

More Help Wanted?
Real Estate for Sale?
Business for Sale?
Advertise in The Journal.

The weather—Fair tonight; Friday fair and warmer; easterly winds.

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PORTLAND, OREGON, THURSDAY EVENING, APRIL 8, 1909.—TWENTY PAGES.

PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

Oregon Journal

JOURNAL CIRCULATION
YESTERDAY WAS
31,125

FAMOUS ACTRESS DIES AFTER LONG ILLNESS

UNION DEPOT FAR FROM REALITY

Harriman Manager Says Positively That Hill Need Not Hope to Get Control of Half of Terminal Company's Stock.

The Northern Pacific Terminal company will not dispose of any of its stock to the Great Northern. It is a promise of the Portland Terminal troubles between Harriman and Hill depends on that stock transfer. President Louis Hill of the Great Northern might as well run on back to St. Paul and dad for all the good it will do him to wait here.

Such in effect is the latest turn the Portland terminal "conference" has taken. The "conference" between the Hill and Harriman people this morning consisted of Mr. Hill taking an automobile trip through the city, over the hills and down into the terminal yards while General Manager O'Brien of the O. R. & N. sat in his office in the Wells Fargo building dictating letters on subjects foreign to the terminal settlement. Mr. Hill and Mr. O'Brien had a short meeting at noon today. Mr. Hill is going east tonight.

"I think and hope we will have some agreement," said Mr. O'Brien, prior to the meeting this morning, "but I have not seen nor heard from Mr. Hill in any way since he reached the city. At the San Francisco meeting Mr. Harriman suggested that we settle the terminal question if we could. Mr. Hill is quoted as saying that everything is lovely, that he wants 50 per cent. of the terminal stock and that he may retain 50 per cent. as our share and that everything is really as good as done."

(Continued on Page Ten.)

YOUNG JACOB'S WIFE PAID \$42,500 TO DROP HER SUIT



Morton D. Jacobs and Mrs. Jacobs. Who Accepted Large Sum in Settlement of Suit for Alienation.

Mrs. Suzanne D. Jacobs, beautiful wife of Morton D. Jacobs, an heir to the Jacobs' millions, a clubwoman, bon vivant, and former manager of the Oregon City Woolen mills, yesterday received \$42,500 in property and cash in settlement of the \$200,000 damage suit which she brought against relations of her husband for alienation of his affections.

Despite various rumors and published statements to the contrary, it is an established fact that when Mrs. Jacobs left the office of her attorney, G. G. Schmitt, yesterday afternoon after the suit had been dismissed upon application of all principals in the circuit court, she had in her possession papers which represented nearly \$50,000 in cash and property which she had secured from Isaac Jacobs, father of her husband, Carston and Garry B. Jacobs and Mrs. Lillian Lang.

Mrs. Jacobs yesterday and today suffered severely from nervous neuritis and when seen at her apartments at the Morton flats on King and Washington streets, would talk little for publication. She explained, however, that the decree of divorce she secured yesterday from Morton B. Jacobs, though

WHEAT \$1.26 3/4 BREAKS ALL RECORDS

Patten Cleans Up Great Fortune—Wild Scenes Attend Opening of Exchange—Noon Figures Show Falling Off—Soon Climb Back.

(United Press Leased Wire.)
Chicago, April 8.—Not satisfied with his enormous profits made during the spectacular rise of the price of May wheat yesterday, James A. Patten, the stock broker who has been quietly amassing thousands of bushels of grain recently, continued today to unload his holdings. Patten made approximately \$150,000 in May wheat yesterday, and as it was quoted at \$1.25 3/4 at the opening today he stands a fair chance to double this amount.

Wild scenes attended the opening of the exchange today. Every neck was craned for the opening quotations on May wheat and as soon as it was posted Patten became the center of attraction. The brokers acted like mad men. Shorts, who had fallen in desperate attempts to recover their footing on the falling market, were forced to sell at a loss. Men who had millions deposited and who had been looking for a chance to cash out, were now in a hurry to do so. The high point for May wheat was \$1.26 3/4. At noon there was a great sensation when May wheat dipped to \$1.24 1/2. This falling off in the price was only temporary, as it soon climbed back to \$1.25 3/4. The closing quotation was \$1.24 3/4.

