



FULTON TELLS OF BROWNELL LETTER

No Deal for "Protection," He Says.

RELATIONS WITH JOHN H. HALL

Reappointed District Attorney at Instance of Heney Alone.

STEIWER AND PUBLIC LAND

Asked Hall Merely if Civil Prosecution Against Ex-State Senator Would Not Be Sufficient. Full Text of the Letter.

Senator Fulton last night told the story of the now famous Brownell letter, explaining his relations with John H. Hall and commenting on sundry other matters in controversy between himself and Francis J. Heney. There was no deal for the reappointment of John H. Hall to be United States District Attorney for Oregon, he says, for neither he nor Senator Mitchell, nor others of the Oregon delegation, were for Hall, though Fulton at a delegation meeting once voted for him, and none of them was consulted by the President in making the Hall reappointment. The President named Hall because Heney asked it. Senator Fulton admits that he was friendly to Brownell and was anxious to help him "in any proper way."

Reference to Steiwer Case. As to State Senator Steiwer and his prosecution for fencing public land, Senator Fulton says that in a conversation with District Attorney Hall, the Steiwer matter was brought up and Fulton inquired only if the ends of justice might not be fully met by a civil action. There was no arrangement as to Steiwer and there was no other conversation or correspondence about him. The interview with Senator Fulton is as follows:

That Brownell Letter. "I leave for Washington in the morning. It is important that I shall arrive there on the earliest possible date, as the committees will be meeting regularly after Congress reconvenes. Have I anything further to say relative to Mr. Heney's charges? Only this: It is quite evident that he refers to the old charge that Senator Mitchell and I agreed to support John Hall for reappointment in consideration of his protection of George C. Brownell against indictment. This charge Mr. Heney bases on a letter written in January, 1904, by Mitchell to Brownell and concurred in by me. I so assume from the fact that he refers for his specifications to a letter which appeared about one year ago in Collier's Weekly. In that article only an extract from the Mitchell letter was published, although it was so published as to indicate that it constituted the entire letter, as will be seen by reference to the reproduction thereof in this morning's Oregonian.

Letter a Long One. "Now, the truth is that it was a long letter covering some four or more pages and devoted almost entirely to the subject of Mr. Brownell's candidacy for Congress. I have no recollection of endorsing the letter, but assume that I did so, as it was quite common for Senator Mitchell to write a letter and bring it to me and request me to join in it. Indeed, when this excerpt was first published I would not recall the letter at all. The Oregonian, however, shortly thereafter, in December, 1906, I think, published the entire letter. I then recalled the circumstances. I would be pleased to have it published again, for a person reading it will readily see that I concurred simply in the suggestions relative to Brownell's candidacy for Congress.

Heney's Inference Incorrect. "Mr. Heney infers from that portion of the letter he quotes that we had promised to support Hall for reappointment on condition that he would protect Brownell. Such a proposition was never suggested to my knowledge. Mitchell had told me that Brownell was complaining to him that Hall was threatening to have him indicted. I spoke to Hall about it when he was in Washington in January, 1904, and asked him what there was about the talk that Brownell might be indicted. He answered that he personally knew nothing about it; that he understood the department had some evidence against him, but it had not been submitted to him. I expressed the hope that there was nothing in it and said I hoped he would be as lenient as consistent with his duty, as I did not believe Brownell purposely violated the law.

No Agreement to Support Hall. "That we did not agree to support Hall is quite clear from the fact that we never did so. The letter in question was written in January, 1904. After Congress adjourned and the delegation had all returned to Oregon we held a meeting and endeavored to agree on a district attorney, and finally Mitchell, Hermann and

Williamson voted for and agreed to support Judge Moreland, of this city. I voted for a number of others, and among them Mr. Hall, but as we could not agree on a man nothing was done, and some time thereafter, I do not recollect the date, Mr. Hall was reappointed on the recommendation of Mr. Heney himself. Not a member of the delegation recommended him or knew he was to be reappointed until the announcement was made from the White House.

