

THE BEST NEWSPAPER

The Daily Capital Journal

THE LARGEST CIRCULATION

THIRTY-SIXTH YEAR. SALEM, OREGON, WEDNESDAY, SEPTEMBER 24, 1913. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

SULZER DENOUNCED AS THIEF AND PERJURER

LAWYER IS BITTER IN AN ATTACK

Says Governor Had Bag Men Scour the State to Get Funds for Gambling. NO RULING ON ARTICLES' LEGALITY Defense Is He Is Not Answerable for Acts Prior to Taking Office.

Albany, Sept. 24.—At the impeachment hearing of Governor Sulzer today it was decided to postpone a ruling on the legality of the impeachment articles.

Attorney Richards, opening for the prosecution, after the decision had been reached to delay a ruling on the legality of the impeachment articles, denounced Sulzer in the most violent language.

"He employed bag men to scour the state for contributions to his campaign fund," declared Richards, "and he had a bag himself open to \$10,000 as well as to \$2 contributions. He did more than collect funds. He intended to keep them to buy stocks and to supply margins for his stock speculations."

Then the attorney reviewed the charges against Sulzer, recapitulating them and attacking the governor personally.

"As high as his office and as high as his position," he shouted, "we are prepared to prove low, sordid crimes against William Sulzer. His chief offenses were plain fraud, larceny and perjury."

Defense's Argument. "The suggestion that an official can be held answerable for acts prior to his assumption of office is revolutionary and unheard of," said Attorney Fox, of the defense. "I am loath to believe that this court will approve such a doctrine."

Then he quoted Judge Parker's argument that the constitutional commission of 1818 removed all limitations on the state senate's power of impeachment. "If this be true," he added, "then the limitations in the present criminal code operate in the present case."

Fox's argument was the strongest yet made, since the impeachment trial began, and the most eloquent.

When Fox had finished, Chief Justice Colton said that in his opinion the questions raised were such that they could not be decided off hand, and he suggested delay. Senator Wagner moved to postpone action, and his suggestion was adopted.

Attorney D. Cady Herrick then filed Sulzer's answer. It denied all the allegations except that Sulzer admitted receiving campaign contributions, saying he accepted them in good faith. Attorney Richards then spoke.

To Produce Telegrams. The managers of the impeachment proceedings have subpoenaed the managers of the local telegraph offices to produce all telegrams sent by Sulzer, his wife, private secretary, John Hennessey and James Garrison during June, July, August and thus far in September.

The capitol, where the trial is in progress, was packed today, despite the fact that only persons showing good reasons for admission were allowed to enter.

The taking of evidence was commenced and Jacob Schiff was the most important witness.

ANOTHER AVIATOR KILLED. Paris, Sept. 24.—An unidentified French military aviator was drowned yesterday off the coast of Morocco. His machine turned turtle 300 yards from the shore.

President's Man Wins in Jersey

Progressives Cast Small Vote and Republican Candidate Stokes Is Encouraged by Outlook.

Trenton, N. J., Sept. 24.—President Wilson's candidate for the Democratic nomination as governor of New Jersey was victorious, as shown by complete returns today from yesterday's state primaries. The three nominations were as follows:

Democratic—Fieldler. Republican—Stokes. Progressive—Colby. The Wilson Democrats won not only on the gubernatorial nomination, but on their choice of a legislative ticket and in the state committee contest.

The Progressives cast the smallest vote at the primaries which Candidate Stokes declared to mean that numerous Progressives have returned to the Republican fold. On the strength of this, he predicted a Republican victory at the election.

DR. TODD UNDECIDED REGARDING ACCEPTANCE

Dr. Edward H. Todd, vice-president of Willamette University, who has just been elected president of the University of Puget Sound, Tacoma, Washington, left last evening for the Methodist conference at Eugene, without having definitely decided as to whether he will accept the position.

He spent this morning in conference with the bishops of this conference at Eugene, and went through here this afternoon on his way to Tacoma, where he will confer with the conference in session there in regard to accepting the position.

While the people at Tacoma are very anxious to secure Dr. Todd as president of the Methodist college there, he will carefully consider the situation before he accepts the position.

He has a big campaign on at present for a greater Willamette, and, with all the plans he has, nearing culmination, he will have no small difficulty in tearing himself away from "Old Willamette."

Prior to coming to Willamette he held the position of field secretary of the University of Puget Sound.

CHERRIANS URGE PEOPLE TO DECORATE

The following resolution has been adopted by the Salem Cherrians:

"Inasmuch as thousands of visitors to the forthcoming state fair will be the guests of the city of Salem, and it is the universal desire that Salem manifest every evidence of hospitality, it is respectfully urged by the Cherrians that every place of business be properly decorated during the week with flags and bunting.

"In return, the Cherrians, as an organization and personally, pledge their hearty co-operation in entertaining the visitors within our gates."

THREATENS TO DESTROY PORTLAND AS HE IS 'KING OF KINGS'

Portland, Or., Sept. 24.—Mayor Albee today refused to entertain a proposition submitted to him in a letter from a man in a small town in Washington, claiming to be the "King of Kings," referred to in the Bible, to come to Portland, if furnished \$100 for traveling expenses. The man offered to submit proof that he is the original Biblical Deity. The self-styled "King of Kings" threatened destruction of the city if his offer was not accepted.

NET TIGHTENING IN CASE OF COULSON IN SPITE OF SILENCE

Ascertained He Registered at Hotel 20 Minutes After the Double Murder.

