

JAPANESE GAIN A FURTHER FOOTHOLD

Fall of Two Forts Expected Before the Day's Fighting Comes to a Halt.

KUROPAKIN ASSUMES OFFENSIVE ATTITUDE

In His Report Says Japanese Are Very Much Depressed Since Sunday's Fight.

(Journal Special Service.)
Tokyo, Nov. 23.—(Bulletin)—It is reported this afternoon that the Japanese have assaulted and carried the entire southeastern portion of "203 Meter" hill.

(Journal Special Service.)
Rome, Nov. 23.—A dispatch to the newspaper Giornale di Roma from its correspondent at Tokyo says that all of the forts Sunagawa and Kikwan is expected today, according to advice received in the Japanese capital.

Russian prisoners taken this week declare that General Stossel is determined to leave the fort, but that he is not at all sure that it will have to be a battle of annihilation to bring about such a result. The troops are said to be in the same determined frame of mind as the commander and are constantly encouraged by him in his attitude.

Everything is in readiness, in case the assault proves overpowering, to retire to Liotshian and the other smaller forts on the Tiger's Tail. Here another determined stand will be made up, succor comes from the Baltic fleet or until the fight has, in Stossel's judgment, become absolutely hopeless.

Communication by wireless telegraphy has been restored between Chetov and the Port Arthur garrison and Stossel is therefore constantly informed of the progress of the Baltic fleet to the eastward and in case of retreat, he is greatly encouraged thereby.

The prisoners say that Stossel, in case he is compelled to retire to Liotshian, will leave all non-combatants behind, compelling them to throw themselves on the mercy of the Japanese. Stossel some months ago tried to induce them to leave the stronghold on the plea that food was probably being scarce before the siege ended. He did not make this compulsory, however. In his order that no non-combatants shall be allowed to accompany the garrison in case a retreat to this and at the same time pays a compliment to the Japanese by calling attention to the fact that they have always accorded humane treatment to non-combatants.

The dispatch concludes with the statement that fires are raging like furnaces in many parts of Port Arthur and have been for several days past. It is not known that any attempts have been made to extinguish them, which lends color to the belief that Stossel is actually expecting to be compelled to retreat to the Liotshian works.

RUSSIANS ADVANCE

Kuropakin Tells of Fighting and Says Japanese Are Depressed.

(Journal Special Service.)
St. Petersburg, Nov. 23.—Gen. Kuropakin reports that the Japanese detachments which were dislodged after the battle of Tuesday, stopped near Sung Ducen, and says the Japanese are greatly depressed, and that they carried many wounded with them.

Kuropakin adds: "The Russians this morning resumed the offensive, stopped near Sung Ducen, and says the Japanese are greatly depressed, and that they carried many wounded with them."

"At noon our artillery replied while the infantry advanced. All is quiet at the center and on the right wing."

It is the general belief here in St. Petersburg that Kuropakin is contemplating a general advance on both wings, thus doubling around the Japanese army and compelling it to retreat on giving general battle to avoid an enveloping movement.

This would have the effect of bringing the situation to a crisis, and would at the same time compel the Japanese to desert from the vigor of their Port Arthur operations, giving the stronghold a breathing spell until it could be relieved by the Baltic fleet. If, as is reported from outside dispatches, the Japanese have diminished their forces at Mukden in the assault on Port Arthur, it would compel a hurried return of these troops, or throw Oyama open to a disastrous defeat.

MIKADO OPENS

Japanese Diet Will Consider Plan to Meet the War Expenses.

(Journal Special Service.)
Tokyo, Nov. 23.—The Japanese diet was formally opened today by the mikado in a speech from the throne. The mikado announced that a scheme would be submitted to meet the extraordinary war expenses of the government. What this plan is was not made public, but it is unquestionably the one that has been worked on by the council

of ministers in the past few weeks, and regarding which project there was no secrecy.

Referring to the war the mikado said: "Our expeditionary forces have been victorious in every battle. They have repeatedly shown fresh proofs of their loyalty and bravery so that the progress of the war has been constantly to our advantage, and we expect by the loyal devotion of our subjects to attain our ultimate object."

DAVIS ACCEPTS

Scholarly Bear Admiral to Represent America on Doggerbank Commission.

(Journal Special Service.)
Washington, Nov. 23.—Rear Admiral Davis has accepted the appointment to the Doggerbank commission. The appointment meets with the approval of those in the navy inasmuch as Davis is recognized as a man of exceptionally scholarly attainments and a fine judicial mind. He has made a study of temperatures and precipitation effects and the author of several recognized technical works.

NOT SERIOUSLY DAMAGED

(Journal Special Service.)
Brest, Nov. 23.—The Russian torpedo boat destroyer Prastolny, which put in here in a damaged condition, will be repaired in two or three days, which will enable her to overtake the Baltic squadron on its eastward cruise. The damage was not as serious as at first reported.

