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JOURNAL CIRCULATION

YESTERDAY WAS

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BRYAN DECLARES JAPS MUST GO

ROOSEVELT FRAMING EXCLUSION TREATY TO PRESENT MIKADO

Democratic and Republican Leaders in Accord on Subject of Brown Men in United States—Both Agree That the Orientals Must Leave America.

(United Press Leased Wire.) Chicago, Jan. 8.—In an interview today William Jennings Bryan made the declaration that he is for the exclusion of orientals or Asiatics. He said it is impossible for them to assimilate with the Caucasians of the United States.

This expression of his views on the exclusion question is taken as an indication that in his speech tonight he will formally declare that the Japanese should not be admitted to this country. He says, however, that the orientals in the United States must be given protection and that their property rights should be guaranteed.

"I will not venture to say by what means those races could be excluded," said Bryan. "But I will say that any means would be justified in the end."

Washington, D. C., Jan. 8.—The Japanese question seems to be growing bigger and more dangerous every day. It is the prevailing opinion that failure on the part of the United States to negotiate an exclusion treaty with Japan and the failure of congress to legislate upon the matter would start more trouble.

President Roosevelt has held frequent conferences with the California and other Pacific coast delegations and it is believed that he will yet arrange a suitable exclusion treaty with Japan. The matter has been left in the president's hands for the present.

Military men of the Pacific coast states will confer this week with Gen-

eral Arthur Murray, chief of artillery, on the proposition to organize a company of militiamen to guard coast defense. The Atlantic coast and gulf states, almost without exception, are willing to accept such a plan.

Tokio, Japan, Jan. 8.—The local authorities have been instructed to submit monthly reports of the number of Japanese going to America, Hawaii and Canada from Yokohama, Kobe and Nagasaki.

Los Angeles, Cal. Jan. 8.—Urged on by wild cries of "lynch him," a mad-dened mob, infuriated by his attacks on a drunken man, rushed F. Kanowa, a Japanese storekeeper, into a doorway on Spring street last night, beat him up with blows and kicks and frightened him fairly into a faint before Patrolman McCarty was able to fight off the assailants and set his skulking charge into a place of safety.

A Goldfield mine owner started the rumpus. He entered Kanowa's curio store, where an auction was in progress, and aroused himself by hiding for articles, then refusing to pay for them. This enraged Kanowa. Summoning two assistants, he threw the Goldfield man into the street.

Speculators said that the Japanese kicked the drunken man twice as the fellow lay on the ground. A crowd hurriedly assembled and rescued the miner. Passengers leaped from cars and joined in the cry for vengeance on the Japanese. The brown man's companions escaped during the commotion, but Kanowa was cornered. The mob grew more menacing. They talked lynching but had no rope. Then the policeman appeared and ended the affair.

Washington, Jan. 8.—It is understood that the state department has been asked by the Japanese government if this country would offer any objection to the appointment of Ambassador Takahira, now stationed at Rome, as the successor to Ambassador Aoki at Washington. So far as known, this move would be agreeable to the administration.

CONQUERS SPINAL MENINGITIS

Dr. Simon Flexner, head of the Rockefeller Institute for Medical Research, has discovered an antitoxin serum with which he has treated many cerebro-spinal meningitis sufferers successfully. At the left is a photograph, enlarged many times, of the cerebro-spinal meningitis germ. The sketch shows Dr. Flexner at work in his laboratory.



SCHWAB TO AID MRS. THAW

Steel Magnate Associates Himself With Other Pittsburgh Millionaires in Offer to Help Bear Expense of Second Trial of White's Slayer.

(United Press Leased Wire.) New York, Jan. 8.—A story is being circulated here to the effect that a number of millionaires, headed by Charles M. Schwab, the steel magnate, stand ready to give Mrs. William Thaw all the financial assistance she may need incident to the trial of her son.

"I am ready and willing to aid my Pittsburgh neighbor, who was a good neighbor," said Schwab in discussing the story.

While Mrs. Thaw is not known to be financially embarrassed, it is said that her supply of available funds has been exhausted.

New York, Jan. 8.—The third day of the Thaw trial was resumed at 10:30 o'clock this morning.

Shortly after the examination had been resumed John H. Holbert, presi-

dent of the Spring Water company, was tentatively accepted as the eighth juror.

John Enterwhistle, a contractor, has been tentatively accepted as the ninth juror.

