

COAL CASE LOST BY GOVERNMENT

Three Alleged Fraudulent Alaska Claimants Sustained at Seattle.

STRACEY LANDS INVOLVED

Judge Hanford Overrules Motion to Acquit, but Vital Points of Defense's Argument Are Upheld—Exception Made.

SEATTLE, April 3.—The Government today lost the first battle in the effort to punish the alleged fraudulent operators of Alaska coal lands. Judge Hanford, in the United States District Court, in overruling the motion to instruct the jury to acquit Charles F. Munday, Earl E. Slegley and Archie Shilda, sustained all the vital points contended for by the defendants.

Motion to Acquit Made.

The defendants, with Algernon Stracey, brother of Sir Edward Stracey, were indicted at Tacoma last Fall, charged with conspiracy to defraud the Government. Stracey remained in Vancouver, B. C., and avoided arrest. Trial of the case was begun last Tuesday. After the jury had been completed counsel for the defense moved for instructions to acquit the defendants.

Arguments of the attorneys for the defense were based almost entirely on the contention that the 1904 law applied to Alaska coal claims, instead of the general law of 1872, while the attorneys for the Government insisted that the provisions of the law of 1872 should be read into the law of 1904.

Inasmuch as the law of 1904 permits the assignment of coal claims, the defendants contended that it was not illegal for the defendants to agree to assign their coal claims, which was a legal act.

New Point Raised.

The court's decision today sustained all the contentions of the defendant, but raised a new one in the following: A foreign corporation cannot lawfully acquire or hold a coal claim in Alaska either in its corporate name, or in the name of any trustee. Therefore, for the reason that the indictment charges a conspiracy to acquire coal claims or proprietary rights in coal claims in Alaska for a foreign corporation, it must be sustained as a valid indictment and the objection to its introduction or evidence must be overruled. The court will, however, instruct the jury that to justify a conviction of conspiracy, it is not necessary to prove that the object of the conspiracy, if any, must have been to acquire a coal claim in Alaska for a foreign corporation or to acquire coal claims in Alaska for the Pacific Coal & Oil Company.

The court instructed the jury that it is not necessary to prove that the defendant worked lawfully and if its second attempt to do so be not made futile by misrepresentation, such as a law. It is not a law made to serve the purpose of monopolists who would keep the coal of Alaska locked up within their own hands. It is based upon any fraudulent action that trusts can be maintained by giving coal rights to no one except the man who by the personal toil dug the coal and carry it to market upon his own head. It is the duty of the court not to misconstrue the law, nor stigmatize the Congress which enacted it, by imposing to them a lack of either sense or honesty.

No Appeal Allowed.

The points raised in the motion to acquit were the same as those made in the argument on the demurrer to the indictment in the Doughton case at Spokane. United States Judge Rudkin took the arguments under consideration there, and has not yet rendered a decision. Judge Hanford's decision sets the defendants in the Stracey group free if the Government desires to prosecute on the one ground left, for there is no appeal from today's decision.

The Government counsel, E. D. Townsend and S. R. Bush, say that today's ruling is not final, and that the other cases will be prosecuted and the Alaska coal claims forfeited. The land covered by the claims is valued at more than one billion dollars.

H. D. Townsend, assistant to the Attorney-General, also took exception to the decision to protect his right in case he decides to attempt to appeal. At the request of Mr. Townsend, court took a recess until tomorrow morning to permit the Government to rearrange its evidence to proceed with the trial in accordance with the ruling of the court that the "foreign corporation conspiracy" was the only cause in the indictment upon which the trial can proceed.

EX-BANKERS FOUND GUILTY

Boise Jury Says Kettchenbach and Kester Falsified Accounts.

BOISE, Idaho, April 3.—The jury in the United States Court returned tonight a verdict of guilty of falsification of accounts to the Controller of the Treasury in the case of W. F. Kettchenbach, of Lewiston, ex-president of the First National Bank of Lewiston, and George Kester, of Spokane, ex-cashier of the First National Bank of Lewiston.

The other charges were ignored. The minimum sentence is five years' imprisonment.

MINORITY MAKES CHOICE

(Continued From First Page.)

