

BENSON FEARS TO CALL LEGISLATURE

Acting Governor Will Take Another Week to Think Over Situation Before Acting.

TAXPAYERS SEND PROTEST

Solons, Once They Got to Salem, Would Take Up General Legislation, Is Belief of Those Who Write to Benson.

SALEM, Or., Feb. 28.—(Special.)—Notwithstanding the urgent need for a new wing and other improvements at the State Insane Asylum, Governor Benson is very doubtful whether he will call a special session of the Legislature to pass the appropriation bill, which failed at the recent session because of a defect in the proceedings.

He has received numerous letters and telegrams from taxpayers in different parts of the state urging him not to call a special session, lest the Legislature, when once convened, will take up general legislation and remain in session for a week or more. Those who object to the calling of a special session generally acknowledge the need of improvements at the asylum, but say that it is better to let the improvements wait than to take chances with a special session.

The fact of the matter is, that all the institutions except the asylum could manage to get along without the improvements, though all of them would be inconvenienced. The asylum has capacity for 1500 patients, but there are now 1571 in the institution. In a few days 40 of these will be transferred to the institution for the feeble-minded. But in the next two years 250 new patients will be admitted to the asylum and the problem will be what to do with them unless money is available to construct a new wing. This condition of affairs, together with the need of better fire protection, makes the special session almost unavoidable. And yet Governor Benson does not feel like taking upon himself the responsibility of calling a special session when taxpayers would be taking the Legislature, if called together, will not adjourn as soon as the urgent business for which they were called has been transacted.

Some of the leaders in both houses of the Legislature have informed Benson that they believe he is called together for the purpose of passing the improvement appropriation bill, the Legislature will do that and go home. It was thought that there would be a chance to pass the normal appropriation bill which failed by one vote, but at least two of the Senators who voted for the bills when up at the regular session have said that they would not help pass them at a special session for fear this would open the way for general legislation. Governor Benson will take a week to consider the matter and then will announce whether a session will be called.

STATE'S CASE IS REFUTED

Witnesses for Defense Testify in Favor of Dr. Peacock.

CATHLAMET, Wash., Feb. 28.—(Special.)—Dr. James E. Bell, of G. E. Watts, of Portland, and Dr. Estes of Astoria, medical experts, called in by the defense of Dr. Fred Peacock, testified at last night's session of the trial. The testimony of the three physicians went to show that the alleged operation which Dr. Peacock is said to have performed upon the girl, in the manner described by Drs. Pilkington and Hacking in their testimony.

All three of the experts were subjected to a most searching cross-examination by Attorney Dan J. Maloney. He displayed a wonderful knowledge of anatomy and surgery, and several times he had the physicians questioning. Attorney Maloney was especially severe in his cross-examination of Dr. Estes, and the Astorian had a grueling time of it under the rapid fire of questions and charges that Attorney Maloney put to him.

Attorney John Manning has several other medical experts to place on the stand tomorrow morning and several nurses. He has only a few witnesses other than those who will place Dr. Peacock on the stand. The attorneys on both sides feel confident all testimony will be in tomorrow afternoon and that with another night of questioning the case will be submitted to the jury. Dr. Bell and Dr. Watts left this morning for Portland.

COPPER MINE IS BONDED

New York Parties Said to Have Placed \$200,000 in Property.

BAKER CITY, Or., Feb. 28.—(Special.)—New York parties have taken a bond on a rich copper property in the "Seven Devils" country known as the Peacock. The bond runs for 15 months, and while the price has not been made public, mining men here say it is not for less than \$200,000.

The South Peacock is reputed rich in high-grade copper and lies adjacent to the original Peacock, which was worked several years ago and which produced sufficient high-grade copper to cause the "Seven Devils" mining excitement. This deal just closed is considered by mining men here as the start of a general activity that will prevail in the northwestern part of Baker County as soon as the Northwestern Railroad reaches Copperfield.

L. D. MAHONE IS MARRIED

Multnomah Representative Weds Castle Rock Girl.

CASTLE ROCK, Wash., Feb. 28.—(Special.)—L. D. Mahone, member of the Oregon House of Representatives, was married here last night to Miss Helen Brewer, a Castle Rock girl. The wedding occurred at the home of the bride's parents, and was a very quiet affair, with only the family and a few friends present. After the ceremony Mr. and Mrs. Mahone left for Portland, where they will make their home.

