

HELP WANTED

The above headline over classified "want" ads in the Journal attracts the attention of the best workmen in every line.

The Weather—Occasional rain to night and Tuesday, southerly winds.

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PORTLAND, OREGON, MONDAY EVENING, JANUARY 6, 1908.—FOURTEEN PAGES.

JOURNAL CIRCULATION

SUNDAY WAS

27,650

ON TRAINS AND NEWS STANDS FIVE CENTS

UNITED STATES SUPREME COURT DELIVERS BODY BLOW TO OREGON LAND FRAUD CASES

WILLIAMSON VERDICT REVERSED; NEW TRIAL

Federal Circuit Court of Oregon Erred in Instructing Jury. All Cases Now Pending Affected By Ruling, Which Is of Great Importance Here.

Washington, Jan. 6.—The supreme court has reversed the decision of the federal court of Oregon in the Williamson land fraud case. The opinion was by White, Harlan dissenting. The court remands the case for new trial, holding that Judge Hunt erred in instructing the jury that the contract to sell claims before final proofs was illegal. The defense had alleged that the law in that respect refers only to the entry before it is made, not to one in process of being carried to perfection.

The decision is regarded as a body blow to the government in all the land fraud prosecutions, and is taken as a backing up of Judge Lewis of Colorado, who dismissed the coal land indictments.

In the light of the supreme court's decision, Congressman Williamson's acquittal, when his case comes on again for retrial, seems almost certain.

The conviction and punishment of Dr. Van Gesner and Marion R. Biggs, who were co-defendants with Williamson, seems, in the light of the decision, to have been unwarranted.

Dr. Gesner was but recently released from the county jail of Multnomah county, after undergoing a sentence of five months' imprisonment and paying a fine of \$1,000. Marion R. Biggs is still in the same jail, under sentence of 10 months' imprisonment and \$500 fine.

Sentenced by Hunt.

The conviction of Williamson, Biggs and Gesner occurred September 27, 1905, on their third trial. They were sentenced by Judge Hunt October 14, 1905. Each of the earlier trials resulted in a hung jury. Francis J. Heney was the prosecutor and the defendants were represented by Judge Bennett of The Dalles and Judge Wilson.

The three defendants were accused of inducing various persons in Crook county to take up claims, which, it was charged, they afterwards agreed before final proof to sell to Williamson and Gesner. Scores of witnesses were brought from Crook county and other parts of the state and an army of special agents was employed in watching the jury, the defendants, their attorneys and the witnesses.

SUPREME COURT HITS ROOSEVELT

Employers Liability Act, President's Pet Measure, Declared Illegal.

Washington, Jan. 6.—President Roosevelt's big stick received a dent today when the United States supreme court declared unconstitutional the employers' liability act passed by congress in 1906 at the request of the president.

Go Back to Work.

Reading, Pa., Jan. 6.—The rolling mills of the American Steel Manufacturing company in Lebanon and this city resume operations today, giving employment to a total of about 7,500 hands. The plants have been shut down for three weeks.

FOUR BANK OFFICIALS INDICTED

Ross, Burkhart, Aitchison and Hill of Title Guarantee Must Stand Trial—Four Separate Indictments Against Each.

Charged With Larceny, Unlawfully Receiving Money, Conversion of State Funds and Lending State Money—45 Years Maximum.

The Defendants. J. Thorburn Ross, T. T. Burkhart, John E. Aitchison and George H. Hill. The Indictments. First—Larceny under section 1967 of the code, committed by neglecting and refusing to pay state funds left on deposit by State Treasurer George A. Steel. Second—Unlawfully receiving a deposit of \$550 on October 28 from C. F. Ehmman when it was known to the defendants that the bank was insolvent. Third—Converting \$327,352.10 of state moneys deposited by Steel September 9, 1907, by the defendants to their own use. Fourth—Lending state moneys on October 5, 1907, to the amount of \$10,500 to M. B. Rankin. The bonds asked for by the district attorney, \$100,000.

J. Thorburn Ross, president of the Title Guarantee & Trust company, T. T. Burkhart, treasurer of the wrecked institution, George H. Hill, first vice-president, and John E. Aitchison, its secretary, were arraigned in the circuit court at 3 o'clock this afternoon on four indictments, each charging them with having committed larceny by refusing to repay state funds on deposit when demanded by the state treasurer, with unlawfully receiving money when they had converted state money to their own use, and with having lent state money contrary to the statutes. Bonds were asked for by the district attorney in the sum of \$100,000 each.