The first coup in the second trial of Harry Thaw was executed today when Attorney Littleton, the defendant's chief counsel, subpoenaed three of the star witnesses who testified for District Attorney Jerome at the first trial. The men who are thus brought over to the side of the defense are Alenistis Austin Flint, Carlos Macdonald and William Mahon.

These doctors testified at the first hearing that Thaw, in their opinion, was insane, at the time he killed Stanford White and later qualified their statements by saying that his mental weakness did not prevent him from realizing the enormity of his crime. This move indicates that Attorney Littleton wants his client sent to an asylum if he cannot go scot free.

District Attorney Jerome declined to discuss the coup of opposing counsel. When noon adjournment was taken only two tentative jurors had been selected so far today, although 29 veniremen were examined.

MONEY TO PRESERVE JACKSON'S OLD HOME

(United Press Leased Wire.) Washington, D. C., Jan. 8.—Representative John Wesley Gaines of Tennessee today introduced a bill in the house providing for an appropriation of \$5,000 annually for three years and \$1,000 annually thereafter for the preservation of the Jackson home, near Nashville.

GERMANS FREEZING FOR LACK OF FUEL

(Special Dispatch to The Journal.) Frankfurt-On-Main, Germany, Jan. 8.—The coldest weather of the year is being experienced here, the temperature going to 16 degrees below zero centigrade. Several men have frozen to death while in search of work, and others have died at home from lack of fuel.

REFUSED TO GIVE HUSBAND MEDICINE

(United Press Leased Wire.) San Francisco, Jan. 8.—When the Talbot divorce case was resumed this morning, Joe Timote, Talbot's former Japanese butler, took the stand for cross-examination.

He testified that while he was employed by the Talbot family in August, 1906, Mrs. Talbot had ordered him not to give any medicine to Talbot in spite of the instructions left by Talbot's physician.

TERRORISTS PLOT TO MURDER PRINCE

(Special Dispatch to The Journal.) Vienna, Jan. 8.—A plot to assassinate Prince Ferdinand of Bulgaria before his marriage to Princess Eleanor of Rouss has been discovered, according to a report from Sofia. The police, it is said, have made several arrests.

BARTNETT TOOK RAILROAD STOCK

New Scandal Unearthed in Investigation of Affairs of California Bank.

(United Press Leased Wire.) San Francisco, Jan. 8.—A package containing 15,000 shares of Western Pacific stock has been delivered to Custodian Cushing at the California Safe Deposit & Trust company.

With its arrival there came to light the story of how J. Daisell Brown and Walter J. Barnett two years ago diverted \$375,000 of the bank's funds in one lump sum to their own uses.

The shares have been missing since the failure of the institution was announced. With their return it developed they have been in the possession of Edwin Hawley, a New York stock broker, who, with Theodore F. Shonta and H. E. Huntington, is interested in the Toledo, St. Louis & Western and the Chicago & St. Paul railroads.

Hawley is also a director in the Western Pacific and personal broker for George J. Gould, its chief financial backer.

The Western Pacific stock owned by the California Safe Deposit company constitutes one of the bank's many scandals. When the bank failed there were found on its books an investment entry reading as follows:

"Bank funds invested in Western Pacific stocks, \$65,000; stock bought, 25,000 shares at \$35 per share."

When the vaults were searched only 10,000 of the shares were found. With them was a receipt dated September 21, signed by W. J. Barnett, to the effect that he had taken for his own use the other 15,000 shares.

OIL WAR LOOKS LIKE BURLESQUE

Scrap Against Standard in Texas Fails to Develop Big Stick Methods.

(United Press Leased Wire.) Dallas, Tex., Jan. 8.—Guy Collett of Austin has been named by Judge Calhoun to be receiver for the Standard Oil company's physical properties in Texas.

A nominal bond will be required of him, inasmuch as the attorneys for the state consented to exempt the Security Oil company of Beaumont and the Navarro Refining company of Corsicana from the applications for a receivership.

There remains practically no tangible Standard Oil property in Texas for Receiver Collett to look after. The proceedings thus far look much like a burlesque.

SCHOLFIELD HEAD OF CHAMBER OF COMMERCE

(Special Dispatch to The Journal.) Astoria, Or., Jan. 8.—At the annual meeting of the chamber of commerce Hon. W. T. Scholfield was elected president. G. W. Wingate vice-president, and C. W. Higgins treasurer. The retiring officers were James W. Welch, president, Dr. T. L. Ball vice-president, and George W. Lounsbury treasurer. After the election a cold collation was served to about 150 members.

