

DEMOSNOR'S OVERFEEL STATE

Law Doesn't Say He Must, but Secretary Wants to Remove All Doubt.

OPINION STATE ATTORNEY

Says the Secretary of State Acts Clearly Within the Law and Within His Rights—That Official Will Draw Flat Salary.

SALEM, Or., Dec. 12.—(To the Editor.)—Under date of November 30, the Salem correspondent of The Oregonian has raised the question whether the provisions of the flat salary law have been violated by me in collecting the sum of \$3000 from the state for making copies of the laws and journals of the last Legislative Assembly for the State printer and sending to return any unused balance above the amount actually paid out by me for clerk hire and other expenses necessarily incurred in the performance of said service.

I have consulted with able legal counsel concerning any violation of the statute in connection with this charge and have been unambiguously advised that I was clearly within the letter, as well as the spirit, of the law. However, as an additional precaution, I have referred the matter to the Honorable Attorney-General for his opinion and he advises that the resolution providing for this compensation in no manner conflicts with the flat salary law of 1905, and that I would be clearly within my legal rights to retain the excess above the actual amount paid in furnishing the copies for the printer, which opinion is as follows:

Crawford Gives Opinion. Salem, Dec. 11, 1907.—Hon. F. W. Benson, Secretary of State, Salem, Or.—Dear Sir: Your request of recent date for an opinion of this office upon the following propositions: First, as to whether you are entitled to retain the excess amount provided in House Concurrent Resolution No. 21, for furnishing copies of the laws enacted by the people and those passed by the Legislative Assembly, with the journals of each house, to the State printer for publication, as required by law; and, second, whether said resolution violates the flat salary law (so-called), has our consideration.

The first question requires an examination of the resolution and the relation of the services thereby required, and relative thereto it reads as follows: For the purpose of meeting the expenses necessarily incurred in the printing of laws in making such transcripts he shall be allowed such compensation as is provided by law for the same.

Nothing Said About Balance. It is simply allowed the compensation of 25 cents per folio, which covers everything, and the resolution does not say that he shall return any part thereof. The compensation allowed is the same as is allowed court reporters and others who are required by law to make copies of such records. Had the Legislature intended to pay only what the Secretary of State might be required to actually pay out in cash, then it would have used appropriate language to convey such idea, and would either have required a bill of items to be filed, showing the expenses incurred, or would have authorized the Secretary of State to employ the necessary clerks, proofreaders, etc., and to incur such other expenses as might be necessary and to pay the same out of the general fund of the state, the same as other clerks and employees of the state are paid. It would not have compelled a computation of the number of words to ascertain the folio, in order to fix the amount of the compensation the Secretary of State was to receive.

Not Strictly in Conflict. Relative to the second question, asking whether the resolution is in conflict with the flat salary law, chapter 68, section 2, of the laws of 1905, which fixes the salaries of a number of state officers, and among those the salary of the Secretary of State, his being fixed at \$500 per annum, it is not. It is a rule of construction of statutes that if they can be so construed that the two will harmonize, such must be presumed to have been the intention of the Legislature, and at the same time the said chapter 68 of the laws of 1905 was passed, and the salary of the Secretary of State fixed at \$500 per annum, he was not required by the general laws of the state, and is not now, to prepare for the State printer and copy any laws that may be enacted by the people or the Legislative Assembly of the state, and the journals of the two houses. These duties or those services are services which arise in connection with legislation, and

TELEVISION TREMBLING VOICE

Harry Orchard Displays Deep Emotion in Rehearsing His Crimes.

RELATES ALL THE DETAILS

Pettibone, He Says, Made Bombs Which Were Laid for Peabody. The Defendant's Connection With Other Murders.

BOISE, Dec. 12.—Showing signs of deep emotion, Harry Orchard, in the Pettibone trial this afternoon, told of the assassination of ex-Governor Frank Steunenberg, in minute detail. He testified in regard to the deliberate preparation for the crime: of his unsuccessful attempt to end the life of the Governor and finally of the placing of the bomb on the night of December 30, 1906. Tomorrow morning a narration of his arrest, confinement in the state penitentiary and his confession to Detective McFarland, will end the direct examination, and the witness will be turned over to Clarence Darrow for cross-examination.

Efforts to Kill Peabody. The testimony this afternoon began with the trip to Canon City to kill Peabody, the witness stating that in 1906 he followed Haywood's instructions. He told of securing a position as insurance agent on recommendation of Pettibone, Howard H. Miller, and J. C. Sullivan at Denver. He said that he located Peabody's residence and studied his habits for a week, then going back to Denver and meeting Pettibone at the latter's store, and telling of the plans. He said he got 50 pounds of dynamite at Max Mallich's place, where it had been left by Adams, and that he went to steal it from a magazine. The powder he said, was taken to Pettibone's store where he and Pettibone made the bombs. Orchard had the lead case made at a plumber's shop.

