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46 IRON WORKERS PLEAD NOT GUILTY

Efforts to Quash Indictments Fail.

COURT OVERRULES MOTION

Technicalities Take Forefront of Case at Once.

TRAIN HELD NOT "VEHICLE"

Attorney for Men Says Federal Law Was Not Violated Because Contents of Packages of Dynamite Weren't Misrepresented.

INDIANAPOLIS, March 12.—"Not guilty," was the plea of 46 men arraigned this afternoon in Federal Court here on indictments charging complicity in the alleged conspiracy unlawfully to transport dynamite from state to state. Judge Anderson overruled all demurrers of the defense, but granted 30 days for the filing of exceptions to his ruling.

Consolidation of the cases asked by United States District Attorney Miller was ordered, subject to petition tomorrow for separate trials if the defense so desires. The court instructed that the defendants appear when presentation of the matter is made. The trial was set for October 1.

Defendants Are Questioned

When Judge Anderson announced he would overrule the demurrers to the 34 indictments, he turned to the defendants, for whom seats had been ranged in tiers, and said:

"Gentlemen, do you know the nature of the charges against you?"

"We do," came in a heavy chorus.

Then, one by one, the indicted men, present or ex-labor union officials from many sections of the country, and headed by Frank M. Ryan, president of the International Association of Bridge and Structural Iron Workers, arose as their names were called by the clerk and responded:

"Not guilty."

Indictments Are Attacked.

Attacks from many angles were made on the indictments, which charge the defendants with aiding and abetting Ortie E. McManigal and John and James M. McNamara in the transportation of dynamite on passenger trains, with being principals with McManigal and the McNamaras in the illegal acts, and with having conspired to violate the statutes prohibiting such transportation.

Attorney Alfred Hovey then attacked the indictments, denying there was a showing that the defendants had unlawfully conveyed explosives on passenger trains. He declared there was no violation of Federal statutes, unless explosives were transported on common carriers concealed in unmarked packages, and maintained the indictments did not so aver.

Judge Makes Comment.

"Do counsel for the defense contend," commented Judge Anderson, "that if I pack a valise with dynamite and carry it on a passenger train without misrepresenting what I have, say to New York, that I am not violating the Federal law? I cannot read the statute in any other sense than that I would be committing a crime."

Walter Ball, of Muncie, Ind., replied this was the contention, and that when the statute defined that it was illegal to ship explosives only if efforts were made to conceal or mis-label the character of the shipment, it made the same stipulation as to an individual carrying explosives on a train.

Train Held Not Vehicle.

Patrick O'Donnell, of Chicago, set up that the act of 1888 prohibited transportation of explosives on "vehicles" carrying passengers, and that this term could not be defined to include railroad trains.

As the indictments alleged violation of this act by the shipping of explosives on passenger trains, he said, they must be declared void.

That the statute of limitations had run against the offense of conspiracy alleged, and that the indictments did not aver violation of the law because it was not set out that the defendants had mis-labeled packages of explosives they were alleged to have carried on passenger trains, were the two principal contentions of counsel for the defense. Elijah Zolline and Patrick O'Donnell, of Chicago; Walter Ball, of Muncie, Ind., and W. N. Harding, of this city.

Motions Are Overruled.

"I am unable to see the merit in these interpretations," said Judge Anderson, in overruling the motions to quash. "As I read the acts of 1864, 1865 and 1909 on the subjects, it is plain that it is unlawful for a man to carry explosives on any vehicle, train or vessel of a common carrier that transports passengers for hire."

In refusing to accept the theory of the defense that the statute of limitations had run in the case, the court approved the argument of District Attorney Miller that the conspiracy as alleged was a continuing one, and that the limit of time for prosecution had not expired for the reason that, though

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SEATTLE TURNS RED RATS LOOSE

YELLOW, GREEN AND BLUE ANIMALS ALSO LIBERATED.

Twenty-Five Rodents Used to Make Test—Two Dollars Reward Offered for Capture.

SEATTLE, Wash., March 12.—If Seattle citizens fail to see brilliantly colored rats scampering over the hills, it will not be because such unusual specimens do not exist, for the health department today liberated in different parts of the city 25 dyed rodents for purposes of identification.

There are red rats, green rats, yellow rats and blue rats, and each rat has a price of $2 on its head, whether captured dead or alive. The purpose of the health department is to trace the drift of the rodent population as it migrates from one section of the city to another.

