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EXTRA

Oregon Journal

THE DAILY WITH HER ONE FLIES OWN WINGS

The Circulation Of The Journal Yesterday Was 21,590

VOL. IV. NO. 58. PORTLAND, OREGON, FRIDAY EVENING, MAY 12, 1905.—SIXTEEN PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

R. M. RINER'S, ELLIOTT'S AND CHANDLER'S NAMES FORGED IN TANNER CREEK SEWER CASE, SAYS AUDITOR DEVLIN

CHARGE OF FORGERY STARTLES PROSECUTION

Its Efforts Now Are to Prove That Riner's Name Was Signed With His Consent.

Otherwise Accusation Against Him of Obtaining Money by False Pretenses in Declaring Sewer Completed Must Fail.

Most sensational testimony was given by City Auditor T. C. Devlin this morning in the Tanner creek sewer case, in which R. M. Riner is on trial, accused of attempting to obtain money by false pretenses by signing a certificate to the executive board that the sewer had been completed according to plans and specifications.

"I believe that the signatures of R. M. Riner, William C. Elliott and Henry Chandler to the final certificate were forged," swore Mr. Devlin, when he was called this morning. "I believe that R. M. Riner's signature was forged by his son, E. M. Riner, and that the signatures of Elliott and Chandler were forged by George Scoggin, assistant engineer under Elliott."

Bolt from the Blue.

Auditor Devlin's testimony was a bombshell in the camp of the state's attorney. The vital bearing the auditor's evidence had on the issue before the court is indicated by the statute which provides that the crime of obtaining money by false pretense may be laid at a person's door only when it is shown that he signed some instrument or authorized his signature to such an instrument, which instrument must have been the basis of his claim for the money obtained or sought.

The signature of R. M. Riner to the final certificate of the completion of the Tanner creek sewer work, therefore, is a salient point in the prosecution. That there were defects in the sewer has been established by abundant testimony, and the state would have been compelled only to summon witnesses easily available in order to prove the defective character of the work.

The State's Theory.

The theory of the state since Auditor Devlin's testimony, is that every act of R. M. Riner before the signature in question was affixed to the certificate and subsequent thereto is in confirmation of Riner's culpability as charged in the indictment. The task set the prosecution by Devlin's testimony, is to prove that, if someone else signed R. M. Riner's name to the certificate, it was signed with the full knowledge of Riner and with his consent.

Practically every question asked by District Attorney Manning and Deputy Moser this morning was objected to by Ed Mendenhall, counsel for R. M. Riner.

It was brought out by George H. Howell, member of the executive board when the sewer question was up before it, that Ed Mendenhall, present attorney for Riner, attended meetings of the board and urged payment of the claim, on the representation that the work had been done.

It was testified by R. L. Glisan, member of the board, that Mendenhall, appearing for Riner, appeared before the board as stated by Howell and that there was no claim at any time that the certificate and other returns bearing numerous signatures were not genuine. There was nothing in the testimony that tended to disprove that Riner ever questioned the regularity of the proceedings leading up to his final demand for the $35,000, until he came into court as defendant in this case.

Scoggin Says He Signed for Two.

George Scoggin, assistant engineer under Elliott, was also a witness, and admitted that he signed Elliott's and Chandler's names to the final certificate. He explained that the signature of Chandler, a surveyor, was not vital, and was really a mere transferral of his original signature to his report on the work to the engineer's office. As to his having signed Elliott's name to the certificate, Scoggin would not tell the court that he had authority to do so. He professed ignorance of who signed R. M. Riner's name to the certificate.

Howell's evidence was important in another respect, in that he swore that Elliott at the meeting of the executive board stated that he had personally examined the sewer and found it completed in keeping with the plans and specifications. That was what he stated in the certificate, which is questioned as to genuineness of signatures.

Attorney Mendenhall, cross-questioning, brought out one fact not helpful to his case—that Mendenhall himself was at the board's meeting and represented R. M. Riner in asking that the money be paid.

