OIL'S DEFENSE GOLD AND BRAINS

Kellogg Boils to Epigram Octopus' Arguments—Its Genius That of Greed and Falsehood; Its Justification, "I Can."

(United Press Leased Wire.)

St. Louis, Mo., April 10.—"Brains and limitless wealth, truly a strong defense," declared Frank Kellogg, special prosecutor for the government, today while making his closing argument against the Standard Oil company in the suit brought by the government to dissolve the great holding corporation of the oil trust.

Kellogg paid a warm tribute to the sagacity of the counsel representing the Standard and called the attention of the court to the entrenchment of the powerful corporation behind an enormous fortune and the wonderful ability of the world's best lawyers. He then proceeded to pick flaws in the arguments made by the Standard attorneys.

The prosecutor dwelt upon the "loss of memory" regarding important matters on the part of John D. Rockefeller and John D. Archbold. He branded as pitiable the fact that neither could remember what became of a certain $3,000,000.

Continuing, Kellogg declared that the exports of oil to Europe had decreased in proportion as the control of the Standard Oil company increased. He said that when Rockefeller was questioned as to the great development of the Standard he spent half an hour relating how in the early days of the company they made expeditions to the woods to cut barrel staves.

Kellogg also charged that the moving spirits in the Standard Oil company did not develop inventions nor encourage progress which would be of benefit to the world at large. He said they refused to extend their own pipe lines and tried to prevent the construction of independent lines.

He charged that 55 per cent of the petroleum output of the Lima field was purchased by the Standard at 15 cents a barrel and held in storage until higher prices prevailed.

Success of the Standard Oil company, he declared, was secured by the genius of greed, combination and monopoly.

In order to effectually wage war upon independent companies the Standard organized bogus concerns, Kellogg charged. He said:

"I cannot believe this lying, coercion and misrepresentation is ideal American business. God pity the American people when they adopt such a standard of methods for commercial life."

MISSING MAN'S BODY FOUND

Evidence That Contractor James A. Frace of Tacoma Was Murdered.

(United Press Leased Wire.)

Tacoma, Wash., April 10.—A deliberate murder was revealed this morning, when the body of Contractor James A. Frace, with three bullet holes in it, was found in the underbrush a quarter of a mile north of Regents park. Three empty cartridges, evidently ejected from an automatic revolver, were found 20 feet away from the body. From the appearance of the underbrush Frace was dragged into the thicket by his murderers and concealed there. A trail of bloodstains leads from the spot where the cartridges were found to Frace's body.

Frace was 55 years of age and lived with his family at Woodlawn, about half a mile west of Frace's corner, on the Steilacoom carline. He had been missing since Wednesday night when he is known to have boarded a Regents park car and alighted from it at the station which bears his name.

FEDERAL JUDGE FREES HASKELL

Motion to Quash Sustained—Townsite Cases Probably at an End.

(United Press Leased Wire.)

Tulsa, Okla., April 10.—A motion to quash the indictments for alleged land frauds in the Indian Territory returned against Governor J. N. Haskell and six other residents of Muskogee was sustained today by Federal Judge Marshall.

Immediately after Haskell and his co-defendants were discharged by the court the district attorney announced that he would call a special session of the grand jury to reconsider the evidence in the case. It is generally believed Haskell will not be indicted again.

Haskell and his companions were accused of fraud in connection with townsite grants made in 1901.

JOHN A. BENSON TO BE TRIED AGAIN

Washington, April 10.—John A. Benson, the San Francisco multi-millionaire whose connection with alleged land frauds has brought him into court many times during the past 25 years, will be called upon to face a jury again next Monday, when his trial on a charge of bribery will begin in the district court. Less than a year ago Benson was acquitted here on a charge of conspiracy in the famous land-fraud case. This time he is charged with the bribery of two clerks in the general land office for the purpose of securing the approval of various school-land selections in Oregon and California.

GOVERNOR LILLEY MAY RECOVER

(United Press Leased Wire.)

Hartford, Conn., April 10.—Governor George L. Lilley, who was reported to be dying early today, rallied late this afternoon and it was reported that his condition was more hopeful than at any time in the previous 24 hours. There is a possibility of his ultimate recovery. Regaining consciousness Lilley was able to recognize the members of his family and took a little nourishment, for the first time in more than 24 hours.