MARQUAM SUIT GIVEN HARD BLOW

Judge Cleland Sustains Two of Three Points in Demurrers Entered by Defendants—Beginning of End to 10-Year Fight.

Court Grants Plaintiff's Attorney 30 Days to Amend Complaint, but Holds Allegations Are Not Concerning New Matter.

What may prove to be a knockout blow to the suit of P. A. Marquam against the United States Mortgage & Trust company, the Title Guarantee & Trust company and J. Thorburn Ross, involving the ownership of the Marquam building, was given in the circuit court by Presiding Judge Cleland this morning when he sustained two of the three points of the demurrer entered by the defendants.

Attorney Page, representing the plaintiff, asked for 30 days' time to amend his complaint, and this was granted despite the protest of Attorney McCamant, who argued that the time should be made shorter, and suggested that the decision of the court probably would make it impossible for the plaintiff to so amend his complaint as to stay in court.

Judge Cleland reviewed the law in the matter in a long written decision in which he sustained the contention that his court has no jurisdiction of the subject matter under decisions of the courts that no bill of review can be entered to set aside a judgment rendered by the court after the case has been passed upon by an appellate tribunal. He also sustained the point of demurrer that the allegations are not concerning new matter or matter discovered since the former case was tried.

Echo of Long Suit.
The attack on the present ownership of the Marquam building goes back to 1899, when suit was begun by the United States Mortgage & Trust company to enforce a mortgage for \$300,000 executed in 1894 by Marquam. In 1900 a decree of foreclosure was given and the mortgage and also of a declaration of trust and agreement by the Title Guarantee & Trust company. Marquam appealed, and in 1903 the case was affirmed by the state supreme court. In 1900 the property had been sold under execution, being purchased by J. Thorburn Ross as trustee. In 1901 Ross transferred the property to the Oregon company, and the following year Marquam began another suit to acquire title to the property.

This case was tried before the late Judge in the circuit court and in August, 1904, a decision was given for Marquam. This was carried to the supreme court and in 1905 Judge Sears reversed the higher court directing that the plaintiff's suit be dismissed. A decree was accordingly entered to this effect in July, 1906, after a rehearing had been denied in the supreme court. The present suit, attempting to reopen the whole question, was started January 15, 1907, and the fight was renewed in the form of the demurrer sustained by Judge Cleland today.

Judge Cleland's Decision.
Treating of the chief issue raised by the demurrer, Judge Cleland in his decision says:

"An important question to be decided in this case is whether or not a suit can be maintained for error apparent in the record after decree of the supreme court has been entered in the circuit court in obedience to the mandate of the supreme court. It seems to be well settled in many of the states of the union that no bill of review can be filed on the ground of error on the face of the decree after the case has been passed upon by the appellate tribunal."

After reviewing numerous decisions on this point the court reaches the following conclusion:

"In this state, after the entry of a decree in the court below, in obedience to the mandate of the supreme court, no bill of review can be maintained in the circuit court to alter or modify the decree."

(Continued on Page Three.)

DID FULTON SWEAR AS HE OUGHT TO?

Senator's Method of Taking Oath Over Phone Raises Question Whether He Has Fulfilled Requirements of the Law.

Some Radical Opponent Could Keep Fulton's Name Off Primary Election Ballot—Supreme Court Has Ruled on Similar Cases.

Has Senator Fulton complied with the letter and spirit of the registration law? When he files his primary nominating petition will he have complied with the letter and spirit of the direct primary law?

Will it be possible for some technical and radical opponent to enjoin the secretary of state from placing his name on the official ballot when that document is made up before the primaries in April next?

These are three questions which are causing not a little speculation and argument among the attorneys and those technically wise in things political, caused by the peculiar manner in which the senator registered and qualified as an elector while in Oregon a few days ago.

Was Phone Oath Legal?

Senator Fulton came back from Washington in order that he might register as required by law to enable him to become a candidate for nomination at the next primary election. In following out this intention the senator went to Astoria, Friday last, where he filed out the necessary statements in the registration books as called for by the statute. Because the registration books were not legally open, however, as could not make the affidavit required by the law until Monday, after the books had been opened.

