# SENATOR FULTON SUED FOR SLANDER

## J. S. Smith, of Salem, Alleges His Reputation Has Been Damaged.

## TREATED AS HUGE JOKE

**Fulton Laughs After Papers Are Served on Him When Leaving Opera-House—Smith Connected With Hold-Up Session.**

SALEM, Or., April 4.—(Special.)—United States Senator C. W. Fulton is defendant in a $5000 damage suit brought against him by J. S. Smith, who alleges that Fulton slandered him in his address at the opera house tonight.

The papers were served upon Fulton as he emerged from the opera house after the meeting and it is apparent that Smith had planned to bring the suit and merely awaited the delivery of the speech which would furnish the basis for the suit.

Smith is the man who made affidavit that Senator Fulton participated in the negotiations which ended in Smith receiving $1500 from Senator Mitchell during the hold-up session of the Legislature in 1897. Fulton has repeatedly denied that he had anything to do with that transaction, and in his speech tonight he declared that the Smith affidavit was false in this particular. This assertion on Fulton's part is made the basis of Smith's suit, the latter alleging that Fulton has accused him of perjury, thus injuring his reputation. L. H. McMahan is attorney for Smith.

When asked tonight what he had to say concerning the suit, Senator Fulton laughed uproariously and when he recovered his composure replied:

"It is nonsense, the sheerest nonsense."

In his speech tonight Senator Fulton covered about the same ground he has in previous addresses in cities in Southern Oregon. He handled Smith a little less roughly than he has in some of his addresses. Among other things he remarked that Smith, though elected to the Legislature of 1897, did not become a member of that body, for the reason, probably, that he ran up against a pile of coin so big he couldn't get over it.

Speaking of pledges on United States Senator he said that a Republican voter's 'choice pledge means practically the same thing as a Statement No. 1 pledge, for it will have the same result. He said that his interests would be served by candidates signing Statement No. 1, for he feels confident that he will be nominated at the primaries and elected by the people in June.

The audience comfortably filled the opera house. H. B. Thielsen presided and introduced the speaker.

### DIRECTORS ARE ELECTED

**Annual Meeting of Water-Users at Klamath Devoid of Interest.**

KLAMATH FALLS, Or., April 4.—(Special.)—The annual meeting of the Klamath Water Users' Association, held today, elected as directors for the ensuing year Alexander Martin, Jr., O. A. Stearns, R. H. Anderson, W. C. Dalton, J. G. Stevenson, E. B. C. Williams, John Irwin, James Dixon and James Rueck. The board organized this evening by the election of Alexander Martin, Jr., president; Jacob Rueck, vice-president, and Claude P. Chastain, secretary.

The meeting was not largely attended and was devoid of extended discussion. Engineers of the reclamation service conferred with the directors relative to the work to be carried forward this year, and an active season of construction is mapped out, including probable work on the Clear Lake dam and on the various canals for distribution of water. Owing to the small representation of the stockholders, action on the proposed amendment to the bylaws was deferred and the meeting was adjourned to June 5, when the amendment will be voted upon.

### WOMEN WANT MORE WAGES

**Tacoma Teachers to Petition Board for More Pay.**

TACOMA, Wash., April 4.—(Special.)—At a secret meeting Wednesday of the women teachers of the high school faculty it was decided to petition the board of education for an increase in salaries to the same basis as that granted the men. Not all the teachers favor the plan, but those who do and those who do not will never be known, since the petition will go unsigned to the board at its meeting next Wednesday. The petition recites that the women teachers work as hard as the men, to put it mildly; that their years of preparation have cost as much and that their work is as effective. No teacher could be found today who would discuss the matter.

### RESIGN TO GET MORE SALARY

**Seattle Councilmen Will Be Re-elected at Once, However.**

SEATTLE, Wash., April 4.—(Special.)—Frank P. Mullen and F. H. Hurd, the only two holdover members of the Seattle City Council, are expected to file their resignations with that body at the regular meeting Monday night. The Council will immediately re-elect them. At the city election last Monday, when all but these two members of the Council were elected or re-elected, a charter amendment was carried increasing the salary of Councilmen from $75 to $125 a month. The charter provides, however, that no officer's salary may be increased during his term. Their resignation and re-election is recommended by the committee as a way out of the difficulty.