TARIFF BILL TO THE SENATE

Referred to Finance Committee—House Vote, Ayes 217, Nays 161.

(United Press Leased Wire.)

Washington, April 10.—The Payne tariff bill, passed by the house of representatives last night, was formally presented to the senate today and referred to the finance committee. When the senate met at noon House Clerk Browning was in attendance. Immediately after the prayer, Vice President Sherman, president of the senate, recognized Browning as the bearer of a message from the house. As soon as it was officially diclosed that it was the tariff measure Browning brought, Senator Aldrich moved that it be referred to the finance committee.

The enrolling clerks in the house are given great credit for their work on the measure. It was only their speedy handling of the bill that enabled the house to present it to the senate today.

Speaker Cannon and Sereno Payne called at the White House this morning and had a brief chat with the president. As they were leaving the building Cannon was asked if Taft congratulated him on the way the tariff bill was handled in the house.

"Oh, I guess, like all Republicans, he's gratified that the bill got as far as it has," replied Uncle Joe." "I think we got it through in good time, don't you?"

Vote on Bill in House.

The Payne bill was passed by the house last night amid great excitement by a vote of 217 to 161. One Republican, Austin of Tennessee, voted against the measure and four Democrats, all from Louisiana, Broussard, Estopinal, Pujo and Wickliffe, voted for it. An attempt by Champ Clark, the minority leader, to recommit the bill with instructions failed.

The bill was introduced March 17, reported to the house by the ways and means committee on the following day and was under a general debate for 16 days. Last Monday the rules committee reported a special order, which closed the general discussion and provided for the consideration of the bill under the five minute rule.

Important Provisions.

One of the principal changes in the bill was the placing of petroleum on the free list.

Among the other important amendments made since the bill came from committee were those striking out the provision for a duty on tea and the countervailing duty provision on coffee.

The countervailing duty clause on lumber was stricken out, but a strong effort to place lumber on the free list did not succeed.

The duties on barley, barley malt, pineapples in crates and cotton collars and cuffs, as originally in the bill, were increased. A provision was included in the tobacco schedule increasing the duty on filler tobacco from any country which prohibits the importation of American tobacco.

There were several technical changes in the steel schedule, principally downward. Hides, hosiery and gloves were left as reported by the committee, hides remaining free and an increased duty being presented for gloves and stockings.

The contest over free petroleum was stubborn, but the vote in its favor was overwhelming.

TAFT'S PROMISE TO FAIR PETITIONERS

(United Press Leased Wire.)

Washington, April 10.—A delegation of Chicago women, here to lobby against the provisions in the Payne bill raising the tariff on gloves and hosiery, were presented to President Taft today by Representative Wilson, of Illinois. The president greeted the women cordially and promised them he would personally peruse their petition asking that the objectionable features in the Payne bill be eliminated.

MEXICO VOTES FOR STEAMSHIP LINE FOR COAST

(United Press Leased Wire.)

Mexico City, Mexico, April 10.—Indications today are that the bill providing for a subsidized line of steamers to run between Seattle, Portland, San Francisco and Pacific coast ports of Mexico and Central America, which was introduced in congress yesterday, will pass. The proposed line will receive a subsidy of $5000 per month. Its steamers will carry Mexican mails free and will ship two naval apprentices each.

CRAWFORD, FAMOUS NOVELIST, DEAD

(United Press Leased Wire.)

Sorrento, Italy, April 10.—Francis Marion Crawford, the famous novelist, died at 7 o'clock last night at his villa on the cliffs near here. He was born at Bagni di Lucca, Italy, August 2, 1854. His father, Thomas C. Crawford, was a sculptor. Crawford was educated at St. Paul's school, Concord, N. H., and later was a student at Trinity college, Cambridge, England. After leaving college he entered the newspaper profession and made a study of oriental languages. He was married in 1884 to Elizabeth Berdan, daughter of General Hiram Berdan. Crawford was best known for his first book, "Mr. Isaacs," which was a character sketch. He wrote it in 1882.

Sorrento, Italy, April 10.—It is announced today that the funeral of the famous novelist, F. Marion Crawford, who died yesterday at his villa in the village of Saint Agnello, will be held publicly under the auspices of the municipality. The author was greatly beloved by the fishermen and peasants of the village, who congregated last night to mourn his death. Today all the shops in the village are closed.