WORKED SAME GAME HERE Seattle People Arrested on Charge of Piano Swindles.

SEATTLE, Wash., Dec. 12.—(Special.)—Mr. and Mrs. C. E. Farrel and C. K. Miller were arrested here tonight, charged with wholesale swindling of local piano dealers. The game was to rent a piano for a week and then sell the instrument. It is known that seven pianos have been disposed of in this manner.

GOING EASY ON EXCLUSION Seattle Radicals Moderate Their Demands as to Orientals.

SEATTLE, Dec. 12.—The Japanese-Korean Exclusion League of Seattle has radically modified its position on the exclusion of Orientals. The first organized the league declared in favor of the exclusion of all Orientals, and advocated this for months. Lately the sentiment has turned, and tonight the league issued a statement in which it declared that it would support a petition which will be laid before Congress calling for the exclusion of Orientals, with the exception of merchants, students and travelers. A convention of exclusionists from throughout the Coast will be held here in February.

DEMOCRATS QUITTING MOORE Two Factions Will Name Municipal Ticket in Seattle.

SEATTLE, Wash., Dec. 12.—(Special.)—A Democratic city convention called to frame a platform on which candidates for municipal nominations are expected to stand, turned down a luke-warm endorsement of Mayor W. H. Moore tonight by a vote of 123 to 68. While the convention was in session Moore filed a declaration of his candidacy on the city party ticket, and a petition for withdrawal of his name from the city party ticket, subject to the direct primary election in February.

GLEE CLUB STARTS ON TOUR University of Oregon Boys Appear First at Albany.

UNIVERSITY OF OREGON, Eugene, Or., Dec. 12.—(Special.)—The University Glee and Mandolin Club left this morning on their 11th annual tour of the state. Altogether the troupe contains about 40 men, including Professor I. M. Glen, the coach, and Manager Clifford. The boys appear in Albany tonight, in Salem Friday night, and from there go to Eastern Oregon and to Walla Walla. Manager R. H. Clifford has worked industriously on his schedule and promises, if everything goes well, to quite a sum into the student body treasury.

Wreck on Moscow Branch. COLFAX, Wash., Dec. 12.—(Special.)—The Moscow-Colfax O. R. & N. mixed train was wrecked this evening about three miles from Colfax. A freight car from the center of the train jumped the track. Nine cars followed suit, several cars of wheat and coal being scattered along the road. The passengers all escaped uninjured. Traffic will be delayed about 12 hours.

RISER'S KRISMAS KALENDARS Scenic Photos: hand-tinted. 28 Alder. Metzger & Co., jewelers and opticians, 342 Washington street.

MISSIONARY WORKERS MEET

Women's Branch Oregon Conference in Session in Salem.

GOOD CHANCE TO FEEL SORE

President Orders 90-Mile Riding Test for Army Officers.

VANCOUVER BARRACKS, Wash., Dec. 12.—(Special.)—In a letter to the War Department, President Roosevelt in minute detail, has recommended a ride of 90 miles, to be made in three consecutive days. The prescribed ride this morning was made by some of the more corpulent officers to survive this test, and it is evident that the 90-mile test of next year will be a severe strain on men unaccustomed to the saddle.

TO DISPOSE OF ADAMS' CASE Judge Wood Calls Special Session of Court in Kootenai County.

SPOKANE, Wash., Dec. 12.—(Special.)—Judge Woods, of the North Idaho Judicial district, today ordered a special term of the district court in Kootenai County to convene December 23. This is presumed to be for the purpose of taking action on the Steve Adams order, that Adams may be taken to Colorado, as Judge Woods has ordered that he could not issue the order during a vacation of the Kootenai court.

DEAD OF THE NORTHWEST William H. Miller.

McMINNVILLE, Or., Dec. 12.—(Special.)—William H. Miller, who died in Tacoma, November 20, 1907, from paralysis of the brain, caused by a silver entering the corner of his eye during a fall while foreman of the National Lumber Company, was buried at Bostford, Lewis County, Washington, November 22, 1874. He was married to Miss Laura Russell, February 24, 1895, and had a son, John H. Miller, and a daughter, Miss Melissa C. Miller. His father died August 3, 1838. His mother was married to John J. Givens in 1901, who now resides at McMinnville. He leaves a mother and stepfather, 11 five brothers and two sisters—Jay Albert, Louis, William, Bostford, Wash.; Walter Miller, of Bellingham, Wash.; Rocky Ford and his return to Denver.

Bomb Kills Wrong Man. Next came the narration of the second attempt on Judge Gabbert, in which he said Pettibone assisted. A bomb, he said, was set with a wire stretched across the path frequented by Gabbert. He testified that Pettibone placed the bomb in his residence and when their intended victim appeared, gave him a signal to tie a wire to the wire so that Gabbert would pick it up and go to the door. Orchard also came along and Orchard said he picked up the bomb and left, taking it back to Pettibone's store.