### Makes Address on Temperance.

HOQUIAM, Wash., April 4.—(Special.)—Cotterill addressed a fair-sized but not over-enthusiastic audience tonight in the Hoquiam Theater in behalf of temperance. Apprehension that Cotterill had been imported to invade the present municipal struggle proved unfounded, the speaker simply advising his audience to vote for men who would most insistently combat the saloon element and attendant evils. A resolution was adopted at the meeting that no man be supported for the State Legislature who would not further local option in the State of Washington.

### Robert Thomas Beattie.

OREGON CITY, Or., April 4.—(Special.)—Robert Thomas Beattie died here last night at the home of his daughter, Mrs. C. Schuebel, aged 80 years, 6 months and 10 days. He was born in 1827 at Sparat, Ill., living on the home farm until 1886, when he moved to Conway, Kan., where he remained three and one-half years, and came to Oregon City October 2, 1889. He was postmaster at Ely for three years, but during the last five years had made his home with his daughter. Mr. Beattie is survived by the following children: James H., of Tacoma, Wash.; Robert S., of Salem, Or.; John Elmer, of Conway, Kan.; Walter D., of Capron, Okla.; W. Gilbert, of Sitka, Alaska, and Mrs. Agnes Schuebel, of this city. Deceased was a member of Parkplace Grange, Patrons of Husbandry. His funeral will be held from the First Presbyterian Church tomorrow afternoon.

### Held as a Horse Thief.

CORVALLIS, Or., April 4.—(Special.)—A man giving the name of James Trail was arrested six miles west of Philomath this morning by the Sheriff of Washington County, and passed down the West Side at noon, en route to Hillsboro. He is charged with the theft of a horse from some party in Hillsboro. The horse was brought to this county and sold to Ben Bratton, residing near Philomath.

### Rancher Dragged to Death.

PENDLETON, Or., April 4.—(Special.)—Fritz Ellenburg, a young rancher living in the southern part of the county, was killed this morning by being thrown from his saddle and dragged a great distance with one foot caught in the stirrup. His neck and both legs were broken. He was alone at the time. Ellenburg was about 25 years old and unmarried.

### Drowned in Spokane River.

SPOKANE, Wash., April 4.—(Special.)—Late tonight an unknown man, a team and wagon were precipitated over a high embankment into the Spokane River in the northeastern part of the city. On account of high water they were swept down stream and were not recovered.

**OLIVER HARMON ADAMS.**

**Whose Death, March 31, Ended 56 Years Spent in Yamhill County.**

# DECISION TO BE WELCOMED

**HARRY FAIRCHILD DISCUSSES MINNESOTA RATE CASE.**

**Says It Permits Railroad to Choose Court to Test Validity of the Commission's Order.**

OLYMPIA, Wash., April 4.—(Special.)—Harry A. Fairchild, chairman of the State Board of Control, has given out an interview in which he explains the effect the recent decision handed down by the United States Supreme Court in the Minnesota Railroad Commission case has upon the Railroad Commissions of the various states. Mr. Fairchild said:

The important question before the court was whether the action, in the United States Circuit Court, to restrain the Attorney-General and Railroad Commission of Minnesota from attempting to enforce the legislation reducing the passenger fare to 2 cents per mile, the maximum rate law passed by the Legislature in 1907, and the order of the Commission fixing the rate, in September, 1906, was in effect an action against the state, and therefore inhibited by the eleventh amendment to the Constitution.

The court held the action not to be against the state and that the Federal Court had jurisdiction to inquire into the justness and reasonableness of the legislation and orders, and, finding the same unreasonable, to enjoin the state officers from enforcing the same.

The contention of Mr. Young was that an action against him as Attorney-General to restrain him from testing the constitutionality of the legislation in the state courts was, in effect, an action against the state, and that the remedy of the railroads was to set up the unreasonableness of the legislation and order in a state court and test the same in the United States Supreme Court by writ of error from the decision of the state court.

