"ANTIS" CLAIM TO BE IN CONTROL

Declare They Are Strong Enough to Organize Washington Senate Monday.

BITTER FIGHT IN CAUCUS

Insurgent Leaders Will Insist on "Square Deal" on Threat They Will Oppose Confirmation Coon's Nominations.

OLYMPIA, Wash., Jan. 12.—(Special.)—Organization of the Senate is being bitterly fought here tonight in advance of the opening of the tenth legislative session, which begins at noon Monday.

Most of the members are here tonight. Twenty of the insurgent Senators met in secret caucus and were in session two hours. They claim five more of the Senators yet to arrive, which will give them a clear majority. Every insurgent refuses to discuss the caucus or agreements other than to declare they will insist on a square deal on committee assignments or else will refuse to confirm Lieutenant-Governor Coon's committee appointments.

The caucus agreed to change rule six to provide that all committee appointments by the Lieutenant-Governor must be sent to the Senate for approval, and named a committee headed by Condon, of Kitsap, to confer with President Coon on appointments in spite of this caucus.

Governor Coon's friends insist that he has a majority and that several members attending tonight's caucus have assured him they will support him and not the insurgents.

In the House L. O. Meigs will be Chief Clerk. Reid, of Pierce, will introduce a resolution cutting House employes to less than half the number of last session and reducing salaries 30 per cent.

Opposition to Seattle Fair.

That there is a strong movement favoring holding down the Alaska-Pacific-Yukon Exposition appropriation to $500,000 instead of the $1,000,000 Seattle asks, that the tax commission may be abolished and that radical changes will be made in the railroad commission laws are probably the more important developments of today's informal conferences here of members of the Legislature.

King County men have assurances from both Lieutenant-Governor Coon and Prospective Speaker Falconer that the chairman of the appropriations committee in both House and Senate will favor liberal appropriations for the fair.

Opposition From East Side.

The opposition to the tax commission comes chiefly from the east side. These delegations have figured out, they claim, that although valuations of all property in the state was raised many millions by the tax commissior this year, railroad property actually pays on less valuation than ever before. The recommendations of the commission that railroads be exempt from city, county, road and district taxes and the publicly announced opposition of President Rockwell of the commission to large appropriations for the higher educational institutions have also made enemies for the commission.

The anti-railroad commission sentiment seems chiefly directed against Commissioner J. C. McMillin, whose confirmation by the Senate will meet serious opposition. East side members claim that McMillin has, since his appointment, spent but 16 days in all at the commission offices here, for which he has drawn $6000 salary and several hundred for expenses.

Chairman Fairchild, of the commission, is also opposed by a number of legislators, but it is thought his confirmation, like that of Commissioner Lawrence, is assured. There is a movement for the passage of a bill making the commissioners elective instead of appointive, and this has a number of earnest advocates.

Routine of Opening Day.

Monday's session will be devoted entirely to organization, and neither house will be in session more than an hour, from present indications. The members will be sworn in, a President pro tem. of the Senate (T. B. Sumner, of Snohomish) and Speaker A. J. Falconer, of the House, will be elected, employes chosen and adjournment taken until Tuesday morning.

Tuesday the committees will be announced in each body, and Wednesday probably Governor Mead will read his message to the joint assembly.

It will be a week or more before the Governor will send in his list of appointments made during recess to the Senate for confirmation.

By that time he will practically know which, if any, will meet opposition, so that he may make changes if he desires.

BARBER MAY GO SCOT FREE

Idaho Manslaughter Case Must Be Retried or Dismissed.

BOISE, Idaho, Jan. 12.—(Special.)—The Supreme Court has revised the judgment of the lower court in the case of Charles H. Barber, convicted of manslaughter in Washington County in December, 1905, and sentenced to seven years for the killing of Charles Macom, and remanded the case for further proceedings.

The Supreme Court holds that the lower court erred in assigning another attorney to attend upon the grand jury when it was not shown the County Attorney was disqualified from discharging his duties. The fact that the County Attorney was engaged in other matters was not sufficient. Some minor errors are found.

The lower court is directed to quash the indictment and discharge the prisoner or submit the case to another grand jury.

WILL RESTORE POSTOFFICE

People of Willamette Make Vigorous Protest to Department.