Crawford died surrounded by his entire family. For some time he had suffered from bronchitis and pleurisy, and a severe cold contracted recently hastened the end. Knowing that the end was near, he said, speaking of Good Friday:

"I die with Christ. I enter serenely into eternity."

Shortly before his death he requested that his daughter read to him from Plato's dialogues, stating that would aid him to a wealth death with calmness.

AFFIDAVITS ORDERED IN JUDGE REID CASE

(United Press Leased Wire.)

Washington, April 10.—Attorney General Wickersham today wired United States District Attorney Crossley at Fairbanks, Alaska, to secure affidavits from those persons who have preferred new charges against Judge Reid and forward the papers to Washington as soon as possible. Judge Reid is to be furnished with copies of all affidavits and charges.

Raiders' Cases Continued.

(United Press Leased Wire.)

San Francisco, April 10.—With one exception, the cases of the men arrested in connection with the raiding of the offices of the United Railroads, which were scheduled in the police court this morning, were continued to April 28, to be set. Luther Brown's case will be set April 27.

TACOMA BOY, IN LOVE, KILLS SELF

Leaves Note Telling Fiancee He Is Unable to Accrue Sufficient Money.

(Special Dispatch to The Journal.)

Tacoma, Wash., April 10.—Despondency induced partially by a surgical operation for the removal of a growth in his head, which is believed to have affected his mind, and partially by the fact that he was unable to accumulate money in order that he might marry the girl he loved, caused the suicide last evening of Millard Spellman, 19 years of age, a well known Tacoma boy, who shot himself through the head on the premises occupied by the family of his fiancee, Miss Lila White, at 4334 South L street.

The tragedy was not discovered until 8 o'clock this morning, when the body of the young man was found lying in an outhouse. Young Spellman called at the White home at about 6 last evening. While a younger brother of Miss White went to call Miss White, Spellman vanished. Miss White searched all over the house for him and finally concluded that some strange fancy had caused him to leave.

A few moments later two shots were heard, seeming to come from in the rear of the premises. No investigation was made as the circumstance was not deemed very unusual.

In the lad's pocket was found a note addressed to his sweetheart assuring her of his love, but speaking in a despondent tone of his inability to save money.

DEATH CALLS A. W. BURRELL

Builder of Forestry and Other Fair Buildings Passes Away.

A. W. Burrell, builder of the Forestry building, the California building and the Oriental building at the Lewis & Clark exposition, died yesterday in Missoula, Mont. Mr. Burrell was the president of the Burrell Bridge & Construction company and was one of the most noted construction engineers on the Pacific coast.

Although he has been interested in the construction of some of the largest structures in the west, especially in connection with railroad work, the Forestry building at the Portland fair will probably be his best known memorial. Its construction was and still is regarded as a remarkable piece of work.

He was the contractor for several of the largest buildings at the A.-Y.-P. fair in Seattle and was in Seattle last week superintending the work on these structures. When attacked by pneumonia Mr. Burrell was in Missoula directing the work on a new steel bridge. He resided in Oakland, Cal.

CONVICTED OF TAKING COIN

Andrew Johnson's Companions on Auto Ride Get Jail Terms.

A sentence of one year in the county jail was given to the man and two women implicated in the taking of $160 from Andrew Johnston following an automobile ride last Wednesday. Dennis and Gladys Frazier and Emma Skibbe were the three persons sentenced after a trial in police court on a charge of larceny.

The original charge was one of grand larceny, but as the complaining witness, Johnson, wanted to return to his home in Rockford, Ill., at once the charge was reduced to simple larceny, in order to avoid taking the case to a higher court, if possible. Following the announcement of the sentence by Judge Van Zante, however, the defendants announced their intention of appealing the case. Their bond was fixed at $1000 each, and on their failure to give it, they were locked in the city jail.

Johnson and Dennis arrived in the city last Wednesday after traveling together from Wyoming. They met the two women early in the morning and went out for an automobile ride, incidentally doing considerable drinking. About noon they returned and went to a rooming-house, where Dennis secured the money while Johnson was being entertained by Emma Skibbe.

Dennis admitted his part in the affair, but the two women stoutly denied that they helped take the money, though they admitted that part of it was spent upon them, the Skibbe girl being fitted out with a new dress and hat.

Assistant State's Attorney Hennessy conducted the prosecution, and stated that since the case has been appealed the charge will probably be again raised to grand larceny.

