

LACKS ONE VOTE

Kuykendall's Fingers Graze Chief Chair.

FIFTY-FIVE BALLOTS TAKEN

Carter Next in Race for President of Oregon Senate.

DEMOCRATS STANDING PAT

Should the Five Members of the Other Party Vote for Independent From Multnomah, He Will Be Tied With Lane Man.

SALLEM, Or., Jan. 9.—(Staff Correspondence)—The Oregon House of Representatives is organized and ready for business. The Senate is not, nor may it be tomorrow. Mills of Multnomah was nominated for speaker in the Republican caucus by majority of two votes over Kay of Marion, the ballot standing 26 to 24.

The Senate all day has been a battleground for a war which has no parallel in Oregon politics. Kuykendall has lacked one vote, through 55 ballots, of being elected. He had 15 votes with him all day, or one short of a majority. His ten Republican opponents and the five Democrats of the Senate stood together to prevent his election, though they did not vote together.

Tomorrow, however, they may unite, thus tying Kuykendall. Reports are current tonight that they may combine on Nottingham of Multnomah. Tonight the hostile forces are bivouacked separately on both sides of the ground than when they began the fight this morning.

The Carter men declare they will vote for any other Republican than Kuykendall and the Kuykendall 15 respond that as they are a majority of the Republican Senators, the minority should go into caucus. The Carter ten have asked the Democratic five to name any Republican other than Kuykendall for President and are understood to have promised to accept that chosen one as their own candidate.

Brownell May Enter Race. Considerable talk is heard tonight of Brownell's entering the race if he can secure the Carter support. Had any Democrat or any Carter man been absent today inopportunist Kuykendall would have been elected because he would have had a majority of the Senators present.

Hope to Wear Out Opponents. The Kuykendall leaders said tonight that they see no gains in view for tomorrow morning, but they hope to wear their adversaries out before night. Pressure from the outside will be brought to bear upon some of the Carter supporters for the purpose of forcing them to yield to the Republican majority.

Adjourn Until Today. The vote remained practically the same for 39 ballots, when, at 4:30 o'clock the Senate adjourned until 7:30. In the evening 15 ballots were taken with no change except as the Democrats shifted their votes from one to another. Adjournment was taken until 10 o'clock tomorrow morning.

Clackamas Man is Made Temporary Presiding Officer. SALLEM, Or., Jan. 9.—(Special)—The Senate was called to order at 10:45 by Senator Brownell, of Clackamas, who was President of the Senate at the session of 1903.

On motion of Senator Rand, Brownell was elected temporary President, and a committee on credentials was appointed consisting of Senators Rand, Cole and Holman. The Senate then adjourned until 2 P. M.

At the afternoon session the Senate was called to order at the appointed time, when Chairman Rand, of the credentials committee, reported the list of Senators elected since the last session. On motion Chief Justice Wolverton was invited to administer the oath of office to the new Senators. The following appeared in answer to their names, and were sworn in: Coshov, Booth, Cole, Avery, Loughary, Hodson, Malarkey, Mays, Sichel and Coe.

Senator Rand moved that the Senate proceed to elect a President and the motion prevailed. Senator Rand nominated Senator

his vote in his own favor. Temporary President Brownell reached for the tally sheet to announce the result, when Wright's attention was called to the lapse and he got himself on record on voting for Carter.

Three Democrats, Avery, Pierce and Smith, showed some indications this afternoon of a willingness to get into the fight by helping Carter, but the other two, Miller and Coshov, would not listen to this suggestion and the five stood together, voting for some of their own number. Late in the afternoon and again at the evening session the Kuykendall leaders tried to persuade one Democrat to absent himself, thus leaving only 23 present, by which means Kuykendall's 15 votes would elect him, but the Democrats turned a deaf ear to all entreaties.

Democrats May Vote for Nottingham. According to quite common talk tonight there is some prospect of five Democrats voting for a Republican tomorrow. The Democratic Senators agree that it would not be reprehensible disloyalty to their party if they should vote for Nottingham, who was elected on an independent ticket in opposition to a Republican. This strategy is encouraged by some prominent Democratic leaders, because the Republican organization in Multnomah County refused to nominate Nottingham for Senator, though he was elected and now bitterly opposed to him. It is therefore asserted that five Democratic votes will go to Nottingham tomorrow.

Following upon this comes a rumor that the ten Carter men will vote for Nottingham tomorrow, thus giving the Multnomah Senator 15 votes, or as many as Kuykendall. This plan, if carried out, might not result in the election of Nottingham, but might lead to a realignment of forces which would bring about the election of some one besides Kuykendall to the Presidency.

Partner Says She Has Made a Million, but Her Furniture is Seized for Debt and Hosts of Creditors Come to Surface. CHICAGO, Jan. 9.—(Special)—Just how far the financial operations of Alice L. Webb, whose newly married husband, Brodie L. Duke, son of Washington Duke, the tobacco magnate, has been placed in a private insane asylum on Long Island, have gone, is still an open question. It remains to be seen whether developments will disclose a second Chadwick case or whether, as vehemently claimed by the woman's partner, Charles F. Taylor, the Texas-Cuba Tobacco Company and the Nagodoches Tobacco Company have been conducted on a sound basis, and, although involved, will continue to a successful conclusion.