OREGON CITY, Or., Jan. 12.—(Special.)—The Postoffice Department has rescinded the recent order abolishing the postoffice at Willamette. Postmaster T. J. Gary received a telegram this afternoon advising him of the fact.

The people of Willamette are prepared to make a fight for their office and have declined to accept the rural free delivery service from Oregon City, only three persons putting up boxes along the route, which covers the town. When the order of abolishment was issued, the matter was taken up with the First Assistant Postmaster General and United States Senaor Fulton.

Aid Society Rescues Children.

VANCOUVER, B. C., Jan. 12.—Secretary South, of the Children's Aid Society, has brought down from Hosmer four children, who were found with hardly any clothing in a fireless shack and in danger of freezing to death. The thermometer was standing at 27 degrees below zero when he rescued the children. Hosmer is in the Crow's Nest district in the extreme east of the province.

SEATTLE HAS FOOT AND HALF

Deepest Snow in Five Years—Weather Is Growing Colder.

SEATTLE, Wash., Jan. 12.—(Special.)—A sudden drop of 15 degrees in temperature last night switched a rain into a snowstorm, and snow has been falling almost incessantly ever since, until there is a depth of 18 inches in the higher points of the city, registering the deepest snow since 1902.

Street-cars were kept in operation all night in order to keep the tracks open. Telephone and telegraph wires are down and the light service has been considerably injured. Sleighs made their first appearance in several years.

A colder temperature came this afternoon and everything is freezing, bringing about a serious condition, in that teams will be powerless to climb the hills to deliver coal. This will aggravate the conditions, which have been severe from lack of fuel.

Frozen to Death on Desert.

MACKAY, Idaho, Jan. 12.—Two ranchers known as the Reel brothers, who lived on the desert 15 miles south of Arco, were frozen to death last night. They left Arco considerably under the influence of liquor and lost their way in a blizzard. A section foreman on the Oregon Short Line found their bodies four miles from Arco.

Albany Enjoys Sleighing.

ALBANY, Or., Jan. 12.—(Special.)—The first snow of the season in this part of the state fell this morning. The ground was covered by an inch of snow and several Albany people enjoyed the unusual pastime of sleighing. Snow remained on the ground most of the day.

Three Inches Deep at Astoria.

ASTORIA, Or., Jan. 12.—(Special.)—Three and one-half inches of snow fell in the business section of the city this morning, while on the hills it was much deeper. During the day much of the snow melted, but this evening the wind has shifted to the northeast and the mercury has dropped below freezing.

Snowing Again at Salem.

SALEM, Jan. 12.—(Special.)—Snow fell here early this morning and lay on the ground all day. Tonight there is a renewal of the storm with indications of colder weather.

FUGITIVE BEAR RETAKEN

MAN WHO ESCAPED WITH BARKER IN CUSTODY AGAIN.

Officers Believe Young Desperado Is Headed for Nevada—Draper's Dogs Taken Back to Spokane.

PROSSER, Wash., Jan. 12.—(Special.)—Sheriff McNeill received word this afternoon that R. C. Bear, the horsethief who broke jail here Thursday night with "Kid" Barker, the Kennewick desperado, had been recaptured at Sunnyside by Constable Young.

No details of the capture have been received, but the Sheriff has sent two men for the prisoner. Bear was at O. Jaru's place, 15 miles northeast of here, before daylight yesterday morning, inquiring for Clement Mosier, who has a homestead in the vicinity. But Mosier is working at Sunnyside and Bear made his way there. He formerly worked for Mosier.

No definite information has been received as to the whereabouts of Barker, but the Sheriff thinks he went west and will travel in freight trains. It has been learned that Jake Lake, his partner, who was killed in the Kennewick fight, has a wife and property in Nevada, and Barker is probably headed that way.

When arrested Barker claimed he had only been with Lake a short time, but it is now known they had been together five years.

Harry Draper returned to Spokane with his bloodhounds this evening. The dogs could not be used on the frozen trail.

Fred Thomas, charged with horsestealing, who escaped and was recaptured, was bailed out today by an uncle and cousin from Johnson City, Tenn., depositing $750 in cash.

WILL DEBATE WITH OREGON

University of Washington Makes Selection of Three Teams.

SEATTLE, Wash., Jan. 12.—(Special.)—After a try-out at two days' sessions, nine men were chosen by the judges from among the students at the University of Washington today to represent that institution in the three-cornered debate with the two Oregon and the Idaho universities, which will take place next Spring.

