed him the application of Emma Porter and asked him whether he could recall the circum-



HORACE G. MCKINLEY S. A. PUTER MISS MARIA WARE CHAS. E. MOORE
Some of the Figures in the Land Fraud Cases.

NAN PATTERSON LOOKS CAREWORN

Lowers Eyes When Skeleton is Brought in—Defense Assert Will Produce Witness Who Saw Young Grasping Revolver and Struggling with the Woman.

(Journal Special Service.)
New York, Nov. 23.—Miss Patterson wore her usual black dress when she entered the court room this morning and looked careworn and weary. When the skeleton was brought in she lowered her eyes and turned to her father.

On cross examination Dr. O'Hanlon, the coroner's physician, testified that he made a very careful examination of the wound and described the course of the bullet. He admitted that if he had considered it a case of murder he would have made a more detailed report at the time.

O'Hanlon said that he believed all the marks on the bullet were the result of its contact with a rib. He admitted that he had taken pieces of skin from the hand which he thought showed powder marks. He examined them under a microscope. Objection to further testimony regarding marks was sustained.

The witness saw the defendant immediately before her arrest. He looked at her hands, but did not detect the odor of gun powder on them. Prosecutor Rand objected to a question as to whether he saw powder marks on the hands of the defendant and was sustained.

Dr. Neal, physician for Pawnbroker

(Special Dispatch to The Journal.)
Chicago, Nov. 23.—The Chicago Daily News correspondent with the Japanese army outside of Port Arthur sends the following dispatch from Chafso:

"General Kodama, chief of the Japanese general staff, is through with his inspection of the operations at Port Arthur and will leave tomorrow for St. Petersburg to attend his conference with General Nogai.

"General Nogai gave me an interview in which he said, stretching out his closed hands: 'I hold Port Arthur here.' 'Where will you winter about Port Arthur?' I asked. 'You are not building barracks and have only shelter tents.' 'I shall winter inside,' replied the general. 'I will take the fortress soon. I hesitate to use my big guns for fear of hurting noncombatants.' 'I cannot say what damage the big guns will do,' resumed the general. 'This is the first time in history that coast defense guns have engaged each other. I brought ours from Japan. The Russians cannot use theirs against Admiral Togo's fleet and have turned them landward.' 'General Kodama paid a high tribute to the Russian engineering skill, saying that the forts formed a complete chain and that no one place was the key to the situation.'

MANY MINOR FIGHTS.

General Sakharoff Reports of Clashes at the Far Front.

(Journal Special Service.)
St. Petersburg, Nov. 23.—General Sakharoff reports that the Japanese are today engaged in a severe bombardment of the village of Shakh Po, and that several minor engagements occurred since Sunday.

Sakharoff says the Russians occupied the hills on both sides of Shin Haeilin pass Monday and the Japanese retreated after some losses.

An engagement of outposts occurred Monday, but at the outset the Japanese attack was repulsed. The Russians lost 10 men killed and 21 wounded.

LAWSON UNPURTURBED BY SUITS AGAINST HIM

(Journal Special Service.)
Boston, Nov. 23.—Thomas W. Lawson is not alarmed by the \$500,000 suit brought against him or the threats of other actions impending. On being impurturbed last night for interviews by several newspaper men, he issued the following statement to all the newspapers asking for his personal views:

"In regard to the suits and rumors of suits, civil and criminal, brought and to be brought against me by the Standard Oil, the insurance companies and individuals because of my story, 'Frenzied Finance,' I can simply say: 'Bring them along, and I will be prepared to give battle, giving no odds and asking for none. I have been telling a few raw truths, and in this age of dollars no man will be allowed to distribute truth about finance without paying the price. My truths are big ones, and I suppose the price will be equally big. But the American people may rest assured that whatever the price, I will pay it and not ask any sympathy for doing so; and they can rest easy about another fact: I will make those who have been plundering the people during the past ten years pay a price to which mine will appear like a tight shoe compared with the insupportable racks of the dark ages.'

"Let the American people make no mistake. Twelve o'clock is just being struck at the While-You-Wait factory, where multi-millionaires have been turned out from the raw material, and unless I miss my guess, it will take more courts than there are in America to drown the ominous sound of that high noon bell."