Steiwer Land-Fencing Charge. "Another charge I understand Mr. Heney makes against me is that I sought to or did influence Mr. Hall not to have Hon. W. Steiwer indicted for having public lands fenced. The proposition is utterly absurd and there is absolutely nothing to it. Mr. Heney and his associates would have known nothing about the conversation on which they base the charge, probably, had I not told it myself. Be that as it may, the facts are that some time in the Spring of 1903 I



Horace Boies, ex-governor of Iowa, in an ex-Paso hospital, but whose condition is reported improved.

was on my way to call on Mr. Hall and met a gentleman who told me that Steiwer was to be indicted for fencing public lands. "When I saw Hall I asked him if it were true. He said he did not yet know, but that all fences inclosing public lands must come down. I asked him if he could prove them removed by a civil suit. He said he could. I then stated that I thought that the better way, as I did not think a good citizen, such as Mr. Steiwer, was, should be subjected to the humiliation of being indicted when a civil suit would answer every purpose. "Hall said that if a party had any color of right to maintain such a fence he would prefer to fight it by civil action, but did not know the facts in the Steiwer case yet. That was the end and substance of the only conversation I ever had with Hall on the subject."

TEXT OF BROWNELL LETTER

Sensors Mitchell and Fulton to the Oregon City Man. That the public may see now again just what the Brownell letter contained, and all that it contained—extracts from which only were published in Collier's and the American Magazine—it is herewith reprinted in full:

WASHINGTON, Jan. 18, 1904.—Hon. George C. Brownell, Attorney at Law, Oregon City, Ore.—My Dear Senator and Friend: I have delayed writing you for some ten days ago in which you state that you think the time has come for you to make the race for Congress, and you want to know whether Senator Fulton and I can help you. There is no question, my dear friend, about our desire to help you in any way in our power, but there are a good many things to be considered, as it seems to both of us, looking to your own interest, before we attempt at the long range to inaugurate a campaign. I think that I have a right to say to you that I am not a candidate of that kind from here by letter, without it becoming known all over the state. You know very well quite a number in the different sections of the state who would like to go to Congress—Gatch, in Salem, perhaps one or two others, probably Geer, Till Ford, in Albany, probably Mitchell and Fulton, or both, in Eugene; Vawter in Medford; probably Carter, of Ashland, Eddy of Tillamook, Huston, of Hillsboro, and perhaps others.

The moment it is known that Fulton and I, neither of whom live in this district, are taking an active, aggressive part against all the candidates, and that we are taking the whole crowd against both you and us, together with all their friends, and a campaign will be at once commenced by each one of them to pull you down. Now, I will give you an idea of the way in which you ought to proceed in order to win the prize. Simply look out for your own county and see that you get a good solid delegation from that county to the district convention—men that will stand by you, first, and all the time. Do not try to interfere, make no special effort except as you can do so quietly, without open antagonism to any other, probably candidates, and you will have a very good chance to win. Do not at least shortly before time, to make combinations that will win. You may then be able to do this with compromise and arrangements with the different candidates, or with enough of them to control the convention. Now, friend Brownell, you may think, "Oh, this is a very fine way, but I don't want to get out of helping me," but I submit to you, think over this whole business, and I am sure your good political sense and shrewdness will lead you to the conclusion that this is a good advice.

We may be able, when the time comes, to help you, and to help your friends, but I am sure it will be impossible to have any understanding between you and Hermann at this time, so as to stand by each other, and whoever has the longest pole takes the persimmon. It is entirely too early to expect to be able to make any such arrangement with Hermann. I did write one letter in your interest to Mr. Goode, and also one to Senator Booth, as I knew they could be trusted to treat the

(Concluded on Page 3.)

STATE'S HOMICIDE RECORD FOR 1907

Fifty-Six Persons Die by Violence.

FEW SLAYERS FOUND GUILTY

But Three Convictions Obtained in 17 Trials.

NONE IN FIRST DEGREE

Twenty Out of 33 Counties Witnessed Bloodshed During Year. Fifteen Are Killed in Multnomah Alone.

Table titled 'OREGON'S HOMICIDE RECORD FOR 1907' showing statistics on murders, manslaughter, and other crimes.

