

THE ALASKA DAILY EMPIRE

VOL. 1, NO. 74.

JUNEAU, ALASKA, THURSDAY, JANUARY 30, 1913.

PRICE TEN CENTS

BONDSMEN MAY PAY A LARGE SUM

Two Conflicting Indian Titles On the Waterfront

Title to the site of a million dollar mill rests on the planting of a little round turnip seed. This phase of a very important law suit was brought out in the hearing before Judge Overfield last night on the petition for a temporary restraining order in the case of H. C. Strong vs. Alaska-Juneau Gold Mining Company. The case arises over conflicting Indian titles, or claims to the land in question. It has been the accepted belief that an Indian title is about the best ever, but, if the abstract is imprinted only on a falling memory, or tied with ribbons of family tradition, there is room for doubt.

The land involved in this suit is just below the Shattuck mill, and in close proximity to the mill site developments of the Alaska-Juneau Mining Co. The defendants are now in actual physical possession and are driving piles in the tidal part of the property in dispute.

H. C. Strong, the plaintiff in the case, claims title through purchase from Frank Booth, the son of Jenny Booth, daughter of Amatin, an Indian, whom it is alleged settled upon the land in 1881.

Defendants claim title through purchase from Ye-Toe-Colle, better known as Auk Bay Jim, whom it is alleged settled upon the land in 1881.

It is admitted by both sides that Ye-Toe-Colle and Amatin were brothers and it is also admitted by both sides that they occupied the land together, living in cabins closely adjoining. Other than this their stories are absolutely contradictory. Plaintiffs allege and attempted to prove that Amatin settled upon the land first; that he marked the metes and bounds of his domain; that he rolled stones away, building a boatway for his canoes; that he built a breakwater to protect them from storms; that he built the cabin he lived in and other buildings; that the brother was allowed to come and live in a cabin adjoining, that before he died he sent for his grandson, Frank Booth, at school in Salem, Oregon, to come and take care of him and that when he died the property was left

to Booth, the direct heir. Plaintiff's evidence consisted of records showing Amatin's title was respected in the making of contracts and direct testimony from W. J. Harris, Sam Kohn, Frank Booth, Grover Winn and Allan Shattuck. Harris and Kohn testified to the early settlement of Amatin; Booth gave family history from his earliest memories and asserted that his ancestors had had negotiations to buy from him before he sold to Strong. Grover Winn gave a statement about the question of probating the case and told of negotiations between Booth and the defendants. Grover Winn was Booth's attorney. Allan Shattuck said that he represented H. C. Strong, and had made the purchase for the latter who wanted to build a dock for his steamship company.

Defendants attempt and attempted to prove that Ye-Toe-Colle was the original settler on the ground in 1881; that he built the cabins and cleared the boatways; chopped down the trees and built the breakwaters; that he set out stakes and monuments to mark the boundaries of his domain; that he allowed his brother, Amatin, to build a cabin adjoining and live on the land. John G. Heid was the first witness for the defense. Al Wilson was the next, after Wilson came Mrs. Young (Indian) who testified through interpreter (Mrs. Ole Orsen) that as a little girl she played down the beach on the land in question and that Ye-Toe-Colle lived there. Anna Klum also gave positive testimony along this line. Then the defense's star witness, Ye-Toe-Colle himself, took the stand and told with many particulars how he had settled on the land, cleared the stumps and built the boatway for his canoes and the breakwater for his canoes and the cabins to live in. It took him four years to clear the land, then the Hydah girl, who lived with him, planted turnips in the soil. His brother, Amatin, afterward came to live on the land. He only let him live there.

At the close of Ye-Toe-Colle's testimony court adjourned and the case was continued until tonight.

TAYLOR CASE GOES TO THE JURY

The defense placed Floyd Winter on the stand yesterday afternoon in the Irene Taylor case and offered photographs taken by Winter, showing the condition of defendant's body as a result of the beating she had been subjected to at the time of the tragedy. Mr. Winter said that owing to the nervousness of the subject the color effects were lost in making the photographs. Dr. L. P. Dawes, who had been a witness for the government, was recalled to testify for the defense. Dr. Dawes finished his direct testimony for the defense this morning. W. G. Thomas was recalled for further cross examination by the defense. Marshal Faulkner then testified for the defense and the defense rested.

The prosecution called Knute Anderson, Lillian Wayne, Jailer Vreant, and Marshal Faulkner in rebuttal, and then rested.

Assistant District Attorney Nye began his opening address at 11 o'clock. Defenat's attorney, Z. R. Cheney, spoke for about twenty minutes before noon and about as long after court convened at 2 p. m.