Alternative ways and means committee, will, as the result of tonight's action by the Republicans, name members for places on all committees.

Two members of the House have the unique distinction of having taken part in neither the Republican nor Democratic caucus. One is Berger, of Milwaukee, Socialist, the other Theron Akin, of New York, elected as an Independent Democrat. The Democrats have decided to give both committee assignments, irrespective of the two large parties.

The new Republican leader, who is now in line for Speaker, whenever his party returns to power, has distinguished himself in two ways in the last Congress. He was chairman of a committee which investigated the paper

industry and caused the material reduction of the paper duties by the Payne-Adrich law. He alone conducted a filibuster in the last few days of the last session against the omnibus claims bill and not only succeeded in having the appropriation for the French spoliation claims stricken out but at the same time forced the Democrats to admit that one of the changes in the rules for which they had fought a year ago was not workable.

SENATE TO BLOCK REVISION

Wool Tariff Not to Be Changed Till Tariff Board Reports.

OREGONIAN NEWS BUREAU, Washington, April 3.—According to one of the leading Republican members of the Senate finance committee, no bill amending schedule K of the Payne-Adrich law during the special session, no matter what action the House may take looking to reduction of the duty on wool.

The Senator says the Senate will not permit amendment of schedule K until the tariff board makes its report next December. Much importance attaches to his opinion.

AT THE THEATERS

ZAZA. A Drama in Five Acts From the French, by David Belasco—Presented at the Baker Theater.

CAST. Duffrene.....Thurlow Bergen. Zaza.....Frank Denthorpe. Duc de Brisse.....J. Frank Burke. Joly.....Dan Bruce. Blac.....Earl Dwyer. Mounet.....John Burton. Brizard.....Ronald Bradbury. Adolphe.....Louis Woodford. Criquet.....Walter Renfort. Bea Bonnes.....Lillian Andrews. Madame Duffrene.....Ruth Kenner. Lillian Armashe.....Lillian Armashe. Divonne.....Mildred Dabrow. Lisette.....Nita Quinn. Toto.....Eva Nordstrom. Casart.....Theodore Roberts. Albert.....Florence Roberts. Florianne.....Brenda Fowler. Liseren.....Mildred Clark. Lisette.....Fay Banter. Leontine.....Jesse Nash. Juliette.....Mildred Dabrow.

THOSE who have seen Florence Roberts in the unpleasant but undeniably powerful drama of "Zaza" have no hesitation in acknowledging that her delineation has placed her among the great emotional actresses of the world. Not in any sense a great play, "Zaza" stands out from others in the unadorned nature of what it offers.

Looking back from the first of its five big acts one can easily imagine that alone making up an evening's entertainment.

In three or four practically independent chapters is told the life of a street waif, raised from gutters to the sheltering degradation of an idol of cheap dancehalls. The chief attraction of the play has to offer, aside from the artistry of its expression, is its dramatic dealing with the commonplace of vice. Just as the play is unquestionably truthful, so is Miss Roberts in her famous portrayal of Zaza. She has famous and beautiful features, but she has a certain unpleasing air, the reckless and at times defiant carriage, and the unrefined mannerisms of speech. She does and says unbecomingly things, but her gesture, voice and expression of an unattractive side of womanhood, Miss Roberts' powers of emotional expression and the naturalness of her acting distinguish her.

But the end of the fourth act, the great act of the play, where she has an emotional scene that sweeps all before it in the intensity of its passion, Miss Roberts was called before the curtain many times.

Thurlow Bergen, easy and graceful actor that he is, and an extremely fortunate one in the part of Duffrene, Zaza's lover, a capital representation of Casart, bearing camaraderie and notable as a piece of characterization is given by Theodore Roberts.

Excellent to a degree is the work of Lillian Andrews as the bibulous Madame Bonnes, Lillian Armashe as the silent comedy in the guise of a maid-of-all-work.

Special credit goes to little Eva Nordstrom for the charming picture and splendid acting shown in her role of Toto. The full Baker cast is much augmented and throughout shows uniform worth. The production is handsomely staged and well presented. No better one, in fact, can be desired.

PROPOSALS ARE PLEASING

Chicago Girls Want to Be Wives of Montana Men.