At Eugene, William Rasmussen, Charles Hall and Edward Bawes will take part. The debate with Idaho will take place here and Victor Zednick, Harlan Trumbull and George Spirk will represent the local university.

The Pacific University debate will also be held in this city and the following trio will represent Washington: Wiley Hemphill, Herman Allen and Charles Norton.

DEAD OF THE NORTHWEST.

Hon. D. F. Percival.

CHENEY, Wash., Jan. 12.—(Special.)—Hon. D. F. Percival, president of the Bank of Cheney, and this city's foremost citizen, died here suddenly yesterday.

Daniel F. Percival was born in Maine 68 years ago. He served in the Civil War, and in 1866, in company with his brother-in-law, S. F. Blythe, now of Hood River, Or., crossed the plains to Montana. He went to California in 1868, and came to Oregon in 1870.

In 1871 Mr. Percival located in what is now Spokane County. He served two terms in the territorial Legislature from Stevens County. He has been Cheney's foremost citizen since the town was laid out. He established the first bank, built the first brick hotel, put in waterworks and electric lights for the city, and left nothing undone towards advancing the interests of his home town. In 1896 his business interests suffered from the effects of the prevailing hard times and his bank failed, but being a man of wonderful energy and business ability, he never lost courage, and gathering the limited resources left him, he started up in the banking business again in the community where he was known, and was in a fair way to retrieve his fortunes when death came.

Jasper Minto, of Salem.

SALEM, Jan. 12.—(Special.)—Jasper Minto, son of Mr. and Mrs. John Minto, died here today, aged 47 years. Deceased was for many years prominent in Marion County politics and served a term as County Treasurer. For several years he has been in poor health.

IS OUT FOR 90 DAYS

Supreme Court Suspends A. H. Tanner From Practice.

LAST ACT MITCHELL DRAMA

Court Makes No Comment on Facts in Case, Stating Only That Action Necessary to Uphold Dignity of Profession.

SALEM, Or., Jan. 12.—(Special.)—The Supreme Court today suspended A. H. Tanner from practice as a member of the Oregon bar for a period of 90 days, for the part he took in the effort to shield Senator Mitchell in the land fraud trials.

After stating the origin of the disbarment proceedings and that Mr. Tanner admits all the facts, the Supreme Court, in an opinion per curiam, says:

"We must not comment on the facts. They speak for themselves. There are circumstances which call for the exercise of clemency, but that does not justify the offense. . . . Proceedings for the disbarment of an attorney are not for the purpose of punishing him for the commission of a crime. That matter is left to the criminal courts. The objects of the proceedings here are to uphold the dignity and purity of the profession, protect the courts, preserve the administration of justice and protect clients, and it is believed that it is not necessary, in order to accomplish this purpose, that the defendant should be permanently disbarred, but he will be suspended for a period of 90 days."

SUPREME COURT DECISIONS.

Validity of Indictments in Multnomah County Are Upheld.

SALEM, Or., Jan. 12.—(Special.)—The Supreme Court today upheld the validity of indictments found by the grand jury in Multnomah County last June. The legality of the indictments was questioned in a case against Charles Boch, charged with assault, being armed with a dangerous weapon. After the grand jury had been drawn, impaneled and sworn, Olaf Akeyson was relieved from service after a hearing before the Judge in chambers, it being shown that Akeyson had voted at the Sellwood election upon an affidavit as to qualifications in the same manner that many others had done whose action was to be investigated by the grand jury. T. A. Reynolds was selected in his stead and he was permitted to serve as a trial juror.

In the Bock case it was contended that the indictment was invalid because of Akeyson being relieved from duty, though he had not become sick or otherwise unable to continue in the discharge of his duties, which are the only reasons provided by the statute for relieving a grand juror.

The Supreme Coert does not pass upon the question whether the Judge was authorized to relieve the juror from duty, for there are but two grounds specified in the statutes for which an indictment can be sent aside (B. and C. Comp., Section 1349) and the grounds set forth in this case were neither of those specified. The court says that if the law is at fault in that respect the remedy must be sought by application to the Legislature to amend the statute by enlarging the grounds upon which an indictment may be set aside.

