



## BENSON IS NOW GOVERNOR

### Succeeds to Office Held by Chamberlain With Very Little Ceremony

## HOLDS TWO OFFICES JOINTLY

### More Power Than Any Other Official in State—First Official Act Was to Appoint S. A. Koser, of this City, State Insurance Commissioner.

SALEM, Or., March 1.—Frank W. Benson, Secretary of State, became also Governor of Oregon this forenoon, when he was sworn in by Chief Justice Moore, of the Supreme Court. Governor Chamberlain's resignation, which took effect at midnight last night, was handed to him this forenoon, only a few hours lapsing between the end of one regime and the beginning of the other. During that brief interim, had anything transpired needing the services of the State's executive, there would strictly speaking have been no Governor to act.

The ceremony of swearing Governor Benson in was a brief one, lasting little more than a minute. Those present consisted of the Supreme Court justices, the state officials and their office subordinates and a few capitol habitues. There was no demonstration except a ripple of applause as Mr. Benson formally became the state's head, and the customary congratulations afterward.

There were no developments regarding a special session this forenoon. Protests from a number of taxpayers have been received, and Governor Benson is halting whether to summon the legislators back or not. No action may be taken for a week or more. There is apprehension over the state lest a special session might be made the means of reopening other matters, such as the normals, with the result that a prolonged and expensive meeting might be the denouement.

Being Governor and Secretary of State jointly, gives F. W. Benson more power than any other official in the state government. Also, it gives him double salary, for he not only collects as Secretary of State but also as Governor, so that his pay check will run over \$10,000 a year.

In his dual capacity, Benson can remove almost every appointive officer in the various state institutions, and he can pack all of the institutions with his personal followers. This comes by reason of his having two votes of the three. Most of the appointments are given by a two-thirds' vote of the Governor, Secretary of State and State Treasurer. In his capacity of Governor and as Secretary of State, Benson can outvote State Treasurer Steel. This places him in the unique position of having all the political patronage at his

gners' end.

Mr. Benson, however, has declared that it is not his intention of starting a revolution in the institutions, and that he has no intention of ousting the Chamberlain appointees and installing his own. There was a tentative agreement to that effect between Chamberlain and Benson, it is rumored, or, at least, there was an understanding. Benson and Chamberlain worked together in harmony, as also did Chamberlain and Steel.

Governor Benson's first proceeding was to appoint S. A. Koser, his chief clerk when Secretary of State, Insurance Commissioner; his next was to make Peter Applegate, of Jacksonville, State Land Agent, succeeding Charles Galloway, of Yamhill County, who becomes Tax Commissioner. After this he was occupied with routine work until luncheon, at 12. This afternoon he is meeting with various boards.

C. N. McArthur, who will be the Governor's private secretary, is performing the duties of that office, but has not been sworn in and probably will not be until it is definitely determined whether or not a special session is to be held.

When Mrs. C. B. Shelton presented Governor Chamberlain's resignation she tendered hers also as secretary, and Governor Benson immediately relieved her by appointing Miss F. P. Shamberook, a stenographer in his office, to fill the vacancy until Speaker McArthur of the House is free to accept the position.

## INSURANCE COMPANY WINS BIG SUIT

## COURT REFUSES TO GRANT RECEIVERSHIP FOR THE EQUITABLE ASSURANCE

WASHINGTON, D. C., March 1.—The Supreme Court at the United States today reversed the circuit court of appeals in the case of J. Wilcox Brown, claiming to represent 600,000 policyholders, against the Equitable Assurance Securities.

Brown asked for a receivership and general accounting, alleging that the policy of the holders entitled them to participate in a division of the surplus which he declared is \$10,000,000 more than necessary. The supreme court held against Brown and refuses his application. The court holds that as the institution is paying all its obligations and has undoubted resources with which to continue to pay them, and is now under a different management, the receivership would be premature, wholly unnecessary and be ruinous to the interests of hundreds of thousands of people and really beneficial to no one.

## COPPER GOES UP.

NEW YORK, March 1.—Reports circulated on Wall street of an advance in the price of copper, but the advance is not officially announced. Representatives of the leading copper producers reported a better demand with large foreign orders in sight.