CHICAGO, April 3.—(Special.)—Chicago girls find the "cow" gentlemen of Montana well. Chicago girls are delighted at the general and promiscuous proposal forwarded to them through the Record-Herald by the "cow" gentlemen of the state. The girls indicated that they are more than willing to meet their bold suitors half way.

Out of the mass of faltering, backward, blushing-given suggestions and queries on the subject, there is one that was looked upon by all concerned as being practicable and a possible solution for not only the Montana men, but for the many Chicago working girls as well.

After reading the letter in which C. H. Keyes, D. L. Root and R. A. Foot, of Chicago, asked that wives be found to that wifeless region, Mrs. Raymond Robbins, a settlement worker and friend of working women, made these suggestions:

That the "cow gentlemen" cause a section of the Government land of that state to be set aside for such Chicago girls as may be interested; that the working girls who would prefer home life on a ranch to an office or sweatshop be permitted to go to work on these claims; that the "cow gentlemen" then become acquainted with them and pitch their suits in the regular fashion demanded by both city and country girls.

Falling Iron Injures Workman. Leon Eckert, a laborer for the O. W. R. & N. Co., lies at St. Vincent's Hospital at the point of death. While working at the Albina shops of the railroad company yesterday a piece of iron fell from the roof of one of the buildings fracturing his skull. He was at once removed to the hospital.

When a medicine must be given to young children it should be pleasant to take. Chamberlain's Cough Remedy is made from leaf sugar, and the sugar used in its preparation give it a flavor similar to maple syrup, making it pleasant to take. It is a sure remedy for colds, croup and whooping cough. For sale by all dealers.

OFFICER SET UPON

Patrolman Nelson Is Viciously Beaten Making Arrest.

FELLOWS COME TO RESCUE

Crowd in Greek Restaurant Nearly Make Way With Policeman Before Others, Happening By, Put Stop to Attack.

R. C. Nelson, a patrolman, was viciously attacked and narrowly escaped death in a Greek restaurant at 25 North Fifth street, at 11:20 o'clock last night. He was attempting to make an arrest for the illegal sale of liquor when several men jumped onto him and struck him over the head with chairs and anything that came handy. The officer went down from a blow on top of the head before he could retaliate with his club or draw his revolver.

His assailants then took his revolver and were beating the fallen officer when Patrolman Cameron, Whitesides and Robson, who had just left the police station to go on their beats on the second night relief, happened to be passing the restaurant. The patrolmen rushed in to their fellow-officer's assistance.

There was a scattering of Greeks as the officers advanced, striking right and left with their clubs to the side of Nelson, and a stampede was made for the door.

Two Arrests Made.

Zaza Galados, proprietor of the place, who is said to have been a leader in the attack, and Jim Gernabos, the man Patrolman Nelson was attempting to take in custody, were arrested and locked up, charged with assault with intent to kill. The other Greeks quickly left the restaurant and ran to places of safety in the neighborhood.

Within a minute after the entrance of the rescuing officers, the restaurant was empty, save for the officers and their prisoners. Patrolman Nelson's revolver could not be found but handcuffs were picked up on the floor.

Patrolman Nelson suffered a severe scalp wound and a number of bumps on the head, besides bruises on the body and a cut wrist, but was not seriously injured.

Patrolman Nelson went into the restaurant and saw brandy being served to patrons in cups. When he grabbed at a cup and showed his star, proprietor and patrons jumped onto him. No attempt was made by anyone present to assist the officer or interfere with the men who had him down, beating him.

Policemen Are Jeered.

After the fight there was general approval among the Greeks standing around the corner of Fifth and Burnside streets of the action of their fellow countrymen, and one of them shouted at a group of officers, "Get the books!"

Patrolman Nelson has incurred special enmity among both Greek and negro elements of the North End, because of his unrelenting vigilance. His life has been threatened many times and he had been tied in different ways that someone would "get" him.

Soon after the principals in the affair were locked up fellow countrymen hurried into the police station and wanted to give bail, but Captain Slover refused to accept any surety and kept the prisoners locked up to insure their appearance in court.