Discoveries Up to Date. Discoveries and developments in the case today follow: Two notes, each for \$500, discounted by the German National Bank, of Little Rock, Ark., and declared to be worthless and containing the signatures of Alice L. Webb and Charles F. Taylor, are in the hands of Attorney Samuel Packard, for collection.

References Repudiate Her. Perhaps one of the most serious developments revealed today in regard to the operations of Miss Webb was the repudiation by two Chicago business men of the use of their names as references. These men are C. B. Shaw, former president of the American Trust & Savings Bank, and J. H. Francis, who conducts the National Banker. Mr. Shaw said: "Miss Webb came to me 10 or 12 years ago with a letter of introduction. She has tried at different times to interest me in various schemes, none of which I entered into. One was a coal scheme in Colorado and another a timber proposition in Oregon, and another a mining deal in California. I never gave her permission to use my name as reference."

Jerome Investigates Duke's Commitment—Move to Annual Marriage. NEW YORK, Jan. 9.—The commitment of Brodie L. Duke, half brother of J. B. and B. N. Duke, the tobacco capitalists, in a sanatorium for examination as to his sanity, and the sensational developments growing out of the case were investigated today by District Attorney Jerome. The affidavit on which the commitment was issued was made public today by Justice Wyatt, who was the issuing Justice. It bears the name of Victor G. Mitchell, of this city, but does not give his occupation.

Chicago Career of Woman Who Married Tobacco King. CHICAGO, Jan. 9.—(Special)—Just how far the financial operations of Alice L. Webb, whose newly married husband, Brodie L. Duke, son of Washington Duke, the tobacco magnate, has been placed in a private insane asylum on Long Island, have gone, is still an open question.

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ON GRAND SCALE

Mrs. Duke Carried on Financial Deals

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PLOT LAD BARE

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BRIBERY ON GREAT SCALE

Odesa the Headquarters of Conspiracy Which Has Undermined Loyalty of Army and Caused the Recent Outbreaks.

Special Cable. ODESSA, Jan. 10.—The police last night authorized the bare announcement that a dangerous conspiracy against the government had been unearthed and that large quantities of seditious literature had been confiscated. It can be stated upon trustworthy authority, however, that the extent of the plot is such as to baffle even those who are used to deal with agitators of the worst kind, and in well-informed circles the opinion prevails that the work has been permitted to advance so far that irreparable damage has been done.

WELCOME GUESTS AT LIMA. American Naval Officers Entertained by Peruvian Officials. LIMA, Peru, Jan. 9.—Richard R. Nell, the American Charge d'Affaires, today presented Rear-Admiral Goodrich, commander of the Pacific squadron, and the commanders of the cruisers Chicago and Marblehead and the gunboat Bennington to Foreign Minister Prado, who conducted the Admiral and his staff to the apartments of President Pardo. The latter received the American naval officers cordially and chatted with them for some time. Afterward the Americans visited the Minister of War, Admiral Goodrich invited President Pardo to breakfast on board the Chicago on Sunday. The Charge d'Affaires will give an afternoon entertainment for the visiting American officers.

KANSAS TOWN IS BURNING. Loss of Several Hundred Thousand Dollars Will Be Fall State. KANSAS CITY, Mo., Jan. 10.—The business section of Olathe, Kan., 30 miles south of Kansas City, is burning. A special train is about to start from this city, with a full complement of fire engines in response to an appeal for help. Telephone and telegraph communication was cut off soon after the breaking out of the fire.

NAN PATTERSON IS ILL. Imprisoned Actress Has Severe Attack of Tonsillitis. NEW YORK, Jan. 9.—Nan Patterson, who is awaiting a second trial on a charge of killing Fred Goetz, a 19-year-old boy, in the Tombs prison. Her condition is regarded as serious.

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WITTE WILL STEP IN. Former Minister Will Soon Supplant Sviatopolk-Mirsky. ST. PETERSBURG, Jan. 9.—M. Witte, as Interior Minister Sviatopolk-Mirsky's successor and holding a position in the councils of Emperor Nicholas approaching General Loris Melikov's during the trying Nikhilist days of Alexander III, had been one of the startling results of the contest waged over the question of interior reforms.

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IT STEELS TRADE

Moody Argues Against Beef Trust.

GONSPYRACY IS SHOWN

Attorney-General Exposes Its Methods of Action.

ATTEMPTS TO EVADE LAW

Trust's Denial That Its Business is Interstate Business—How It Works Stockmen, the Railroad and Consumer, Each in Turn.

