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Oregon Daily Journal

JOURNAL CIRCULATION

YESTERDAY WAS

28,900

BANKER BECKER MUST GO TO JAIL

EXTRA!! EXTRA!! JUDGE BURNETT DELAYS FATE OF BANKER ROSS

WITHHOLDS DECISION

Makes Suggestion That Defense Would Better Agree to Postponement—Sentence Will Be Imposed May 27.

(Special Dispatch to The Journal.)
Salem, April 27.—Judge Burnett when court was called this morning announced that he had delayed decision in the case of the sentence of J. Thorburn Ross that he might take the case under further advisement.

Further, at the judge's own suggestion, the case in the Ross case moved that the passing of sentence upon J. Thorburn Ross be postponed, which the matter came before the court today at 10 o'clock.

Ross would now have been locked in a cell at the penitentiary had sentence been pronounced today, according to Judge Burnett, and the postponement was suggested so that a motion for a new trial might be filed and the defendant's constitutional rights be preserved—in other words, so that the banker would not have to go to jail.

Sentence will be passed on Banker Ross Wednesday, May 27, at 10 o'clock. At that time Attorney McLean, who filed his motion for a new trial, a bill of exceptions and motion for appeal, will be heard.

The defendant, Ross, was in his place at court with the same expressionless countenance today. The law which covers this precise offense specifically provides for imprisonment and fine and not imprisonment or fine.

In round numbers the fine is \$75,000. When the offender cannot pay, he goes to prison for every \$2 of the fine. Therefore, Ross, who, his attorney has said, was completely broke, is a creditably inclined relative for carriage to Salem so that he might appear for trial, would serve, or sit in jail, about 788 years. The statute is section 1897 of Bellinger & Cotton's code and reads as follows:

"If any person shall receive any money whatever for this state, or for any county, town, or city, or for any public corporation therein, or shall have in his possession any money whatever belonging to such state, county, town, or city, or to any public corporation, or shall loan, with or without interest, any portion thereof, or by law directed and required, or when lawfully demanded, so to do, such person shall be deemed guilty of larceny, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than ten years, and by fine equal to twice the amount converted or paid, as the case may be."

This act became a law in 1864 and other prosecutions have been obtained under it. The previous prosecutions were for the most part of public officials, and never has there been a banker convicted under the provision.

Banker Ross' only hope of dodging a life imprisonment in the governor's pardon if the higher courts affirm the law handed down by Judge Burnett. Judge Burnett's law is regarded as good law in all parts of the state where the attention of attorneys and jurists have been attracted to the case.

The case of P. Burkhardt, treasurer of the defunct Title Guarantee & Trust company of Portland, will begin at 1 o'clock Monday, July 13. Judge Burnett set the case definitely this morning. This term of court will adjourn Saturday, and the Burkhardt case will come to trial in the fore part of the next term of court.

The charge against Burkhardt is identical with the one against Ross—that of converting to his own use state school funds. Burkhardt was indicted in 1898, and he was convicted by the Oregon supreme court in 1900. He was also George H. Hill and John E. Aitchison.



J. Thorburn Ross.

SNAKE'S POISON TO CURE MADMAN

Brave Man Defies Death by Extracting Virus From Terrible Reptile.

(United Press Leased Wire.)
New York, April 27.—Scientists are today discussing the vastly important operation performed in the Bronx zoo, where Curator Raymond L. Ditmars, challenging death in the performance, took from the fangs of a snake 174 grains of deadly fluid which is believed invaluable in the treatment of insanity, epilepsy and kindred diseases.

The amount obtained being sufficient for more than 17,000,000 doses.

It is agreed by the scientists who witnessed the operations that the slightest slip of the curator's hand would have caused his death. Altemista says that it has been shown that the poison when properly diluted is instantly effective in the treatment of mental diseases, but they have been unable to get enough of it. The last was secured in 1883.

The scarcity of this virus is due to the fact that the natives of Brazil, where the "lance head" reptile lives, dare not capture them. The one operated upon yesterday is one of the very few ever caught.

After the attendants got the four feet six inch snake out of a glass cage, the curator seized it by the neck and squeezed out 174 grains of the deadly poison into a jar. This poison was mixed with 99 per cent of sugar and milk until it reached the consistency of fine powder. From this serum, which measures less than a third of an ordinary teaspoonful, the world's supply will be drawn.