There was no contention but the final arbiter was the United States Supreme Court. The dispute was over the procedure or manner of getting there. This decision sets at rest this much-disputed question, it permits the railroad to choose its forum, through the state or Federal Court, to test the reasonableness of any order of the Commission. Apart from its effect upon the sovereignty of the state and the original jurisdiction of the Federal Court, no new rule or principle is announced affecting railroad legislation, either directly by the Legislature or through a commission. That the reasonableness of an order fixing rates either by direct legislation or through a commission is eminently a question for judicial investigaton has been unquestioned since the decision in "railroad commission cases" in 1885.

I cannot conceive how the railroad commission law of Washington is affected by having it finally settled that the railroad can test the reasonableness or justness of an order of the Commission in the Federal Court in the first instance. We have equal confidence in the integrity and learning of our Federal and state courts. If an order is reasonable and just, either court will so hold; if unreasonable it will promptly protect the railroads from its unjust effects.

Our law is not open to the objection of excessive penalties urged against the Minnesota law. In case a railroad company desires to review any order of the Commission, section 2 of the act expressly authorizes the court in its discretion to suspend the operation of the order pending the litigation. This would apply equally to the Federal Court. The exercise of this discretion by the court prevents any penalties accruing pending the litigation.

From the viewpoint of the Commission there is nothing in the decision that should not be welcomed, as its only effect is to set at rest the much-vexed question of jurisdiction and procedure.

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# ARMY BILL READY

## Senate Committee Increases It by About $15,000,000.

## TOTAL NOW $100,000,000

**Items Added to Appropriation Include $7,000,000 for Enlarged Pay and $5,000,000 for the Transportation of Troops.**

WASHINGTON, April 4.—The Army appropriation bill was completed by the Senate committee on military affairs today and will be reported to the Senate on Monday. It will carry about $15,000,000 more than was provided in the bill as it passed the House, making a total of approximately $100,000,000. An item of about $7,000,000 was included to increase the pay of the Army, revenue cutter service and marine corps, but excluding enlisted men of the Navy, in accordance with the provisions of the bill which was passed by the Senate.

For joint maneuvers of the regular Army and the organized militia $1,000,000 is provided. An increase of about $5,000,000 has been made in the appropriation for transportation of troops and purchase and repair of ships to be used as Army transports. The items for enlargement of Army hospitals, amounting in all to about $265,000, which were struck out of the bill in the House, were restored.

The House adopted an amendment which would bar officers of the regular Army from taking part in the annual rifle contests, and the Senate committee struck this out.

The increased appropriation for the pay of the Army is made necessary by the fact that the committee added an amendment providing for general enlargement of the pay of officers and enlisted men in all branches of the service except enlisted men of the Navy, including the revenue cutter service and the marine corps. This change necessitated an addition of money sufficient to pay, not only the Army, but the other branches of the service.

It is understood the men of the Navy will be taken care of in an amendment to be offered by Senator Hale.

### POWER TO RULE CANAL ZONE

**Roosevelt Tells Congress Source of His Authority.**

WASHINGTON, April 4.—President Roosevelt sent a brief message to the House in answer to the resolution inquiring by what authority he has exercised the functions of government in the Panama Canal Zone since the Fifty-eighth Congress, or by what right the legislative, executive and judicial functions in the zone have been performed since that date. The message follows:

Civil government has been maintained in the Canal Zone under my direction pursuant to the authority conferred on me by the treaty between the United States and Panama, concluded November 18, 1903, and the acts of Congress approved June 28, 1902; April 28, 1904; March 3, 1905; December 2, 1905; June 30, 1906; March 4, 1907, by which the right to maintain civil government in the Canal Zone was granted the United States, the duty to maintain it was imposed upon the President and its means for maintenance were from year to year expressly and specifically appropriated by Congress.

# Still Expects to Wipe Bull Run Off Map

**Francis I. McKenna Ready to Leave Choice of Name to Jury of 2800 Citizens.**

IF PATHFINDERS, pioneers and discoverers generally do not behave when they name rivers and mountains and other things they chance to discover, they will have the initiative invoked and names will be changed whenever later and wiser generations wish. Just because earliest comers see a river first, that is no reason they have the right to give it a perfectly disgusting name, argues Francis I. McKenna, of the Initiative One Hundred. Furtheremore, when the elections are over, he will circulate 2800 postal cards asking an expression from that number of people on what name they consider best suited for Portland's water supply, now known by the common and vulgar caption of Bull Run.