"At this time of the year rats leave the waterfront, where the rodents stay during the Winter months, and make their way to the hills and residence portions of the city," said Health Commissioner Crichton. "Another purpose in turning these vari-colored rodents adrift is to find out to what extent the different species intermingle.

"Seattle probably has fewer rats than any other city of its size in the world. This is fortunate, for Government statistics show the rats to be more destructive than all other species of the rodent family combined."

DEATH RATHER THAN KNIFE

Federal Prisoner Refuses to Undergo Surgical Operation.

With the knowledge that a surgical operation stands between him and almost certain death, Ed Aubin, a Federal prisoner-patient at St. Vincent's Hospital, firmly refuses to allow the attending physician, Dr. E. H. Anthony, to apply the surgeon's knife and relieve his intense suffering from an aggravated attack of appendicitis.

There is only one remote chance that Aubin may recover without an operation and it hinges on whether an abscess that has formed breaks externally or internally. Dr. Anthony said last night there was an indication that the abscess might force its way through the outer wall of the abdominal cavity before bursting. In that event, Aubin may possibly survive without an operation.

Aubin was indicted jointly with Vanderpool on a charge of white slavery. Vanderpool yesterday pleaded guilty and was sentenced to serve 18 months at McNeil's Island. The indictment is pending against Aubin. Shortly after Aubin was arrested, he complained of illness and United States Marshal Scott directed Dr. Anthony to make an examination, which disclosed an acute attack of appendicitis. Upon the refusal of Aubin to submit to an operation, other means were adopted for treating the obstinate patient in the hope of saving his life.

DEATH CAUSED BY SHOCK

Wife of Famous Coal Land Locator Passes Away in Seattle.

SEATTLE, Wash., March 12.—Mrs. Blanche W. Cunningham, wife of Clarence Cunningham, the Alaska coal land locator, whose claims were the subject of the Pinchot-Ballinger controversy, died today at her home in this city, aged 40 years.

She was married at Los Angeles eight years ago. Mrs. Cunningham had never been well since the news was published announcing the wreck of the Ohio and implying that her husband had been drowned.

MORMONS TO MOVE BACK

Colonists in Alberta Given Orders From Smith to Settle in Nevada.

CALGARY, Alberta, March 12.—The Mormons, who have greatly improved the Cardston country near here, where the colony is located, are to move in a body back to the United States, settling somewhere in Nevada.

It is said that the order to remove to Nevada is to come from President Smith, head of the church at Salt Lake City.

ASHLAND MAY WIN SCHOOL

Board of Trustees Will Go to Town Before Offer Will Be Accepted.

The board of trustees of the Bishop Scott Academy, which met in the Percival Library last night, decided that the entire board would have to visit Ashland and inspect the ground offered by the citizens of that city before they would accept their generous offer.

A committee of the trustees reported in favor of establishing the school at Ashland.

LOVETT'S HEALTH IS GOOD

Union Pacific Chairman Annoyed by Rumors of Illness.

SALT LAKE CITY, March 12.—Robert S. Lovett, chairman of the executive committee of the Union Pacific Railway Company was much annoyed this morning over the rumors printed in the newspapers here that he was seriously ill. He was up early this morning and attended a meeting with Salt Lake officials of the Harriman systems.

Judge Lovett and party left here at 10 o'clock for the East.

TANK SHIP GOES ON ROCKS IN GALE

2 Perish in Wreck on California Coast.

$75,000 VESSEL TOTAL LOSS

Waves Dash Sailors to Death as They Launch Boats.

HONOIPU MAY BE DERELICT

Windjammer En Route to Portland With Light Ballast Thought to Be Boat Sighted Bottom Up in Angry Pacific.

SANTA BARBARA, Cal., March 12.—After battling with huge seas all night, the oil tanker Rosecrans, Captain Tran Johnson, owned by the Associated Oil Company, went upon the rocks at Alcatraz, 30 miles north of here, at 4 o'clock this morning, and is a total loss.

Two lives were lost, William Weiman, ship's carpenter, and Arnold Muhlberg, ship's quartermaster.

Muhlberg was attempting to launch a lifeboat when a huge wave broke over him and he was washed into the sea and never seen again.

Sailor Sinks From Sight.

Weiman and two others were lowered in a lifeboat. A wave smashed the boat against the side of the Rosecrans and Weiman went down. He reappeared a few seconds later and life buoys were thrown to all three men. Two of them were hauled aboard, but Weiman was caught by the heavy undertow and disappeared.

