

MRS. TINGLEY WINS OUT

JURY GRANTS VERDICT FOR \$7500 DAMAGES. COURT HAD INSTRUCTED JURY TO REGARD ALL DEFENDANT'S ALLEGATIONS AS FALSE—HIS COMMENTS.

SAN DIEGO, Cal., Jan. 12.—The jury in the Tingley-Times \$7500 libel suit has found for Mrs. Tingley in the sum of \$7500. Ex-Judge J. W. McKinley, of Los Angeles, began the closing address for the plaintiff in the Tingley case this morning. He opened by challenging Mr. Shortridge's statement that the Christian religion was at stake.

Judge E. S. Torrence, in his charge to the jury, said that there had been no legal proof furnished to support the following allegations: That numerous outrages were committed by the plaintiff and under her direction at Point Loma; that people were deprived of their liberty; that men and women starved; women imprisoned in cells, or that Mrs. Tingley was a spiritualistic medium and an impostor. The court declared there was no proof that Mrs. Tingley had caused parents to be taken to be separated, and had kept the children in confinement, or that there were immoral practices at the home. The court instructed the jury to regard all of the above allegations as false. The court in discussing most of the various allegations, made comment in this manner: "The defendant alleges that it was true that the institution conducted by plaintiff is a fake and a fraud, and that the purpose of the plaintiff for the purpose of defrauding people who are induced to attend it. I declare to you as a matter of law that there is no legal proof of the truth of that charge, and therefore you must regard it as false."

The charges that men and women at Point Loma were in the habit of making midnight pilgrimages insufficiently clothed or were in the habit of indulging in immoral practices under the direction of Mrs. Tingley, were submitted to the jury. The court said the jury should decide: "First—What injury has been done to the plaintiff's reputation, and the natural distress she has suffered as the natural and direct consequence of the publication of the libelous matter contained in the defendant's newspaper, which the court has declared to be libelous."

"Second—If the jury should find that the other portions of the article did not convey the meaning given them by the plaintiff, then they would not be libelous, and in contemplation of law, the plaintiff could not be injured thereby."

"Third—The amount of money which will compensate the plaintiff for the injury done to her reputation by the publication of the libelous matter inspired by actual malice on the part of the defendant."

"Fourth—Was the publication of the libelous matter inspired by actual malice on the part of the defendant."

"Fifth—If exemplary damages are to be given the amount which the jury believe to be just."

The court then continued: "The subject of the constitutional liberty of the press is a question which has been published in the Los Angeles Daily Times was a privileged communication, because it referred to the conduct and management of a quasi-public institution, not supported by the defendant's answer, nor by any previous contention of the defendant, but were first referred to by its counsel in its argument to the jury. In the opinion of the court, there are no facts or circumstances appearing in this case which prove that the defendant has any legal right to have these questions considered by the jury. Nor is it the opinion of the court that either the progress of the Christian civilization or the principles of the Christian religion are involved in the publication of the article, unless it be said that God's command, 'Thou shalt not bear false witness against thy neighbor,' is the underlying principle which justifies the enactment and enforcement of the law of libel."

WILL NOT PAY RAISED WARRANTS. ASTORIA Council Only Willing to Pay Original Amounts.

ASTORIA, Or., Jan. 12.—(Special)—The City Council passed an ordinance at a meeting held this evening cancelling all the outstanding warrants which had been "raised" by the late Auditor, and instructing the Treasurer to redeem them only in the amounts originally allowed by the Council. This action was in accordance with an opinion given by City Attorney Smith that the city could not be held responsible for the bogus warrants issued by the Auditor.

The Council also passed an ordinance increasing the salary of the Chief of Police from \$81 to \$90 per month.

The Muller Glacier Packing Company, which operates a cold-storage plant near Wrangell, Alaska, held its annual meeting this evening and elected a board of directors as follows: Dr. W. C. Logan, Chris Olsen, Chris Christensen, Martin Board and Oscar Thompson. The board organized by electing Dr. Logan president and Oscar Thompson secretary.

BORAH LOYAL TO PARTY. Though He Has Grievances, He Abides by Caucus Decision.