Albany Applemen Organize.

ALBANY, Or., Feb. 28.—(Special.)—The Albany Applegrowers' Association, incorporated last week, was formally launched at a meeting in the Courthouse here yesterday afternoon, when a stock book was opened and most of the lead-

ing growers in this vicinity joined the association. This association will pack and market the fruit of its members on a scientific and uniform basis, employing skilled packers to prepare the fruit of all the growers for market.

APPEL GATE LAND AGENT

Named by Benson to Succeed C. V. Galloway, Who Takes New Job.

SALEM, Or., Feb. 28.—(Special.)—Governor Benson tonight announced that Peter Appelgate, of Jacksonville, will be appointed State Land Agent to succeed C. V. Galloway, who resigned to accept appointment on the Board of Tax Commissioners.

The new State Land Agent is a son of Jesse Appelgate, the pioneer, and is about 56 years of age. He is a surveyor by occupation and has served as County Recorder and County Assessor of Jackson County.

As previously announced, S. A. Koser will be appointed Insurance Commissioner. Koser was formerly a resident of Astoria and came to Salem ten years ago to take a position in the office of Secretary of State Dunbar. He is now chief clerk in the Secretary's office, and as such has had charge of the insurance business. Koser will be succeeded as chief clerk in the Secretary's office by F. K. Lovell.

Expect Big Salvage.

VICTORIA, B. C., Feb. 28.—Advices received here from Brisbane state that

the British freight steamer Falls of Orrey has arrived there towing the British steamer River Clyde, which was found adrift with her coal exhausted, bound from Manila to Newcastle. As the River Clyde, without her cargo, is valued at \$150,000, a large salvage is anticipated.

Part of Coos Bay School Boards' Extension Work.
MARSHFIELD, Or., Feb. 28.—(Special.)—Extensive work by the School Boards of Coos Bay constitute the most important improvement now in progress in the bay cities. The new high school for Marshfield is completed and was opened Friday, February 26. It is a frame structure located in the south of the city and stands on a hill, where it can be seen from every part of town. The new school cost \$25,000 and is equipped in the most modern way throughout. The building is one which would be creditable to any city and the equipment is first class. It is the intention to use the new school for the High School classes and for the children in that part of the city who attend the lower grades. The old High School building, which is near the business section, will be used only for the lower grades, which will accommodate that particular end of the city. In addition, there is to be a new school in the Bay Park Addition, a suburb near the Smith Mill, where many new houses have been erected during the past year. These improvements were made necessary because of the increase in attendance during the past few years. In Marshfield there are 758 children of school age. Of these 401 are boys and 357 girls. North Bend is also having constructed a fine new High School building, which will be completed some time this spring.

showed marked signs of insanity before he was hauled by student waiters. The landlady at the boarding-house where Bristol lodged corroborated his statements, and declares the evidences of Bristol's mental weakness were unmistakable.

Aid Missionary Boat.

The Girls' Christian Club of the First Christian Church gave an interesting programme last night in aid of the missionary boat Oregon to be launched on the Congo River in the near future. At last night's entertainment a boat had been constructed on the stream and on its sides were fastened the names of the 15 classes who have subscribed funds for the original boat. A programme was rendered under the direction of Mrs. C. M. Kiggins, consisting of literary and musical numbers. Next Sunday afternoon Dr. Royal J. Dye, who will have charge of the missionary boat, will speak in the First Christian Church in behalf of that enterprise.

Stealing Logs at Raymond.

RAYMOND, Wash., Feb. 28.—(Special.)—A gang of log pirates has begun operations on the waterfront in this city. Some time during Thursday night the Siler Mill Company's boom was opened, and a few logs were stolen by some unknown thieves. The mill companies have combined and offered a standing reward for the apprehension of the thieves.

Big Block for Aberdeen.

ABERDEEN, Wash., Feb. 28.—(Special.)—E. C. Finch has awarded a contract to the Reno Concrete Construction Company, of Seattle, for a five-story of-

DEATH CLAIMS ROSEBURG RESIDENT.