BIG GROCERY STORE IS IN NEW HANDS

Edward L. Lowell, for 30 years prominent in the wholesale grocery business as an employe of both Allen, Lewis & Co. and Wadhams & Co., and Frank Sealy, prominent in the retail business for almost as long, today assumed charge of the Drosser, Sealy Mason & Co. store at Fifth and Stark streets. Mr. Lowell and Mr. Sealy have for some time been trying to secure the control of the big store and only today were their efforts successful. The price paid for the store was somewhere near $50,000.

The company is to be capitalized at $100,000 with $50,000 already paid in. Lowell and Sealy own the controlling interest, while several of the old stockholders still hold blocks of stock. It is planned to extend the business considerably in the future though for the present every effort will be made to perfect the system of the store as it is today.

"Mr. Sealy and I have been trying for some time to get control of either this business or that which Mr. Sealy only recently gave up," said Mr. Lowell today in discussing the new firm, "but our efforts were fruitless up till a short time ago. We figured that with my long experience in the wholesale grocery business and Mr. Sealy's long experience in the retail business and his extended acquaintance in the city we should make a pretty good team.

"Our first efforts will be to systematize the delivery system of the store, which has for some time been badly demoralized. We have every confidence of succeeding in our new venture and hope to make the store a credit to both the city and the people of Portland."

NO MORE CARUSO SONG THIS SUMMER

(United Press Leased Wire.)

New York, April 10.—Enrico Caruso, the famous tenor, is making preparations for a trip to Italy for the summer. He will sing no more this season, either here or abroad. Threatened with throat trouble, Caruso has determined to take a long rest. He has broken his engagements at Chicago and Pittsburg.

ANTIS AWAIT DR. SMITH'S RETURN

Republicans Opposed to Simon Relax Hunt for Candidate to Oppose Convention's Choice—Democrats Seeking a Dark Horse.

Pending the return of Dr. Andrew C. Smith to Portland and the answer he will give to the demand that he enter the primaries for the Republican nomination for mayor, the hunt for a candidate to oppose Joseph Simon is temporarily relaxed. Dr. Smith is to be home tomorrow night, and his friends will at once see what can be done.

That the friends of the direct primary can overthrow Simon in the primaries if they are fairly well united, they are firmly assured. They figure that Smith can accomplish this unification, and that he has qualities of strength sufficient to carry him over the line in front of the organization ticket.

This afternoon a committee of Democrats will go into the timber and endeavor to scare out a dark horse. The name of the new entry is being guarded, and the talk on the Democratic side is as much at sea as before. Some still cherish the hope that Mayor Lane will be given the nomination by voters writing his name on the ballot, and that under such circumstances he could be prevailed on to accept. R. D. Inman, who has been talked of, cannot be induced to make the race, and the same is true of Judge Thomas O'Day.

Gatens Not in Race.

Judge W. N. Gatens also declines to be considered. He says that under the oath he took as circuit judge he could not accept the nomination if it were tendered. This oath pledges him not to be a candidate for any other office, except a judicial one, during the term for which he was elected. As he was appointed to the bench, and not elected, it is contended that this would not apply to him, but Judge Gatens is not disposed to draw fine distinctions.

With the filing of candidacy by Councilman A. G. Rushlight, there are now four names in the field for the Republican voters to choose from, the others being Simon, A. A. Bailey and C. E. McDonell. It seems certain that a third name will be added, either that of Dr. Smith or some one agreed on by the friends of the direct primary as a direct challenge to the convention forces. An effort will then be made to throw the full strength of the primary advocates to this one man, for with a scattered vote the victory of Simon, with the organization behind him, would be a certainty.

Humor in Notice.

There is a suggestion of humor in Simon's notice of intention to become a candidate, which he has filed at the city hall. He desires printed after his name on the ballot the following words: "A business administration on business principles, without machine politics, but treating all alike."

"Without machine politics" is the clause that is exciting quiet smiles among the politically wise. Simon was so long chief engineer of one of the most perfect machines ever formed that this renunciation came with a peculiar ring.

As the situation shapes itself, it becomes apparent that Simon's elements of strength are also the points of weakness that may puncture his rejuvenated ambitions. He has a strong organization behind him, but that organization has already made many enemies among the friends of other candidates, who do not relish a "frame-up" before the primary, in which they supposed they were to have an equal show.