## COURT UPHOLDS RAILWAY LOANS

## Washington Supreme Court Renders a Decision in Direct Conflict With Decision of Federal Judge

OLYMPIA, March 1.—The State Supreme Court today upheld the railway commission law including the power therein conferred upon the commission to fix the railroad rates. The Great Northern raised the question of constitutionality in appeal from the joint wheat rate order of the commission, contending that the power to fix the rates were vested solely with the legislature, by the state constitution. The court holds that the legislature in expressing

that the detail of working it out is administrative and can be delegated to a commission. This is in direct conflict with the opinion rendered last summer by Judge Hanford of the federal court at Seattle. The supreme court also sustained the constitutionality of that section of the law authorizing the commission to compel rates shall be fair, just, reasonable and sufficient, declares a law, and physical connections between competing railroads at all junctions.

## MORE 'UPLIFT' IN ORDINANCES

## Councilman Curtis and Karinen Introduce Regulations on Morals of the City

## STILL ANOTHER SUNDAY LAW

## Plan to Prohibit All Pool and Billiard Games on the Sabbath—Franchise Granting Right of Way to Electric Line Is Finally Passed.

The session of the common council last night was characterized by the appearance of Mr. Curtis again in the role of reformer, and Mr. Karinen also stepped forward in the same guise.

"Little did I think," said Councilman Belland, "when I read in the papers the morning after Mr. Curtis' election in the race for the council that we ever would see him among the truly good, working for the uplift of the city. But I, for one, extend to him the right hand of fellowship, and take him in among us. It's a case of two hearts that beat as one."

Mr. Curtis joined heartily in the good-natured laugh that followed this sally.

Councilman Curtis last night introduced his ordinance providing for the arrest of saloon men who keep their places open on Sundays, and for the forfeiture of their licenses on a "second" conviction. The ordinance went to its second reading, but it may be doubtful that it will pass in its present form. The revocation of the licenses only after a second conviction makes it somewhat weak, apparently, in the estimation of some.

The clause suggested providing for the arrest of customers also was not made a part of the ordinance. Of course if the saloons are kept closed by the rigid enforcement of the ordinance as it now stands there would be no need, anyway, of a provision in relation to the customers, for if the saloons be kept closed no customers can get in.

Councilman Karinen introduced an ordinance providing for the shutting up of all places that have pool or billiard games, or rather "prohibiting" such games, on Sundays. Of course this ordinance if carried would mean that the billiard and pool tables in the Irving Club and Athletic Club, for example, would have to shut up. The objects and effect of the billiard ordinance are likely to be considered very carefully by the council before it comes to its third reading, according to one or two of the councilmen, who say they don't want the efforts to purify the city belittled by unnecessary or "blue" laws, which might bring the whole movement into ridicule by carrying it to any excess.

## DR. REAMES ELECTED.

Dr. Clara W. Reames, who has been the city health officer for the past year, was last night again elected to the same position for the ensuing year. Dr. Reames was placed in nomination for the place by Councilman Belland, and the nomination was immediately seconded by several. Thereupon Councilman Curtis moved that the nominations be considered closed and that the council cast a unanimous ballot for Dr. Reames. This was done.

## FRANCHISE ADOPTED.

The most important action of the council last night was the adoption of the franchise granting right of way to the Oregon Coast Railway Company over certain city streets, and granting other necessary privileges in relation to the building and operation of the line in the city. The long franchise was read seriatim, and each section carefully considered. No important amendments were made.

The only spirited controversy arose over the question of imposing a tax of \$30 on each car coming into

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## BEST PLACE TO LOOK.

H. K. Adair, the well-known detective, paid the other day in Chicago a merited tribute to the press. "The press has helped me a lot," he said, "on many of my most difficult cases. There's more than a little truth in the story about the traveler who said, motioning toward a man in furs and blue glasses in a railway station: 'Who is that chap over there? He looks like a freak.'"

"Hush," whispered a special officer. "That's a detective. He's on the motor-car murder mystery. See his chauffeur's disguise—goggles and skunkskin coat?"

"But he's doing nothing—only reading the paper," said the traveler. "Sh-sh," whispered the special. "He's looking for a clue." Ex.

## WRONG REVERENCE.

Francis Crowninshield, author of the cynically witty "Manners for the Metropolis," was talking in New York about his book.

"Since we have no king to decide the question of social precedence for us," said he, "my idea of a decision based on points—steam yacht, five points; opera box, four; known grandparent, one; and so on—is a good idea, undoubtedly."

"Thus a woman with two known grandparents and a yacht would have seven points. She must give place to a woman with a tiara (one point), a ballroom (one point), four motor cars (six), and an opera box (four)—total, twelve."

Mr. Crowninshield laughed. "It sounds ridiculous, doesn't it?" he said. "Well, it sounds ridiculous because our social ideals are so ridiculously wrong. We reverence the wrong things."