Riner's Foreman Questioned.

J. P. O'Neill, who was foreman for the Riners part of the time the sewer was under construction, was on the witness stand for nearly an hour, up to noon, and only partly completed his testimony. He showed from the official plans, which were hung on the wall before the jury, that the sewer was defective, and in minute detail explained just how the work was done poorly.

"Did Mr. Riner ever tell you that it made no difference how the work was done?" asked Mr. Manning.

"I object to the question as leading," said Mr. Mendenhall, and the objection was sustained. Mr. Manning then went another course to draw from the witness information apparently given by him previously that he had been virtually instructed by Riner to slight the work.

The statute relating to obtaining money by false pretense requires that if a worthless document is the basis of prosecution it must be proved that it has been signed by the person accused. This makes it possible for one to escape punishment, even though all the facts prove that he conspired to defraud an individual by making untrue representations in securing the money sought. Section 1407 of the Oregon code is the one that requires the written evidence, and section 1812 defines the crime.

What's the Matter With Old Ringtail? Aw, He's Got About Four Million Cocoanuts and Now He's Trying to Give Some of Them Away. But the Other Monks Won't Take Them. They Say They're Tainted.

BELLINGER IS DEAD

District Judge Passed Away at 4 o'Clock This Afternoon.

END FOLLOWS DAY OF UNCONSCIOUSNESS

Close of a Long and Honorable Career on the Bench — Family Gathered About the Bedside.

Judge Charles B. Bellinger died a few minutes before 4 o'clock this afternoon. It was known all day that Judge Bellinger's life hung by a thread, and the members of his family were notified. He had been unconscious for hours and a few moments before 4 o'clock this afternoon he ceased to breathe.

All of Judge Bellinger's family, his wife, three sons and two daughters, are at his bedside, and many of his intimate friends have called at the residence, eager to do something for the afflicted household.

Charles B. Bellinger was born in Maquon, Knox county, Illinois, November 21, 1839, and at the age of 8 years came to Oregon with his parents and grandparents. After receiving a common school education, supplemented with two years at Willamette university, he began to read law at Salem in the office of B. F. Bonham, afterward United States consul at Calcutta.

He was admitted to the bar at the September term of the supreme court in 1863. Immediately thereafter he engaged in the practice of law at Salem in partnership with J. C. Cartwright, who was afterward district attorney and commissioner of internal revenue for Oregon.

The firm rapidly acquired a good business and Mr. Bellinger became actively interested in politics. He gave up the practice of law to become editor of the Arena, a new Democratic paper that was founded by Joseph S. Smith and others. After an editorship that was successful Mr. Bellinger's health became impaired and he retired from editorial work in 1866 and with another engaged in the mercantile business at Monroe, in Benton county, until 1869, serving in the meantime, in 1868, a term in the legislature as representative from Benton county.

In 1869 he moved to Albany, Linn county, to practice law with N. H. Crance of that place and at the same time to take the editorship of the State Rights Democrat, a newspaper. He afterward sold out his interest in the paper to his partner and in the fall of 1870 removed to Portland, where he has resided continuously since.

In 1871 he was appointed by Governor Grover to the office of prosecuting attorney for the fourth judicial district of the state. In 1872 he was nominated on the Democratic ticket for the office of prosecuting attorney, but with other Democratic candidates was defeated, though he ran ahead of the ticket.

In 1873 he went to the Modoc war with General John F. Miller, in the capacity of aide and with the rank of colonel. He remained until peace was established. He participated in the battle of the Lava Beds, January 17, in which the United States troops under General Wheaton, the Oregon volunteers and a company of California volunteers, were defeated by Captain Jack with heavy loss. He was upon General Wheaton's staff during the engagement and received honorable mention for his services in that officer's report of the battle.