BOISE, Idaho, Jan. 12.—There has been a persistent agitation among supporters of W. E. Borah since the State caucus over alleged violation of the caucus agreement. Most of them wish to break the caucus, and Democrats promised to vote with them for Borah.

Late this afternoon the Borah men held a caucus on the subject, 20 of the 22 being present. Mr. Borah addressed them. He recited their grievance and held there was no reason for their meeting, but he argued that there were other questions involved and that the conditions were such that the interests of the party and considerations of honor demanded the caucus. He said that he would all vote for Judge Heyburn tomorrow.

This is said to have been accepted by all of them and all agreed tonight that there will be no defection from Heyburn.

TIMBER LAND FRAUD IN IDAHO. Leoters Accused of Swindling Many Settlers in Familiar Way.

BOISE, Idaho, Jan. 12.—As a result of an investigation made by L. L. Sharp, inspector of the General Land Office, warrants are out for J. W. Cook and W. R. Simmons, who have been living here, on a charge of obtaining money under false pretences, a man named Fitzsimmons being the complaining witness for their meeting, but he argued that there were other questions involved and that the conditions were such that the interests of the party and considerations of honor demanded the caucus. He said that he would all vote for Judge Heyburn tomorrow.

It is said that these men have victimized some 70 people by pretending to locate timber land for them. They would show the victim a fine body of timber that was not open to location. Then they would file for him on some worthless land. The two men have disappeared.

GREAT WATER POWER SCHEME. Madison River to Supply All Southern Montana and Butte.

BUTTE, Mont., Jan. 12.—A special to the Miner from Virginia City says that the Madison Canyon Power Company, whose plant is located at Meadow Creek, near here, has instituted proceedings, seeking to condemn over 50 ranches, besides considerable other minor property. If the company is successful in the suit, an immense reservoir will be built and a lake formed on Madison River, five miles long and two miles wide, and the company will have sufficient power to supply not only Butte, but the entire southern portion of the State of Montana with electricity.

BOY KILLS HIS LITTLE SISTER. Accidental Discharge of Winchester Causes Child's Death.

ON AFFAIRS OF HAWAII

SENATE COMMITTEE MAKES DETAILED REPORT. Radical Changes Proposed in Care of Lepers, Land Laws and Taxation—Pension for Queen Lili.

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It is but fair to state in the beginning that the report, except for the dissent of Burton on the labor question, is the individual work of Senator Mitchell. Ever since he returned from the islands his report has occupied steadily in preparing the report from the testimony taken. The recommendations are his recommendations, in which the other members of the committee merely concurred.

The subcommittee consisted of Senators Mitchell, of Oregon; Burton, of Kansas; Foster, of Washington; Cockrell, of Missouri, and Blackburn, of Kentucky. The last two members of the subcommittee, but Senator Blackburn joined in the recommendations, numbering 25. The visit to the islands was made last September, and covered 25 days, during which time 200 meetings were held, and 175 witnesses were interrogated.

The investigation was general, and covered all questions which the Government possesses jurisdiction over, including the laws, local and Federal, and their execution, the public lands, labor on plantations, the harbors, taxation, the leprosy settlement, Queen Liliuokalani, and claims under the subject. The condition of affairs in the leper settlement on the island of Molokai excited the liveliest interest.

Care of the Lepers. The committee made quite a thorough inquiry concerning this settlement, which is under the close supervision of the Second Judicial District in the island, and gives the testimony adduced in support of the charges. It makes no comment on the way of houses made for Judge Kalu, made no reply to the charges.

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SAN FRANCISCO, Jan. 12.—There was a large attendance at Oakland today and the sport was favored by fine weather and a fast track. Favorites fared badly, but well-placed horses were successful.

Fourth race, four furlongs, selling—M. M. was played as a good thing throughout the country and rewarded her backers by taking the third race. At the start of the fourth race, Fourth race, four furlongs, selling—M. M. was played as a good thing throughout the country and rewarded her backers by taking the third race.

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AFTER THE POSTMASTER

INSPECTOR SAYS DUNLAP OF WASCOC EMBEZZLED \$531 23. Larger Amount of Stamps Reported on Hand Than Could Be Accounted For.