Support May Cost Votes.

He has strength among the business element, but it is being whispered that the support of the public service corporations will drive a large vote the other way.

The labor organizations have taken no action as yet. They will wait at least until after the situation is clarified, and then may not act except as individuals. They have made no demands on the candidates of the convention, but as friends of the direct primary their support is counted on for men who are independent of alliances that have any odor of old time political methods.

Councilman H. W. Wallace declared this morning that he will not be a candidate for reelection unless his constituents in the Second ward demand his services. He says he will make no personal effort to obtain the position. The Republican assembly candidate from Mr. Wallace's ward is W. W. Banks.

LIMITATIONS OF CURRICULA BOARD

(By Journal Leased Salem Wire.)

Salem, Or., April 10.—Attorney General Crawford holds that the board of higher curricula cannot prescribe the standard of admission at the Oregon Agricultural college and the University of Oregon by the act under which those colleges were created. The function of the board is simply to determine what courses of study shall be duplicated in the two institutions of higher learning, according to the attorney general.

The attorney general holds that the board of higher curricula cannot prescribe what texts are to be used, but only the general course or subject. The board takes none of the powers of the board of regents of either of the two schools, according to this holding, except when courses are duplicated. The members of the board also cannot visit other institutions outside the state and impose the cost on the state of Oregon. They are allowed expenses for traveling within the state only.

WEMME FORCED TO DECIDE HIS FATE

Henry Wemme, real estate broker and capitalist, must this afternoon decide whether to go to jail for contempt of court or produce a document in the action brought against him by E. Shelley Morgan, receiver of the Overlook Land Co. He will have a hearing before Judge Gantenbein.

Mr. Wemme was ordered by the court recently to produce a certain paper vitally needed in the action, and refused. He was adjudged in contempt of court and sentenced to spend the next six months or until such time as he produced the document, in jail. Today the Union Guarantee association filed his bond on the appeal.

JURY CANNOT A[GREE] IN MILLINE[RY] SUIT

After having deliberated for more than 28 hours, members of the jury in the civil suit of B. Schapiro against Marie U. Zeltfuchs, a milliner, reported to Judge Morrow in the circuit court this morning that they could not agree upon a verdict. The jury was out all night.

Schapiro is suing for $451.50 damages and interest on that amount for a year. In the complaint, the plaintiff alleges that the defendant ordered a bill of goods, consisting of ostrich feathers and flowers, for which she never paid.

PACIFIC U MAN WINS CONTEST

First Place Awarded Gwynn in the Intercollegiate Prohi Meet.

(By Journal Leased Salem Wire.)

Willamette University, Salem, Or., April 9.—W. E. Gwynn of Pacific university, Forest Grove, easily won the intercollegiate prohibition oratorical contest held here last night.

"The Last Stand" was the title of Mr. Gwynn's oration. W. A. Schmidt of Willamette won second place on "Personal Liberty vs. the Rum Traffic." The judges announced no third. Mr. Gwynn showed superior training in his delivery and was picked for first by the audience, as soon as he had finished.

He was the last on the list. The standard of the other participants was high. Mr. Gwynn will represent Oregon in the interstate contest to be held between the Pacific slope states, and if he wins he will represent this state in the national prohibition contest.

Others In the Contest.

The other contestants were J. C. Jefferson, of the Oregon Agricultural college at Corvallis, whose oration was on "Temperance vs. Christianity"; Elmer Barnhart, Dallas college, on "The Question of the Hour"; Willis McIntyre, McMinnville college, on "The Victorious Banner"; Boyd Thornton, Philomath college, on "A Warning From History."

The judges on composition were Rev. Paul Rader, Portland; E. T. Bryant, Corvallis, and Professor E. T. Zugg, Albany. The judges on delivery were Grant E. Kellogg, Salem; A. E. Bryson, Corvallis, and J. D. Hoover, Monmouth.

GREEN HANDS USE TOO MUCH GIANT

Seven Dead; Three Injured—Shock Dazes and the Fumes Poison.

Johnstown, Pa., April 10.—Seven men are dead and three injured, one probably fatally, as the result of an explosion of dynamite at the Berwind-White company's mine at Herwind, near here, late yesterday. Inexperienced miners placed overcharges of the high explosive in six holes in the rock and paid for their mistake with their lives.