Oregon's criminal blotter for the year 1907 shows the commission of 56 homicides. For these crimes not one conviction of murder in the first degree has been secured. Only two of the homicides were convicted of murder in the second degree, and are serving sentences in the State Penitentiary. One other was convicted of manslaughter, but he is out on bail pending an appeal to the Supreme Court. Fourteen were acquitted for different causes, ten committed suicide, 11 have not been apprehended, and 13 cases are pending in the courts. Of the 13 defendants awaiting trial nine will plead self-defense. Eight of the 14 acquitted homicides were discharged on the ground of self-defense or justification, three went free because of lack of evidence, two were acquitted as insane and one successfully pleaded the "unwritten" law.

One Legal Execution. During the year there was but one execution at the State Penitentiary. Early in the year Holliver Mergerson was hanged for the murder of his wife in Malheur County over two years ago. Four murderers were received at the penitentiary for the 12 months, as follows: C. M. Forest, Clatsop County, manslaughter; indeterminate sentence; William Blosh, Douglas County, murder second degree, life sentence; Francisco Guarjido, Columbia County, murder second degree, life; James Sawyer, Umatilla County, manslaughter, 15 years. Forest and Blosh, while received at the prison during the year 1907, committed the crime for which they were convicted prior to January 1, 1907.

Firearms in Favor. Of the 56 persons who were slain, 44 were killed by firearms, seven were either stabbed or struck with some missile, four were probably killed with a hatchet and their bodies burned and one was assassinated with a bomb. In 16 of the 14 separate tragedies one or both of the principals was under the influence of liquor, or had been drinking.

There were no murders during the year in 13 of the 33 counties of the state as follows: Benton, Crook, Curry, Gilliam, Grant, Harney, Josephine, Lincoln, Linn, Tillamook, Washington, Wheeler and Yamhill. Estimating the population of the state at 500,000, the ratio of persons killed by their fellowmen was one to every 10,000 of population.

Let's No Slayer Escape. In the detection of murderers, their prosecution and conviction, Umatilla County has a creditable record for 1907. Three murders were committed, and in each case the murderer was apprehended. One was convicted of second-degree murder and sentenced to the penitentiary for 15 years, another was found guilty of manslaughter and has appeared in case to the Supreme Court, while the third was acquitted on the ground of self-defense. In this case, the defendant was a woman, who shot her abusive husband.

Lincoln's Clean Record. "Lincoln County has a clean sheet in her criminal record for the year 1907," writes C. B. Croson, of Toledo. "Not a single homicide in the county during the year, no grand jury was called, and no important criminal litigation was held; in fact, our regular terms of the Circuit Court have never occupied one full day at either term. Our people are law-abiding and at peace with each other. Lincoln County has no saloons and apparently seems to be without one of the great factors that is prominent and aired in the courts of our state under the name of 'temporary insanity.' Our people have cause to be proud of their lack of a criminal record, and the minimum of our court expenses."

Hot Shot for Governor. "There has been no homicides in Tillamook County since Hembree murdered his wife and daughter two years ago at Sand Lake," reports Fred C. Baker, of Tillamook. "The parole of Hembree by the Governor gives a license to others to commit murder, when it is known they can get off so easily. The whole trend of

EVENTS OF COMING WEEK

Washington Center of Interest. With the exception of the Thaw trial, beginning Monday, and such special developments as may arise from a number of dinners and meetings, both in Washington and elsewhere, the news interest of the week will be chiefly in Washington City, where Congress will reassemble after the holiday recess and begin in earnest the business of the long session.

Jackson Day Dinners. Jackson day dinners and a number of meetings and speeches are scheduled for the week. Secretary Taft will speak at Cooper Union, New York, on Friday, and on Tuesday at the same place, the New York State League of Democratic Clubs, the Bryan organization, will hold its convention.

The formal Jackson day dinner will be given at the Waldorf-Astoria under the auspices of the Democratic State Committee. Another political gathering of importance will be the Bryan banquet, to be given by the Bryan Club at Chicago on Wednesday.

Activity for Hughes. In all this political activity, Governor Hughes is not overlooked. On Thursday night the Republicans of the Twenty-ninth New York Assembly District will give a dollar dinner, the invitation to which states that it is for the entertainment of Hughes delegates to the convention.

Druce Case Again. The Druce estate case will reappear in the courts of both London and New York. In London the prosecution of Herbert Druce for perjury, which was discontinued in America, and in New York of Robert Caldwell, the American whose testimony at London caused his arrest on perjury charges when he arrived here on December 21, will be given a hearing.

