

# The Daily Capital Journal

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## EVEN THE GOVERNOR HAS NO RIGHT TO OFFICES IN THE STATE CAPITOL

## DUNIWAY IN THE SAME BOAT AS THE SECRETARY OF STATE AND ALL THE OTHER BIG ONES

Attorney-General Crawford Holds That No Provision Is Made By Law for the Governor, Secretary of State, State Treasurer or Supreme Court Having Offices in the Capitol—Secretary of State Could Fire Any of Them and Would Have to Fire Even Himself if Room Was Needed by Those the Law Requires to Keep Offices in the Building.

When Secretary of State Olcott, with the view of ousting State Printer Duniway from the capitol building requested from Attorney General Crawford an opinion on the subject he probably little dreamed that an examination of the law would disclose that, not only is the state printer occupying his present quarters without authority of law, but so is the governor, the state treasurer and members of the supreme court, and last but not least, Secretary Olcott himself, but that is just what has happened and in light of the opinion rendered by the attorney general it would begin to look now that should the secretary of state carry out his ousting campaign against the state printer that it will up to him to carry it out against the others, including himself.

**What the Law Says.**  
After an investigation of the subject which has extended over several days the attorney general finds that in the acts creating all the offices and boards now occupying quarters in the state house that it is provided that they shall have quarters in the state house and that settles it so far as they are concerned. In the acts creating the offices of governor, secretary of state, state treasurer and members of the supreme court and the state printer, however there is

no such provision, nor any law providing that they shall maintain offices in the state capitol building and they are occupying them so to speak, by grace, and are subject to removal to make room for officers whom the law specifically shall maintain offices at the state house.

**Secretary's Power Defined.**  
A law was passed in 1909 making the secretary of state custodian of the building and giving him power to assign quarters to the officers. Those whom the law says must maintain offices in the building would have a preference in the selection of quarters over the others, in the opinion of the attorney general; but the secretary is not empowered by reason of the law, he says, to oust any one from the building, even though they are occupying it without authority of law, unless in favor of some one that the law says must have offices in the state house and for whom it is necessary to make room.

The secretary, therefore, in light of the opinion would have to show that the removal of the state printer is necessary to make room for some one the law declares shall have offices at the state building, and in failing to do this he is powerless to act and the state legislature must be looked to for a removal of any of the present occupants.

## NO MAN IS BIG ENOUGH TO REFUSE

WOODROW WILSON MAKES THIS REPLY WHEN ASKED IF HE WAS A CANDIDATE FOR THE PRESIDENCY, WHICH MEANS HE IS.

[UNITED PRESS LEASED WIRE.]  
Denver, Colo., May 8.—That he is only "unconverted" to the principle of the recall of judges was the expression here today of Governor Woodrow Wilson, of New Jersey, when interviewed by the United Press as to his stand on that mooted question.

"I would not say that I am absolutely against the recall of judges," Wilson said. "I would rather say that I am unconverted to the principle. My feeling in the matter is this: The judge's duty is the interpretation of the law. If the law's application is against the wishes of the people, that is no reason why the judge should be recalled.

"There have been judges who overstepped the bounds of their powers. There have also been judges who, in their desire to gain re-election, allowed that desire to color their decisions. But I think these cases were exceptions.

"I believe that the American bench is a clean body. I feel that the judiciary should be stable; hence I am not reconciled to the recall of judges."

Asked directly if he were a candidate for president, Governor Wilson said:

"I cannot answer that question directly. It would be impudence in anyone to say he wished to become president, and cool cheek for him to say he would refuse the nomination if it were offered. No man

is big enough to seek that job, and no man is big enough to decline it. If I should be nominated I could not refuse."

Governor Wilson added:  
"The impression has been spread about the country that I fought the New Jersey legislature in order to force reform laws. That is not true. The legislature and I are on the most amicable terms."

Enlarging on the topic, Wilson said that since his election the legislature of New Jersey, for the first time in years, found itself without a master, and for the first time its members tasted the joys of freedom. Asked as to his opinion of the failure of Colorado's legislature to elect a United States senator and to pass laws in fulfillment of campaign pledges, he said:

"I am not familiar with the events which led up to these happenings. It seems to be there is little Colorado can do, save to allow its constitutional machinery to get to work, and then to go to it again as quickly as possible."