JOHN W. THOMPSON, DECEASED.

ROSEBURG, Or., Feb. 28.—(Special.)—John W. Thompson, who died here Monday, February 22, was born in Jackson County, Ore., in 1844. He came to Oregon with his family in 1879, settling in Roseburg. He leaves a widow, Mrs. Mary Thompson, and three children—Mrs. Esterbrook and Melvin Thompson, of Roseburg, and George O. Thompson, of No. 320 Union avenue, North, Portland.

His building to cost \$100,000, to be built on Heron street. Work will begin Monday. This is the largest business block ever planned for Grays Harbor.

Enthusiasm at Gregory Heights yesterday. See page 2.

At noon on the day of the episode Bristol was late and Downs told him

that if he was late again he would have to go to the bathtub. He was late that evening and, when supper was finished, the boys told him they were going to keep their word and put him in the tub.

Kept Knife Tied to Bed.

The mental breakdown of Ralph Bristol occurred two days after the bathtub episode. Investigation here showed that the boy was in his usual health and spirits the day after the event, referring to his experiences in a joking way and apparently holding no malice toward his fellow-students.

The family with whom he roomed, the Goodnoughs, who live on the corner of Thirteenth and A streets, say that he showed signs of great fear almost daily; that he seemed afraid to go to bed at night, and that he several times told of things which had happened to him that they knew had not happened.

Mrs. Goodnough stated that he kept a knife chained to his bed and some books lying by his bedside. She said that he had found a .25-caliber rifle in his bed once or twice.

INQUIRY WITHIN TWO WEEKS

Mr. Bristol's Charges and Students' Reply to Be Heard.

Frederick V. Holman, chairman of the Board of Regents, said in an interview yesterday that he had been corresponding with Judge William Smith, of Baker City, and had also consulted J. C. Allen, of Portland, the other two members of the investigating committee, as to the date on which the proposed hearing of the Ralph Bristol case by the university regents should be fixed, and that he believed the Board could hear it inside of two weeks. Mr. Holman said the Board was acting on the complaint of John N. Bristol, father of the victim, made in January to the Board.

The authority of the Board does not permit it to issue subpoenas to compel witnesses to appear, but there is no doubt that at the investigation the parties charged with the assault and hazing will be present and testify. Their names are known and have been given, and they will all be duly notified by the Board of Regents.

LAD'S MIND WEAK, STUDENTS ALLEGED

Bristol Showed Indications of Mental Unbalance, According to Their Story.

FACULTY TAKES UP CASE

"That's Not Bad." Victim Is Said to Have Remarkably After Ducking in Bathtub—Boys Who Did Hazing Talk.

EUGENE, Or., Feb. 28.—(Special.)—It is declared by students at the University of Oregon who knew Ralph Bristol that the unfortunate young man had

NEW MARSHFIELD SCHOOL OPENED

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showed marked signs of insanity before he was hauled by student waiters. The landlady at the boarding-house where Bristol lodged corroborated his statements, and declares the evidences of Bristol's mental weakness were unmistakable.

Members of the faculty who investigated the affair also accept this view. The students who were responsible for the tubbing of the student were Chester Downs, of Portland; Byron Goodall, of Salem; James Nell, of La Grande; John Rust, of Roseburg; and Wilfred Wattenburg, of Forest Grove.

Professor F. G. Young, of the faculty, said tonight:

"The faculty investigated carefully the case of the unfortunate student, and, after getting all possible evidence, was convinced beyond doubt that his mind was not in the right frame of mind for several weeks. He was a quiet student, taking his work seriously and apparently keeping apart from others, so that his habits were not generally known. He was in some of my classes, and I noticed that just before the Christmas vacation he was hardly able to do his work as he usually did. He passed him by, thinking that possibly he was overworking himself.

"While it is possible that the excitement of the incident might have been too much for Mr. Bristol in his state of mind, investigation showed that he did not take the matter to heart, and it seems certain that he had been suffering more than even his friends understood for a considerable time.

"The faculty and others bring out the very general opinion that the breakdown of the young student was not caused by the bathtub episode. There has been no disposition to cover up the details of the incident, except for the consideration of the young man and his parents, who have the sympathy of the university and townspeople.