An attempt was made to launch a boat to go to his rescue, but the sea was so rough this was impossible. Other members of the crew of 33 reached the shore in safety.

Ship Valued at $75,000.

The Rosecrans had just returned from Honolulu and was to take on oil at Alcatraz, where the Santa Maria pipeline reaches the coast. She anchored about 500 yards off shore, although a storm was raging at the time. The Rosecrans was valued at $75,000 and was built 29 years ago.

The Rosecrans went on the rocks late last night, but it was not until 4 o'clock this morning that the ceaseless rolling and grinding of the vessel's hull upon the stony barrier had caused her to spring a leak.

When daylight disclosed the danger of the vessel capsizing because of the leak, Captain Johnson ordered that the sea valves be opened. About the same time an effort was made to get a line ashore. But the attempt resulted merely in one sailor losing his life in the surf.

Honoipu May Be Lost.

While the Rosecrans was being beaten by the huge waves, the Falls of Clyde, a three-masted vessel, belonging

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EDISON WON'T HIRE COLLEGE STUDENTS

INVENTOR TELLS YALE MEN HE DOESN'T NEED THEM.

Genius Declares University Education Is Not Necessity in His or Other Business.

NEW HAVEN, Conn., March 12.—(Special.)—Thomas A. Edison, the inventor, told Yale students today, according to a statement published in the Yale News, that the college graduate was not an absolute necessity in Edison's line of business.

In the judgment of Edison, the man who rose from the ranks was a better judge of the business ability of men than the man who had merely devoted his time to the pursuit of a classical education.

He said that in his business, that if a Yale or Harvard man should go to him for employment he would probably say there was no place vacant, for according to Edison's belief, a man without an academic education was as well fitted for Edison's work as a college graduate and probably would learn the details quicker. He added:

"Therefore, while I believe in education I also believe that technical education is far better than any other kind, not only in my business but in practically all others with which I am acquainted."

WOMEN ON JURY DIVIDED

Deadlock Is Forced and Woman Judge Orders Discharge.

REDCLIFF, Colo., March 12.—Two of four women, empanelled on a jury with eight men to try a case of "bootlegging," here, held out for conviction so strongly despite several hours' argument by the other members that Mrs. L. B. Tague, the only woman judge in Colorado, ordered the jury's discharge today.

The other women voted with the men on the first ballot for acquittal, despite the fact that the defendant previously had been found guilty of a similar charge and fined by Judge Tague. This was the first Colorado jury on which women served.

TAXPAYERS' LEAGUE GROWS

Branches Are Formed in Baker County—Many Farmers Join.

BAKER, Or., March 12.—(Special.)—The Taxpayers' League has come to Baker County and branches are being started in Baker, Pocahontas, Rock Creek, Haines and Missouri Flat. The purposes of the league are to demand higher efficiency of public officials, strict accounting of all public funds, and reduced taxes in Oregon and to fight single tax, which the organizers claim is "vicious and confiscatory."

Union County has already started branches and active work is being carried on there. The league is especially popular among the farmers, but many city people are joining.

Portland People Marry.

VANCOUVER, Wash., March 12.—(Special.)—Marriage licenses were issued Monday to Herman Hansen and Miss Margaret Hinckle, of Portland, and D. F. Miller, of Portland, and Miss Menta E. Melcum, of Dayton, Wash. They were accompanied by Mell A. West; John P. Benton, Miss Louella McWhorter, O. J. Cook and Stephen Smith, all of Portland.

NATIONAL GUARD IS HELD UNAVAILABLE

State Troops Cannot Tred Foreign Soil.

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TENED IN

Issue Subject of Grave Discussion in Capital.

MILITARY PLANS CHANGED

Wickersham Gives Opinion at Request of War Department—Taft Will Insist on Strict Neutrality of Texas.

OREGONIAN NEWS BUREAU, Washington, March 12.—In reply to an inquiry from the Secretary of War, Attorney-General Wickersham today gave it as his opinion that under the Constitution the President cannot order out the National Guard of the States for duty in Mexico or any foreign land.

While the state military may be called upon to repel invasion, that can only be done when there is every indication that a foreign power is actually preparing to encroach upon American territory.

This decision probably will alter the plans of the War Department and will make it necessary for the Regular Army to render any service required to protect American interests south of the Mexican border line.

Federal Muster Not Contemplated.

Before militia can be sent to a foreign country, the state organizations must be mustered into the Federal service, and no such step is now contemplated.

