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PRICE TEN CENTS

SCOTT WRITES PATHETIC MESSAGE

Death Sentence for Itow; Fushimi Gets 20 Years

At two o'clock this afternoon Judge Overfield passed sentence upon O. Itow and E. Fushimi both of whom were recently convicted, the former of murder in the first degree and the latter of manslaughter, for the killing of Frank Dunn at Dundas Bay Cannery last July.

The court addressed the defendants through Interpreter Frank Hermit, stating that he had gone carefully over their case upon the motion of their attorney for a new trial and that he believed that they had had a fair trial, just the same as if they had been white boys and that therefore he could not grant a new trial and that under the law it became his duty to pass sentence.

To the question whether or not they had anything to say why sentence should not be passed they replied that they had much to say but not at this time.

Turning to Fushimi the court said, "You have been found guilty of the crime of manslaughter, for which the law fixes a punishment of from one to twenty years. The trial jury evidently believed you guilty as the evi-

dence showed and there is no reason why the lesser punishment should be imposed and every reason why the greater should be imposed therefore the sentence of the court is that you be imprisoned at McNeill's Island penitentiary for the term of twenty years."

The court then addressed Itow: "You have been found guilty of murder in the first degree. Under our law provision is made that the jury may select a less punishment than death when finding a verdict of guilty and so recommend in their verdict. The jury in this case has made no recommendation but found you guilty as charged. For that reason it becomes the duty of the court to sentence you to death, which will be executed by the marshal of this court on the twenty-second day of March."

Attorney Cobb, who was present, immediately arose and took exception, which was allowed.

Itow was as calm as he has always been throughout the entire trial. In his hand he held a written statement which requested that if he were executed that his body be given over to a medical institute.

THE COMMERCIAL CLUB MEETING

At the Commercial Club meeting tonight matters of importance to the municipality of Juneau will be discussed with the view of getting results that will be of material benefit to the community. There is considerable complaint especially from strangers that the streets are not named, or at least have no names posted anywhere that would indicate any particular identity. This complaint is often passed up, with the remark that streets are not so plentiful as to confuse one. But the houses are not numbered.

It is doubtful if a dozen business men in town can tell, off-hand, the street on which they live. Each house is designated by the geographical relation it bears to some other house or by some epoch in its history. The usual custom is to name the house for the person living in it last or by the family immediately preceding if there has been a residence of any considerable time. This peculiar condition of affairs is very disconcerting to strangers attempting to become acquainted with the city.

The immediate establishment of permanent street grades is an absolute necessity according to many property owners, if confusion is to be avoided during the building boom which now seems imminent for Juneau.

People who want to invest their money in the erection of new buildings would like to have at least a reasonable assurance that their investment will not be disturbed by changed street grades or other regulations.

There seems to be a growing sentiment about town that a building ordinance of some kind should be passed that would safeguard against fire disaster, such as was caused by the burning of the Juneau hotel two years ago, and against such accidents as that in the postoffice entrance two weeks ago.

All of the above subjects are likely to be touched upon by the Commercial Club, but whether at tonight's meeting or at some future time is as yet unknown. The present city council are loath to start something they cannot finish and it is doubtful if any number of measures can be communitated in the few brief weeks that remain for the present body—at least that is the way some business men view the matter.

Scott and Five of Party Perished in a Blizzard

LONDON, Feb. 11.—The British Royal Geographical Society has officially announced the death of Captain Robert Scott, the leader of the South Pole exploring expedition.

With Captain Scott there also perished Dr. F. A. Wilson, chief surgeon of the party, Lieut. R. H. Bowers, Capt. L. F. G. Oates, and Petty Officer Evans.

All the men died on March 12, 1912, of hunger and exposure, having been caught in a blizzard that swept down upon them while returning from the Pole to the depot on McMurdo sound. Captain Scott wrote a "Message to the Public," before he succumbed, knowing that death was inevitable. The message said in part:

"I don't regret the journey to the South Pole, which has shown that Englishmen can endure hardships and help one another to meet death with as great fortitude as ever in the past. Things have come out against us and we have no cause for complaint. We bow to the will of Providence. Had we lived we should have had a tale to tell of the hardihood and endurance and the courage and devotion of my companions which would have stirred the hearts of Englishmen.