Hazing Story Exaggerated.

Chester Downs, one of the boys who put Bristol in the tub, said tonight:

"Bristol was not in my class and none of us knew that he was suffering from any mental trouble. His habit of constantly being late was very trying, frequently putting us behind in class work. I don't think that the bathtubting could have taken it good naturedly enough to take it upon himself to charge him at the bottom of the stairs. He was not in the tub more than five or six seconds and came out of it in good spirits."

James Nell, the only other student who could be interviewed tonight, said:

"I was not well acquainted with Bristol, nor did I know at the time of his mental troubles or worries. I don't think any of the fellows knew much about him. He seemed to take his tubbing philosophically, and I do not think the excitement could have affected him so seriously. Eight or ten of the students in the dormitory had been tubbed before Bristol, and nothing was thought of it.

The published statements regarding the incident have been greatly exaggerated. There was only a few inches of water in the tub, the boy had his clothes remaining there only a few seconds when he got up and laughingly said, 'That wasn't so bad,' and then some of the fellows got dry clothes for him. The story of breaking down the barriers in the fight on the stairs is untrue, as are many other details of the published story."

Delayed Work at Tables.

The students who "tubbed" Bristol are all working their way through college by waiting on tables. The boys state, and the investigation of the faculty shows, that young Bristol was habitually late at meals. This was in violation of the rules of the Dormitory Club, and for two months past his tardiness had caused the waiter boys to be late to classes.

He had been asked to do better, and once in the dining-hall had been rebuked to come to dinner by one of the waiters, took up a paper to read and thrown the work at his table back 15 or 20 minutes.

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The charges made by Mr. Bristol have been direct and positive. He has furnished evidence which, if substantiated at the hearing, will make the case one of the most heinous brutalities which has ever disgraced the annals of hazing at the University of Oregon. The punishments to which the defendants may be liable so far as the state authorities are concerned is a matter of grand jury indictments and the criminal laws of Oregon.

J. C. Alinworth said that he was of the opinion that the hearing should be held quiet more than a day; that the bulk of the witnesses were in Eugene and that the entire hearing would most probably be conducted there. He said the Board was in possession of data relating to the entire affair so far as the assault charged was concerned and that it would give both Mr. Bristol and the students charged the fullest opportunity to present their respective accounts of the affair.

John N. Bristol, on being questioned, asked to be excused from further talk on the subject. He said the entire matter would be thoroughly presented to the Board of Regents on the occasion of its hearing and that he did not consider it proper to say anything more to what he had already stated. He said he had a full and complete account of the affair and that everything would be fully shown up at the hearing.

Declare Bristol Cannot Recover.

SALEM, Or., Feb. 28.—(Special.)—There is little hope for the ultimate recovery of Ralph Bristol, the Portland boy who became violently insane after he was tubbed at the University of Oregon last December. Bristol was received at the Asylum on January 29, and for a time was in very bad condition, but it was thought he was recovering. He is still badly deranged, and the Asylum authorities declined to discuss his condition for publication, but indicated the opinion that his malady is not due entirely to the hazing. They have no hope of his recovering sufficiently to justify his being set at liberty.

SETTLE IN BENTON COUNTY

Fifty Families Expected to Arrive From East Next Week.

ALBANY, Or., Feb. 28.—(Special.)—At least 50 families will arrive in Albany in the next two weeks from Minnesota and South Dakota to settle on land in Benton and Lincoln counties on the old Williams Valley and Yakima Bay wagon road grant. They will be engaged in the cultivation of virgin land tributary to the Corvallis & Eastern Railroad between Elloggett, Benton County, and Toledo, Lincoln County, and will bring out materially to the development of that sparsely settled section of the state.

During the past winter the Yakima Valley Land & Fruit Company, which purchased all of the land remaining unsold in the old grant, has been selling tracts of from 40 to 160 acres to people in the Middle West who have been waiting to start for Oregon when the colonist rates go into effect tomorrow. The main party will leave about March 10 and is expected to arrive here about March 14. They will then be taken to their new homes by agents of the Yakima Valley Land & Fruit Company, which maintains its Western offices in this city.