NOBILITY OF FRANCE MOURN'S DUKE'S DEATH

(United Press Leased Wire.)
Paris, April 27.—Attended by nearly the whole French nobility, solemn requiem high mass services were celebrated today over the remains of Duc de Chaulgnes in the Church of St. Philippe du Roule. The body was removed to the Dampierre, where another service will be held tomorrow. The mourners were led by Duc de Luynes, cousin of the deceased.

CALIFORNIA BANK THIEF SENTENCED

J. Dalzell Brown Gets Off With Light Punishment for Robbing Depositors of California Safe Deposit Company.

Eighteen Months in State Prison—Will Tell Full Story and Convict Other Officials Through Testimony.

A little stealing is a dangerous part, but stealing largely is a noble art. 'Tis mean to rob a henroost or a hen, but stealing millions makes us gentlemen.

(United Press Leased Wire.)
San Francisco, April 27.—By arrangement with the district attorney's office, J. Dalzell Brown, wealthy manager of the California Safe Deposit & Trust company when that institution went to the wall, today changed his plea of not guilty to one of guilty of the charge of embezzling the securities of the Sacramento Gas & Electric company and was sentenced to 18 months' imprisonment in San Quentin.

In return for the remarkably light sentence Brown will make a complete confession. He will tell his story to the grand jury this afternoon and as a result of his statement it is expected that other indicted officials of the defunct bank who are now out on bail will be returned to jail.

The plea of guilty came as a complete surprise to all save the defendant's attorney and Prosecutor Cook.

The prosecutor asked the court to be lenient in the sentence, did not benefit personally by the embezzlement of the securities, intimating that Brown was merely a tool of others in the bank. Cook assured the court that Brown would tell the grand jury all that he knew about the manner in which the bank's affairs were manipulated and that his testimony would be of great benefit in straightening out the many tangles involved by the failure.

Before sentence was pronounced, the court asked Brown if he had anything to say. The confessed bank wrecker stood up and with a voice quivering with emotion, said:

"I never received \$1 benefit from any of the funds or securities that have been embezzled and I always worked for the best interests of the bank."

The court, in pronouncing sentence, said that he was not familiar with the case, but that as the defendant claimed that he had not received any benefit through the looting of the bank and that as this claim was not denied by the prosecution, he would be lenient and impose the light sentence of 18 months' imprisonment in San Quentin.

GENERAL LINEVITCH MOURNED IN JAPAN

(United Press Leased Wire.)
Tokyo, April 27.—The death of General Linevitch, who succeeded General Kurapatkin in command of the Russian army during the war with Japan, is sincerely mourned throughout Japan. All of the newspapers print eulogies of the dead soldier and comment feebly on his demise.

DIAMOND THIEVES JUMP THEIR BAIL; HEADED THIS WAY

(Special Dispatch to The Journal.)
Roseburg, Or., April 27.—Two of the men who are supposed to have been involved in several big robberies in San Francisco were in custody of the police here yesterday but were released on vespertine bail. They have jumped the town and may be on their way to Portland.

The young thugs, neither of them over 25 years old, were arrested here Saturday night for creating a disturbance in the Oregon restaurant. When taken to prison they were released on

depositing 150 bail each. They were to appear this morning to answer to a process of disturbing the peace. When court convened they were not to be found, and it was later learned that they had left town Sunday morning.

Roon after it was learned that the men had departed a message came from the chief of police of San Francisco asking that men answering their description be detained, as it was known that they had escaped to this section. The men were wanted for diamond robberies.

Both thieves were well dressed and had plenty of money. They wore costly diamonds. The Portland police have been notified.

GOLDEN EAGLE PAYS ITS FIRST DIVIDEND

Creditors of the Golden Eagle department store which, under the management of Gus Lewit went to the wall after the failure of the Oregon Trust & Savings bank had shut it off from its subsidy, will receive a pro rata dividend of 25 cents on the dollar, according to the report of Major J. F. Kennedy, the receiver, filed with Judge Gantenbein this morning.

According to the report of Major Kennedy filed this morning, there is now cash on hand amounting to \$60,214.46 with which to meet the accounts aggregating \$239,616.64, which were found to be owing when the list of accounts was filed with the court January 25, last.

The report of Major Kennedy will come as a pleasant surprise to the many creditors of the Golden Eagle, as it was not thought possible at the time of the failure that the store would pay more than 10 or 15 cents on the dollar. Under the receiver's management, however, the assets of the company have been so conserved that the relatively large dividend of 25 per cent will be paid, under the order of Judge Gantenbein, which was signed this morning.