Heavy Penalty for Crimes. Owing to the inability of the district attorney's office to have all of the indictments ready for filing by the time the court convened at 3 o'clock this morning, District Attorney Manning asked the court to postpone the arraignment of the defendants, who had appeared in court, until this afternoon at that time. Work on the indictments was resumed and the instruments were filed shortly before noon.

Three of the indictments found against the four men are drawn under section 1867 of Bellingier and Cotton's code, while the fourth, charging receipt of deposits when the defendants knew the bank to be unsound, was brought under section 18 of the new banking law passed by the legislature of 1907.

(Continued on Page Three.)

JAPAN WANTS PEACE, SAYS JAPAN'S CONSULAR AGENT



JAPANESE QUARTERS AT VANCOUVER, B. C. IN FRONT OF THE WINDOW MARKED WITH A CROSS WAS WHERE ONE OF THREE FIREMEN ATTACKED BY JAPANESE ACCIDENTALLY BROKE A PANE OF GLASS. RIOT THEN FOLLOWED.

WOMAN SHOTS BUT NOT STRAIGHT

Mrs. D. J. Ross Catches Burglar at Work—Many Crimes Committed.

Several burglaries were committed in this city Saturday and Sunday nights and in each instance the thieves succeeded in making good their escape with the plunder taken. In one instance a woman bravely shot at one of the thieves. The exact number of cases of house-breaking occurring during the past 48 hours is known only to the police, as it is the policy of the department to suppress all news of this nature.

WOMAN FIRES SHOT

A burglar who had entered the residence of D. G. Ross, St. Louis avenue and Winter street, Saturday evening, was put to flight by Mrs. Ross, who took a pot shot at the housebreaker as he was running out the front door. It is thought the shot went wild, as the burglar did not diminish the speed of his flight or give any other evidence of having been hit by the bullet.

The small general store of Mrs. Danthoff, 37 Union avenue, was entered by burglars some days ago and rifled of many articles of value, including the contents of the cash drawer. The burglars carried the small cash register away with them, evidently fearing that any attempt to open it in the store would attract attention to their movements. The demolished machine was later found under the Olympic warehouse, East Second and Washington streets. It had been despoiled of whatever of value it contained.

THREE BURNED TO DEATH IN HOSPITAL AT SAN FRANCISCO

The nurses were forced to remove the patients of two wards from their beds in order to save them from the blistering heat of the flames. It was not until after the flames had been extinguished by the force of firemen that the three deaths were discovered. The two men had been sleeping in opposite rooms on the second floor of the destroyed building at the time of the fire and all had apparently been smothered by the smoking.

WIFE OF CANADIAN LABOR COMMISSIONER DESERTS HER HUBBY

Tokyo, Jan. 6.—Closely following the return of Labor Commissioner Lemieux to his home in Canada comes the startling report that his wife has eloped with an Englishman and that the couple is on the way to Kyoto. Lemieux had been in Tokyo for several days carrying on negotiations with the Japanese government concerning the questions of immigration. He represented the Canadian government in this matter. When he was ready to return to submit his report, Mrs. Lemieux obtained the permission of her husband to prolong her visit in Tokyo. A few days after Lemieux departed Mrs. Lemieux disappeared. An Englishman who had been attentive to her was missed at the same time. Later it was reported that the couple was seen traveling toward Kyoto.

No Soldiers Have Been Recalled—Lack of Work in British Columbia Caused the Home-ward Movement.

Japanese Consular Agent Tsuneji Aliba scouts the story from Vancouver, British Columbia, to the effect that hundreds of his countrymen who had been service in the mikado's army have been ordered to return to Japan, presumably for the purpose of rejoining the mikado's fighting forces.

"To begin with," said the vice-consul, "there is no law in Japan providing for the recall of former soldiers, until a state of war actually exists. The men say it might as well be said that because thousands of Italians and Austrians are returning to their homes from the United States that those countries are preparing for war."

The fact is, the Japanese the leaving this country for the same reason that the Europeans are—they are out of work, and can live more cheaply in Japan than they can here.

"So far as I know, very few Japanese are leaving Oregon and Washington for Japan. It is possible that more are leaving British Columbia, as the Japanese population in that country is much larger than it is here, and more of them may be out of employment."

The story is a dream, based on groundless rumor. There are plenty of soldiers in Japan, and no necessity of recalling a few thousand from this country. Jappon wants no war. She wants and needs peace in order to recover from the cruel wounds inflicted in the Russian campaign.

THAW FEELS VERY CONFIDENT

Prisoner Cheerful on Verge of New Trial—One Hundred Veniremen Dismissed During Today's Session of Court.