In 1874 he was appointed clerk of the supreme court of the state and was ex-officio reporter of its decisions. While holding that position he served as chairman of the Democratic state central committee during 1876 and 1877, covering the exciting period of the Tilden presidential campaign.

In the fall of 1878 he resigned the clerkship to accept the circuit court judgeship for the fourth judicial district, then comprising the counties of Multnomah, Clackamas, Washington, Clatsop and Columbia. At the general election in 1880 Judge Bellinger was the Democratic candidate for circuit judge, but with the ticked was defeated.

On his retirement from the bench he resumed the practice of law in partnership with John M. Gearin and continued until the fall of 1883, when he became a member of the firm of Dolph, Bellinger, Mallory & Simon.

He was married early in life to Miss Margery S. Johnson of Linn county. Four sons and three daughters were born.

In 1893 he was appointed by President Cleveland to the federal judgeship, which position he held until his death.

CHILDREN ON STRIKE

The Nonunion Delivery of Coal Causes Chicago Pupils to Riot.

LABOR WAR DEVELOPS AN ENDURANCE CONTEST

Employers Jubilant Over Display of Big Stick by President But Laying Off Men for Lack of Work.

(Journal Special Service.)

Chicago, May 12.—About a thousand pupils of the Harrison school, Twenty-third and Wentworth streets, "went on strike" today when the Peabody coal wagons arrived at the building to make delivery of coal. Some of the boys threw stones at nonunion drivers which resulted in a riot call.

With seven deaths and scores of people injured, the teamsters' strike today enters upon the sixth week of what has been one of the most violent and stubbornly contested struggles in Chicago's labor history. Apparently the strike has settled into an "endurance contest," as both employers and labor leaders declare the duration of the controversy depends upon the staying qualities of the other side.

Employers are jubilant over the display of the president's "big stick," which they feel certain will have a salutary effect in curbing violence, and are proceeding with the delivery of goods with nonunion drivers on a more extensive scale.

The hearing of testimony in support of the eight injunctional orders by Master in Chancery Sherman continued today.

Charles Johnson, a teamster, was mistaken at midnight for a strike breaker and set upon by a crowd at Twenty-fourth and Wentworth streets and badly beaten and one eye knocked out. John Bernard, a union teamster, was shot in the hand and thigh last night by a negro said to be a nonunion driver for a department store. Bernard was a strike picket.

Twenty-one hundred police deputies went on strike duty this morning, guarding 2,000 wagons. It is feared that the return of bright weather today will be an encouragement to the strikers to resume their disorderly demonstrations.

Walter St. Clair, colored, employed by the Armour company, was attacked by a crowd of strike sympathizers while on his way to work this morning and seriously injured. He was taken for a strike breaker.

Department stores are advertising extensively for teamsters to "fill permanent positions." Most of the advertisements state "union or non-union" men will be accepted. Employers today began to lay off men on account of the lack of business brought by the teamsters' strike.

Employers announced today that they will not re-employ any striker. This places an effective boycott on 4,300 men and boys. Already 2,400 men have been put in the places of the strikers.

NAN PATTERSON SET FREE WILL NOT BE TRIED AGAIN

(Journal Special Service.)

New York, May 12.—Nan Patterson was released from jail this morning on her own recognizance. This means that she will probably not be brought to trial again.

Nan was taken before Recorder Goff shortly after 11 o'clock, where District Attorney Jerome made a motion on which to set her free. She was accompanied by her counsel, Abe Levy, Daniel O'Reilly and her father. As soon as she heard the words which set her free Miss Patterson started for Attorney Levy's office. Tomorrow she will start for Washington to see her mother.

In making his motion Attorney Jerome said that he felt that his assistants had done their duty and acted efficiently, and that he would have presented the case in the same way. He recognized the futility of efforts to convict the girl. He said that he had information which permitted of no doubt that there was a uniformity of opinion in the jurors' minds on three points. First, that J. Morgan Smith bought the revolver; second, that Nan Patterson took the revolver with her, and third, that Bookmaker Young did not commit suicide.