Fleet Will Reach Rio Janeiro. If all goes well, Rear-Admiral Evans' fleet will arrive at Rio Janeiro on Saturday or Sunday and the officers and men will be entertained on a most lavish scale.

Noted Russian Caravan. When the steamship Carmania arrives, probably Saturday, she will bring one of the most interesting figures who has visited this country in many months—Paul Mikulovsk, head of the Constitutional Democrats of Russia and President of the Russian League of Nations, who is expected to address the Civic Federation at its meeting in New York next week, and after four days' stay here will embark for his return to Russia, to be present at the reassembling of the Douma.

More than 1000 depositors of the defunct Oregon Trust & Savings Bank, at a meeting held in the Armory yesterday afternoon, heartily endorsed the proposed merger of the suspended bank with the German-American Bank. After the details of the new plan of reorganization had been explained and a number of addresses made, the depositors without a dissenting vote, adopted resolutions agreeing to wait for two years for their money, and requesting the State Circuit Court to grant an order accepting the proposal of the German-American Bank.

Jack Day, president of the Depositors' Association, occupied the chair, and at 2:30 o'clock called to order the meeting, which completed its work and adjourned within an hour. E. B. Clements was introduced and explained that the conference had been called for the purpose of considering the plan that had been proposed by the German-American Bank. Said he:

Clements Outlines Plan. If I understand rightly, the German-American Bank has submitted to the receiver of the Oregon Trust & Savings Bank a plan whereby it is to absorb and take over the business of the bank and pay each and every depositor in 18 months, which will be explained to you by the bank officer, but as a depositor, and have little knowledge of the details of the proposed plan, you act as the next speaker. I wish to mention, however, that if, after the plan is fully explained, you acquiesce in the receiver expects to report the bank will reopen in about ten days.

Receiver Devlin Explains. Thomas C. Devlin, receiver of the Oregon Trust & Savings Bank, was the next speaker. He supplemented the remarks of Mr. Clements by giving in detail the plan for the taking over of the suspended bank by the German-American Bank. Beginning with the time that he was appointed receiver of the Oregon Trust, Mr. Devlin said it had been his impression that the institution could be closed out under the receivership and pay about 60 cents on the dollar. That was in anticipation, he explained, that business conditions would continue as they had been; but the financial stringency later had depreciated the value of the bank's securities to the extent that a settlement on a basis that satisfactory was not likely. Continuing, he said:

It then came about that we had submitted to us a plan which you have heard, in a measure, outlined. That is, to combine the Oregon Trust & Savings Bank with the German-American Bank, which has a capital of \$25,000,000, with an authorized issue of capital of \$50,000,000. The German-American Bank is in excellent condition, and it represents among its present stockholders the best financiers upon the Pacific Coast, men of very much ability who, I am told, in the aggregate represent more than \$2,000,000. The German-American Bank would become, at the moment that it merges with the Oregon Trust & Savings Bank, immediately available for the payment of the liabilities to you people, and you would become a preferred creditor against that stock, and before they can realize a dollar from it every dollar due the depositors must be paid.

Gives Many Figures. In addition to that there has been \$20,000 of additional subscribed by persons interested in the Oregon Trust & Savings Bank for stock in the German-American Bank. That reduces the liabilities of the Oregon Trust & Savings Bank to that extent, and in turn makes the remaining assets more valuable to you. In addition to all this, the remaining stock required to make up a \$500,000 of capital for the Oregon Trust & Savings Bank has already been applied for. There are more people wanting stock in that bank than we can supply, and more stock has been applied for than we have to sell. Therefore the pledge has been given to you,

DEPOSITORS FAVOR THE MERGER PLAN

Ask Court to Approve Consolidation.

INDORSEMENT IS UNANIMOUS

One Thousand Attend Meeting at the Armory.

WILL WAIT TWO YEARS

Agree to Give Promoters of Reorganization Ample Time to Pay All Claims Against Oregon Trust & Savings Bank.