CITY INDORSES BOXING

VANCOUVER COUNCIL LEGALIZES MATCHES THERE.

Petition Signed by 600 Wins for Pugilism—Ordinance Puts No Limit on Bouts to Be Carded.

VANCOUVER, Wash., April 3.—(Special.)—Boxing contests in this city were legalized tonight by the City Council, acting on a petition bearing 600 names which was presented to it this afternoon. No limitations were placed in the ordinance and entire regulation of the contests is in the hands of the city authorities.

The ordinance has not yet been signed by Mayor Kiggin, but it is thought he will affix his signature without hesitancy. The petition had the full support of the Mayor and was signed by 89 business men in addition to more than 200 other taxpayers. The petition was circulated by representatives of the Vancouver Athletic Club, the fight-promoting club of the city.

Tonight's action of the City Council ends a controversy between two local factions which has been watched with interest by the saloonmen. Petitioned the Council to permit them to keep their places of business open after 11 o'clock, to reap the golden harvest from the fight crowds. The ruling was denied and it was reported that the saloonmen would circulate a petition to have boxing contests killed here.

Vancouver is now the first city of the Northwest and without limitation as to the number of rounds that may be fought, "goes" between the best men in the country are expected to be staged within the next few months. A license fee of \$50 a quarter has been set by the Council. Two boxing cards are being prepared for this month one of which will be held April 14 and the other two weeks later.

A fine article made in Spain is boneless sardines stuffed with ham. This sells as high as \$1.25 a case of 100 cans, as against only \$1.00 a case of 100 cans of ordinary sardines in oil.

Some Facts About Alcohol. Is alcohol a tonic? No! Does it make the blood pure? No! Does it make the blood rich? No! Does it strengthen the nerves? No! Ask your doctor if this is not true. Is Ayer's Sarsaparilla a tonic? Yes! Does it make the blood pure? Yes! Does it make the blood rich? Yes! Does it strengthen the nerves? Yes! Entirely free from alcohol? Yes! Alcohol, or no alcohol! Let your doctor decide. He knows. Trust him. J. C. AYER COMPANY, Lowell, Mass.

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SPEEDWAY IS FAVORED RIVERSIDE DRIVING CLUB HAS ANNUAL MEETING. Officers Are Elected and Plans Made for Rose Festival and Races—Banquet Held. At the annual meeting of the Riverside Driving Club, held at House's restaurant last night, A. C. Lohmire was re-elected president for another term, and the following other officers were chosen: Vice-president, Henry Drennen; secretary, Gus Keller, and treasurer, J. J. Kaddery. After the election of the officers, the members sat down to the annual banquet. During the banquet the various members spoke at length on plans for the coming racing season, and every one seemed agreed to make the ensuing year one of the most successful in the history of amateur harness meets in this vicinity.

Follow the crowd The Gordon Hat \$3 The Triple Ring \$4.00 A. B. Steinbach & Co., Agents. Every one sees your collar. Select it with care. ARROW COLLARS 15¢ each, 2 for 25¢. Two excellent examples of the popular closed-front style. Chase, Peabody & Company, Troy, New York.

RULES WILL BE MADE NOW Committee of 50 Names Its Officers—Mills at Head. After two hours' discussion, members of the committee of 50, succeeded in uniting upon the selection of a committee to prepare rules for their guidance. The first meeting of the committee appointed by President Haak of the Civic Council was held last night in the convention hall of the Commercial Club. E. L. Mills was chosen president and L. E. Latourette secretary. The committee on rules announced is composed of B. C. Jones, L. E. Latourette and Sherman W. Walker. Provision was made for the appointment of committees of three upon the following: Buildings, school finance and judiciary to receive complaints. These committees will be appointed some time this week. The roll call showed the following present: John H. Haak, L. E. Latourette, E. L. Mills, O. G. Hughson, O. M. Clark, F. W. Joblemann, Sherman W. Walker, J. A. Currey, B. C. Jones, George A. Carter, William McKenzie, D. B. Sigler, S. L. Woodward, J. B. Easter, C. H. Feldman, J. C. Sanford, J. R. Tomlinson, Dr. H. Meade, F. O. Weeks and H. G. Platt. The committee adjourned to meet

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