YOUTH KILLED BY TREE

Injuries Received in Lumber Camp Fatal to E. C. Brown.

E. C. Brown, a 19-year-old youth who was employed at the camp of the Cowitz County Logging Company, near Kelso, Wash., died yesterday morning at 9 o'clock at the Good Samaritan Hospital, as the result of injuries received on Saturday while at work felling a tree. A branch of the tree struck him on the head, inflicting a fracture at the base of the skull. He was brought to this city Saturday and placed in the hospital.

Owing to the fact that he was in a delirious condition on his arrival and remained so until his death, no information was obtained regarding Brown except his name and that a brother-in-law, whose name is not known, lives in Portland. The coroner has taken charge of the case and is investigating it for the purpose of locating the dead boy's parents or relatives.

VESTAL FOUND IN MISSOURI

Youth Wanted on Cattle-Stealing Charge to Be Returned to Oregon.

KLAMATH FALLS, Or., Feb. 28.—(Special.)—Roy Vestal, wanted for trial on a charge of cattle-stealing, jointly with Alf Wallis and Charles Liskay, has been captured by Sheriff Barnes, of this county, in Missouri, and the Sheriff is on his return with him. Vestal has been missing for several months, and it is understood that the Sheriff has traced his man a distance of 3000 miles.

Charles Liskay, convicted of horse-



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stealing, will be sentenced by Judge Noland on Monday, March 1. This was on the charge of the theft of 21 horses for which Liskay was indicted jointly with Alf Wallis. The trial of the latter will occur later, at the present term of court.

David Alexander, who was indicted some time ago for assault on Indian Burdette with intent to kill, has been adjudged insane and will be sent to Salem.

TO LAY MINES IN SOUND

Submarine Defenses Will Be Placed at Strait's Entrance.

PORT TOWNSEND, Wash., Feb. 28.—(Special.)—The work of placing the first of a series of submarine defenses in Puget Sound will be commenced in May. War Department advices received at the headquarters of the offices of the Puget Sound district indicate that a torpedo planter has been ordered to Puget Sound waters, and should arrive before May 15. Upon arrival of the planter, the construction of mine defenses will be commenced. Other instructions advise that an additional steamer for target towing has been assigned to the district. Local Army officers state that the department's action completes plans long in process of formulation, and that no emergency significance can be attached.

HOLD HORSE FAIR APRIL 3

Salem Making Preparations for Large Number of Entries.

SALEM, Or., Feb. 28.—(Special.)—Salem's annual horse fair, established a year ago, will be held this year on Saturday, April 3. The great success of last year's fair has encouraged the managers of the enterprise to prepare for a still greater event this year and it is certain that with larger and more numerous premiums and wider publicity, there will be a greater number of horses on exhibition and larger crowds in attendance. F. A. Welch, secretary of the State



Out to-day March list of New Victor Records

The complete list will be found in the March issue of Century, Everybody's, McClure's, Munsey's, Scribner's, and April Cosmopolitan. Go and hear the records at your dealer's.

Victor Records are different—they represent quality. They are a work of art from the recording of the artist's voice to the finished records.

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Sixth and Morrison Streets—Opp. Postoffice

Fair board, has been engaged as secretary of the Salem Horse Fair, and any inquiries concerning entries may be addressed to him. Last year there were no entrance fees charged and presumably there will be none this year. The president of the Fair Association is F. J. Stockton.

Pendleton Jeweler Dies.

PENDLETON, Or., Feb. 28.—(Special.)—Louis Hunaker, aged 35 years, a prominent citizen and leading jeweler of this city for many years, died suddenly at his home Friday night. Death was due to heart failure. The deceased formerly resided at Walla Walla and Colfax, coming to Pendleton in 1896. Mr. Hunaker is survived by a wife and one small daughter.

Gamblers Taken in Raid.

New Chinatown was the scene of a gambling raid last night and seven celestial gamblers were taken prisoners in a den at 97 Fourth street North by Detectives Howell, Reed and Tichauer. Ah Lee, Lee Foo, Ah Ton, Ah Loi, Charley Lou, Ah Leo and Ah Honey were the victims. Forty-one dollars was found on the gambler table taken as evidence. All the prisoners were hauled out at \$50 each.