STOCK EXCHANGE RUMOR

(Journal Special Service.)
London, Nov. 23.—A rumor is current on the stock exchange this morning that Port Arthur has fallen, but it is not in anywise confirmed. Some color is given to the report by dispatches that were received in Paris which state that dominating positions have been taken by the Japanese.

WHITEAKER HOP SUIT IS GIVEN TO THE JURY

(Special Dispatch to The Journal.)
Corvallis, Or., Nov. 23.—There are 20 cases on the Benton county circuit court docket this term, only one being of a criminal nature, and the balance civil cases. The suit of Kola Nels, an administrator of the late M. Fabre, the well-known Albany brewer, against John Whiteaker and son, Frank Whiteaker, is attracting considerable attention. The action is a suit for recovery of the difference in the value of 20,000 pounds of hops at 10 cents a pound, as contracted and the present market price of 31 cents. The case occupied the attention of the court all of yesterday afternoon, and went to the jury this afternoon. It is thought the jury will be unable to agree on a verdict.

PLATT A WITNESS IN OLD ANTHRACITE CASE

(Journal Special Service.)
New York, Nov. 23.—Senator Thomas C. Platt gave evidence before a referee today in the case of A. D. Wales of Binghamton against President John Mitchell of the United Mine Workers to obtain \$250,000 for furnishing a plan for settling the anthracite coal strike two years ago.

The case came up for trial at Binghamton some time ago, but was postponed because Senator Platt, J. Pierpont Morgan and other prominent men subpoenaed as witnesses failed to put in an appearance. It is expected that the case will be tried at Binghamton in January.

ONE KILLED AND TWO INJURED BY EXPLOSION

(Journal Special Service.)
Sharon, Pa., Nov. 23.—By the explosion of a can of blasting powder near here today one man was killed outright and several others badly injured, two of whom may die.

The men were engaged in blasting rock, and while not known for a certainty, it is thought the man who was killed was directly responsible for the accident. He was handling the powder can when it exploded. His body presented a frightful appearance.

POWDER PRESS KILLS AND INJURES WORKMEN

(Journal Special Service.)
Kenia, Ohio, Nov. 23.—By the explosion of a press mill at the Miami Powder works, five miles north of here, at 7:30 o'clock this morning, Matthew Smith was killed and three other workmen badly injured.

The exact cause of the accident is unknown. Smith's body was badly bruised and his limbs broken. That part of the building where the explosion occurred was badly wrecked. It is thought the others who were injured will recover.

WANT DOWD RELEASED

(Journal Special Service.)
St. Paul, Nov. 23.—Edwin Richardson of Denver today took the Colorado election tangle before Justice Sanborn of the United States circuit court of appeals, and asked that a writ of habeas corpus be issued for Michael Dowd, the election official who was arrested on the order of the state supreme court, and was to have his hearing December 10 in St. Louis.

MISS PATTERSON HAS TONSILITIS

Is Under Physician's Care in the Tombs, but Trial Delay Not Expected.

WIDOW OF BOOKMAKER IS VIGOROUS PROSECUTOR

Leaves No Stone Unturned to Gather Evidence for the Conviction of Prisoner.

(Journal Special Service.)
New York, Nov. 23.—Miss Patterson is ill in the Tombs with tonsillitis and a high fever. Dr. McGuire, the Tombs physician, says that he thinks the young woman will be able to appear in court Monday, when her case will be called again.

The fact that Miss Patterson's mother has been very ill, together with the strain attendant upon the trial, have to a certain extent undermined the prisoner's health, and her features now present a careworn appearance.

Notwithstanding the numerous reports that have gained circulation during the past week relative to various eyewitnesses to the shooting of Bookmaker Young, it is generally conceded that when the time arrives these tales will prove to be for the most part untrue.

Attention is called to the vigorous manner in which Mrs. Caesar Young is prosecuting the alleged slayer of her husband and previous despoiler of her home, in leaving no stone unturned, and is pushing with the vindictiveness of a woman scorned, every possible clue in an effort to prove guilty the pale little woman in black, who each day of the trial sits before her, watching her struggle to get her innocent and free woman or consign her to prison.

Reports of supposed eye witnesses differ. One is to the effect that Young was seen holding a pistol while Miss Patterson struggled to take it from his grasp. Another is that the situation was reversed.

As to opinion among people to whom Young and Miss Patterson were well known, the balance is, from many indications, slightly in favor of the fair defendant.

CONFESSION ON STAND

(Continued from Page One.)

possible to get hold of lands in the township. A few days later McKinley talked with the witness and said they might get hold of lands by making affidavit that settlement had been made before the creation of the reserve. Witness refused to consider this suggestion. McKinley then said that he knew of parties who had made entries years before and their rights might be secured and the claims proved up.