President Taft has arranged to confer tomorrow on the situation in Mexico with Secretary Stimson, Senator Culberson and the Texas Congressional delegation. It is understood the President and the Secretary of War wish to impress upon the Texas authorities that the neutrality laws must be enforced strictly and that no aid to the Mexican insurrectos must go from Texas.

It was learned today that after the conference President Taft might issue a statement defining the attitude of the United States toward Mexico and giving assurance to Mexicans that the United States now has no intention of intervening.

Intervention Not Considered.

The President told his callers today that he would not consider intervention unless Congress authorized him to take such a step.

Dispatches to the State Department from Ambassador Wilson at Mexico City were partly reassuring and partly disconcerting. Mr. Wilson said that the recent proclamation of President Taft now apparently was understood in Mexico and any fear that it meant the recognition of the belligerents had

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SEE WHO WANTS INSIDE THE BREASTWORKS

SONGS IN STREETS TO USHER IN YEAR

OPEN-AIR CONCERT BY 1000 VOICES IS PROPOSAL.

Portland's Ideal Winter Climate Gives Chance of Replacing Ribaldry With Music.

Plans came to a head yesterday, at a meeting held at the Young Men's Christian Association, that an open air concert under canvas covered streets with singing by a chorus of 1000 voices, assisted by a soloist of international reputation, will mark the ushering in of Portland's next New Year, beginning shortly before midnight, December 31, from a grand stand that will probably be located in the vicinity of Sixth and Morrison streets.

The originator of the plan is William Mansell Wilder, organist and musical director of the First Methodist Episcopal Church South, and director of the Orpheus Male Chorus.

For some months, Mr. Wilder and his friends thought over the proposed open air concert in the streets at New Year's, to celebrate the observance of the season of cheer, in a more fitting manner, instead of the wild scenes witnessed in too many large cities on the night of December 31, when liquor flows like water and when some young persons—because they are so gay—insist on dancing on grill tables instead of the floor. It was found on investigation that weather conditions in this city December 31, would be favorable and that the average temperature here for the past 30 years or so on that occasion is 41 and one-tenth degrees. From swimming Christmas morning, to a street concert with music by a big chorus New Year's morning, is the next jump.

In the plans being discussed for the proposed New Year's open air concert, are suggestions that the grand stand for the big chorus might be erected on Sixth street near Morrison; that the whole block of Sixth, Morrison, Seventh and Yamhill streets be covered with canvas, from the tops of the skyscrapers, so that the crowds might be protected from the rain, if any falls that night; that the streets be gaily illuminated; that the expense, amounting to several thousands of dollars, be defrayed by popular subscription; and that the open air celebration of New Year's ought to be an annual affair.

WHISKY WAR THREATENED

Spokane Saloonkeeper Offers Liquor at Five Cents a "Nip."

SPOKANE, Wash., March 12.—(Special.)—Whisky by the bottle and by the drink has now been brought into the price-cutting fight among Spokane dispensers of liquors that began a week or more ago in the reduction of wholesale and retail beer prices. The new turn in the contest was taken Monday, when a saloon on Main avenue, between Stevens and Washington streets, announced a cut in the price of whisky to 5 cents a drink, 40 cents for pints and 20 cents for half pints.

"We may as well work for the distilleries as to work for the breweries," was the introductory inscription borne by the card. So far the reduction in the price of whisky has not extended to other saloons, but it is expected that a number of those who led in the trimming of prices on bottled beer will meet the Main-avenue liquor dealer's prices.

MISSOURI PACIFIC ELECTS

Jay Gould and Jacob H. Metcalfe Elected to Board.

ST. LOUIS, March 12.—Henry I. Miller, of New York, and B. F. Edwards, of St. Louis, were retired as directors of the Missouri Pacific Railway Company, and were succeeded by Jacob H. Metcalfe and Jay Gould, at the annual meeting of stockholders today.

Miller has been vice-president and assistant to the chairman of the board, George J. Gould, and represented the banking firm of Speyer & Company on the directorate. Metcalfe is the banking firm's railroad expert. The other Missouri Pacific directors were re-elected. Howard Gould replaced A. H. Calef as director of the St. Louis, Iron Mountain & Southern Railway Company. Calef will retain his title as secretary and treasurer of the two Gould roads.

RATTLERS TO BE RAISED

Syndicate to Devote Farm to Snake Culture for Market.