WASHINGTON, Jan. 9.—Attorney-General Moody today resumed his argument on behalf of the Government before the Supreme Court of the United States in the case of Swift & Co. vs. the United States, commonly known as the "Beef Trust" case, begun last Friday. Mr. Moody said none of the arguments or acts complained of related to manufacture or production, but to commerce—commerce as distinguished from manufacture or production. They do not accomplish fusion of property interests he said, but are, on the contrary, simply agreements between strangers to each other's business affecting their freedom of action in certain respects, and by that consideration the case at bar is shown to be devoid of those features from which differences of opinion arose in the Northern Securities case. He also pointed out differences between this and the Knight and Hopkins cases. Thus, he said, the inquiry is narrowed down to only two questions for the determination of the court.

Whether the commerce in the case was commenced among the states, and, if so, whether the agreements constitute a monopoly or any part of it. Mr. Moody said it appears clearly in the petition that there were three main subjects upon which the defendants entered into an agreement. Taking up the agreement alleged in paragraph 1 of the petition, Mr. Moody said that eliminating all the statements by which the pleader characterized the purpose and effect of the agreement, the following state of facts is clearly shown: Farmers raising livestock and living in other states and territories than those where the stockyards are situated were accustomed to send such stock to the various stockyards named for the purpose of sale there. The defendants who were severally engaged in the business of buying such livestock, for the purpose of slaughtering and converting into beef, entered into an agreement with each other to refrain from bidding against each other, except collaboratively, in the purchase of such livestock, and to suppress all competition in such purchases.

Business is Interstate. An agreement having been thus clearly alleged, he said, the question arose as to whether the commerce related to interstate commerce, and proceeded to argue the proposition, saying that the same sort of bargain is made for cattle produced and owned within the state as is made for cattle produced and owned in another state and sent to the "locus" of the transaction for the purpose of sale there. The interstate character of the transaction, he said, is shown by the fact that the livestock living in one state ships it to another, continues from the beginning of the shipment to and including the sale of the commodity, if it has not lost its identity by the time of the original package in which it has been imported.

More Than Fifty Persons Frozen to Death in Germany. BERLIN, Jan. 9.—More than 50 persons were frozen to death in the Province of East Prussia, within the districts of Posen during the recent cold period.

It Was All a False Alarm. LONDON, Jan. 9.—The German Embassy informs the Associated Press, relative to the statement made by Dr. Paasche, the National Liberal leader, to his constituents at Kreuznach, January 7, that Germany and Great Britain were on the verge of war in the latter part of December, owing to utterances of the Army and Navy Gazette, of London, that no representations whatever had been made to the British government by Germany in regard to belligerent utterances of the Gazette. When Secretary von Bernsdorff, of the British Embassy, was in Berlin several weeks ago, the Foreign Office asked him if the paper whose article had excited the controversy was an official standing. On being assured to the contrary, the German Foreign Office gave the matter no further notice.

Religious Riot in Sacred City. JERUSALEM, Jan. 9.—The Greek Christians' observance in the City of David of the feast of the Epiphany, marked by a sharp fight between Greek and Latin clergy, arising from the old-time jealousy regarding protection of the grotto. The Governor said to be summoned to quell the rioting.

Killed by Germans in Africa. BERLIN, Jan. 9.—Lieutenant-General von Trotha, commander of the forces in German Southwest Africa, cables that Major Meiller estimated the losses of Wittholz in the fight on January 2, 3 and 4, as at least 30 dead. The German losses have not yet been reported.

Lost Lightship Comes to Port. BREMEN, Jan. 9.—The Borkum Reef lightship, which broke from her anchorage in a terrific storm and went ashore, has reached her port.

JUDGE AND SHERIFF MUST PAY Jury Awards Damages Against Them for Killing Marcum. WINCHESTER, Ky., Jan. 9.—The jury in the case of Mrs. Abrell Marcum, who was shot and killed by Sheriff Callahan and Attorney Fulton for \$100,000 for alleged conspiracy with Charles Jett and Thomas White to slay her husband, James B. Marcum, today returned a verdict for \$3000 against Judge Hargis and Sheriff Callahan and found for defendant in the case of French and Senator Hargis.

Commerce is Restrained. Arguing on this question, Mr. Moody said it would be a useless parade of learning to offer to the attention of the court the long line of decisions declaring that the system of Congress upon the subject of interstate commerce is in effect a declaration that it shall be free and untrammelled, and referring to the act of 1890, regulating interstate commerce, he said he knew of no other act which restrains the freedom of the individual to conduct interstate commerce according to his own discretion and choice; it follows, he said, that the conduct of the defendants set forth in paragraph six is entirely within their rights, unless it constitutes a contract, combination or conspiracy in restraint of trade, or a monopolization or attempt to monopolize any part of such commerce. Having cited certain species of contracts which he did not believe should be held to be within the prohibition of the interstate commerce act, Mr. Moody said: "But each age has its own evils, and there has come into view in more modern times another kind of contract which, unfortunately, as I venture to say, has been also called a contract."

(Concluded on Page Four.)