Assistant District Attorney Nye began his closing argument at 2:20 and was still talking at three o'clock. It is expected that the jury will have the case by 4:30.

APPLES—For sale, \$1.00 a box by A. Olsen, Hoff cottage, east of water tanks. 2t.

A NEW CORPORATION

Articles of incorporation have been filed in the office of Secretary Distin of the Heidelberg Liquor Co., the incorporators being Harry Goldenhar, J. B. Pysner and business in the company will open business in the Miller building on Front street, which is to be completely remodeled.

Judge J. R. Winn, who has been in Seattle for the past three weeks will return on an early steamer.

NO CONTEST FOR THE SEAT

Judge R. A. Gunnison today announced that there would be no contest over the seat in the Legislature which the returns show as belonging to L. V. Ray. The published statement that there was to be a contest on the part of George E. Baldwin is a mistake.

Judge Gunnison said that he was preparing a letter on the subject and as soon as it was completed that it would be forwarded to the canvassing board.

Governor Clark says that the canvassing board would take no cognizance of election contests. The board will canvass the returns and issue certificates of election according to the official returns. All matters of contesting will be settled by the legislative body itself.

FUNERAL OF LATE DANIEL KENNEDY

The funeral of the late Daniel Kennedy occurred this afternoon at two o'clock; services being held at the Catholic church. Reverend Father Brown performed the solemn ceremony of the church. There was a very large attendance.

The '87 Pioneers who were in town attended in a body. Sam Kohn was marshal and J. P. Morgan flag bearer; the bell ringers were Tom Symonds and Fred Lewis. The pall bearers were: Wm. J. Harris, Thomas Ashby, H. Sakaloff, Jack Dalton, Alex Atkinson, and E. J. Margerie. Interment was in Evergreen cemetery.

Secure your tickets now for the J. H. S. BAND CONCERT at Burford's, Post Office Store, and R. P. Nelson's. They are going fast. 1f.

The Daily Empire delivered in Juneau, Douglas and Treadwell for \$1.00 a month.

He Waived Extradition

News has been received here to the effect that Joseph McDonald, recently indicted by the grand jury on a charge of murder, on Dec. 23, last, wrote to Attorney-General Wickersham, Ambassador Henry L. Wilson, at Mexico City, and the Mexican ambassador at Washington, stating that he would waive extradition. He also said that he would appear here at any time that the government was ready for trial, and that if the government feared he would not come they could send an officer for him. This the Washington authorities decided to do, and Special Agent J. F. Warren was sent to Guanajuato, Mex., to bring McDonald to Juneau, as told in a Seattle dispatch to The Empire on Tuesday, last.

MORE TROUBLE FOR L. R. GLAVIS

SACRAMENTO, Calif., Jan. 30.—F. C. Dezenendorf, special agent of the Interior Department, has wired Secretary of the Interior Walter L. Fisher advising him to hold up all lieu land claims in California, which are now in question, and especially those filed by Louis R. Glavis, former secretary of the California Conservation Board, on behalf of the West Lumber Company, and other big concerns.

JUNEAU HIGH SCHOOL BAND CONCERT

Tomorrow night the Juneau High School band will give their benefit performance at the Orpheum theatre. Every night for the past couple of week the boys have been training diligently for this event and an entertaining program has been arranged. Manager Spickett says that a surprise has been planned in the way of vaudeville; besides the choice reels of pictures during the resting periods.

BUFFALO BILL

The Orpheum will put on Buffalo Bill tonight. They are said to be a very high class production.

COMMERCIAL CAFE'S NEW DINING ROOM TO OPEN

The Commercial Cafe will have the new dining room in use tomorrow morning and the new lunch counter will be installed in the dining room now in use.

Manager Warren wishes to dispel the idea that the Commercial is a high-priced place to get meals at. The average price of meals is 35 cents.

HOUSE MUST PASS ON GRANDFATHER LAW

OKLAHOMA CITY, Okla., Jan. 30.—The House at Washington at its extra session next spring will have to pass upon the Grandfather law of Oklahoma. This law, the authorship of which is accredited to Senator Gore, denies the right of suffrage to those who can not read, write and interpret any section of the State Constitution. Many negroes are disfranchised by it.

The matter will come before the House incidental to a contest by John J. Davis, of Chandler for the seat of Representative Bird S. McGuire, of the First Congressional District. If the House upholds the law Davis, who was the Democratic opponent of McGuire in November, will be seated. It is assumed. On the returns McGuire's majority over Davis was 579.