LENOX, Mass., March 12.—One hundred rattlesnakes from the Schagticoke Hills in Connecticut are to be brought here by a syndicate of Connecticut farmers to start a 12-acre rattlesnake farm, land for which has been purchased. Rattlesnake oil is worth $5 a pint, and there is also a good return in the skins.

The farmers expect to have at least 5000 rattlers within the next few months.

MELON CROP IS ENORMOUS

Imperial Valley to Produce 50,000,000 Cantaloupes This Year.

EL CENTRO, Cal., March 12.—The cantaloupe crop of the Imperial Valley will break all records, according to estimates that have been made here.

At the time of compilation the yield of melons was expected to be 50,000,000 and it was estimated that 2600 cars would be required to transport the crop to the market centers.

CROWDS UP VALLEY CHEER JUNKETERS

"Oregon First" Special on Way South.

EUGENE BRASS BAND PLAYS

Governor West Telegraphs Greeting to San Francisco.

VAUDEVILLE ACTS GIVEN

Telephones Connect All Coaches and Every Comfort of Oregon Residents Is Provided For--Booster Song to Greet Californians.

BY CARL S. KELTY.

(Delegate Portland Press Club.)
(Aboard "Oregon First" Special to Panama Fair Site.)

ROSEBURG, Or., March 12.—(Special.)—The first day was passed by the Oregon first excursionists in learning the booster songs and getting final details in readiness for the arrival in San Francisco tomorrow.

Governor West joined the train at Salem. He was met by a reception committee and the large crowd at the station cheered the excursionists. Eugene fairly outdid itself, the train being met by a crowd of several thousand and a brass band playing patriotic airs. Eugene contributed a large party of excursionists, in fact enough to fill one coach. The Eugene Commercial Club tendered a son "Oregon, My Oregon," to be sung to the tune of "Maryland, My Maryland."

Governor Telegraphs Greetings.

Governor West this afternoon sent the following greetings to the people of San Francisco:

"That Oregon may be first to offer a sister state a helping hand in launching a great exposition, we are headed for your city 250 strong. We remember the kindly interest taken by the good people of California in Oregon's exposition and now we come to you with the same kindly feeling for your success. The interest shown by those aboard the Oregon first special is but an evidence of the deep desire possessed by all good people of Oregon for your success.

"They realize that the value and influence of the exposition will be for all the Pacific Coast and that every dollar spent with you will be a dollar well spent and will be returned a hundredfold in benefits. We are coming with a battle cry of "Oregon First" to join hands with you in your effort to give the world the greatest show it has ever seen."

Weaver Appointed Chairman.

The general committee met this afternoon and Lon F. Weaver was appointed chairman of the day for tomorrow. With his committee, Chairman Weaver, will tender a formal reception to the party from Klamath Falls after breakfast in the morning. The Klamath car will be hitched on the train at Weed, at 4:20 A. M. Julius L. Meier, chairman of the Oregon Commission, this afternoon sent the following telegram to William T. Sesnon, chairman of the San Francisco committee on arrangements:

"The greatest and most enthusiastic excursion that ever left Portland is now en route to the exposition city. Entire population of all towns meeting our train with music, cheers and tidings of good will and hearty support of our efforts. We are anxiously awaiting arrival of your delegation at Port Costa, to extend greetings to all San Franciscans.

"Kindly wire me care the Oregon First Special, en route, details of plans outlined by you, so that our arrangements may be made to suit whatever your committee has planned."

Telephone Service Provided.

The train is in personal charge of John M. Scott, general passenger agent of Southern Pacific lines in Oregon. At Shasta Springs he will be relieved by Charles S. Fee, passenger traffic manager of the system. The train is the last word in comfort and convenience, even telephone connection between the different cars being provided. There is a piano on board and an informal programme was given this afternoon. Rose Bloch Bauer giving several songs and Malini offering his mystifying tricks. Another entertainment is being planned for tonight.

The Daily Oregon First issued illustrated hourly editions all day, containing the news of the trip and personal quips and flings. The copies were in great demand.

CUBAN VETERAN ANGRY

If United States Intervenes They'll Fight, Says Speaker.

CAMAGUEY, Cuba, March 12.—General Fernandez de Castro, during an assembly of veterans which lasted throughout the night, declared that should the United States attempt another intervention the veterans of Cuba would fight as they fought against Spain. He was applauded enthusiastically.

The general assembly resolved to demand an investigation into the sources of wealth of all members of the administration, including the president.