Interpolate later the fact that the defendant was insane at the time of the shooting. William F. Miller, a decorator, was the first venireman examined. He said he knew Stanford White and that he had no opinions. He was accepted by the prosecution. Attorney Littleton questioned him closely and then challenged him for cause. Miller was excused.

The next three veniremen were excused also, two of them for having opinions. Charles E. Gremmel, a broker, qualified as the first juror. When court reconvened after the noon recess, Evelyn Thaw was given a seat inside of the railing separating newspaper reporters from the spectators. She is now seated near her husband and within the range of the vision of the jurors. At noon she visited Harry Thaw in his cell and had a long chat with him. Any hope that photographers might have had of using cameras in court was blasted by a court order.

HAZZARD'S CASE POSTPONED WEEK

Detroit, Mich., Jan. 6.—The court-martial of Lieutenant Russell T. Hazzard on the charge of forging the name of the commandant of Fort Wayne was postponed for a week.

Hazzard, who is under guard at a hospital, is a physical wreck. In spite of the serious charge and a report from Seattle that he has a wife and three children living in Oakland, his girl wife is as faithful to him as she ever was.

COUNTERFEITERS UNDER ARREST

Tacoma Police Capture Two Men With Complete Kit of Tools.

The discovery of the counterfeiters was made by accident. Patrolman Calkins approached at South Tacoma and asked them to open up the suit case. They objected so strongly that he placed them under arrest. When the suit case was opened it was found to contain molds, dies, crucible and a number of partially finished coins.

SEVEN MEN INJURED IN SAN JOSE FIGHT

San Jose, Cal., Jan. 6.—Salvador Campes Jr. lies dead at the Good Samaritan hospital as the second victim of the fierce fight engaged in Saturday afternoon between Italian and Salvador Greco, one of the wounded, may die before night. The others will recover.

Santos Olivera, who is said to have shot Barbieri and Tortorici, has been arrested. The fight resulted in injury to seven men and was the result of a quarrel over an old bundle of shingles taken from a barn.

FORMER GRAFTER LORNEGAN DEAD

Ex-Supervisor Who Turned State's Evidence for Heney Expires Suddenly.

San Francisco, Jan. 6.—Thomas Lornegan, former member of the board of supervisors and star witness against Louis Glass in the telephone booth case, dropped dead this morning at his home in this city.

Lornegan was the principal witness in the graft prosecution, and it was he who was easily broken by Dan Burns and made to divulge evidence that assisted in sending Schmidt and Heney to jail. Lornegan's death may cost the Glass or other defendants when the testimony required from him can be obtained from others of the booth board.

TAFT ON NEED OF OFFICERS

Secretary of War Sends His Recommendations to President Outlining Requirements of Army in Philippines.

Washington, Jan. 6.—Secretary of War William Taft writes about conditions in the Philippines, declares that the United States army should be increased and makes other recommendations in his annual report submitted to President Roosevelt today.

"In my judgment," he says, "it would be the wisest sort of economy for the nation to recognize the situation in the army and provide additional officers to meet the condition which is fast becoming a menace."

The secretary places his stamp of approval on the recommendation of the general board that 512 officers be added to the army. He also advocates the organization of a general service corps including wagon masters, engineers, firemen, teamsters and interpreters. He also approves of the estimates of the money needed for coast defenses such as \$6,000,000 for Subig Bay, Manila; \$1,000,000 for Zamboanga, Honolulu, and \$1,000,000 for Guantanamo Bay, Cuba.

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Washington, Jan. 6.—After a two-weeks' holiday congress reconvened today. The senate was in session five minutes and the adjourned out of respect to the memory of Senator Mallory of Florida.

The most important matter before the house was the report of the state commerce commission. John Sharp Williams introduced a bill reducing the standing army to 25,000 and providing that 10,000 of this number be assigned to the sea coast artillery.

OVE GUDE GOES TO WASHINGTON

New Norwegian Minister Is Appointed to Succeed Late Hans Christian Hauge.

Christiania, Jan. 6.—Ove Gude has been appointed Norwegian minister at Washington to the vacancy caused by the sudden death of Minister Hjalmar Christian Hauge.

The new minister has had much experience in diplomatic circles. He was born in 1852 and in 1876 received his first appointment as minister to the then united countries, Sweden and Norway. In 1879 he was transferred to the department of foreign affairs in Stockholm after having served two years as attaché in Paris.

In 1884 he was appointed secretary of legation at Copenhagen and in 1891 was given the same position in London. Later he was appointed minister at Madrid and subsequently transferred to Copenhagen. He resigned when the two countries separated on June 7, 1905, and has not occupied any position in the diplomatic service since his resignation was accepted.

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