The contestant's petition, a copy of which has been filed with Gov. Bruce, charges that McGuire, State Chairman James A. Harris and United States Attorney Boardman, of the Western District conspired to permit disqualified negroes to vote by intimidating election officials and preventing their enforcing by sending out letters bearing the signature of Boardman, advising election officials that enforcement of the law would subject them to prosecution under the Federal Constitution.

NOTICE TO SUBSCRIBERS.

Any subscribers to The Daily Empire not receiving papers regularly either by carrier or mail, will confer a favor by promptly notifying The Empire office.

Wilson Says He Will Hold No More Conferences

TRENTON, N. J., Jan. 30.—President-elect Wilson announced today that he would hold no more conferences until after his inauguration. Governor Wilson has consistently refused to give any information as to the personnel of his cabinet but it is known that he has practically made his selections.

Governor Wilson also stated in making the announcement that he would hold no more conferences, that his time would be fully occupied in preparing his inaugural address, and in making preparations for the special session of Congress.

Cost of Mining Coal By the U. S. Government

WASHINGTON, Jan. 30.—Evidence brought out before the House Committee on Naval affairs, shows that it has already cost the government \$75 a ton to mine 850 tons of coal in the Bering river district. The coal was taken out of the Cunningham

claims on Trout creek. The committee has further learned that five years ago T. P. McDonald, who then was developing a coal claim on Bering lake, offered to supply the government with 2,000 tons of coal delivered, at six dollars a ton.

ATTEMPT TO CONFIRM NOMINATIONS

WASHINGTON, Jan. 30.—The deadlock in the Senate over the confirmation of the nominations of President Taft is still on.

Another executive session for the purpose of confirming the appointments. The vote was a tie, Senators Bristow, of Kansas, LaFollette (of Wisconsin, and Poindexter, of Washington, voting with the Democrats.

SICKLES SCORED BY ATTORNEY GENERAL

ALBANY, N. Y., Jan. 30.—Attorney General John D. Carmody, replying to Mrs. Longstreet's proposal to raise money to pay off the defalcation of General Daniel E. Sickles, says that the fame of General Sickles should not be made a cloak to hide the theft of the funds of the Gettysburg monument commission.

REBELS ATTACK CITY OF JAUREZ

EL PASO, Jan. 30.—Northern Mexico is again ablaze with revolution, and the city of Juarez for the last two years alternately occupied by federal and government troops, is again invested by fifteen hundred rebels, under the command of Generals Salazar and Rojas.

MOONEY RELEASED

LEAVENWORTH, Kas., Jan. 30.—Fred J. Mooney, of Duluth, Minn., another of the convicted dynamiters, has been released on bail.

DEMOCRATS TO HAVE MAJORITY OF TWO

WASHINGTON, Jan. 30.—Should the Illinois legislature elect one Democratic Senator as now seems likely, the Senate after Mar. 3, will be composed of forty-nine Democrats and forty-eight Republicans. The majority is slight, but it is sufficient to give the Democrats control of that body, with a vote in reserve in the case of a tie, by Vice President Marshall.

DO NOT WANT ARMY FLUNKYISM

WASHINGTON, Jan. 30.—Despite the personal appeal of President Taft to have Congress detail a colonel of the army on his personal staff, the House repudiated such a request. Chairman Hay, in charge of the Military Appropriation bill, read in the House from a letter from President Taft asking such a detail.

CHICAGO HOTEL BURNS AND FOUR PERISH

CHICAGO, Jan. 30.—A fire which broke out in the Marco hotel in this city destroyed the building and four persons lost their lives.

MAN THREATENED TO BLOW UP THE TOWN

KANSAS CITY, Mo., Jan. 30.—John Tallberg, a Dane, is in jail here, charged with dynamiting a railroad camp. He also threatened to destroy Kansas City unless he was given \$100,000.

SEATTLE MAN IS MURDERED

SEATTLE, Jan. 30.—The body of E. A. Kluger, a local merchant was found today floating in the bay. It is believed that he was robbed and then murdered and his body disposed of in Elliott bay.

LAWYER HATT IS SENT TO PRISON

ALBANY, Jan. 30.—Samuel S. Hatt, a lawyer and prominent church worker who was charged with converting to his own use about \$104,000 of trust funds, was sentenced today to serve not more than thirteen years and nine months nor less than nine years and nine months. He pleaded guilty to two of five indictments alleging grand larceny and forgery.

BEACH APPEARS TO STAND TRIAL

AIKEN, S. C., Jan. 30.—Accompanied by his wife, whom he is charged with having assaulted here a year ago during a family altercation, Frederick O. Beach, a New York millionaire, arrived in this city last night, to stand trial.