In ordering her discharg Recorder Goff said to Nan:

"I hope that when you look back on these experiences you will be constrained to lead a life of chastity."

Mr. and Mrs. J. Morgan Smith were arraigned an hour later before Justice Foster. On the motion of the district attorney Mrs. Smith was discharged. Smith was also discharged, but immediately arrested and taken before Judge Cowing on a body attachment issued June 9, last year, by Judge Newburger.

Thus ends the repeated efforts of the district attorney's office to convict the former Florodora girl for the murder of Bookmaker Caesar Young last June. Three times has she stood trial. Once last September when the death of a juryman caused a retrial, the second time last December when the jury failed to agree and the last trial, which ended last week, and which also resulted in a failure.

Miss Patterson appeared in court gowned in simple black, which she wore during her trial, and she was in good spirits, and after she had been given her freedom was quite jubilant. She said: "I expected the jury would find me not guilty, and I was sorry not to be acquitted, but the people believe me innocent; and I know that I am not guilty. I will prove in the future that the public has not misplaced their confidence.

"I go to Washington to see my mother who is waiting for me as she has been for many weary months. I will not think of future plans until I have rested at home for a long time."

Miss Patterson was joined at Attorney Levy's office by her father and her sister, Mrs. J. Morgan Smith, who had also been given her liberty.

It is estimated that the trial of Nan Patterson has cost New York between $80,000 and $90,000. Since June 4 last Nan Patterson has been a prisoner of the Tombs, emerging only to face judge and jury.

TELEPHONE GIRL'S ERROR PREVENTS BANK ROBBERY

(Special Dispatch to The Journal.)

Fruita, Colo., May 12.—The mistake of Miss Nellie Sperry, a night telephone operator, who rang up the First National bank early this morning instead of the city marshal, prevented the bank from being robbed of $15,000 and also prevented the capture of the safecrackers.

The robbers first blew open the safe of the Fruita Mercantile company, securing $700. Then they went to the bank and blew off the outer door and were about to shatter the inner steel plate when the telephone rang, frightening them away.

A roomer near the bank, seeing the flash of a dark lantern in the bank, reported it to the telephone office with the request that the marshal be summoned. The girl became scared and rang up the wrong number.

FIVE REPORTED KILLED IN RAILROAD WRECK

(Journal Special Service.)

Dallas, Tex., May 12.—A wreck was caused by a washout on the Cotton Belt east of Dallas today. It is reported that three passengers and two trainmen were killed.

BUFORD AGROUND IN MALABANGA HARBOR

Transport Carrying Troops From Portland Meets With Accident — Not Serious.

(Journal Special Service.)

Manila, May 12.—While entering the harbor at Malabanga, Mindanao, yesterday the United States army transport Buford ran aground. The troops aboard have been landed and it is thought that the vessel can be floated before she sustains much damage, as she is comparatively free of freight. There are no rocks of any consequence where she is lying.

With the Fourteenth infantry from Vancouver barracks the Buford left Portland April 3 for the Philippines. After stopping at Honolulu on the outward voyage for a short time she reached Manila May 5, which is considered a very fair passage. Although she is the largest transport in the service, drawing more water than any of the others, she arrived at and departed from Portland harbor without the least delay. Neither was she detained at the Columbia river bar, but went to sea an hour after her arrival at Astoria.

MURDER MYSTERY PUZZLES CHICAGO

Body of Unidentified Man Discovered Standing Upright in Hotel Vestibule.

(Journal Special Service.)

Chicago, May 12.—The Chicago police have a peculiarly puzzling murder mystery to solve, and yet have no tangible clues on which to work. The body of an unidentified man was discovered standing upright in the vestibule of the Stafford hotel on Van Buren street early this morning. The body was horribly bruised in many places. On the back of the neck was a peculiar wound.

The body is that of a man 45 years old, of slender build, gray hair and bald head. It is dressed in dark clothing made of high-priced fabric.