## POLE HOLE CLAIMS ITS THIRD VICTIM

[UNITED PRESS LEASED WIRE.]  
Los Angeles, Cal., May 8.—The hoodoo pole hole of engine company No. 4 of the local fire department, claimed its third victim early today in Engineman W. O. Fitch, 28, who pitched through it while walking in his sleep. Four years ago Hoseman Ely was badly hurt by a similar plunge and two years later Captain Holmes' lifeless body was found at daylight at the foot of the hole. Fitch is fatally injured.

## TWO ANNIVERSARIES FOR CARDINAL GIBBONS

[UNITED PRESS LEASED WIRE.]  
New York, May 8.—Catholics of New York this week will entertain Cardinal Gibbons in celebration of the 25th anniversary of his elevation to that rank and the fiftieth anniversary of his priesthood. Cardinal Gibbons will be presented with an elaborate coat of arms by the Paulist fathers of the city.

## WATERED THE ELEPHANTS.

Topeka, Kan., May 8.—Fifty small boys, who packed water to the elephants at a circus showing here are undergoing the soap and scrubbing brush treatment today.  
Each of the boys on his right forearm bears the inscription "I worked." It was stamped there in indelible ink by the circus manager, in lieu of paste-board admission tickets. Despite the scrubbing it will remain until the wearers grow a new crop of hide.

## WILL TACKLE MAN WHO WHIPPED HIS BROTHER

[UNITED PRESS LEASED WIRE.]  
New York, May 8.—Montana Jack Sullivan will have a 10-round chance here tonight to avenge the recent defeat of his brother, Dan, at the hands of Sailor Burke. The pair have been matched to meet before the Olympic Athletic club.

## THEY TRIED TO HOLD UP A BANK

## FOUR HIGHWAYMEN ATTEMPT TO HOLD UP THE EAST SIDE BANK AT PORTLAND TODAY—ONE CAPTURED AFTER HOT CHASE.

[UNITED PRESS LEASED WIRE.]  
Portland, Or., May 8.—After a revolver battle between officers of the East Side bank and two highwaymen, who attempted to hold up the bank this afternoon, one of the men, who says he is August Eckart, proprietor of a machine shop on Gileas street, was captured after a chase of a quarter of a mile. Eckart's companion escaped.

The men entered the bank a few minutes before 2 o'clock and ordered the cashier to put up his hands. President Newhall, who was in the rear of the bank, rushed forward and opened fire with a revolver. The robbers thereupon fired two shots, one at Newhall, the other at Fred Ault, the bookkeeper, who had drawn his weapon also.

Frightened by the display of resistance, the men rushed out the front door without attempting to touch any of the gold pile on the cashier's table.

The bank officials and employees, armed with books, revolvers and chairs, piled out after them, and soon had Eckhart surrounded. He surrendered, but his companion succeeded in eluding capture.

This makes the fourth attempt to rob the bank in the last six months. Three other attempts were made to enter by night, but were not successful.

## WAS LEFT A FORTUNE AND THEN RESIGNED

[UNITED PRESS LEASED WIRE.]  
San Francisco, May 8.—Merrill A. Martin who today was nominated by President Taft to be assayer of the San Francisco mint, will take the place of assayer C. H. Sherman, who ends 40 years service. Sherman will quit July 1. Recently he was left \$300,000 by his uncle, the late Senator John Sherman, of Ohio. As soon as the estate was in such shape that he could get his bequest, Sherman sent in his resignation as an employe of Uncle Sam.

**Named for Assayer.**  
[UNITED PRESS LEASED WIRE.]  
Washington, May 8.—President Taft today nominated Merrill A. Martin to be assayer of the mint at San Francisco.

## Will Indict Forty.

Columbus, O., May 8.—That at least 40 members of the Ohio legislature will be indicted for bribery and corruption in the probe started here by Burns detectives was predicted here today when the investigation was resumed.

The prophecy is made by O. Moore, secretary of the Ohio Manufacturers' Association, which is financing the investigation. Moore said that unlimited funds would be provided for the detectives to keep up their work of bringing the crooked legislators to justice.

