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## ROOSEVELT MEN BOLT CREDENTIAL COMMITTEE

### COLONEL'S ORDERS ARE OBEYED

#### REFUSAL TO OPEN CONTESTS CAUSE

#### DELEGATES ACTING UNDER PERSONAL DIRECTION OF CHIEF LAY PLANS FOR INDEPENDENT ACTION IN CONVENTION

CHICAGO, June 19.—The long-expected crash in the Republican ranks came tonight. The Roosevelt forces, acting, they said, under the personal direction of the Colonel himself, began to lay plans for independent action in the National convention. As a forerunner of the more drastic action expected in the convention tomorrow or Friday, the Roosevelt members of the committee on credentials withdrew from that body and in effect withdrew all the Roosevelt contests, which had been sealed from 92 to 78.

doorkeeper to admit no one. The Roosevelt forces again called for everyone to come in. Mr. Thayer called for policemen, who pushed their way through and kept the crowd from getting in.

The Roosevelt men poured out of the room, declaring they were acting under orders of Colonel Roosevelt.

"Everybody go to the Florentine room at the Congress," shouted one man.

They rushed out, followed by the crowd and outside of the Coliseum they were overtaken by Secretary William Hayward.

"Why did you act that way?" he demanded of Heney. "Why didn't you wait until some rules had been passed?"

"We are acting under the direct orders of Colonel Roosevelt," retorted Heney.

"We are obeying a better general than you," shouted George L. Record, of New Jersey. "He told us to leave that room, and we did it."

Hugh T. Halbert said the break came as the result of the refusal of the majority in the committee to open up all evidence in the cases. Mr. Halbert presented resolutions asking that the temporary roll of the convention be considered only as prima facie evidence; and that all evidence, testimony and the like be gone into.

COLISEUM, Chicago, Ill., June 19.—Cries of "Hadley for President" brought forth a demonstration that kept the Republican national convention in an uproar for more than 40 minutes.

Cheers greeted the Missouri governor when he was led to the front of the stage during argument on his motion to purge the roll of contested delegates. Someone cried "Hadley for president!" and hundreds of voices took it up. Then the different del-

### SPEED THE PARTING GUEST.



cord with the exact procedure of the party," he declared. "The Roosevelt men started to invalidate the state convention by flimsy, fictitious contests to keep the representation below the legal figure. We took steps to prevent this, and when these sharp tricks failed they began to shout fraud."

"I deny that the central committee was controlled by federal office holders. There were three officials among 15. And the charge circulated here is absolutely false and without foundation."

"They say there was fraud," yelled Morris. "I throw the charge into their teeth. All that was used by Taft men was parliamentary tactics. The fact of the matter was that the Republicans whether they were Democrats—"

Thomas H. Devine, of Colorado, who is slated for chairman of the credentials committee, should the Taft people control, spoke against the Hadley amendment. He expressed surprise over the Hadley amendment, saying the governor had endorsed the committee when it had ruled in his favor in the Missouri cases. Devine said Hadley "only stood by agreements when it was to his interest to do so," and the assertion was hissed, booed and jeered by the Roosevelt delegates.

Devine, who is a member of the national committee characterized the action of the Roosevelt forces in stirring up the contests in the south as "the most damnable in the history of the Republican party."

"The evidence before the committee," Devine said "showed that an emissary from the north, whether loaded or unloaded I don't know went down into the south from 30 to 40 days after the regular delegates had been honestly elected, and stirred up certain contests and engineered rump conventions."

Every statement by Devine was received with cheers from the Taft men and with wild jeers and hisses from the Roosevelt forces.

"Let me tell you something," shouted Devine. "Out of the 107 contests from the south filed before the committee 101 of the names placed on the temporary roll were put there by the unanimous vote of the national committee, the Roosevelt men voting with the Taft men."

"There are 107 counties in Texas which never held a Republican convention," shouted Devine. "They are mostly peopled by prairie dogs and Democrats. But Colonel Lyon sends out to his friends a list of what he wants done and he gets it done."

Hadley then called C. C. Middleton of Texas, who, he said, was a Taft instructed delegate, to argue the Texas case for the Roosevelt men.