The case was reversed and a new trial ordered because in instructing the jury Judge Gantenbein, who tried the case, assumed the existence of facts which were disputed. The opinion of the Supreme Court was by Justice Moore.

State of Oregon, respondent, vs. Holiver Megorden, appellant, from Multnomah County, George E. Davis, Judge; affirmed; opinion by Justice Hailey.

Megorden was convicted of murder in the first degree, committed by shooting his wife at their home near Nyssa, March 28, 1905. On appeal a large number of assignments of error were made, but the Supreme Court finds that the rulings of the lower court were substantially correct and that the defendant had a full, fair and impartial trial under the laws of this state.

Nellie Washington, plaintiff, vs. John B. Cleland, judge of the Circuit Court for Multnomah County, defendant, petition for writ of mandamus denied; opinion by Justice Hailey.

Defendant was found guilty of assault and fined $200. She deposited this sum with the clerk "to avoid going to jail" and then tried to appeal. The lower court held this was a payment of the fine and refused to sign a bill of exceptions. The Supreme Court refuses a mandamus to compel signing of the bill of exceptions, and says that there is no provision of law for the conditional payment of a fine pending appeal, and that the payment must therefore have been a compliance with the judgment of the court, thereby putting an end to the case.

Frank T. Gray, respondent vs. Columbia River & Oregon Central Railroad Company, appellant, from Gilliam County, W. L. Bradshaw, judge, affirmed; opinion by Chief Justice Bean.

Gray was in the employ of a contractor on the defendant railroad and was directed by his employers to ride on a freight car of the company to a specified place. His employer had a contract with the company for transportation of employes. The train on which he rode was a combination passenger and freight and in charge of the passenger conductor, who permitted Gray, a boy, to ride on the freight car. There was a rule, not known to Gray that passengers must not be permitted to ride on freight cars. The Supreme Court affirms the judgment of the lower court for damages for an injury due to derailment caused by defective track.

State of Oregon, ex rel Baker Lodge No. 47, A. F. & A. M., respondent vs. J. R. Sieber, appellant, from Baker County, Samuel White, Judge, reversed and new trial ordered; opinion by Justice Moore.

This was a contempt proceeding to punish violation of an injunction not to interfere with the flow of 150 inches of water in Sutton Creek.

The case is reversed for error of the lower court in admitting irrelevant testimony relating to the cutting of a ditch known as the "cemetery ditch."

A. E. Eaton, appellant vs. Blackburn & Breck, respondent, from Baker County, Samuel White, Judge, reversed and new trial ordered; opinion by Justice Moore.

This was an action to recover the value of hay sold and delivered. Payment was refused on the ground of poor quality. The case was reversed because of error in excluding testimony.

S. A. Heilner, respondent vs. John P. Smith & Son., appellants, from Baker County, Samuel White, Judge, affirmed; opinion by Chief Justice Bean.

Second Body Is Recovered.

BAKERSFIELD, Cal., Jan. 12.—The recovery of the body of George Warner, one of the miners who were killed in the cave-in of the Edison shaft December 7, in which Miner Hicks spent 15 days, was made today. This is the second body rescued to date. The identification was made by means of an artificial eye.

SUGGESTS NEW WATER CODE

State Engineer Lewis Completes His Biennial Report.

SALEM, Or., Jan. 12.—(Special.)—State Engineer J. H. Lewis today completed his terminal report, reviewing the work of his department, setting forth the progress of irrigation development and making several recommendations as to legislation. He recommends:

That a complete water code be enacted providing a definite system for establishing and acquiring titles to the use of water, for conveniently proving such title in some central office where an abstract of title of water right can be readily ascertained, and for the protection by the state of all rights to the use of water.

That the appropriation by the state for the making of topographical surveys and hydrographic surveys be increased, contingent, however, upon the United States making equal appropriations for similar purposes to be expended in this state.

That the state co-operate with the United States Office of Experiment Stations, contingent, however, upon the United States appropriating an equal amount for the investigations as to duty of water in various localities and methods of applying water to crops.

That a new state law be enacted, accepting the provisions of the Carey act, which will be in harmony with the proposed new legislation on the subject of waters.

ALL IS READY AT SALEM

LEGISLATIVE HALLS IN SHAPE FOR OPENING MONDAY.

Committee Rooms Are Scarce, However, and Additional Quarters Will Be Needed.