## SENATORS ARE BOTH WILLING

Both Favor Having Congress Give Forfeited Lands of Railroad Company to the State Irreducible School Fund.

## LAFFERTY IS AGAINST IT

Latter Wants It Thrown Open to Settlement, Overlooking the Fact That Giving It to the State Would Open It, But That the Money, Instead of Going to the General Government, Would Go to the State's School Fund.

That both senators Bourne and Chamberlain are favorably impressed with the plan of State Superintendent of Public Instruction Alderman to have congress pass a law granting to the state for the benefit of the irreducible school funds the lands recently forfeited to the United States because of the failure of the Southern Pacific Railroad Company to comply with a grant conveying them to it, and that Congressman Lafferty is opposed to it, and believes that the land should go to settlers was disclosed in letters received from the three today by the superintendent.

Senator Bourne suggests that the plan of presenting the subject to congress is now a little premature, as the company will no doubt appeal the case, but believes that data favorable to the passage of such a law should be gathered, and suggests certain lines of argument to be prepared by the superintendent.

Senator Chamberlain makes the same suggestion with regard to presenting the subject to congress now, and further says that should he be so "unfortunate" as to be in public office when the time for the presentation of the matter is ripe that he will lend his aid to it.

## Lafferty Opposed.

Congressman Lafferty gives it as his opinion that the supreme court will go Judge Wolverton one better, and not only declare the grant forfeited, but that it will direct that the lands be made subject to settlement at once without further legislation. Further legislation on the subject, he says, would, in his opinion, but result in another land monopoly—result in Uncle Sam throwing the lands into the forest reserve, and Oregon has enough of conservation now. He, therefore, is opposed to further legislation, if that is possible, but if not he is for the settlers first, and, falling in such a law, he is willing to work for a law giving the lands to the state for school purposes.

Superintendent Alderman takes the position that the irreducible school fund of the state is small now when compared with that of other states, and that the addition to it of the lands in question would bring it up to an amount so that the people would be exempt from further taxation for school purposes. The retention of the lands for so many years illegally by the company, he maintains, has brought hardships to

## NORTH MEXICO ALIVE WITH REBELS BATTLE IMMINENT ON PENINSULA

## Think It's Diaz's Money.

New York, May 8.—Gold coin valued at \$10,000,000 was received here at the United States sub-treasury today through the international banking firm of Lazard Freres. As the wealth is all in newly-minted Mexican money, Wall street believes it is the fortune of President Diaz, of Mexico, who is arranging to save his gold if he is forced to flee. The sub-treasury is requested to melt the gold into bars and hold it subject to order.

The whole state, and the whole state should now benefit from them, and the plan whereby such a result can be obtained is the making of the lands a part of the irreducible school fund, and making every one exempt from a school tax.

## CONSIDER THE FREE LIST BILL

## SAME OLD CRY RAISED BY PROTECTED INTERESTS, AND THE PAPER MAKERS PLEAD 'IT WOULD RUIN OUR BUSINESS.'

Washington, May 8.—The house today began the actual work of considering the free list bill. Chairman Underwood, of the ways and means committee, who fathered the measure, today read it for amendment. He said he hoped for a final vote on the bill before night.

## Would Ruin His Business.

Washington, May 8.—Testifying at a reciprocity hearing before the senate finance committee here today, Judge Sullivan, a Philadelphia book paper manufacturer, declared that the utter ruin of his business would follow the lowering of the Canadian tariff wall.

"If this bill passes" said Sullivan, "we simply will have to quit. In the industry there are 46 mills with a capacity of \$105,000,000 and 36,000 employes. If the bill passes it will place upon our product, as compared with the Canadian product, a handicap of \$7 a ton."

Sullivan declared that many foreign articles used in the manufacture of paper were admitted to Canada under low duties, while the American tariff on the same articles was big.

He said that Canadians could sell book paper more cheaply than it was possible to produce it in the United States.