Middleton began by saying that he expected to cast his vote in the interest of President Taft, but that he wanted to deny Devine's charges and his "damnable assaults on the character of the Republican party in Texas and on Colonel Lyon."

"I am for President Taft," shouted Middleton, "but this thing of cussin' out Cecil Lyon is unfair. He has built up an organization in Texas in which the gates of hell will not prevail."

John Mackey of Detroit spoke against the Hadley amendment and immediately attacked the fairness of the Roosevelt forces.

The mention of President Taft's name was marked by a brief cheering demonstration during which the Taft men climbed on their chairs.

Charles P. Taft, the president's brother, led the cheering from his seat with the Ohio delegation and appeared to be enjoying himself immensely.

Maurice L. Gavin of Kentucky attacked the Roosevelt contests from the blue grass state, characterizing them as "unfair and without merit or foundation."

Former Congressman Watson of Indiana closed the debate for the Taft forces. He was warmly cheered as he came forward but a Pennsylvania delegate caused a laugh by piping "He's the man that made Indiana Democratic."

"What I want you delegates to remember in voting on this question," he said, "is that this convention has no right to judge of the merits of these contests. The National committee sat for ten days. It spent much time hearing the evidence. Then by better than a two to one vote, it made up the temporary roll."

"I don't believe in mob law. You can say, 'Throw them out,' but that is not Republicanism. I am authorized by my friend, Governor Hadley, to say that he himself is willing, with certain modifications, to send these contests where they belong—to the committee on credentials."

A wild yell went up from the Roosevelt forces at this announcement. "Let him speak for himself!" shouted 100 voices, and Watson turned and brought Hadley forward.

The Missouri governor stood smiling while the delegates cheered. It was the first real, spontaneous enthusiasm of the convention. More than half the delegates were on their chairs. Hats were swinging and handkerchiefs were waving while Hadley and Watson, representing the two great factions in the party, stood smiling side by side.



Mayor William J. Gaynor, of New York City, who is mentioned as a "Dark Horse" for the Democratic nomination for President.

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For five minutes the demonstration continued and the forces were being augmented every second. Already the Taft men from New York were talking among themselves.

"Look like they might try to stampee the convention for Hadley," whispered the veteran Chauncey M. Depew to William Berry, who stood alongside of him. As this word was passed, James W. Wardsworth waved to his delegates and the members jumped to their chairs yelling, cheering and adding to the din. Part of Indiana joined in the demonstration, headed by Jim Hemenway.

At this time Kentucky, Texas, New York, Mississippi, Illinois and Louisiana and Ohio were the only states whose standards remained in place, although some of the others had only moved to the aisles.

New York and Indiana were on their chairs and there was a wide smile on the faces of the leaders. They openly asserted that they believed that the stable door was open and that the "dark horse" was being saddled. The remainder of the California, Kansas and Maryland delegations were chanting in unison. "We want Teddy; we want Teddy." The Hadley shouters were getting the better of it and the California delegates started a rival demonstration. William Barnes Jr., leader of the Taft forces, was asked what he thought of the demonstration. He said:

"I am waiting to see what they are going to do with these contests. I am not discussing any compromise proposition. I am just waiting for the return of these delegates and order to be restored. I don't believe that many of these men who are cheering know what they are cheering about."

"Hadley for president; Hadley for president!" he cried, leading the cheering all over again and the convention was again beyond control when Sergeant at Arms Stone led Coleman off the stage. Hemenway of Indiana, insisted that the Taft men were intact despite the demonstration.

Mrs. W. A. Davis, wife of a Chicago lumberman, who was seated in the center of the right hand gallery, started the greatest uproar of the demonstration by unrolling a huge lithograph of the colonel. As the beautiful woman, stunningly gowned, entered into the spirit of the moment, and holding the picture at arms length, threw kisses to the crowd, the delegates and spectators alike went wild.

Mrs. Davis held the picture in her hand for a few moments and when she had mounted standard of California was passed up to her in the galleries she kissed it and alternately kissed the Roosevelt picture.

By this time much of the original enthusiasm for Hadley had been converted into a demonstration for the woman, whose enthusiastic spirit had been contagious enough to incite the thousands that packed the Coliseum.

So eager were delegates and other enthusiasts to greet the woman that it was necessary for the police to form a guard about her, and when in an effort to quiet things the police asked her to withdraw temporarily, the action was met by a chorus of hisses and boos.