"The record-books of Clark Dunlap, Postmaster of Wasco, Shermans County, show that he has embezzled \$531 23 from the Government. He did this through reporting to the department that he had a larger stock of stamps on hand than he could afterward account for." So says Postoffice Inspector T. G. Clark, of Walla Walla, who made the discovery of the defalcation. The inspector was in town yesterday and notified the United States Court of the action of the Wasco Postmaster. He returned last evening to Sherman County, and the Postmaster will be quickly brought to justice.

"Dunlap can give no explanation of the difference between his accounts and the actual stock on hand," continued the inspector. "All he will say is, 'I don't know how it happened.' A feature of the case which directly concerns the whole town of Wasco is that, had Mr. Dunlap correctly reported the sales of his office, it would have been made a Presidential or third-class office instead of remaining in the fourth-class list. The Postmaster of such an office would have received about \$1000 a year, besides many extras not allowed a fourth-class station."

"Now, the rival town of Wasco, is now a Presidential office, and the people of the other town have been very anxious that their town be accorded the same honor."

On December 21 Dunlap reported to the department that his stock on hand amounted to \$169 72, and on January 9 his books showed a stock of \$124 24. Everything around the office was all accounted for on January 9 Inspector Clark dropped into the realm of Mr. Dunlap. To his surprise, he at once found that a wide discrepancy existed between the accounts of the Postmaster and the actual stock on hand. The sales between December 21 and January 9 amounted to \$25 25, showing that the stock of stamps and stamped envelopes on the day of the report was \$113 47, instead of \$169 72, as reported to Washington.

Inspector Clark yesterday, "and one of the worst cases in my experience. Very often a new Postmaster is short a small sum in his accounts, but it is usually easy enough to find where he made the mistake, and the trouble is therefore rectified. In the Wasco case, however, the Postmaster holding office for three years, and so could not plead ignorance. It was very reckless in every way, for he must have known that sooner or later he would be found out. I do not work with the idea of catching Postmasters in stealing, but rather to show them their mistakes, but when a case like this comes up it must have the most thorough investigation and the most complete report made. A clear case of embezzlement. The Wasco will now have to remain a fourth-class office, whereas had Dunlap done his duty he would soon have received a good salary, or rather would have been allowed a larger percentage of the receipts. He was sure to be caught in the course of time, though in several of his accounts he had been added to the actual amount in the hope of deluding the inspector as to the stock on hand. His position will be filled by another man very soon."

W. C. Wilkes, who came to this State in 1844, is Dead.

W. C. Wilkes, a pioneer of 1844, who had lived on his farm on Columbia Slough, near Rockwood, for the past 57 years, died at his home Sunday, and the funeral will be held this afternoon at 1 o'clock from his home. Interment will take place in the Powell cemetery. Mr. Wilkes was 90 years old. For the past 19 years he has not been an active man, but was able to get about his home. On Saturday he was in his usual health, but was taken with double pneumonia. Dr. C. H. Hefley was summoned to see him on Sunday, but when he arrived Mr. Wilkes was in a state of collapse.

Mr. Wilkes came to Oregon with the second large wagon train that crossed the plains in 1844. The first came in 1843. His father and mother and family settled on Derry Creek, Washington County, where they lived till 100 years of age. Their son settled on the Columbia Slough farm in 1845.

NEW ORLEANS, Jan. 12.—Crescent City race results: One mile—Shotgun won, Memphis second, time, 1:45 1/2. Six furlongs, selling—Lord Neville won, Malster second, Zack Ford third; time, 1:18 1/2.

Mile and a sixteenth—Wilful won, Potente second, Honolulu third; time, 1:52. Seven furlongs, handicap—Jack Demond won, W. J. DeBoe second, Jessie Berbo third; time, 1:32 1/2.

Six furlongs—Star and Garter won, Ahumada second, Glennevis third; time, 1:18. Selling, mile and a sixteenth—Pyrrho won, Joe Lesser second, The Way third; time, 1:32 1/2.

Commissions on California Races. Accepted, Portland Club Cafe, 130 Fifth street. Direct from the tracks.