N. J. Bachelder and other officers of the National Grange from a dozen states, also appeared before the committee protesting against reciprocity. Bachelder declared that 23 states were opposed to the plan. He accused the newspapers of supporting reciprocity, because cheaper paper would redound to their financial benefit, and declared that the free list bill introduced was an admission that the reciprocity measure would react to the disadvantage of the farmers of the United States.

## Declare for Free Wool.

Washington, May 8.—Following a stormy caucus of members of the house from New York this afternoon, the caucus by a vote of 18 to 4 favored placing wool on the free list immediately.

It was declared this afternoon that a free raw wool bill would be framed by the ways and means committee submitted to caucus. All, it was said, would abide by the caucus.

## TIA JUANA EXPECTS BATTLE AND SO DOES HERMOSILLO ALL ROADS HAVE BEEN MINED

Federals Are Rushing All Available forces to Hermosillo, Which, It is Expected, Will Be Attacked at Once—The Roads Leading to It Are Alive With Bands of Rebels—Federals at Tia Juana Marched Out to Meet Rebels, Fired Two Volleys and Retreated—It is Expected the Resistance Will Be Weak.

[UNITED PRESS LEASED WIRE.]  
San Diego, Cal., May 8.—The insurrecto force which has been at Tecate reached Tia Juana about 10:30 o'clock this morning, according to reports received here by telephone. No shots had been fired when the report was sent in, but Tia Juana expected a battle.

The rebels approached Tia Juana from the southwest. They could be clearly seen from the American side, riding down through a cloud of dust, but it was impossible to make even an approximate guess at their number. All were mounted.

It was thought that the Tia Juana garrison would make only a slight resistance.

The federal troops, hearing that the rebels were coming, marched out to meet them at Tia Juana Hot Springs. The federals fired two volleys and then retreated in great haste to the town.

## Describes Situation.

San Diego, Cal., May 8.—The following letter, dated April 26, and received here today from Mazatlan by Hazel Anger, gives a picture of war conditions there:

"For four days we have been cut off from the world and had no mail or telegraph news. Fortunately, we have the ocean, and can get news when the boats come in.

"We hope to have telegraph communication soon, but it will be several days before any trains reach us. Bridges have been burned and blown up, and there is no assurance that they will not be wrecked again as soon as they are repaired.

"For days we have been expecting an attack. The city water supply has been cut off by the rebels, and now water is being distributed to the houses very cautiously."

## Is Alive With Rebels.

Nogales, Ariz., May 8.—Expecting an attack upon Hermosillo, a special train of ten cars left here today to pick up straggling bands of federals along the line, and rush them into the capital to reinforce the garrison there.

Ranchers reported that the roads leading to Hermosillo were alive with rebels, all bound toward the capital,

and that it was the intention to begin the attack immediately after their arrival. It was officially admitted today that all roads leading into Nogales, from the Sonora side, have been mined.

Anticipating trouble similar to that which followed the attack upon Agua Prieta, a desperate struggle, U. S. soldiers patrolling this section of the international boundary line have been mobilized at Nogales, awaiting the rebel attack that has been threatened during the last week.

## OFFICERS BEAR SIGNS OF HARD USAGE

[UNITED PRESS LEASED WIRE.]  
Oklahoma City, Okla., May 8.—Four men, one of them Chief of Police Hubatka, are badly injured and several others bear marks of encounter as the result of the industrial struggle between the Oklahoma Railway company and its employes. Several small riots occurred yesterday and last night but the situation is believed to have been relieved by the appointment of two score special deputies.

## FORT WORTH WOMEN JOIN THE SCABS

Fort Worth, Tex., May 8.—"Wanted—Woman painters. Overalls furnished. Apply V. C. Baldwin." Answering this advertisement, nearly a score of women went to work here today painting houses for Baldwin, a contractor who has had trouble with the local unions recently. The women are to receive \$1.75 per day.

## TRYING TO FIND WHO CACHED THE DYNAMITE

[UNITED PRESS LEASED WIRE.]  
Los Angeles, Cal., May 8.—Officials of the sheriff's office and Burns detectives today began an investigation of the ownership of 93 sticks of high power dynamite found buried at the Malibu ranch, 12 miles north of Santa Monica. The explosive was hidden in the bushes at the side of the county road, and apparently had been there for some time.

## Your Money's Worth

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