It was 41 minutes after the demonstration began before Hadley was able to make himself heard.

A small classified ad will rent that vacant room.

## CONTRACT TO OIL STREETS IS LET

### COUNCIL APPROVES BID OF OREGON ROAD COMPANY, OF PORTLAND

#### WORK IS TO BE STARTED AT ONCE

Repairing of Molalla Avenue and Monroe Street is Begun—Drains Being Installed

The Macadam streets of Oregon City will be oiled in a few days. At a meeting of the City Council Wednesday afternoon the bid of the Oregon Road Oiling Company, of Portland, was accepted. The company agrees to oil the streets a width of six feet for \$67.50 a mile. The only other bidder was the Oregon Engineering & Construction Company, its bid being \$90 a mile.

Councilman Tooze, a member of the Committee on Streets, prepared the specifications. Mr. Tooze, with Street Commissioner Babcock, will this morning make a tour of the city and determine what streets are to be oiled. The council has appropriated \$1,800 with which to oil the streets, but it is not thought all this money will be spent. According to the specifications the work must be started within ten days. Mr. Tooze said Wednesday night that he thought the oiling would be started this week. It must be completed within four days. Although the specifications provide for the oiling of a width of six feet, the committee on streets is empowered to increase the width if it is thought necessary. The specifications provide that 75 per cent of the cost of the work shall be paid upon the completion of the oiling and the balance October 1 if the work proves satisfactory.

Councilman Tooze and Street Commissioner Babcock will have the streets cleaned of refuse before the oiling is started.

The work of repairing Molalla Avenue was started Wednesday. Drains will be installed first, and then the street will be repaired with broken rock. The Oregon Engineering & Construction Company Wednesday began the improvement of Monroe street. The company put into use a new steam shovel, which will greatly facilitate the grading.

The largest assemblage of ministers in Oregon, except at ministerial conventions, will be that at the Chautauqua assembly at Gladstone Park, which will convene July 9 and continue twelve days. Secretary Cross has received a letter from 100 clergymen informing him that they will attend and remain during the entire meeting. They are desirous of attending the bible classes to be conducted by Rev. William Spurgeon, of London, nephew of Rev. Charles H. Spurgeon each morning.

Rev. Spurgeon also will deliver two lectures, on "The Englishmen's Impressions of America" and "Moses, The Hero of the Desert." The chautauqua Association is installing a modern sanitation system at the park at a cost of \$800. Scores of persons have engaged tent space, and Mr. Cross says there is no doubt that the assembly this year will be the best attended in the history of the Association.

## 100 MINISTERS WILL ATTEND CHAUTAUQUA

## MADE-POST MEMBERS ATTEND BIG REUNION

### PASTOR HAS CHARGE OF CHURCH REPAIRS

Rev. E. A. Smith supervised the work of making a new foundation for the church at Logan Wednesday. The members of the congregation did the work. It is planned to paint the building. Rev. Milliken conducted services at Willamette Wednesday evening.

## TEACHERS' EXAMINATION HELD AT HIGH SCHOOL

The examination to teach in the county schools was begun in the High School Wednesday evening. County Superintendent of Schools Gary being in charge. There are about seventy applicants.

## SUIT FOR SALARY LOST BY BURNS

### JUDGE EAKIN HOLDS THAT PLAINTIFF MUST PROVE HE IS CHIEF

#### SHAW'S STATUS IS NOT AFFECTED

Court Decides Former Police Head Does Not Owe City For Over-Payment Of Salary

Holding that in order to obtain his salary he must first establish his title to the office, Circuit Judge Eakin Wednesday decided in favor of the defendant in the case of Charles E. Burns, appointed Chief of Police by Mayor Dimick, against the city. The council by a vote of eight to one refused to approve the appointment of Burns, and has made a fight for the retention of E. L. Shaw. Burns acted as chief for four months, and Shaw is still acting, but neither has received any salary. Friends of Shaw say the decision is a victory for him while friends of Burns declare that nothing is settled except that he cannot obtain his salary until he proves through some other legal action that the suit for salary that he is the chief. Under the decision Burns must pay costs. The plaintiff was represented by Cross & Hammond and the defendant by J. E. Hedges.