"These rough notes which, happily, may be found on our dead bodies must tell the tale."

Overthrow of President Madero is Complete

MEXICO CITY, Feb. 11.—The overthrow of President Madero is complete. Gen. Felix Diaz is in possession of the capital and the government.

Henry Lane Wilson, the American Ambassador, today wired the following dispatch to Washington:

"Madero, accompanied by several hundred troops, has gone to Cuernavaca. General Diaz has informed the diplomatic corps that he will avoid, if possible, any bloodshed, and that negotiations between Diaz and General Huerta, the federal commander, are progressive."

Reports from other sections of the republic state that the situation is tranquil.

LAREDO, Tex., Feb. 11.—President Francisco I. Madero of Mexico, has telegraphed the Mexican consul here that General Felix Diaz is in possession of the suburbs of Mexico City, and that his force numbers only four hundred now.

President Madero adds that it is "probable the government will retake the suburbs."

MEXICO CITY, Feb. 11.—President Madero, who yesterday fled with his Cabinet from the national palace, has returned to it, and the outlook is more settled, and it is possible that he may be able to restore order.

Senora Madero, wife of President Madero, is in Chapultepec castle, the great Mexican fortress.

LAREDO, Tex., Feb. 11.—Telegrams received here assert that at ten o'clock this morning fighting was resumed in Mexico City by federal troops under General Blanquet. Machine guns were trained on the arsenal where Diaz has his headquarters.

CHIEF GOOD-LA-TAH AND THE GRAVES OF HIS ANCESTORS

An interesting damage suit in which the Katalia Company, as construction company of the Copper River & Northwestern railroad company, is made defendant, has been up in the district court of the Third Division for the past four years. The suit is founded on the invasion and wanton destruction of a grave yard, the last resting place of the ancestors of Chief Good-lah-tah, head of the Copper River Indians, more specifically known as the Atnas.

The trespass occurred during the summer of 1909 when a construction gang rolled a great steam shovel within the precincts of the ancestral grave yard near the village of Taral and began operation. The right of way at this point, Mile 79, runs directly through the grave yard. It is said that Superintendent Murchison, who was taking orders from the strenuous Heney, paid no attention whatever to the nature of the place that they were working in, but gave the crew orders to make the gravel fly.

People who witnessed the operations say that it was not an uncommon thing to see the great steel bucket come up with a skeleton, or bit of human bone ensconced with the gravels. Chief Good-lah-tah, who, by the way, has had some school education, on being made aware of the sacrilege, hurried out to the scene filled with apprehension. On approaching the scene he was horrified to witness the vandalism. Deaf ears were turned to his protestations. The steel monster would not abate its activities long enough to permit the removal of the bodies to another spot.

Chagrined and indignant Good-lah-tah boarded the construction train, and going to Cordova, appealed to the men in charge at the general offices of the company. But he appealed in vain. When the Chief returned to Taral he found that the wicked machine had cut its way through the sacred precincts and was merrily snorting along farther up the river.

Good-lah-tah went about the devastated grave yard picking up the remains as best he could that they might be deposited in another resting place. During his search he came

across the forearm and hand of a body which immediately attracted his attention. On the index finger of the hand was a copper ring fashioned from the native copper of the country by his own family. The hand was unmistakably that of his grand sire.

Good-lah-tah had become, through the advance of civilization in the country, aware that civil court, backed by the government, provided recompense for injustice such as this, and he sought out a lawyer whom he thought was trustworthy. E. E. Ritchie took the case and immediately filed suit against the company for several thousands of dollars. The case has been continued over from one term to another until it promised to rival the famous case of Jarndice vs. Jarndice.

The trial attracted considerable attention and through newspaper comments the story finally reached the notice of an amateur photographer who seems to be a witness of some importance. This young photographer had been present while the steam shovel was doing its worst or its best as the case may be, and got several good snap shots of the great steel dipper as it came up loaded. One view shows a skeleton lying on the right of way where it had been dumped, and another with a much clearer view shows the dipper coming up with the skeleton in it. These exhibits were forwarded to Good-lah-tah's attorney.