When the holes were drilled the miners placed between 150 and 200 sticks of dynamite in them, lit the fuses and returned down the tunnel to what they thought was a place of safety, 500 feet away. When the dynamite exploded 10 of the men were dazed by the concussion and before they could recover their senses the fumes caused by the explosion had closed in around them and smothered seven to death. Two of the three still living have a fighting chance but there is little hope for their companion.

BIGAMOUS CHINESE HOMEWARD BOUND

(United Press Leased Wire.)

San Francisco, April 10.—Robert Hu Tung Bosman, husband of two wives, and a millionaire resident of Hongkong, is on his way to his oriental home. Accompanied by the wife of his choice, Clara, and their seven little ones, Bosman sailed for the east yesterday on the Pacific Mail steamer Manchuria.

Six months ago Bosman arrived here from Hongkong, accompanied by his two wives. Perplexed, the local immigration officials communicated with the department at Washington, asking for advice as to their admission. In view of the fact that the millionaire was too ill to return to Hongkong at that time it was agreed to permit him to remain here to recuperate on condition that one wife should return to the orient. Bosman made his choice, and one wife, Margaret, was sent back over the seas, while the other, Clara, remained with her husband.

Having recovered his health, Bosman engaged luxurious quarters on the Manchuria and departed yesterday for his home.

SUIT TO DIVIDE OLD LINCOLN FARM

(United Press Leased Wire.)

Mattoon, Ill., April 10.—The homestead and farm of Thomas Lincoln, father of Abraham Lincoln stand in danger of division and apportionment through a suit pending in the courts. The property, which is near here, was purchased from Lincoln's father by John J. Hall, who died recently. Hall's sons have filed a petition for partition of the 325 acres which comprise the farm, and Hall's uncle, Robert T. Lincoln of Chicago and Hall's cousin, Nellie A. Hall of Mattoon are the defendants.

FIRE ON STEAMER TACOMA; COOK DEAD

(United Press Leased Wire.)

San Francisco, April 10.—Fire that broke out on the steamer Tacoma early today resulted in the death of Arthur Thorn, the second cook, and destroyed practically the entire stock of the ship's provisions, besides badly damaging the vessel's main deck. Thorn was suffocated in his berth. The fire started in the Japanese quarter, but in what manner is a mystery. The Tacoma was to have departed today for Alaska and Bristol bay, carrying 200 passengers, mostly Chinese and Japanese. It will be several days before the steamer will be in condition to leave.

HITCHCOCK FUNERAL AT ST. LOUIS MONDAY

(United Press Leased Wire.)

Washington, April 10.—Following brief services held here today, the body of Ethan Allen Hitchcock, secretary of the interior under Presidents McKinley and Roosevelt, who died yesterday, is being taken to St. Louis for burial.

Mrs. Hitchcock, the three daughters of the deceased, a nephew, George C. Hitchcock of St. Louis, and Lieutenant Commander Sims, accompanied the remains to St. Louis. The funeral will be held at that place Monday. Interment will be at the Belefontaine cemetary.

Last Racing on Texas Circuit.

San Antonio, Texas, April 10.—The race meeting which began in San Antonio today marks the last racing on the Texas circuit. Meetings in the other cities of the circuit, Houston, Fort Worth and Beaumont, will carry the racing along until June 13, the day before the Robertson law will put a quietus on all race track betting in the Lone Star state. After the races in Texas the horses will be shipped to Oklahoma City, where races under the auspices of the Oklahoma City Jockey club will begin June 14, and continue until the second week in July.

RAILWAY MAIL TO REMOVE TO SEATTLE

Washington, April 10.—The railway mail headquarters will be moved from Portland to Seattle. This was the final decision of the postmaster general

MODJESKA LEFT SMALL FORTUNE

Nearly Nine Tenths of the Million She Earned Was Given in Charity.

(United Press Leased Wire.)

Los Angeles, Cal., April 10.—It is learned today that contrary to the impression which existed, Madame Helena Modjeska left a considerable fortune. Including personal property and jewels valued at about $20,000, the estate is worth, it is said, approximately $120,000. This sum is what is believed to remain from $1,000,000 which the noted actress earned during her years on the stage.

The greater part of the receipts from Modjeska's stage work, it is said, was devoted to charity. A gift of $100,000 was made to the Industrial School for Girls, which she founded in Cracow, and a sum almost as large was distributed among various charitable institutions of Poland.