"The talk was as to the possibility of making out the proofs without having the parties appear before you."

"There was some talk about that but I refused to do it."

"Theaterly brought in a number of persons who represented themselves to be settlers in township 11-7, and they made proofs, the oath being administered by witness. He was not acquainted with any of these entries, and all of them were introduced by McKinley."

"Who were these entries who appeared before you?"

"They were George A. Graham, Thomas Wilkins, George L. Foster, K. Watson, Alex. R. Brown and Nellie Backus."

False Proofs.
"Look at these other proofs certified by you and state whether any one appeared before you to swear to these proofs."

"No, sir, no one appeared."

"What proofs are these?"
"The proofs of Maggie S. Lowell, William McLaughlin, Christie E. Langham, James A. Taylor, John F. Foster, A. O. Austin and James Wakefield. In these cases McKinley took the papers away from the office and brought them back signed. He said the people had signed in his presence and that it was all right."

"Then your certificate that these entries appeared before you and swore to their proofs was untrue?"

"Yes, sir," said the witness, in a voice almost inaudible.

"How did you come to do this? Tell the jury."

"The first time I did it I asked McKinley to have the people come in afterward and take oath, but he never did so. After I had given a false certificate once, it did not seem hard to do it again."

McKinley testified that McKinley paid the fees and the cost of publishing notices. The witness was still on the stand when the hour of adjournment for the noon recess arrived.

Register Bridges Appears

Earlier in the morning Joseph F. Bridges, register of the Roseburg land office, was on the stand. He testified to his acquaintance with McKinley and to the fruitless efforts of the land office to find George A. Howe, the innkeeper person created by the conspirators as a medium for the conveyance of the titles of the claims secured. There was a prolonged legal battle over the admissibility of some of this testimony, but it was finally allowed to go in.

Mr. Heney handed the witness an abstract of title to the Howe claims and asked him to note the concluding paragraph of the abstract. It read: "This abstract made for and at the request of George A. Howe, this 21st day of November, 1901, at 9 a. m. (Signed) Linn Coffey, Abstract Company, by B. M. Payne, Manager."

McKinley's Name Erased.
Mr. Heney called attention to the fact that another name had originally been written in place of Howe's, and that the first name was that of H. G. McKinley. This statement caused a sensation, and the document was immediately subjected to the closest scrutiny by the defendant's attorneys. Both names had been written with a typewriter, and it was apparent that Mr. Heney's statement was correct. McKinley's name was easily legible when the paper was held to the light, and the ink had struck through so as to be still plain on the under side of the sheet.

This is one of the strong links in the proof that McKinley and Howe were identical, and Mr. Heney stated that further evidence would be offered along the same line.

The substitution of the name of Howe for that of McKinley occurs in the abstract of title to the southwest 1/4 of section 1/4 of section 1/4, southeast 1/4 of section 1/4, southeast 1/4 of section 1/4, east 1/2 of west 1/2 and southeast 1/4 of section 7, and north 1/2 of section 8, township 16 south, range 7 east. These are the sections that were made in lieu of some of the fraudulent entries

in 11-7. There are two obituary notices—one on the outside cover where it appears that the abstract was made at the request of George A. Howe, on Nov. 21, 1901, and the other in the certificate of B. M. Payne, manager of the abstract company, (that the name of Horace G. McKinley was erased in both instances, and that of George A. Howe substituted)—and that expert testimony will be produced to establish these facts.

Trial May Be Prolonged.
While it is considered that there is a fair prospect of the present land fraud case coming to an end some time next week, this is merely speculation, as unexpected developments may occur to prolong the trial. During the Hyde-Diamond hearing at San Francisco it was not thought that case would last more than two or three weeks, but Diamond, a co-defendant, surprised the prosecution by taking the witness stand. His direct testimony was of such a favorable character that had the evidence given by him been true, it would have defeated the government's attempt to take Hyde and Diamond to Washington for trial, as they had to show Diamond's connection with the conspiracy while a resident of the District of Columbia, in order to sustain the theory of jurisdiction. Francis J. Heney subjected Diamond to a cross-examination lasting three weeks, with the result that Diamond left the stand a nervous wreck, the entire line of defense being shattered completely, and Commissioner Hedcock, before the hearing was held, unhesitatingly bound the defendants over to appear in the east at Corvallis. It is expected, wherever the government is in any manner involved are nearly always very uncertain as to the date of their termination.