STORY OF ARMORY MEETING IN BRIEF

Action Taken by Depositors.—Plan for the absorption of the suspended bank by the German-American Bank endorsed. Resolutions adopted petitioning State Circuit Court for an order directing that the proposed plan of reorganization be carried out. Agreed unanimously to wait for two years for the payment of claims against the bank. Views of Louis J. Wilde.—I don't think anything now stands in the way to defeat the proposed reorganization. Before making any definite statement, however, I desire to ascertain if the expression of the depositors' meeting is representative of all depositors and satisfactory to the press and to the general public. I expect to determine the general feeling in the matter tomorrow, when I may make a further announcement.

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or will be given to you, in the event that this merger goes through, or that the German-American Bank absorbs the Oregon Trust & Savings Bank, that the stockholders of that bank shall put up \$500,000 as a guarantee that they will pay you what is coming to you.

The liabilities of the Oregon Trust & Savings Bank at the present time are about \$2,100,000. Of this amount about \$1,000,000 at the present time has been subscribed for bank stock and for telephone bonds. This would reduce the liabilities to about \$1,100,000. When that transfer is made it is then proposed that the \$100,000 subscribed for stock in the German-American Bank will be increased by \$250,000, which it has at present, making \$250,000. There will then be another subscription of \$100,000 in certificates of deposit of the Oregon Trust & Savings Bank, thus reducing to \$800,000 the liabilities of the new bank, and accordingly increasing the capital stock to the same amount.

Will Be No Watered Stock. The remaining portion of the \$500,000 of the new bank will be subscribed for and paid for in cash, and there will not be one dollar of watered stock, or one cent of bonus stock in this new bank.

I pledge you my word as a man, and you can rely on it, that the plan will be carried out in the letter and in the spirit, as we conceive them. You will



Caleb Powers, in whose case a jury again failed to agree.

then notice that the best security to you is this fact: That the liabilities of the Oregon Trust & Savings Bank have been reduced to \$800,000; that in the remaining portion of its assets its bank furniture and fixtures, valued at \$100,000, and its remaining portion of bonds, its \$400,000 in notes, its \$5,000 in one bunch of bonds and bank land, its property, its all, go to pay that \$800,000, and as a guarantee \$500,000 for more stock is to be added to this. It has all of the security in the world that anybody can want.

As to the payment of interest, I believe that is a matter which should be determined either by the court or by the board of directors of the new bank. It is a matter that I could not pass upon at this time, but I can assure you that the time required for liquidation will be very much less than you expect. It is going to be the first endeavor of the new bank to pay you, for this reason: Of the \$500,000 that has been subscribed, \$400,000 is owned by the man or men or companies that have been in the National Securities Company that owns the bank, or one and one-half interest in the bank. It is a matter that I believe that you will have little reason to demand the interest on that money, because the time will be so short before the payment of it.

Interest is Immaterial. It seems so perfectly plain and clear to me that it cannot be questioned, and that the matter which you are interested in that amount will be on hand immediately, and the liquidation of the liabilities of this bank will commence just as soon as the necessary work can be done, and the bank has opened under the order of the court. I believe that you will have little reason to demand the interest on that money, because the time will be so short before the payment of it.

Other Plan Cannot Win. I believe that if the reorganization is continued in the line of liquidation that it will be very difficult, under present conditions, to get for you more than a part of the money which you have in your hands. I am very glad to undertake this responsibility, and I wish to assure you that I will not be a failure. I will do my best to get you the money that you are entitled to, and I will do it as soon as I can.

After a number of letters had been read from out-of-town depositors heartily endorsing the offer of the German-American Bank, Jefferson Myers and Captain R. Chittent warmly commended the plan as the most feasible that had been suggested. But it remained for Herman Wittenberg to arouse the meeting to enthusiasm. After explaining that he held \$18,000 worth of certificates in the suspended bank, Mr. Wittenberg said:

Mr. Myers truly states that it is foolish to ask these people in opening this bank to do so on three, or six, or nine, or twelve months' time in which to liquidate claims of depositors. In three months the bank will be about ready to get its bearings. It would have made no money as yet, it would not be in business, and it would go to get; it would merely have attempted to get the attention of the people that it is a banking institution. It is a banking institution, and it would begin to establish a little good feeling. In the months people would begin to have confidence in it. In twelve months the depositors will come to be more confident, and they will have developed and the people become enlightened to such an extent as to be ready to take the bank out of the hands of the receiver, and to have everyone get half as much, and have it cost you a great deal more time and money.