"Once, in the English village of Chalfont St. Giles, I paid a visit to Milton's cottage. As I mused in the quaint old place, a big motor car snorted up to the door, and a red-faced man in a sealskin overcoat got out."

"So this is it, is it?" said he, and he handed the caretaker the sixpenny admission fee.

"So this is it!"

"And he threw open his fur coat, exposing a red cravat in which a diamond horseshoe blazed, and with a reverent sigh he looked about the picturesque cottage, with its old chairs and tables and its steel engravings."

"So this is Lipton's sitting-room!"

"Not Lipton's," said I. I laughed. 'Milton's.'"

"The man started and frowned. He buttoned up his coat."

"Milton's he growled savagely, as he opened the door. 'And here I thought it was Lipton's. A whole morning wasted!'" Ex.

## HOUSE GETTING READY TO SOON ADJOURN

## IN DEADLOCK OVER BILL GRANTING PRESIDENT MORE SALARY.

WASHINGTON, D. C., March 1.—Transacting its business amid scenes of great confusion the House gave every evidence of present session of Congress closing. The speaker constantly had to pound the gavel and admonish members to cease conversation. The Appalachian and White Mountain forest reserve bill amended so as to apply to all states was passed by 10 majority. Final conference reports on army, naval and fortifications appropriation bills agreed to and measures now go to the President for his signature. The House almost unanimously insisted on disagreement with the Senate amendment to the legislative, executive and judicial appropriation bill raising the salary of President, Vice-President and Speaker and United States judges and the bill for the third time went back to conference.

This resulted in a deadlock. During its discussion a long wrangle ensued over the question at even asking further conference with the Senate, but was finally dropped.

## BEGINS FAMOUS LAND SUIT

## United States Begins Action Against Southern Pacific to Compel Forfeiture

## FORTY LAWYERS IN THE CASE

## Attorney Fenton For the Railway Makes the Opening Argument and Contends That the Statute of Limitations Prevents Going Back Over Six Years.

PORTLAND, March 1.—Argument of the demurrer of the Harri-man interests to the government's suit to cancel the grant land of the Oregon & California Railroad Company heard today. Array of about 40 lawyers, representing various contending interests are in attendance at the federal court in this city. The company demurrers on the ground that the government is without equity because the grant was without condition, and for the further reason that the grant contains no declaration as to when or to whom it should be sold. W. D. Fenton of the counsel for the company maintained that the grant was a contract between the company and the government, the essence of which was the building of the road, not settling of the land, much of which is incapable of settlement. He called the attention to the fact that in 1868 Congress extended the time, 18 months, for the completion of the first 20 miles of road, and that not until the act of April 10, 1869, was the actual settlers clause incorporated in the grant. This latter act, Fenton maintained, was imposing a condition without precedent to the original grant an impossible and unprecedented judicial practice.

Fenton claimed that the forfeiture could only be by congressional enactment, and further, that Congress is without the power the delegate to others the right of forfeiture on account of same. Authorities were submitted supporting the contention that the lands sold by the company over six years prior to the commencement of the suit could not be effected by the present litigation.

## CONCESSION MADE.

## Huse Amended Rules to Provide For Calling of Committee.

WASHINGTON, D. C., March 1.—As a concession to the "Insurgents," the House amended the rules today so as to provide for a call of committees on Wednesday, affording members an opportunity to get bills passed which otherwise might not be possible. When the vote of 168 yeas and 162 nays, present, and two paired, were announced Clark of Missouri, requested a recapitulation which the Speaker refused, saying it was a matter left to the discretion of the chair. Hepburn in 22 years had never heard it denied before. Cannon replied there were many things which Hepburn has neither heard affirmed or denied. In order not to have rest on the House the Speaker ordered a recapitulation which disclosed no change. The "Insurgents" have decided to carry the fight into the next Congress, and when a member of the rules committee moves, as usual, for an adoption of the rules of the last Congress, the insurgents propose to make a stand for changes they desire.

## WANTS NAME ELIMINATED.

WASHINGTON, March 1.—Because of implication that the President's consent is necessary for the Senate to get information from heads of the various departments, Bailey today introduced a resolution declining to accept from the secretary of the treasury a communication sent by him "by direction of the President." The resolution went over until tomorrow.

## ON TRAIL OF ROBBERS.

SPOKANE, March 1.—Harry Draper and bloodhounds have gone on the Eltopia, Wash., trail of two safe blowers, who robbed the Falls hardware store last night and tried to break into the bank and postoffice but failed.