Judge Eakin dismissed the counter claim of the city against Burns for \$795 said to have been over-payment of salary when Burns was chief several years ago. The opinion in part follows:

The charter of the city provides: "Sec. 45. The mayor has power and it is his duty to organize, govern and conduct the police force within the limits aforesaid and shall to that end:

1. Appoint a Chief of Police and a suitable force of regular policemen, such appointees to be confirmed by a majority of the Council."

While Section 57 of the charter provides: "Sec. 57. The Chief of Police and his sureties shall be responsible to the city or any person aggrieved the same as sheriffs and their sureties now are. Before entering upon the duties of his office, he shall file a bond in such sum as the Council may fix by ordinance, which bond shall be approved by the Mayor, and subscribe and take an oath that he will faithfully perform the duties of Chief of Police during his continuance in office. Every regular policeman, shall etc."

Ordinance No. 122 provides as follows: "Sec. 1. The amount of the official bond to be required by the Chief of Police shall be and hereby is fixed at Two Thousand Dollars (\$2000.00)."

It will be seen from these provisions of the charter and ordinances of the city, and from the evidence adduced at the trial, that the plaintiff was not, at the times alleged in the complaint, the regularly qualified Chief of Police of the defendant city; and if he was acting in the capacity of Chief at all, he was only acting as an officer de facto and not as one de jure.

But this is an action against the city for the salary of Chief of Police, in which capacity, plaintiff alleges he was duly qualified and acting, which facts are denied by the defendant, but whether or not he is the qualified Chief of Police of this city cannot be determined in this action, to do so would be to adjudicate the right of E. L. Shaw (the other claimant to the office) to said office, but he is not a party to this action, and judgment in this action would be of no effect against him. Before he could be adjudged to be acting without authority, he would have a right to be heard, and the city is not authorized to appear for him, any more than it is authorized to appear for plaintiff.

Consequently, no judgment which this Court could make in this case could determine the right to the office as between the plaintiff and E. L. Shaw, the actual incumbent of the office.

This question was fully discussed and decided in the case of Selby vs. City of Portland, reported in the 14 Or., at page 243.

It is therefore clear that the title to the office cannot be determined in his action. And it seems to me, as clearly, to follow, that the plaintiff cannot maintain an action for the salary of the office until title thereto has first been determined.

If plaintiff is occupying the office merely de facto he is not entitled to the salary, even though there be a vacancy in the office. His incumbency would be wrongful, and he cannot make advantage to himself by his own wrong, consequently his right to maintain an action for the salary pertaining to the office must depend upon his first establishing his right to the office.



Senator Albert B. Cumings, candidate for Republican nomination for President.

The doors of the committee-room were suddenly thrown open by J. J. Sullivan, of Ohio, who rushed out with the cry, "All Roosevelt men walk out."

He was followed by Hugh T. Halbert, of Minnesota; Francis J. Heney, of California; George L.

egations began marching around the hall.

A woman in one of the galleries unfurled a large lithograph of Theodore Roosevelt. Immediately the clamor increased. She was escorted to the front of the convention hall and lifted to the press box. The din became terrific. Finally the police requested



THE REPUBLICAN NATIONAL COMMITTEE. Front row, seated, from left to right: William F. Stone, sergeant at arms; Franklin Murphy, treasurer; Col. Harry S. New, chairman; William Hayward, secretary; Victor Rosewater. Standing, from left to right: Ralph S. Williams, E. C. Duncan, Arthur I. Vorys, Fred W. Upham, chairman Chicago committee, David W. Mulvaney.

Record, of New Jersey, and other Roosevelt men. As they pushed open the swinging doors after Sullivan, they cried out to the newspapermen:

"All newspapermen come inside and see what they are trying to do with us."

Colonel Thayer, assistant sergeant-at-arms, shouted to the

her to return to her seat in the gallery. She obeyed, still carrying remnants of the picture.

After the short recess Judge Robert E. Morris declared that the charges of fraud in Arizona were baseless and defended the action of the Arizona state committee in calling the regular state convention which elected the Taft delegates.

"Everything was regular and in ac-

The Grand The Watson Sisters Will begin a three days' engagement Today Vaudeville daily at 2, 3:15, 8, 9:15 only