The court has set May 25 as the day upon which any creditors or others interested in the settlement of the claims shall appear and make objections to the settlement of the claims on the basis of the receiver's report. Following that date the apportionment of the funds among the creditors will begin.

The report of the receiver shows that he was able to accumulate \$76,287.50 out of the sale of the property and assets of the store. Out of this sum it was necessary to spend \$16,287.50 as the cost of closing up the business of the store, and \$10,000 as the cost of the receiver's management, including the cost of employing 120 clerks and other employees. The expenses of the receivership therefore cut down the amount of available assets, according to the sale of the property, to the total of \$60,214.46, the sum left for distribution.

Out of the aggregate claims \$299,616.64 the Oregon Trust & Savings bank claimed \$188,191.69 as the amount advanced to the institution at the request of Gus Lewit, the manager of the Golden Eagle.

The actual net sum now in the hands of the receiver, for the distribution among the creditors is \$22,093.31, this being the amount left after having deducted the preferred claims which amounted to \$6,996.12.

ARMY RULE WILL NOT HURT LOCAL TRADE

(Washington Bureau of The Journal.)
Washington, April 27.—Quartermaster General Aleshire said today: "The new rule of the quartermaster's department will not operate to decrease the quantity of supplies purchased in the immediate future and ultimately will cause

more to be bought at Portland than under the old rule.

The plan, according to Aleshire, will be to buy more stores in the open market in the vicinity of army posts, keeping only certain supplies in San Francisco where a large storage depot is now being built and which was provided for by congress several years ago.

FATAL WIRE IN POOL OF WATER

Street Foreman at Victoria Electrocutted When He Stepped Into Puddle.

(United Press Leased Wire.)
Victoria, B. C., April 27.—William Scott, aged 55, for many years foreman of the street gang in this city, was instantly electrocuted by live wires, blown down during the gale.

Scott, with several men in the employ of the city, had been sent about 4:30 o'clock to Ross bay to examine the damage done by the gale. They found that some trees had been blown down and falling had brought with them a number of telephone wires. The latter were entangled with the electric lines above and when Scott, without thinking, stepped into a pool of water in which the wire lay, he received the full 5,000 volts.

He is survived by a widow and large family.

THOUSANDS OF BANDITS IN BATTLE

Russian Cossacks All But Overwhelmed by Kurds Who Surround Them on All Sides in Mountains—Terrific Fighting.

Mysterious Movements of Turkish Troops Makes Czar Uneasy—Grand Duke Nicholas Goes to Front to Take Charge.

(United Press Leased Wire.)
Vienna, April 27.—Terrific fighting is reported on the Rumanian side of the Russo-Turkish frontier. The entire population of the mountain region south of the Aras river is rising against the Russian force—now about 1,500 strong—sent into their country to punish the Kurds for raiding the czar's territories.

The Cossacks continue to hold their own, but their position, according to advices from St. Petersburg, is critical. The available Russian military forces within easy marching distance are also exhausted and the body now in the field will have to fight it out alone if it is to escape annihilation.

The Cossack force, with its machine guns, has no trouble in battering down the enemy's villages and inflicting heavy loss of life on their bands, but is fairly overwhelmed by sheer numbers and unable to fight to advantage in the rocky, broken country, where the mountainous terrain is well armed and disciplined, are perfectly at home. The continued massing of Turkish troops along the southern flank of the southern boundary of the Caucasus greatly adds to St. Petersburg's apprehensions.

Though it is said in St. Petersburg that the Grand Duke Nicholas Nicolaievitch's departure for the south is merely on personal business, there is little doubt that he did intend to take charge of the situation in the Caucasus.

SANTA BARBARA WELCOMES FLEET

Sailors Bombarded With Flowers During Parade. Street a Ballroom.

(United Press Leased Wire.)
Santa Barbara, Cal., April 27.—Santa Barbara gave welcome to the fleet this morning. The greeting followed a quiet Sunday, during which the nerves of the officers and men were given a much-needed rest. The real fleet festivities began this morning.

The ships are anchored off shore and are being garlanded in flowers.

The feature of today's program is the floral parade and battle of flowers to be held this afternoon. Pleasants are to be showered upon the visiting sailmen. Batteries of the fairest daughters of Santa Barbara will be stationed in strategic positions on the field of battle, with a score of dainty girls acting as "powder monkeys" to keep the batteries supplied with their fragrant ammunition.