The famous "forest of Arden," in Silverado canyon, near Santa Ana, which was her home for many years, represented an outlay of $100,000 and was sold recently for $35,000. The largest item of the estate is a Polish security worth $40,000.

It was announced today that the funeral will be held Monday morning from St. Vibianna's cathedral, the funeral oration to be delivered by Bishop Thomas J. Conaty of the Los Angeles-Monterey diocese of the Roman Catholic church.

Tomorrow the body is to be taken to the Knights of Columbus home, where it will lie in state, guarded by members of the local Polish society, the Newman club and the Knights of Columbus. Temporary interment will be at Calvary cemetery, pending the completion of arrangements to take the body to Poland for burial.

FISH WARDENS GO GUNNING FOR SEA LIONS ON THE BAR

(Special Dispatch to The Journal.)

Fort Stevens, Or., April 10.—Two deputy fish wardens have been shooting sea lions at the mouth of the Columbia river recently, the average kill being about 10 per day.

The Columbia river jetty serves the same purpose as a lead to a fish trap. Salmon seeking the mouth of the river follow along the south side of the enrockment until they reach the end of the jetty. Almost any time from 30 to 50 sea lions may be seen in the vicinity of the jetty's end preying upon the fish.

The fish wardens, armed with long range rifles, station themselves near the end of the jetty, and pick off the sea lions when they come to the surface for air.

LEWIS BLAMES THE OPERATORS

Miners Came to Conference in Mood to Conciliate—No Use.

(United Press Leased Wire.)

Philadelphia, Pa., April 10.—President Lewis of the miners' union this afternoon issued a statement expressing regret that the anthracite operators and miners' representatives were unable to reach an agreement at the conference held this week. Th statement says representatives of the miners, acting with authority from the Scranton convention of anthracite miners, decided to meet the operators in a spirit of conciliation and absolute friendship, and agreed to accept the terms of the award of the strike commission and continue it for three years, providing the following amendments were adopted:

That where wages of employes had been reduced during the past three years in violation of the award of the strike commission the rate of wages should be restored to that fixed by the commission; that the right to hire and discharge was recognized as being exclusively vested in the mine managers, but that in cases of discharge the right of appeal should be recognized in order that the question of discrimination might be determined; that no suspension of work should be ordered at any colliery during any investigation looking to adjustment of differences between employer and employe.

President Lewis proceeds in his statement to present the case of the miners, and declares the operators' attitude has been inconsistent.

New Notaries.

Salem, Or., April 10.—Notarial commissions have been issued to Joseph T. Knappenberg, Ione, and M. Enbank and J. L. Wigle, Portland.

MIDGET GIVES UP WIFE TO GIANT

Paul Handke Takes Adored Friend Into Home—Foolish Man!

(United Press Leased Wire.)

Chicago, April 10.—Agreeing to resign his wife to Herr Carl Wunderle because they love each other, Paul Handke, a member of the Thomas orchestra, said today that he would not contest the suit for divorce which has been filed against him.

"They have taken my little girl. That I deeply regret," said the little German, "but I love my wife too much to interfere with her happiness. She cannot live without Herr Wunderle; she shall have him.

"When my wife left me three weeks ago I found her and brought her back home. Then Herr Wunderle took her away again in an automobile. I sought them out and told them they could go their way if they thought it would be one of happiness.

"My wife said she loved Herr Wunderlee; my friend said he loved my wife. What else could I do? My baby girl is gone with them, but I still have my two boys—such fine boys. I shall devote my life to giving them the finest home in the land."

Handke, who is almost a midget, became the warm friend and admirer of Wunderle, who is a giant more than six feet tall, seven years ago, when Madame Wunderle secured a divorce. Handke insisted that his friend, whose home was broken up, come to his house and live. Wunderle accepted the invitation and the wreck of Handke's home was the result.

COURTMARTIAL FOR OSBORN

Lieutenant Evans Makes Request, Following Break-Up of His Family.

(Special Dispatch to The Journal.)

San Francisco, April 10.—Much comment is being caused in naval circles here today by the report that Lieutenant Holden A. Evans has made formal request to the navy department at Washington for the courtmartial of Lieutenant Franklin Wayne Osborn. This action on the part of the naval constructor is said to be the result of the separation from his wife by Osborn's alleged attentions to Mrs. Evans while he was a guest at the Evans home on Mare island last Christmas.