The Patten interests' sales during the morning were so large that no estimate could be made of their total amount.

DUMFOUNDED GAMESTERS ROBBED

Five Men Hold Up Gambling House at Ogden, Utah, for \$2500—Swift, Silent and Otherwise Artistic Job, and Clear Getaway.

(United Press Leased Wire.)
Ogden, Utah, April 8.—Five unmasked desperadoes held up 25 men in the White Elephant gambling house at 1 o'clock this morning in the most approved "wild west" fashion, and after obtaining over \$2500 from the tables and pockets of the victims backed out and made their escape.

The play was heavy last night, and toward 1 o'clock, though there was not a great amount of cash displayed, the room was well crowded and the interest was intense.

No one noticed the robbers as they entered, and before their purpose was discovered they had taken their positions about the room in such a way as to give them every advantage. The first warning came with the sudden command, "All hands up! Quick!"

The players and the dealers scarcely moved from the attitude in which the order found them. Their eyes took in the situation, however, and the muzzles of 16 revolvers pointed all the necessary information.

One of the five men put his pistols

MADAM MODJESKA WHO DIED IN CALIFORNIA



From a Picture Taken Five Years Ago.

ROSS APPEAL IS COMPLETED

Appellant's Counsel Contends That "Any Person," in Section Under Which Conviction Was Secured, Cannot Apply to Private Individuals.

(By Journal Leased Wire.)
Salem, Or., April 8.—Ex-Governor W. F. Lord has completed the brief for the appellant in the J. Thorburn Ross case and it will be filed with the clerk of the supreme court within a day or so. Judge Lord takes the position that the section of the code under which the indictment was found and the conviction obtained last April in Judge Burnett's court in Marion county refers not to private persons receiving state funds, but only to persons acting in a public capacity.

Judge Lord backs up his argument with citations of various convictions under the statute found in this state and in other states which have a similar provision, showing that it has always been made to apply to persons acting in an official or semi-official position, and never to a person acting in a private capacity.

Following is the section referred to and under which the bank president was convicted, section 1807, of Bellinger's and Cotton's statutes of Oregon:

Statute That Convicted Ross.
"If any person shall receive any money for this state or for any county, town or other municipal or public corporation therein or shall have in his possession any money whatever belonging to such state, county, town or corporation thereof or shall loan with or without interest any portion thereof or shall neglect or refuse to pay over any portion thereof as by law directed or required or when lawfully demanded to do so, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than 15 years and by fine equal to twice the amount so converted, loaned or neglected or refused to be paid, as the case may be."

The following is Judge Lord's interpretation of this section in defense of Ross:

"This section 1807 has no application to any person other than those authorized by law to receive public funds, or have charge of them in the line of public duty, and it is intended to apply to those who in violation of the trust reposed in them by law or use such funds adversely to the state."

"Any Person" Legal Custodian.
"There is no law or statute that gives the treasurer or custodian of public funds the authority to delegate his power or put such funds in the charge of any private individual, or to pay them out, except as directed by law, and in the absence of such statute, we must consider, within the meaning of section 1807, that any person who shall receive money for the state or have money in his charge belonging to the state, is a 'person' who is its legal custodian and whose duties and responsibilities are prescribed by law, which require that he shall not loan it, nor convert it to his own use, but keep it always on hand and ready to pay over when demanded, if he would avoid the punishment denounced by this section."

The "person" within the purview of the statute who receives money for the state or has charge of its moneys must necessarily be some one who is designated or authorized by law to receive it for the state or hold it for its benefit, and from the nature of the case he is an official person as contrasted with a private person, and hence "any person" in the section refers to an official person in the public office and not to a private person in whose hands money by some chance may have come.

It is hardly possible that the case can be heard in the supreme court before next month. The decisions will not probably be handed down until the latter part of May or the first part of June.

Log Kills Lumber Foreman.
(Special Report to The Journal.)
Eugene, Or., April 8.—John Hughes, foreman for the Booth-Kelly lumber company, was killed at Wendling last evening by a log rolling off the trestle. The coroner's jury did not blame any one.