KILLED IN OPIUM RIOT

SHANGHAI, Jan. 30.—Two persons were killed and many wounded in an opium riot here yesterday. Officials of the Shengtu and neighboring districts were patrolling with a military escort to enforce the order prohibiting cultivation when they were set upon by a mob of a thousand. Both sides fired several volleys.

Phone your subscription to The Daily Empire. Phone 3-74.

Pribilof Islands Lessees Violated Fur Seal Law

WASHINGTON, Jan. 30.—That the North American Commercial Company, the lessees of the Pribilof islands, for many years violated the law by killing female yearling seals, is the charge made against that company in a report just made by the House committee which has been investigating the fur seal question on the islands.

The committee urges that the sureties of the North American Commercial Company, the estates of the late D. O. Mills and the estate Senator Stephen B. Elkins, be proceeded against, as bondsmen of the company. These men during their lifetime, subscribed \$500,000 as sureties for the faithful performance of their contract with the United States, by which the company has netted millions of dollars.

PRES. TAFT OPPOSES THE JONES BILL

WASHINGTON, Jan. 30.—President Taft in a speech at a banquet given here last night by the Ohio Society, attacked the Jones bill which proposes autonomy for the Philippine islands in eight years.

The President pointed to the progress that has been made since the Philippines became a possession of the United States, and he predicted that should the Philippine people be given their independence their material progress would be destroyed.

THE ILLINOIS DEADLOCK IS BROKEN

SPRINGFIELD, Ill., Jan. 30.—The deadlock in the lower house of the State Legislature has been broken by the election of William McKinley, Republican, of Chicago, as Speaker.

A combination was effected between the Republicans and Democrats, the Progressives voting alone. The Republicans, it is expected, will elect the long-term Senator to succeed United States Senator Shelby M. Culbert, whose term expires March 3, and the Democrats will get the short-term Senator, who will succeed to the seat formerly occupied by William Lorimer. James Hamilton Lewis, of Chicago, will undoubtedly be the Democratic choice.

SHANGHAIED AN ARTILLERY MAN

GALVESTON, Tex., Jan. 30.—First Sergeant Edward Meyers, of the Coast Artillery, disappeared two months ago, leaving no trace behind, and it was believed he had either suicided by drowning or had been murdered.

LEWIS DENOUNCES GOVERNMENT POLICY

CHICAGO, Jan. 30.—Colonel James Hamilton Lewis in an address delivered here last night asserted that the government's policy of repudiating business had created an army of 46,000 sleepless.

FACTORY GIRLS RETURN TO WORK

NEW YORK, Jan. 30.—There was a break in the ranks of the striking garment workers yesterday afternoon, when 27,000 kimona and wrapper factory girls returned to work. The employers made a number of concessions including an increase of wages.

FARM ANIMALS VALUE \$5,500,000,000

WASHINGTON, Jan. 30.—The marked value of farm animals in the United States is shown by a bulletin by the Department of Agriculture, the value of all farm animals on Jan. 1 of this year being estimated at five and a half billion dollars.

PRESIDENT MAKES MORE NOMINATIONS

WASHINGTON, Jan. 30.—President Taft today sent to the Senate the nominations of D. L. Keyte, to be Surveyor General of Oregon, and Frederic S. Stratton to be Collector of Customs at San Francisco. The latter is a reappointment.

UNITED STATES SENATORS ELECTED

DOVER, Del., Jan. 29.—Willard Saulsbury, Democrat, has been elected Senator to succeed Senator Harry A. Richardson, Republican, whose term expires March 2.

BACK BAY BOSTONESE TO REDUCE COST OF LIVING

BOSTON, Jan. 30.—A determined fight against the high cost of living is being waged by a number of prominent residents of Back Bay, who will soon open a co-operative store, where food, coal, wood and other necessities of life will be sold.

TWO MILLIONS FOR LINCOLN MEMORIAL

WASHINGTON, Jan. 30.—The House today adopted a joint resolution recommending an appropriation of two million dollars for a memorial to Abraham Lincoln, to be erected in Potomac park in this city.

PRICES OF CROPS LOWER THIS YEAR

WASHINGTON, Jan. 30.—Uncle Sam, through the Department of Agriculture, today produced figures to show that so far as the average of prices received by producers for their staple crops are concerned, the cost of living has decreased instead of increased.

WANTED—To rent furnished house in good locality. Address X.Y.Z. Empire office.

According to a report issued by the department, the prices of crops on Jan. 1 averaged about 17.2 per cent lower than on like date of 1912, 6.5 per cent lower than in 1911, 17.3 per cent lower than 1910, 5.9 per cent lower than 1909 and 7.7 per cent lower than 1908 on that date.