Mr. McKenna will choose his names from the city directory, taking the first 100 listed under each letetr of the alphabet. This big jury will be asked which is the best name, Bull Run, or Cascade, Cascadia, Rose City, Sacajawea, Snow Line or Crystal. Or, if anyone can suggest an even more inane and colorless name, let him come forward. Also, the $10 prize offered for the best name for the maligned river will be awarded as the result of this vote.

This contest caused any number of jokers to suggest freak names. One wanted Crawfish Creek, but to the mind of Mr. McKenna the crawfish is a dirty beast and the name was thrown out. One suggested Sapollo Springs, as suggestive of cleanliness, but in this case Sapolio did not shine. Beer Lick River suggested a wallow of wild animals and wouldn't do at all. Bear River was no better. In fact, it was awful hard to choose a name entirely free from some unpleasant association.

In his advertising Mr. McKenna calls it "Mount Hood water." This salves his sensitive soul a bit, but he still loathes the thought that the vulgar know the stream by its old name.

It is understood that the next campaign of the Initiative One Hundred will be to wipe Indian names off the map, for it has been found that Indians are lazy, dirty and possessed of no single virtue that the white man should emulate. Why, then, cling to their names?

All of which shows that the business of discovering should be brought up to date. Discoverers should take a list of ladylike names with them when they start out to discover anything.

## TELEGRAMS BOILED DOWN

Los Angeles—F. M. Kelsey has been appointed receiver of the Citizens' Savings Bank of Long Beach, Cal.

Willemstad, Curacoa—Alexandro Ducharme, Venezuelan revolutionist, has arrived here. He fled from Castro's wrath.

Los Angeles—By the collapse of a scaffold at Elysian Park Saturday, seven city laborers were injured, two probably fatally.

Los Angeles—Harriman officials announce that extensive improvements to San Pedro harbor will be made by the Southern Pacific.

Salt Lake City—The injunction against the United States Smelting Company has been modified to allow operation of lead furnaces under restrictions protecting growing crops.

Los Angeles—Taking of testimony for the Government in the Oregon land-fraud cases has been practically completed before the commissioner.

Washington—The President has tendered Lewis Hammerting, of Wilkesbarre, Pa., a position on the proposed commission to investigate labor conditions in the Canal Zone.

Reno, Nev.—C. H. Day, personal representative of Governor Johnson, has come here to secure Nevada's delegation in the Democratic convention for the Minnesota man.

Hanna, Wyo.—It is announced the Union Pacific Coal Company's mine No. 1, in which are the corpses of scores of miners killed by an explosion last week, will probably never be reopened.

San Francisco—O. Bishop and J. C. Gould, Americans convicted in the United States Court at Shanghai of passing Confederate money in China, have arrived here to serve two years in San Quentin prison.

Meadville, Pa.—More than 100 guests at the Lafayette Hotel were compelled to make a hurried exit in their night clothes Saturday, when fire destroyed the hotel square, causing a loss estimated at $100,000.

New York—Justice James A. O'Gorman, of the Supreme Court, engaged in a hand-to-hand fight with a giant negro, who had forced his way into the O'Gorman residence for the purpose of burglary. The negro was arrested.

Ironwood, Mich.—In order that ore under its site may be mined by the United States Steel Corporation the village of Sparta, on the Mesaba range, is to be moved to a new site. McKinley and Hibbing, other mining towns, may be moved for the same reason.

Detroit, Mich.—A man calling himself George R. McKay, a carpenter from Denver, has been arrested for swindling florists with worthless checks. Tears flowing down his checks, he would order floral designs for the funeral of his favorite daughter, pay in checks and take change.

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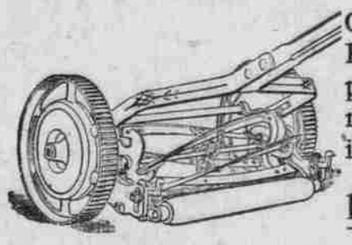

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