MODJESKA IS CALLED BY DEATH

At Her Beautiful California Home Great Tragedienne Passes to the Eternal Slumber After Long and Glorious Career.

(United Press Leased Wire.)
Santa Ana, Cal., April 8.—After lingering for six days unconscious and a heart affection Madama Helena Modjeska, the great Polish-American tragedienne, passed away at her country home on Newport island at 10 o'clock this morning. With the illustrious woman at her death were her husband, Count Chlopowski, and her son, Ralph Modjeska, who have been in almost constant attendance for a fortnight. Dr. J. H. Boyd, Miss Jennie Murty, a trained nurse, and a Polish attendant who has been the courtesan's companion for 25 years, were present also.

Biographical.
Madama Helena Modjeska who, with Sarah Bernhardt and Duse formed the triple constellation of the greatest actresses of her time, was born in Cracow, Austrian Poland, October 12, 1841. Her father, whose name was Benda, was a Polish actor, who, through great refinement and musical ability, was taught music to support himself and his family. He died while Helena was still a child, but left his family in a fairly comfortable position. At an early age Helena showed evidence of a singular intensity of feeling and an unusual interest in the stage. She was a year old when her mother took her to a theatre for the first time. Little Helena became so excited over the performance that her mother did not consider it prudent to take her to the theatre again for many years to come. She was allowed her to see another theatrical performance.

Played "Theatre" at Home.
That first visit to the theatre had awakened in Helena an insatiable desire to act and she and her brothers and sisters improvised at their home a theatre, where the most wonderfully imitative dramas were performed. Helena was sent to a convent for her education and there she attracted the attention of the elderly guardian, an actor named Modreowski, who soon after died, leaving her with scant means and a baby son, named Ralph. This baby, later came to the United States with his mother and is now a well known civil engineer in Chicago.

Success Came in 1868.
After the death of her husband in 1865, Mme. Modreowska returned to Cracow, where her family still resided.

(Continued on Page Seven.)

FACTIONS ALIGN ON SALARY FIGHT

Judge's Friends Threaten to Invoke Referendum on Coyote Bounty Law.

(United Press Leased Wire.)
Baker City, Or., April 8.—Friends of Circuit Judge Smith are threatening to use legislative power in connection with the recent coyote bounty law. That a referendum petition may be used as a weapon against the sheep interests of the country, which are said to be very active in the protest against raising the judge's salary, is apparent by the attitude of his friends, who claim the present opposition to the increased salary is unwarranted.

Friends of Judge Smith declare that while the salary increase bill provides for the expenditure of only \$1000 per year extra, the coyote bounty bill calls for the expenditure of about \$40,000, which only accrues benefits to the sheep men.

The fact that coyotes are great exterminators of rabbits, which are thousands of dollars worth of game to the ranchers of Baker county annually, seems to be an important point against the bounty.

Judge Smith admitted last evening that there had been some discussion of the sort among his friends, but was not aware that the plan had taken definite form.

WHO IS YOUR CHOICE FOR MAYOR?

Voters of Portland are invited to fill out the accompanying coupon and mail it to the Editor of The Journal. Name your choice for mayor, no matter whether he be a Republican or Democrat.

VOTE ONLY ONCE.
My choice for mayor of Portland for the coming term is _____

FIRST WIRELESS FROM CAPITAL

Messages Sent to Portland From Salem by New Instruments.

(Salem Bureau of The Journal.)
Salem, Or., April 8.—Upon the completion of their station here today, E. Hofer, editor and proprietor of the Daily Capital Journal, sent the following telegram by United Wireless to C. C. Jackson, editor and proprietor of The Journal:

"Portland, Or.—This is the first wireless message sent out of Salem, Yours for the development of all Oregon."

"President of the Willamette Valley Development League."

Mayor Rodgers also sent felicitations to Mayor Lane of Portland.

Have You Read the Want Ad Section of Today's Journal

- 60 Advertisements for help
 - 26 Advertisements for situations
 - 70 Advertisements furnished rooms for rent
 - 212 Advertisements real estate for sale
 - 91 Advertisements business chances
 - 42 Advertisements houses for rent
 - 21 Advertisements flats for rent
 - 35 Advertisements housekeeping rooms for rent
- More Want Ads in The Journal than any other Portland paper
- There Is a Reason THINK IT OVER**

EMBEZZLER IS HONORED

T. Cader Powell Reappointed Marshal at Nome in Face of Evidence That He Stole Money When County Clerk of Multnomah.

Washington, April 8.—T. Cader Powell's nomination as United States marshal for the Nome district, Alaska, was sent to the senate today by the president.