Promises Dollar for Dollar. Therefore I say to you that this is a sane business proposition, for the German-American will guarantee to you 100 cents on the dollar within two years. I understand there are over 10,000 depositors—I don't know but there are more than 15,000. Why gentlemen, you can make this the strongest bank in the City of Portland if you work for it, with the 10,000 or 15,000

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SOLDIERS CALLED HOME TO JAPAN

Hundreds Are Leaving Vancouver.

GATHERING IS MYSTERIOUS

Will Not Admit Receiving Any Order to Return.

KNOWN TO BE TRUE, THOUGH

Since Sailing of Fleet for Pacific, Reserves Are Known to Have Been Called Back—Brown Men Are Coming From States.

VANCOUVER, B. C., Jan. 5.—(Special.)—Hundreds of Japanese, whose terms of service in the Mikado's army had not been completed or who were on the reserve list of fighting men, have been called home to Japan. Dozens of Japanese quit their work in Vancouver yesterday, and many more are coming into town today. Already they are securing passage on vessels outbound across the Pacific from Vancouver and Victoria. March 15 is given as the day when they must report ready for whatever duty is in store for them. The gathering of the Japanese is believed to be very mysterious. No less than 300 landed in a bunch this morning from a small American steamer, which slipped in and out of the harbor before daylight and neither entered nor cleared from the Customs House.

Since Friday there has been a steady stream of the brown men from the logging camps. No Japanese in the city will admit the coming of the order for the return of the soldiers, but officers of the Asiatic Exclusion League declare that they have absolute information that this order has been received in Vancouver since the departure of the American fleet for Pacific waters. Many of the men now arriving here on their way to Japan are from the states of Washington and Oregon.

JAPAN WOULD TAKE OFFENSE. Attempted Exclusion Will Provoke Insult, Says Aoki.

PARIS, Jan. 5.—The newspapers continue to give much space to the American-Japanese situation. The papers print an alleged interview with Count Aoki, the retiring Ambassador of Japan at Washington, in which he is quoted from San Francisco as saying Japan would consider as an offensive action any attempt on the part of the United States to exclude the Japanese, and take this as a text for long articles. Viscount Aoki's denial of this interview has not yet been published here. Lacking this denial, the Journal Des Debats thinks that in his interview Count Aoki has placed his fingers on the real danger spot.

Japan refuses to admit that anywhere on the globe the Japanese are socially inferior to any other nation, says the paper. "Japan claims to have won the absolute right to be treated as a great power everywhere, and under all circumstances." In the opinion of Eclair, if the two governments accede to the sentiments of the people and the logical necessity of the situation, a conflict would appear very imminent. "But Japan is without money. America is not ready, and we shall doubtless see both nations clamp at their bits awhile longer."

The Gaijins believes that the friendly and tactful powers at Washington will prevent a break. It fears only that the American people may become excited. Baron Karuno, the Japanese Ambassador to France, today gave out a statement that he was convinced that Viscount Aoki only meant that Japan would consider legislation offensive to Japan as, for instance, if an exclusion act is proposed like the Chinese.

RECEPTION TENDERED AOKI

Japanese of San Francisco Entertain the Viscount.

SAN FRANCISCO, Jan. 5.—Viscount Aoki today attended a reception given in his honor at the residence of Chozo Korke, the Japanese Consul-General. The viscount received all of the attaches of the Consulate and many of the members of the San Francisco Japanese colony. Later the Viscount paid a personal visit to President Pidsunni, of the Yokohama Specie Bank. Tomorrow Aoki will go to Oakland to investigate the affairs of the Japanese in that city.

RUMOR DENIED; FACT REMAINS

Consular Office Will Not Discuss the Situation, but Men Pour In.

VANCOUVER, B. C., Jan. 5.—Consul Merikawa has left here for a furlough in Japan, and his office denies that there have been received orders for the soldiers to return. The fact remains, however, that several hundred men have arrived from the southern side of the international boundary line. It is reported that a steamer brought a large number yesterday from Puget Sound.