In the spring of 1910 it seems that the railroad company had sent out a gang of carpenters who built a few fences around different spots and on this defense claimed that they had done no harm. Therefore there was no ground on which to found a damage suit.

It is said that the appearance of the photographs was more or less disconcerting to the defense and that Chief Good-lah-tah was sent for. It is related that when he appeared in the offices of the company that an offer was made to settle the suit on the basis that the company pay one-half the sum demanded. When the proposition was made clear to the old chief he is said to have replied:

"Mr. B—, what you call 'em can no unscramble eggs."

The case is still in court.

R. AMUNDSEN TALKS OF HIS PLANS

CHICAGO, Feb. 11.—Captain Roald Amundsen, who is here on his lecture tour, in an interview concerning his proposed Arctic expedition, says that after getting well into the Arctic Ocean from Bering sea, he will build an ice wall around his ship, the Fram, and settle down for five years, during which the ship will drift and drift.

The Fram will be equipped with powerful wireless apparatus and Captain Amundsen expects to maintain communication with the government wireless stations in Alaska for some time, possibly two years.

POLITICAL RIOTS IN TOKYO, JAPAN

TOKYO, Feb. 11.—Political rioting has continued in this city since yesterday, due to the resignation of Premier Katsura's Cabinet. Troops are now patrolling the streets and they are maintaining order, though six persons were killed before the troops were called out.

Premier Katsura formally resigned today.

SEVENTEEN MEN KILLED IN BATTLE

CHARLESTON, W. Va., Feb. 11.—Seventeen men were killed today and forty wounded in a pitched battle between striking miners and deputy sheriffs and guards at Mucklow. Twelve of the dead are strikers and five are guards.

ACCIDENT OUT AT SALMON CREEK

While a working crew at the upper dam at Salmon creek were attempting to move a hoisting engine yesterday, the heavy piece of machinery broke away and slipped back down the hill. A pair of horses were caught in its path and killed. No one was injured.

An epidemic of grippe has been prevalent in Nome, there being ninety cases in the town at one time.

Every thing that will please a smoker may be found at BURFORD'S.

AT THE ORPHEUM

Tonight the Orpheum management will put on Bunny in the comedy, "The Winning of a Wife." It is said to be very winning. The show Saturday night for the benefit of the Ladies' Guild of Trinity church was a decided success.

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

Subscribe for The Empire.

LOT FOR SALE—On Chicken Ridge; a bargain. Address "C," Empire office.

THREE SOLDIERS GET SIX MONTHS

Joseph E. Parrent, Milton D. Paris and Peter Coleudar were up for sentence this morning having been denied a new trial on the charge of complicity in the highway robbery at Haines last July.

The court in passing sentence referred to the denial of a new trial and stated that the case had been gone into very carefully in their behalf. The jury were justified in bringing in the verdict under the evidence before them. The court said that it was incomprehensible how men of the age of defendants could stand idly by and see a defenseless man robbed as was shown to have been done by Young who had pleaded guilty. No matter how much they had feared Young they should have reported the matter to their superior officers.

Their plea that they hoped and expected Young to return the money was not a good excuse for keeping silent on the matter. This being the first time that they had been charged with anything wrong, the court disposed to be lenient and would impose a reasonable sentence. They were given six months in the federal jail at Juneau.

WM. N. BIEHL GETS TWO YEARS

PORTLAND, Ore., Feb. 11.—William N. Biehl, convicted of land frauds in the Columbia river valley, has been sentenced to two years in McNeill's Island penitentiary.

TO MAKE DRY STATES DRYER

WASHINGTON, Feb. 11.—Hereafter it will be unlawful for liquor to be shipped from a wet State to or through one which is in the dry column. The House bill prohibiting such transportation which was passed a few days ago has been passed by the Senate and will go into effect as soon as it has been signed by the President.

NEW BANK AT VALDEZ

Articles of incorporation of the Valdez Bank and Trust Company have been filed with Secretary Distin. Capital \$25,000. The incorporators are A. E. Griggsby, D. H. Sleem, and John Fernblom. The directors are B. F. Millard, A. E. Griggsby, D. H. Sleem, Edwin Eckern, and A. Eckern.