RANSCH CONTRACT CLOSED. California Jockey Goes to Europe at \$10,000 a Year.

NEW YORK, Jan. 12.—Jerry Ransch, the young champion jockey, will ride for William K. Vanderbilt in France next season at a salary of \$10,000.

John S. McDonald, Mr. Vanderbilt's agent, secured the release of Ransch from the contract with the California Jockey Club, by the payment of a big bonus. Ransch will continue to ride under the colors of Burns & Wadsworth for a month and then will sail for France. If his riding is satisfactory, Ransch's contract will be renewed at the end of the season for two years.

Colored Lawyer Appointed. WASHINGTON, Jan. 12.—William H. Lewis, a colored man, has been appointed an Assistant United States Attorney for Boston. The appointment was made by Henry P. Moulton, the United States District Attorney for the Boston district, but it is understood that the selection was made on the suggestion of President Roosevelt. Mr. Lewis is a graduate of Amherst College and is said to be a lawyer of excellent attainments.

In addition to the recommendation that the leasing system be abolished, the committee suggests that the control of the lands immediately be taken from the territorial government and vested in the Interior Department at Washington. The appointment of a Surveyor-General and the creation of two land districts in the territory are recommended, and it is suggested that the Secretary of the Interior should be empowered to make a thorough investigation pertaining to the administration of the lands.

Then follows the arraignment of Governor Dole's administration. The committee says: "There has recently been a perfect avalanche of defalcations involving the administration of Governor Dole in a cloud and enshrouding his name in a maze of embarrassment."

The committee criticizes the present system, which requires no bond from persons engaged in fiduciary positions, saying: "Although all these officers thus defaulting, except Woodward Thompson, Chief Clerk Wright and Walter A. Wright, were appointed by Governor Dole by and with advice and consent of the Senate, inasmuch as it is conceded by all these defaulting officers had always, prior to their respective appointments, borne good reputations for integrity and business capacity, it would, in the opinion of the committee, be unjust to attach any blame on account of these official irregularities to Governor Dole. It is, however, a matter of surprise that there is no provision whatever in the organic act, or in any local state requiring either the territorial Treasurer or any other Federal or territorial officer, except in the case of the 'Assessor and Tax Collector,' to give bond conditioned for the full performance of the trust."

"In the case of the 'Assessor and Tax Collector,' while the local statute requires him to give bond in not less than \$10,000, he was only required to give a bond and is now under such bond in the sum of but \$200, while by his own testimony he has \$200,000 taxes in his hands and under his control at one time. In requiring a greater bond from this officer your committee believes that the common sense and wisdom of State are probably chargeable with negligence of public duty. Your committee recommends legislation that will compel every officer, both Federal and territorial, who has control of public funds, to give a sufficient bond to cover any and all delinquencies."

Give Queen Lili a Pension. The committee finds that Queen Liliuokalani had no personal interest in the crown lands, but only an official interest during her reign. Such interest would have entitled her to the rental of the lands, and the rental was paid from the time of the overthrow to September 1 last the rental would have amounted to \$423,578. In view of all the circumstances the committee recommends that "as an act both of justice and national grace and wisdom the Senate consider with the Governor on the lines indicated in this report the claim of the late Queen Liliuokalani, now a loyal private citizen of the United States, to make such reasonable provision for her as the facts here presented may seem to justify."

The committee recommends the disallowance of claims made by the other persons, professing to be members of the late royal family of Hawaii.

The committee refers to charges of corruption and incompetency made against Judge John W. Kalua, of the Second Judicial District in the island, and gives the testimony adduced in support of the charges. It makes no comment on the way of houses made for Judge Kalua, made no reply to the charges.

Speaking of the treatment of employees of the large plantations, the committee expresses the opinion that good provision should be made for the sick, and adds that all of those employed seemed to be living in happiness and contentment. In addition to houses, fuel and medicine, the committee found that the Government pays the laborers receive from \$15 to \$20 per month.

The committee finds much reason for encouragement in respect to the coffee industry in the islands, and recommends a duty of 4 cents a pound on coffee for 10 years.

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