FIVE ARRAIGNED FOR DYNAMITE CONSPIRACY

(Journal Special Service.)
Cincinnati, Nov. 23.—Five men, arrested for connection with the dynamite plot and murder of Samuel Wesley, a non-union moulder, growing out of the 'moulders' strike, were arraigned this morning and their cases set for December.

A detective has been sent to Cleveland for Joseph Valentine, president of the International Moulders' union, whose arrest has been ordered in the same connection.

CARNegie IS DEAD.
(Journal Special Service.)
New York, Nov. 23.—Andrew Carnegie is reported as being ill at his home in this city, but is not in a serious condition.

EXPLOSION OF A LAMP CAUSES LOSS OF LIFE

(Journal Special Service.)
Chicago, Nov. 23.—Mrs. Liside Court is dead and Charles Court, her husband, and their eight-month-old child are seriously burned as the result of a fire in the Court house, on Homan avenue, this morning. The explosion of a lamp set fire to the house, but without awakening its occupants, until the flames were widespread throughout the apartments.

SHOT THROUGH HEART; LIVES THREE MINUTES

(Journal Special Service.)
Butte, Mont., Nov. 23.—Jacob Schwan, the owner of a printing shop, met death last night under remarkable circumstances. He was shot through the heart, it is alleged, by John Evans, Schwan lived about three minutes, walking through three rooms and a hallway, where he fell over a chair, breaking his neck. Schwan was quarreling with his wife, when Evans interfered, firing the revolver, he declares, to frighten Schwan.

NO REDUCTION IN PRICE OF TURKEYS

There was but a slight quiver in the prices of turkeys this morning.

The receipts were very moderate—not one half of what was expected arriving. This kept the market in good shape from the seller's point of view and the choicest turkeys are still at 25 cents a pound. There are, as usual, a large number of 'culled' and these will be sold at prices ranging from 15 cents a pound up.

The small receipts this season are attributed to the fact that southern Oregon, which usually supplies most of the birds for this market, sold the larger portion of its stock this year to San Francisco, while a small portion went to Puget sound. On the heavier receipts the San Francisco market went lower—but even at the decline prices there are as high as those here.

ATTEMPTS TO COMMIT SUICIDE BY SHOOTING

(Special Dispatch to The Journal.)
Walla Walla, Wash., Nov. 23.—Albert Bayer, an employe of the bottling works here, attempted to shoot himself at 1 o'clock this afternoon with a 32-calibre revolver. The bullet passed through the top of his skull. He will survive. He had a row with John Donnetti, a fellow workman, this morning, hitting him with his fist in the face. Donnetti was taken home and Bayer, hearing that Donnetti had died, shot himself.

WELL KNOWN RESIDENT OF CENTRALIA EXPIRES

(Special Dispatch to The Journal.)
Centralia, Wash., Nov. 23.—Jesse Martin, an old pioneer and well known resident of Centralia, died yesterday. He will be buried Wednesday. The cause of death was general debility. Martin came to Centralia years ago when the town was in its infancy, there being not more than 200 inhabitants, and has remained with the town ever since. He leaves a widow and family.

ORANGES DISTRIBUTED FREE

(Journal Special Service.)
St. Louis, Nov. 23.—A carload of California oranges and lemons from the Sacramento valley were given away as a souvenir in the California section at the palace of agriculture at the world's fair. Each visitor to the exhibit received a gorgeous California flower and one of this year's crop of the famous California sweet oranges from the Sacramento valley as a remembrance.

TWO MEN ATTEMPT TO WRECK S. P. TRAIN

(Journal Special Service.)
San Francisco, Nov. 23.—Another attempt was made to wreck a Southern Pacific train last night, this time at Capitana, near Santa Barbara. Two tramps were caught in the act of heaving rocks on the tracks, and arrested. It is believed their object was revenge.

ENGLAND HAS SNOW.

(Journal Special Service.)
London, Nov. 23.—The heavy wind and rainfall of the past few days that has been sweeping over the coast has given way to snowstorms, and in many parts of the islands the fall is sufficiently deep to blockade railway traffic. Reports from the continent show frost as far south as Naples.