## SERIOUS WRECK AVERTED

DENVER, March 1.—A serious wreck on the United Pacific was averted at Elyria by the discovery of a large piece of iron placed on the tracks. The obstruction was discovered by the signal man whose bicycle was wrecked by striking it 10 minutes before the Cheyenne flyer was arrested in connection with the affair. It is the belief of the detectives that the boy was playing a practical joke.

## TAFT TAKES A WALK.

WASHINGTON, March 1.—There was a great rush of callers this morning, a long walk this afternoon and the Philippine expedition banquet tonight brought Judge Taft to within two days of his inauguration. Taft conferred today with Knox, Charles Nagel of St. Louis and Frank H. Hitchcock.

## SUNDRY CIVIL BILL PASSES.

WASHINGTON, March 1.—The sundry civil bill, appropriating \$139,000,000 and military academy bill carrying \$2,500,000 passed by the Senate today.

## LUCKY BALDWIN PASSES TO GREAT BEYOND

## LEAVES FORTUNE ESTIMATED TO BE IN THE NEIGHBORHOOD OF \$25,000,000.

LOS ANGELES, March 1.—Elias J. Baldwin, the famous plunger and turkman, known throughout this country and Europe as "Lucky" Baldwin, died at his residence in Arcadia, on the celebrated "Baldwin ranch," 15 miles from Los Angeles, at 7 o'clock this morning. He was 81 years old. The end came after a lingering illness of several weeks. He passed quietly away, surrounded by his family and friends, after having been unconscious most of the night. At his bedside this morning were Mrs. Baldwin, a daughter, a niece and other relatives.

The illness, which finally resulted in the death of Baldwin, began on February 2. At that time he experienced a serious sinking spell, nearly resulting in his death. From this he finally rallied and made a gallant fight for life.

The fortune left by Baldwin is estimated by H. A. Unrup, his manager, as \$25,000,000. It may be a million or two on either side of this sum. Little is known of the details of the will left by the noted turkman disposing of this amount. It is certain, however, that his wife and daughters have been liberally provided for.

## SELLS WITNESS TO DEFENSE

## Novel Proceeding Takes Place in the Trial of Cooper for Murder of McCarmack

## BOUGHT SIGHT AND UNSEEN

## Witness Testifies That Any One of the Three Shots That Pierced the Dead Man's Body Would Have Caused Almost Instant Death.

NASHVILLE, March 1.—The spectacle of the counsel on one side not only selling witness to the opposition but haggling over the terms was incident today in the Cooper trial. Dr. McPheters-Glasgow, employed by the prosecution to perform the autopsy on Carmack's body. The state did not use Glasgow and Glasgow refused to testify for anybody except employers.

Attorney-General McCarn proposed that defense pay the costs of the autopsy and Glasgow's fee and the state would waive all rights. Judge Hart of the defense wanted to "see the goods" before buying. This the state refused telling them to "Pay whether you use him or not." The defense finally bought the goods, unsight and unseen. Glasgow testified in substance, that anyone of the three were necessarily and instantly fatal. The significance being that if the Senator did not fire the first shot he could not have fired at all. The other chief witness was S. J. Binnings, who claimed to have seen Carmack testing the cylinder of his revolver a few minutes before the shooting occurred.

## IDENTIFIED SWINDLERS.

## Victims Who Were Stung Pick Out Men Who Robbed Them.

LITTLE ROCK, Ark., March 1.—Several victims of the alleged gang of swindlers under arrest here arrived from Little Rock today and all of them identified Maybray, the alleged leader, and one more of the quartet, among them were J. G. Kile, of Decatur, Ill., an aged farmer, who loaned them \$10,000 to bet at a horserace who was "short"; J. S. Tierney of Streator, Ill., \$10,000 wrestling match at New Orleans. W. H. McGrath, Minneapolis, \$10,000, race at Council Bluffs. Each of the victims began a suit today against Maybray and associates and attached boxes shipped to Davenport which suspected of containing \$60,000.

## STILL WITHOUT JURY.

SAN FRANCISCO, March 1.—No additional juror were secured in the Calhoun case today.

## OREGON GRANTED FEDERAL JUDGE

## Bill Passed and Goes to the President for Signature for Additional Judgeship

WASHINGTON, D. C., March 1.—The Senate in executive session today considered John C. Young's nomination for Postmaster at Portland, Or., and decided to take no action today. Senator Bourne was not present when this was done, but reached the chamber a few minutes later and asked that the action be reconsidered. This request was not granted and the nomination went over until the next executive session, the time of holding which is uncertain.