SALEM, Or., Jan. 12.—(Special.)—Secretary of State Dunbar has the legislative halls in readiness for the session which opens Monday, but the lawmakers will find great inconvenience from lack of a sufficient number of committee rooms.

Mr. Dunbar has made as many rooms available as possible by moving the offices of the corporation department, the library commission and the State Engineer to temporary quarters in the old library room on the third floor. The Senate judiciary committee room will still serve also as a cloak room, thus hampering the work of that committee. This session of the Legislature will be asked to provide for improvements at the Capitol with a view to making more office and committee room.

Secretary Dunbar has placed the name of each Senator and Representative on the front of his desk, in letters large enough to be read by the presiding officers and clerks, and the Representatives also have their names on the backs of their chairs, for the information of the people in the gallery.

On Monday morning Secretary Dunbar will turn over his office to Mr. Benson and State Treasurer Moore will vacate in favor of George A. Steel. State Printer-elect W. S. Duniway has already installed a complete modern printing plant and is ready to supersede J. R. Whitney Monday morning.

The only other change in official circles here will be the retirement of Justice T. G. Hailey, who gives place to Judge Robert Eakin. Justice Bean will continue as Chief Justice, as he fills the term that next expires.

FISHERMEN WANT NEW LAW

Will Ask Legislature Separate Columbia From Puget Sound District.

ASTORIA, Or., Jan. 12.—(Special.)—A conference was held here this afternoon between committees from the Seiners' and Trappers' Union and the Columbia River Fishermen's Union to consider amendments to the fishing laws which the Legislatures of Oregon and Washington will be requested to pass. The session was an amicable one and the committees agreed that the two unions will work together for the better protection of the industry, although their interests often clash. They agreed to ask the Washington Legislature to separate the Columbia River district from that of Puget Sound so that the money raised in this district can be expended here.

Several other proposed changes in the laws were agreed upon by the conferees, but they will not be made public until they are approved by the respective unions.

JEALOUS, HE SEEKS TO KILL

Humphrey Trembath Fires Two Shots at Antone Dicklich.

OREGON CITY, Or., Jan. 12.—(Special.)—Humphrey Trembath last night fired two shots at his partner, Antone Dicklich, neither of them taking effect. The men operate the St. Paul House, and for some time Trembath has been jealous of the attentions that he alleges his partner showed Mrs. Trembath, and last evening he discovered them in a room together. After soundly berating his wife, he went out and secured a gun, and after he had fired two shots Dicklich grappled with him and was hit over the head with the weapon in the scuffle that followed. Trembath's face was severely scratched and he was arrested by Night Officer Shaw.

Trembath was lodged in jail and appeared before the authorities this afternoon. His preliminary examination will be held Thursday morning. The charge is assault with intent to kill.

SNOW DRIVES WOMAN INSANE

Overcome by Joy of First Storm Since She Left Ohio.

SEATTLE, Wash., Jan. 12.—(Special.)—Blanche Wilcox, a woman of about 25 years of age, went suddenly insane last night during the height of the severest snowstorm this city has experienced in a number of years, and she was arrested while hurling oranges at pedestrians, which she explained to her captor were snowballs.

She had purchased several dozen oranges and when removed to the police station she pelted the officers and clerks with the fruit.

She explained that it was the first real snowstorm she had seen since she left Ohio several years ago and they should not be too harsh with her for enjoying herself as she did when a girl.

She endeavored to kiss Patrolman Welsh for saving her from an assault she had almost incurred from a party of colored people.

MANY COLLEGES REPRESENTED

Student Bible Study Institute Opens Session at Walla Walla.

WHITMAN COLLEGE, Walla Walla, Jan. 12.—(Special.)—The Student Bible Study Institute of the colleges of the Northwest opened here last night. Delegates are in attendance from the University of Washington, the University of Idaho, the Washington State College, Whitman College, Columbia College, Weston Normal, Waitsburg Academy, Pendleton Academy and Cheney Normal.

The leaders of the conference are Ivan B. Rhodes, college secretary of the Y. M. C. A. for Oregon and Idaho; H. M. Davis, of the Portland Y. M. C. A.; C. M. Rood, general secretary of the University of Washington Association and college secretary for Washington; and Robert Carey, of the Walla Walla Association.

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