The charge which Evans is said to have brought against "Boy" Osborn, as the dashing young lieutenant was called by the women of the navy set at Mare Island, is conduct unbecoming an officer and a gentleman. Evans is at present at San Diego, aboard the monitor Cheyenne.

It is stated that Mrs. Evans, dreading the notoriety which the reported action of her husband will bring, has left San Francisco, and is keeping secret her whereabouts.

T. CADER POWELL'S NAME WITHDRAWN

(Washington Bureau of The Journal.)

Washington, D. C., April 10.—President Taft has withdrawn his nomination of T. Cader Powell to be United States marshal at Nome, Alaska. This withdrawal followed the sending of copies of newspaper editorials in which Powell was openly and repeatedly charged with stealing money from Multnomah county when he was county clerk, years ago. These editorials used such plain language that had the charges not been true Powell could easily have recovered heavy damages for libel.

The presumption is that the nomination was sent before the charges reached the president, owing to delay not infrequent in handling the immense mass of mail matter which goes to the White House.

Methodists to Celebrate.

Meadville, Pa., April 10.—Clerical and lay leaders of the Methodist Episcopal church have gathered here in large numbers to participate in a three-days' celebration at Allegheny College of the fiftieth anniversary of the departure of Rev. James M. Thoburn on his first missionary visit to India. Bishop Thoburn himself will preach the semi-centennial sermon with which the celebration will open tomorrow. Other eminent churchmen who will take part in the exercises are Bishops Moore, Berry, Smith, McDowell, Hamilton and Hartzell.

Enraged Grocer Attacks a Woman.

(United Press Leased Wire.)

San Francisco, April 10.—Hyman Rosenthal, a grocer, is under arrest charged with a brutal assault upon Mrs. Annie Hindin. It is alleged that during a dispute over money matters in his store he hurled a scale weight at her head, breaking the glasses she was wearing and inflicting injuries that may destroy her sight. Rosenthal recently purchased the store from Mrs. Hindin and she had called to collect the final payment over which the dispute arose.

EAT HOUR SLIDES BY WHILE SCHOOL CZAR IS PRISONER

(Special Dispatch to The Journal.)

Pendleton, Or., April 10.—To be locked within the solid walls of a bank after hours and to be held unintentionally as a prisoner while the dinner hour slowly passed away, was the fate that befell A. C. Hampton, principal of the Pendleton high school.

Late Wednesday afternoon Mr. Hampton chanced to be in the First National bank in conversation with Cashier G. M. Rice. The hour was late and all others had left the bank. About 5:30 the two men started to leave. Mr. Hampton stepped for a moment into the private office; Mr. Rice, who passed out through the rear door, thought his friend had preceded him. Though he missed the high school man he thought nothing of the matter and proceeded home.

When he found himself locked inside Mr. Hampton was seized with consternation. But he soon decided upon a plan, and within a short time had worked out by an algebraic equation just what moment Mr. Rice should reach his home on the hill. Until that time arrived he made use of the bank's stationery and wrote numerous letters to friends, telling them of his connection with the financial institution.

Just as Mr. Rice was sitting down for dinner his phone rang and he was greeted with the following:

"You locked me in. Come down and let me out."

"Ah, but I am just eating dinner and you will have to wait a while," answered Mr. Rice, determined to have some fun out of the matter.

A little later the high school principal was released. As he came out of the door he glanced anxiously about and then hurried to his boarding place, where he explained that he had been "detained."

LITTLE PEOPLE OF TENDER YEARS APPLY FOR MARRIAGE LICENSE

Harry Adler, who said he lived "with mamma and papa and sister," on Sixth street, and whose age is 4, with Harriet Crouse, just turning 6, aswinging and abeaming on his arm, decided to get married today.

They asked the first person they met how to arrange matters, He told them that people usually went right down to the courthouse as a preliminary. So they went. Once there, they were told to go to C. C. Rose, who deals out marriage licenses to prospective brides and grooms. Every one entered into the joke.

"Harriet and me wants to get married," Harry informed Mr. Rose. Whereupon the clerk wrote a little note, told Harriet to give it to her mother when she got home, and informed them that they were married.

This is what the note said:

"Dear Madam: This is to inform you that your daughter has been married this day to one Harry Adler. Have the first doll named after me."