Montague's testimony was continued this afternoon under direct examination. In reply to Mr. Hall he stated that none of the applicants personally appeared before him in making the entries or final proof. The papers were brought to him already signed by Horace G. McKinley and witness acknowledged them, certifying that affidavits were present. The deeds conveying the tracts were also left with him by McKinley. McKinley told witness that he was a notary public and could attest the signatures. The deeds were left in Montague's possession for some time until taken away by McKinley, who informed witness that he was going to dispose of the land; that Futer had put up the money for most of them; he was going to procure deeds to him. About the time that the papers were recorded, for most of the lands, Futer came to the court house and witness met him on the stairs and asked him if there was anything coming to him out of the transaction. Futer replied that there were a great many expenses attached to getting the titles, and that there was nothing coming to Montague. A few months after Futer had recorded the patents he told witness that they would have to make arrangements about the fine printing, indicating that there was some sort of governmental interference, and it would be necessary to prepare affidavits to sustain the entries. Witness asked if there was any likelihood of serious trouble over the claims in question, but Futer did not seem to attach much importance to the investigations that were rumored to be in progress.

"What understanding did you have with Futer, McKinley or Tarpley as to what you would get for this?"

"No definite understanding, but I was to have a share in the profits."

"That is all that was made?"

"We have no cross-examination," was the response of Judge Pipes, after consultation with the other attorneys for the defense.

Ex-County Clerk Hammer was then called to the stand. His evidence was corroborative of much of the testimony given by his deputy, Montague. He identified the handwriting on the affidavits on the proofs filed by the pretended settlers, and testified as to his authority to administer oaths and make certificates.

Hammer said that he knew nothing of the false certificates made by his deputy.

MRS. M'GUIRE GIVES PLEASANT RECITAL

The recital given by Mrs. Sylvia W. McGuire last evening at the White Temple under the auspices of the Ladies Aid society, was largely attended. Mrs. McGuire is a pleasing reader and impersonator and won her audience quickly. The character of "The Merry Widow" won enthusiastic applause. One of her best numbers was the impersonation of the seamstress as the village gossip, from "Timothy's Quest." Her rendition of the favorite, "An Old Sweetheart of Mine," was dainty. She was at her very best, however, in the darkey dialect, "Johnstown Culture," in which she represented a colored mammy, and "The Fanning of Nidamud," told by the male driver, were exceptionally good.

Miss Ethel Shea sang "Swanee River." Miss Leota Signier contributed a reading, and Miss Velross Sharp a violin solo.

WHAT'S TIME, OR A FEW DOLLARS?

Compared with comfort and health, which always follow a visit to find George A. Howe, the innkeeper person created by the conspirators as a medium for the conveyance of the titles of the claims secured. There was a prolonged legal battle over the admissibility of some of this testimony, but it was finally allowed to go in.

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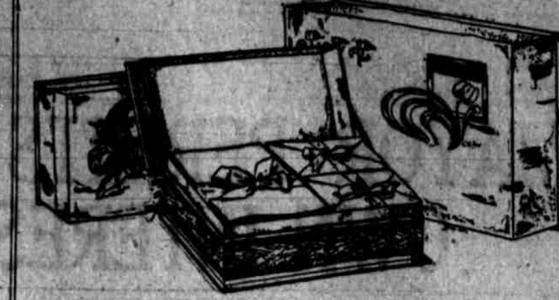
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DECLARES AMERICA IS UNPREPARED FOR WAR

Chief of Artillery Bureau's Report Says Fifty Per Cent More Men Needed.

(Journal Special Service.)
Washington, Nov. 23.—In his annual report, which was made public today, Brigadier-General J. P. Story, chief of artillery, calls attention to the unpreparedness of the United States for war, especially respecting coast defenses.

Story says we have not one half of the trained personnel to man the armament already mounted. The report also calls attention to the insufficiency of field artillery and incomplete torpedo defenses of harbors.

General Story's report is even more positive than that issued a few days ago by Secretary of War Taft, which called attention to these same features and is confirmatory of it. The technical features of the report enter into the necessities for certain torpedo and harbor defense schemes, and recommendations for extensive and immediate improvements in these lines.

SMOOT PROPOSES TO FIGHT HIS OPPONENTS

(Journal Special Service.)
Youngstown, O., Nov. 23.—A Mormon agent is here in behalf of Reed Smoot and is looking into the congressional and business record of ex-Congressman R. W. Taylor, who is conducting the case against Smoot.

Taylor returned this morning from Washington and announced that the Smoot hearing would be set for December 12.

DR. BROUGHER ASKED TO PREACH IN OAKLAND

Dr. J. W. Brougher has been invited to deliver the dedicatory sermon at the First Baptist church at Oakland, Cal., December 11. He received a telegram this morning from Rev. H. J. Vosburgh, pastor of the church, urging that he accept. He also sent a letter explaining the reasons for inviting Dr. Brougher.

Dr. Brougher will submit the question to his congregation at the prayer meeting services Thursday evening. He recently preached the dedicatory sermon at a new church at Pasadena, where he raised \$17,000, the entire indebtedness of the church.

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