Monday forenoon Senator Fulton, who was then in Portland, called up by long distance phone the county clerk of Clatsop county, an old-time friend, who knew his voice, and in that manner had the oath administered to him, swearing to the facts as set out in his statement of registration. Now the question arises among those of technical bent, Was this oath over the telephone in accordance with the strict interpretation of the registration law?

Must Personally Appear.

It is provided in the registration statute that "every elector may be registered without charge by personally appearing in the office of said county clerk, and there being daily examined by the following facts, which the clerk or his deputy shall appropriately enter in blank form in the general county register."

In another section of the same statute it is further provided that "Every elector may be registered by personally appearing at the clerk's office and complying with the provisions of sections 7 and 8 of this act; but, if said elector is unable for any reason to conveniently register as aforesaid, he may register, without charge, before a notary public of the county in which he resides, by using one of the blanks designated as blank 'A' in section 3 of this act, and filing out this blank in such a way as to afford all the information which he ought otherwise to give to the clerk under section 7 of this act."

Turning then to the direct primary nominating law, it is provided in section 13 that "Any qualified elector who has filed his petition and is registered as herein required as a member of a political party, subject to the provisions of this act, shall have his name printed on the official nominating ballot of his party as a candidate for nomination."

Question Is Raised.

Because of these provisions the question is being raised whether Senator Fulton is registered and qualified under the real meaning and letter of the law. He filed out the questions required in the registration book, but when he made his affidavit he was not even in the county, much less in that person before the county clerk.

(Continued on Page Three.)

BRYAN DENIES NINE-WORD TALE

Commoner Says He Would Never Enter Campaign on Platform of That Kind.

(Special Dispatch to The Journal.) Chicago, Ill., Jan. 8.—William Jennings Bryan arrived here today to attend the Jackson Day banquet of the Jefferson club tonight. One of the first things he did was to repudiate the idea of his running on a nine-word platform.

"There is nothing to that story," Bryan declared. "I never said I would run on such a platform. It is just some more idle talk." The banquet will be attended by 600, including Democrats from every part of Illinois and nearby states. Senators Davis, Arkansas; Stone, Missouri; Adlai Stevenson and John W. Kern, Indianapolis, will also attend.

Takahira Selected.

(United Press Leased Wire.) Tokyo, Jan. 8.—Unofficial announcements have been made here that Baron Takahira, ambassador to Italy, has been secretly appointed successor to Viscount Aoki as ambassador to the United States.

ONE BLOW KILLS MINER'S ENEMY

Tim Monahan Strikes Furnace Man at United Verde Smelter and Ends Life.

(United Press Leased Wire.) Prescott, Ariz., Jan. 8.—Tim Monahan, shift boss at the United Verde smelter at Jerome, almost instantly killed furnace man Miller with one blow of his fist yesterday.

Monahan and Miller quarreled, the former struck the latter a blow on the point of the jaw and then walked away. Miller walked to a nearby door, stood there a few minutes and then fell dead. Monahan is in custody, pending the finding of the coroner's jury.

NEW MEXICO ASKS TO COME INTO UNION

(United Press Leased Wire.) Washington, Jan. 8.—New Mexico has presented its petition to be admitted to separate statehood. The petition states that Governor Curry in Spanish, President Roosevelt's assurance of his aid and gives the population of the territory as more than 400,000.

CONTRIBUTION BOX CONTAINS THREAT TO MURDER PRIEST

(United Press Leased Wire.) Los Angeles, Jan. 8.—In the contribution box last night, Rev. Alexander Buccell, priest of the Church of St. Peter, found a letter which threatened his life and accused him of grafting. It was turned over to the police, and Joseph Benedict, a member of the congregation, was arrested. Benedict admitted that he wrote the note and placed it in the box.

Several weeks ago Father Buccell held a church fair to obtain money to repair the building. A raffle was given, and Benedict failed to hold the lucky number. He became enraged and declared that the drawing had been prearranged. The letter was written in Spanish, and states that an assassin will befall Buccell because of his impious work.

NO NEED TO PAY MORE

A few newsboys exact 5 cents a copy for the daily Journal on the streets. The price of the daily Journal is 2 cents a copy or 10 cents a week, delivered by carrier. There are any number of reliable and accommodating newsboys who "make change" selling the paper at 2 cents a copy. These are the boys to patronize. Where a boy refuses to "make change," when the purchaser of the paper asks for it, he should be reported to The Journal office.