A SPLENDID PROGRAM

The special program arranged and produced at the Orpheum theatre last Saturday night for the benefit of the Ladies' Guild, of Trinity church, was a decided success, calling out an audience that completely filled the splendid little theatre. Every number received enthusiastic approval.

BANKER HENRY HAS BEEN INDICTED

WASHINGTON, Feb. 11.—George H. Henry, a New York banker, has been indicted by a federal grand jury for contempt. Before the Money Trust investigation committee recently Henry refused to divulge the names of trust bankers.

LIQUOR SHIPPING BILL PASSES THE HOUSE

WASHINGTON, Feb. 11.—The Webb bill, which has for its object the prohibiting of the shipment of intoxicating liquors through dry States, has passed the House.

Finest line of Calabash pipes in Alaska at BURFORD'S

CASTRO IS DENIED AN INTERVIEW

WASHINGTON, Feb. 11.—The translations of Dr. Friedmann's statements regarding his tuberculosis cure have been completed by the State Department. The translations, however, do not reveal the secret of the remedy.

Dr. Friedmann is the Berlin physician who claims to have perfected a serum for the cure of consumption.

GRAND JURY'S DRAG NET

NEW YORK, Feb. 11.—Police Captain Thomas J. Walsh, Edward J. Newell, a lawyer, and Patrolman Charles E. Foye, have been indicted by the grand jury for bribery and perjury in connection with police grafting of gamblers and women of the underworld.

NOT SATISFIED WITH DRAFT

PRINCETON, N. J., Feb. 11.—President-elect Wilson has completed the first draft of his inaugural address. After completing it he said he was not satisfied with it and would rewrite the document.

KAISER'S DAUGHTER IS TO BE MARRIED

BERLIN, Feb. 11.—The engagement of Princess Victoria Louise, only daughter of Emperor William, to Prince Ernst August, son of the Duke of Cumberland, has been proclaimed.

MR. AND MRS. CHENEY WILL LEAVE FOR STATES

Mr. and Mrs. Z. R. Cheney will leave for the South on the next trip of the Princess May. They will first go to California, where Mr. Cheney has some legal business to attend to, after which they will proceed East. They plan to be in Washington, D. C., for the inauguration of President Wilson.

Recently Mr. Cheney was endorsed by the Territorial committee as the national committeeman to succeed the late Alfred J. Daly and if the National Committee endorses the action of the Territorial committee then Mr. Cheney will take his place in that body. The date of their return has not yet been fixed.

Phone your want ads to The Daily Empire, phone 3-74.

WICKERSHAM WILL GIVE NO REASON

WASHINGTON, Feb. 11.—Attorney General Wickersham has declined to state to the House Committee why he withdrew the warrants issued by the State of Texas against officials of the Standard Oil Company, of Texas.

AGRICULTURAL BILL PASSES

WASHINGTON, Feb. 11.—The House has passed the agricultural appropriation bill, carrying seventeen millions.

RUSSIA IS TO HAVE CONSULS

ST. PETERSBURG, Feb. 11.—A bill has been introduced in the Russian Duma which provides for establishment of consulates at Sitka, Nome, Seattle and Honolulu.

COURT NOTES

This morning Judge Overfield announced that unless there was objections raised, that the civil calendar would continue in the order as now arranged and as the criminal cases were now being rapidly disposed of, that it would be taken up next Monday.

This morning the case against J. H. Cobb and Lang Cobb was dismissed as were also the two city cases up on appeal.

The following members of the petit jury were excused from service: C. E. Carpenter, F. A. J. Galwas, J. H. King, Chas. A. Hopp, W. H. McBlain, Harry Ashball, John J. Kasnakoff.

There remain but two cases on the criminal docket—the case against Green for whiskey peddling, and against Joe Webber for assault. The latter is not in the city and cannot be brought here until a steamer can be found that will call at Warm Springs.

The case of Russel vs. Russell was set to follow the last jury case on the civil calendar.

The motion to substitute the City of Juneau as plaintiff in the case of Bodie vs. Fitzgerald was denied by the court.