The reappointment of T. Cader Powell is made in the face of strong protests, a mass of evidence having been presented to President Taft showing that Powell, while county clerk of Multnomah county, 1889 to 1894, embezzled thousands of dollars of public funds entrusted to his keeping. The proofs of Powell's stealings are conclusive and have been published repeatedly in The Journal without once eliciting a syllable of denial from him or from any of his friends. He was prominent in the political ring which formerly ruled this city and county, and his political "pull" was sufficient to save him from punishment for his rascality. Five years ago he was one of the prime movers in the wholesale election frauds attempted by certain members of the Republican county central committee.

Powell is said to have made a good record as United States marshal at Nome, and this fact, together with the larger part of which Jacobs is supposed to have sunk in a coal and coke business in New York. His firm later went bankrupt.

MAY PREVENT LEAGUE GAME

Health Authorities Will Investigate Sickness of Hal Chase—Has Smallpox?

(United Press Leased Wire.)
Washington, April 8.—The health authorities announced today that they are preparing to investigate the illness which confines Hal Chase in the smallpox hospital at Augusta, Ga. It is determined that the case is smallpox. The team will be quarantined on its arrival here, and will not be permitted to appear on the field Monday to play the opening game of the American league season.

Bourne's Illness Persists.
Washington, D. C., April 8.—Senator Bourne persists to leave for Hot Springs, Ark., in the face of the fact that he is suffering from a severe case of influenza which has kept him in bed since he arrived here.

YOUNG HUSBAND HAS VANISHED

Elderly Wife Says He Had \$2000 on Him and Suspects Foul Play.

San Francisco, April 8.—N. due to the whereabouts of Dr. J. H. Dowling, the young New York physician who disappeared from the city, Stratford Tuesday night, has been found and his elderly wife today is of the opinion that he has been the victim of foul play. According to the statement of Mrs. Dowling, her husband left the hotel Tuesday night after kissing her good-bye, telling her he was going for a walk. He had in his pocket \$2000, which was to defray the expenses of the couple's western trip. This, she thinks, has furnished the motive for a crime. The assistance of the police has been enlisted in the search.

The Dowlings left New York in November and have been making a leisurely tour of the west. Mrs. Dowling, at the Stratford, and is almost positive that the disappearance of her husband is a foul play.

KELLY BACK TO FACE CHARGES

Astoria Engineer Denies and Threatens to Shift the Line of Suspicion.

(Special Dispatch to The Journal.)
Astoria, Or., April 8.—John W. Kelly, former chief engineer of the Astoria Electric company, voluntarily returned here last night and gave himself up to the authorities. A warrant was issued against him during the February term of the circuit court charging him with grand larceny from the electric company's shops. It is alleged that thousands of dollars worth of brass and other costly material have been stolen in the past few years.

Kelly left town and the grand jury returned a true bill against him. He declares his innocence and says he came back to Astoria as soon as he heard of the charges and is intimated there may be some surprising developments in the way of implicating others.

Kelly's wife returned with him and has many friends here who will do everything in their power to assist him in clearing himself.

CITY'S POPULATION IS NOW 297,952 SAYS POSTMASTER

Portland's population is 297,952, according to the report submitted to Postmaster Young by Postal Inspector Wayland today. Postal receipts in nine years show the outstanding gain of 219.5 per cent. Gross postal receipts for the year ending March 31, 1909, are \$81,644, (from postal receipts for the year ending June 30, 1908, were \$109,735, making an increase in the nine years of \$44,111.

According to the census of 1900 Portland had at that time a population of 104,724. The increase of population at the same percentage as the postal receipts is 287.22, making the present population only a short 10,000.

The postal receipts per capita during 1909, based on the estimated population, were 12.22 and for 1908, 12.00.

Postmaster Young is preparing figures as told in The Journal yesterday, showing that the population of Portland and Clatsop counties has increased in four years.