Michael McDonell, a saloonman, says that he saw two men whom he believed newsdealers, carry the body across the street and place it in front of the hotel. He also says that he saw a wagon belonging to the Quaker Biscuit company standing in front of the hotel. As soon as the body was placed there the wagon was driven away on the gallop.

The coroner's physician found several ribs broken.

EIGHT KILLED AND ELEVEN BADLY HURT

Huge Gas Tank Explodes at Breeze Point Dealing Death and Destruction.

(Journal Special Service.)

Philadelphia, May 12.—Without warning one of the huge tanks of the United Gas Improvement company's plant, at Point Breeze, exploded at 11 o'clock this morning. Eight men were instantly killed and 11 injured. Two of these will probably die. The big tank was completely wrecked and windows were shattered for blocks in the southern section of the city.

The tank, which weighed hundreds of tons, and contained thousands of cubic feet of gas, was rent asunder and fragments hurled in every direction. Following the showers of steel was a sheet of flame which enveloped everything within a radius of 100 yards, and caught those workmen who escaped the force of the explosion. The injured were taken to St. Anger hospital and of these John Boyd and Owen Brady will die.

WOMAN BACKS CLAIMS WITH SIX-SHOOTERS

(Special Dispatch to The Journal.)

Loomis, Wash., May 12.—There was a panic in Cooper, a mining camp, yesterday when Mrs. G. H. Wheeler flourished two six-shooters in the face of her husband, from whom she recently secured a divorce. Mrs. Wheeler was given the custody of her children. Wheeler came into camp announcing that he would take the children, whereupon his wife went at him with revolvers. She was arrested.

TEN BOYS CAPTURE A BOA CONSTRICTOR

(Journal Special Service.)

New York, May 12.—The Sun says: Ten boys trudged into the tenderloin police station last night dragging a gunnysack in which they had a dead snake 12 feet long. They dumped it on the floor.

"We were playing under the bridge at Eighteenth street, near Fifth avenue," said the spokesman, "and saw a snake crawling along under the bridge. We got a lot of rocks and stoned him. When we were sure it was dead we put him in a sack, as we thought the police would like to have him."

A policeman at the station, who used to hold a job at a circus, said the snake was a boa and had evidently died on its owner's hands, and not by violence.

While the Sun inclines to minimize the importance of the snake episode, the other morning papers have taken seriously the story that the boys told. Graphic accounts appear of the fight between the boys and the serpent. One story tells how the boa glided up Fifth avenue, stampeding pedestrians. Another story ascribed remarkable proportions to the snake, saying it was 13 feet long and as large around as a man's thigh.

STRIKE OIL FLOW IN CROOK COUNTY

Crook county has an oil well. It is not producing yet, but oil has been struck at a depth of 300 feet from the surface, and all indications favor a commercial flow.

This important find has been made on Haystack plains, between Prineville and Crookskeys, in the well recently bonded by Archie Mason, the local contractor. Mr. Mason is in the city arranging for casing for deeper boring, and gave a brief outline of the strike.

"Our drill is below the 300 point and has entered oil sand. We have penetrated 25 or 30 feet of hardpan, but have not yet gone into rock formation. Shale was plentiful, giving the best oil indication, and when we entered the oil sand we were able to secure small quantities of what appeared to be good oil. I brought some of it to this city for analysis, and will soon have all the usual tests completed, I am informed that it has all the characteristics of a good illuminating oil."

Haystack is a farming community bordering the Deschutes gorge. There had never been any exploration in that immediate district for oil, but further to the east, in the vicinity of Lookout mountain, where there has been considerable excitement over cinnabar there are several locations of oil claims.

Mr. Mason learned of the well while building the automobile road between Crookskeys and Bend. He was informed that a farmer in trying to get water for domestic purposes had sunk a well to a depth of 200 feet and that natural gas was issuing from the working with much force. This gas had been tested with flame and burned nicely.