Fruit Meeting in Eugene. EUGENE, Or., Dec. 12.—(Special.)—Plans are under way for an important meeting of the Lane County Horticultural Society, in Eugene, the first week of January. This is the first meeting of the society since the death of Secretary H. M. Williamson, of the State Board, will be here to address the meeting, and there will be some members of the faculty from the Agricultural College in attendance.

Will Continue 2 1-2-Cent Rate. MONTGOMERY, Dec. 12.—The Southern Railway today agreed to keep in force the 2 1-2-cent passenger rate until the other state rate questions are settled.

Urge Action on Bartlett Bill. GRANTS PASS, Or., Dec. 12.—(Special.)—Bartlett's hand-painted china at Metzger's, 342 Washington st.

BATTLE PROMISED ON GOVERNMENT

After Fight in Alaska, Battle Promised on Government.

WASHINGTON, Dec. 12.—(Special.)—The battle between the two sides in the fight for the interior of Alaska, has been a long and bitter one. It is now a question of time when the battle will be fought on the government side.

WORKMEN ON FEDERAL A strike on the part of the workmen on the federal government is not a possibility, according to the officials of the department.

COUNTY PAYS FOR DINNER GAMES WARDEN, HOWEVER, LOSES IN DETECTIVE GAME.

Eats Pheasant in Restaurant Out of Season, but Lawyer Works Trick Before Jury.

Points Gun Wrong Way. SEATTLE, Wash., Dec. 12.—(Special.)—Despite the fact that Game Warden Harry Rief failed to make out a case against the proprietors of the Olympus Cafe, when he arrested for selling pheasant, a quiet affair, W. S. Henner was elected Mayor and Edward Heninger was elected Treasurer. W. E. Burke succeeded himself as Police Judge and City Recorder.

Election at Seaside. SEASIDE, Or., Dec. 12.—(Special.)—The city election, which occurred yesterday, was a quiet affair. W. S. Henner was elected Mayor and Edward Heninger was elected Treasurer. W. E. Burke succeeded himself as Police Judge and City Recorder.

Scenic Photos for Christmas. KISER'S make fine presents. 28 Alder. Metzger & Co., jewelers and opticians, 342 Washington street.

Hann shoes sold at Rosenthal's.

Who Is There Still Talking Calamity?

Hard Times? Nonsense! Let's Tell You

DURING THE MONTH OF NOVEMBER THE TOTAL SALES OF EILERS PIANO HOUSE, IN PIANOS AND ORGANS, WERE \$102,869.45. Please note that this does not include the business done in Seattle and Tacoma, nor in San Francisco and the California field, which ALTOGETHER WILL AMOUNT TO OVER A QUARTER OF A MILLION DOLLARS.

A QUARTER OF A MILLION DOLLARS OF PIANO BUSINESS, WE SAY, DURING THE MONTH OF NOVEMBER. A GREATER RECORD than ANY NOVEMBER heretofore.

To be sure, we now hustle a little harder and make prices and concessions considerably lower, but it sells pianos.

The people everywhere have the "wherewithal" to buy! Why shouldn't they? Secretary Wilson, of the Department of Agriculture, shows that THIS YEAR'S FARM PRODUCTS ARE \$67,000,000 ABOVE THE VALUE OF LAST YEAR'S, and nearly FIFTEEN HUNDRED MILLION ABOVE THE VALUE OF 1903.

Doesn't this mean something? Ocean vessels are now loading in the port of Portland, with an estimated carrying capacity of 175,000 tons. Placed stem to stern, they would reach three miles," says yesterday morning's Oregonian.

THREE MILLION DOLLARS is undoubtedly a low estimate of the value of the products which will be moved from Portland at the present time by this fleet. THREE MILLION DOLLARS IN HARD MONEY, which will surely come to Oregon from this one source alone, and is sufficient to transact all the business in this territory for years.

No wonder business is good! STRANGE, HOW MANY PEOPLE THERE ARE WHO ALWAYS INSIST UPON BUYING WHEN PRICES ARE HIGH. SHERREWS BUSINESS MEN AND WOMEN BUY WHEN PRICES ARE DOWN.

THEY BUY NOW BECAUSE OF THE EXTRAORDINARY CONCESSIONS THAT WE ARE NOW IN POSITION TO MAKE. YOU SOLVE THE XMAS GIFT PROBLEM HERE!

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THREE WATCH SPECIALS. We have just received another one of those big shipments of high-grade Watches, such well-known makes as Elgin, Waltham and Hampden movements, to be disposed of at prices never before known in the history of Portland. It will pay you to see these Watches. They are sent C. O. D. on approval, with privilege of examination before paying for same.