While the officers are enjoying the dance at the Pooker, public dances will be given on the boulevard. The entire stretch of this beautiful driveway will be used as a ballroom and bands from the ships will be stationed at intervals to supply the music.

There is today an openly expressed sentiment among the officers of the fleet following the arrival of eastern mail, that the fleet will never return as a unit to the Pacific waters. While it is expected that the itinerary through Asiatic waters will be carried out as planned, yet it is not thought that the fleet will in the negotiations which have been set up to the contract for a new steamer for Olds, Workman & King. The negotiations were consummated here three years ago by J. White Page, who secured the lease of the Penneyer block and built a concrete structure of two stories, especially planned and adapted for a department store. Members of the firm have visited the east and south and have secured all the best and latest ideas in department store construction, and these will be embodied with numerous original suggestions in the plans. The building will be completed in 1905, and the store will be opened for the fall trade. There has been extraordinary interest manifested in the plans in the negotiations which have been set up to the contract for a new steamer for Olds, Workman & King. The negotiations were consummated here three years ago by J. White Page, who secured the lease of the Penneyer block and built a concrete structure of two stories, especially planned and adapted for a department store.

RAISULI KILLED BY TRIBESMEN

Daring Bandit Who Captured Kaid McLain Assassinated by Enemies.

(United Press Leased Wire.)
Paris, April 27.—Raisuli, the daring bandit, who has caused the sultan of Morocco so much trouble and worry, and who kidnaped Sir Henry McLain, commander-in-chief of the Moroccan military forces, has been assassinated by a hostile tribesman, according to a report which reached Paris today.

The news of the bandit's death is generally believed here because of its source. The message did not describe any of the details concerning the manner in which the crime was committed.

Fulton at Washington.

(Washington Bureau of The Journal.)
Washington, D. C., April 27.—Fulton, upon entering the senate chamber at noon today, was warmly greeted by the members on both sides of the chamber. He chatted with many of them regarding the primary election in Oregon. He tells all that Democrats registering as Republicans and voting for Coker was the cause of his defeat.

Jumps Into Furnace.

(United Press Leased Wire.)
Pittsburgh, Pa., April 27.—The whirled bones of a man have been found in the furnace of the Crucible Steel company. As none of the workmen are missing it is believed some dependent person committed suicide during a change of crews.

Governor to Open Campaign

- Governor Chamberlain will make the opening address of his senatorial campaign tomorrow evening at St. Johns. At this meeting he will outline his views upon the important issues of the campaign and it will probably be the only opportunity for the voters of this county to hear him before he starts on a tour of the state.
- Bickner's Hall, 162 North Jersey street, St. Johns, has been engaged for the occasion and preparations are being made to accommodate a large audience.
- The St. Johns cars pass the door. The meeting will open at 8 o'clock.
- Within two or three days Governor Chamberlain will leave for eastern Oregon, where he will probably spend about two weeks. The last two weeks of the campaign will be devoted to the western part of the state.

MEXICO PLACES BAN ON ITS "MERRY WIDOWS"

Up in this part of the country the people, particularly the women, seem to desire hats as large as possible, said Charles W. Hastings of Mexico City, at the Hotel Portland this morning. "Of course I refer to the merry widow hat, the Spanish bonnet. Big hats, sombreros, have been all the go in Mexico for years and always will be popular. I guess the sombrero is doomed in the state of Jalisco, Mexico. The legislature has declared against it. The legislators have found that the picturesque sombrero is a nuisance and that the Mexican who wears it must have a license. He must have a license to wear a sombrero on the street. Without this the



Men Working on Penneyer Block Clearing Way for Big Department Store Building.

WORKMEN PREPARING FOR GREAT BUILDING

Work has been commenced on the construction of the mammoth new department store for Olds, Workman & King, on the Penneyer block. The buildings were removed from the ground some months ago and now the trees are being cut down and preparations made for excavation of the cellar, and materials are being assembled for the foundation. The building will be one of the most interesting structures on the coast. It will be erected by the Portland Trustee and will be a five-story, steel and concrete structure of two stories, especially planned and adapted for a department store. Members of the firm have visited the east and south and have secured all the best and latest ideas in department store construction, and these will be embodied with numerous original suggestions in the plans. The building will be completed in 1905, and the store will be opened for the fall trade. There has been extraordinary interest manifested in the plans in the negotiations which have been set up to the contract for a new steamer for Olds, Workman & King. The negotiations were consummated here three years ago by J. White Page, who secured the lease of the Penneyer block and built a concrete structure of two stories, especially planned and adapted for a department store.