(Special Dispatch to The Journal.)
Tokyo, Nov. 23.—A Port Arthur report states that the buildings near the arsenal caught fire at noon November 23, owing to the bombardment of Japanese naval guns, and at 9:40 o'clock last night were still burning.

RUSSIAN DESERTERS.

(Journal Special Service.)
Vienna, Nov. 23.—The heavy influx of deserters from Russia into all the towns and villages along the Austrian frontier continues. The military authorities at Craiova are taking every precaution to prevent any of them penetrating within the zone of fortifications last, under the pretext of desertion, some Russian spy might find his way in. Up to now the deserters have been mostly merchants, clerks and factory hands. They behave themselves correctly and seek leave to stay until their relatives send them money to continue their journey to America.

MANY ACRES FOR SALE

Southern Pacific's Holdings of Subsidy Lands Offered Purchasers.

LISTING OF PROPERTY WILL BE DONE HERE

Oregon's Rural Population Will Have a Tremendous Growth Along Line of Railroad in the Near Future.

Over 2,000,000 acres subsidy lands of the Southern Pacific railway in Oregon are to be placed upon the market. The records were received at the office of Tax Commissioner Morrow of the Southern Pacific and the Oregon Railway & Navigation companies in this city yesterday, for the purpose of checking up the lists, and paying up all taxes due. While considerable trouble is expected in the work of listing, it is reported that this can be accomplished within a short time, and that the lands will be on sale early next year. The date is not announced by the company, and officials decline to verify the statement that the lands will be placed on sale as early as January. It is said that there is a possibility that a large part of the lands will be re-secured, and that portions will be withheld by the company.

The Oregon subsidy lands of the Oregon & California Railway company, now the Southern Pacific company, about 2,000,000 acres. The grant originally consisted of every alternate section in a strip extending 20 miles from the road on each side of the main line. The total width of the subsidy, when it was originally granted, was 40 miles. In addition there is a 10-mile strip outside of this grant on each side, termed indemnity land, from which the company is entitled to select a quarter section for every quarter section in the original grant that had been filed upon by a settler. There was about 400,000 acres in the original strip already filed upon at the time the grant was made, and this amount the company is entitled to select from the lands in the indemnity strip.

The Price Was Increased.

The lands when placed upon the market 12 years ago were sold at from \$2 to \$10 an acre. The price was gradually raised until two years ago, when the sale was discontinued, the price ranged from \$2.50 to \$15 an acre for agricultural land. Timber lands are sold as high as \$25 an acre, in cases where the timber cruised extremely high. The company claimed that the taxes and expenses of handling the lands exceeded all revenue from its sale.

When the Southern Pacific and Oregon Railroad & Navigation companies' lines were acquired and consolidated by Harriman an order was issued for discontinuing the sale, and it was given out that time would be taken to invade and list the lands and put them in shape for final disposition. Since that time the local land department of the Southern Pacific has been engaged in the task until a few weeks ago, when the local office was discontinued and the department of Oregon was placed in charge of Charles W. Eberlein of San Francisco, who is the land agent of the Harriman lines in Texas and California.

The records of the company, which have been acquired and consolidated by Harriman are in the control of the railway company. The greater part of the lands remaining in the control of the railway company lie in the counties south of Roseburg. There is about 1,000 acres remaining in Multnomah county, and four or five times that amount in Clatsop and Yamhill. There is a larger acreage in Polk, Marion, Linn and Benton, and the amount increases southward through Lane, Douglas, Josephine, Jackson and Klamath counties.

Minimal Rights Withheld.

In former years the company's deeds transferring these lands to purchasers were drawn to including a provision by

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WEARS A COAT THAT COST A FORTUNE

(Journal Special Service.)
New York, Nov. 23.—The most expensive single garment yet worn to an opera by a woman, is a \$25,000 sable coat. Some who saw the \$25,000 sable coat affirmed that it is the most expensive single garment in the world. This, however, furriers may, is not strictly true. One leading tradesman said today that

he was engaged in a transaction for a \$11,000 coat. He said his customer had not been willing to go above \$27,000, but that it was impossible to furnish her with the coat she wanted, exclusive of the work in making, for less than \$31,000. Mrs. Levinson refuses to have anything to say regarding the garment. She is the wife of a banker.