TELEPHONED FOR LAWYER

Arranged for Meeting at 7 O'clock in Morning and Revolver Found in Room He Occupied.

San Francisco, Sept. 24.—Assistant District Attorney Jas. Brennan did not learn much, he admitted today, from the "third degree" he applied yesterday to A. R. Coulson, the Market Street merchant whom the police have been holding since a few hours after George Kovack and William Acker were shot dead and Coulson's common law wife was seriously wounded, as they were lurching together in the Atlas garage early last Friday morning.

All that Brennan was able to get out (Continued on page four.)

MUTINY IN ARMY

Madrid, Sept. 24.—Mutiny broke out in the ranks of the royal Spanish guards this afternoon when the regiment was ordered to Morocco, where fighting is in progress. One soldier was killed. The mutineers refused to embark and a general fight started when the officers tried to force the men aboard transports.

FORMER KING' BRIDE ILL

Monich, Sept. 24.—The wife of former King Manuel of Portugal became suddenly ill here today, and was rushed to a private hospital.

AVIATOR FATALLY INJURED.

Rheims, France, Sept. 24.—Aviator Cavalier was fatally injured here today while flying in a monoplane.

GRAND JURY ACTION IN YATES CASE IS DELAYED FOR WHILE

District Attorney Awaiting Outcome of Mrs. Hayes' Injuries.

SHE IS NOT IMPROVED

Condition of Woman Wounded by Jealous Huncher Not as Good as It Was Yesterday.

The life of Mrs. Myrtle Hayes, who was shot last Sunday by her lover, Homer Yates near Fruitland, is hanging by a slender thread today, according to both the Salem hospital authorities and her attending physician, Dr. Robertson. The woman has but very little chance to recover owing to the last shot fired by Yates striking her in vital parts of the neck and ranging downward.

Mrs. Hayes' condition today is not hardly as good as it was yesterday afternoon. The physicians say that the shock caused by the wounds is telling (Continued on page 8.)

Foreigners are Being Assaulted

Attacks Following Murder of Two Musicians at Dance Continue and Martial Law Declared.

Benton, Ill., Sept. 24.—The racial disturbances which broke out here following the murder by foreigners of two American musicians at a dance Saturday night were still raging today. Foreigners, regardless of nationality, were assaulted wherever they showed themselves. Business houses were closed and the homes of foreign residents barricaded. The sheriff confessed his inability to stop rioting and martial law was declared.

Fifteen national guardsmen this afternoon discovered several aliens attempting to enter the home of Wyatt, the only member of the trio of musicians who escaped with his life. He is the prosecution's only witness.

HONEYMOON LASTS ONLY FOUR DAYS

A story of marrying a man whom she had known but nine days, and, who, four days after the ceremony was performed, left her was told on the witness stand this morning before Circuit Judge Galloway by Ella Jennings, a slip of a girl, the plaintiff in a divorce suit against Albert Jennings.

Four days after the ceremony, she said, Jennings left and went to Montana, and, after remaining away for a week or so, telegraphed her to join him. While she was in the midst of making preparations to join her husband, Mrs. Jennings testified, she received another telegram not to come, and she has not heard from her husband since that time.

Before granting the plaintiff a divorce, Judge Galloway told her a few things about the wrongs and mistakes a woman makes by marrying a man she does not know. He advised Mrs. Jennings that before she ever undertook another step in the matrimonial circle, she should be sure that her acquaintance with her prospective husband is at least a year or so in length, and that before giving herself away to another man, she should be a little bit more than sure she knows what she is getting.

Fairgrounds is a Fairyland; A Bower of Beauty and Color

If you have not yet been out to the fair grounds, take our advice and go, that is if you like flowers. That is about all there is to see yet. The new machinery hall is completed and already the exhibits are being gotten in and arranged, but there, like everywhere else in the big buildings, it is confusion and clutter, boxes in all stages of unpacking, machinery just lying around loose, but lots of it, and a general getting ready for the big event which opens Monday. The flowers, though, are all ready for exhibit, though they will be still more beautiful during fair week, if that is possible, because they have been held back from blooming in order to have them at their best next week. However, you will not believe they will ever look any finer than they do right now, for the simple reason that when you see them you will not believe they could be any more beautiful or luxuriant. As you enter the grounds the first thing that your eyes see, and about all you care to see for a while is a great bed of King Humbert Cannas, seven or eight feet high, with rich bronze leaves, a setting of gleaming brown above which rises a hundred bronzed spikes each with a manner of mottled scarlet blossoms wreathed around it. The effect is startling, and paves the way for what follows, and which is one of the most magnificent and instructive displays of growing flowers ever made on the coast. To the flower lover, and that means everyone, it is a veritable garden of delight. There are among other things, 1000 dahlias and over 400 varieties, every color from almost black to pure white. Little dahlias, big dahlias, great sprangled masses of bloom, some carefully tucked up and demure, others, just big blotches of mixed color, no two alike and each somehow just a little more beautiful than the one you saw just before. There are great beds of these one on each side of the grounds and another great patch of them at the rear. Then there is a bed of tuberous-rooted begonias, 1000 of them, that words cannot describe. Another beauty spot is the aster bed, and down the center, greeting you as you pass the cannae, is another raised bed of Mrs. (Continued on page four.)

City of Salem Has no Legally Appointed Police Matron

In order to so far as possible clear up the tangle over the police matron, a Journal representative this morning examined the ordinances and appointment under which the present police matron is acting, and finds the following conditions: An ordinance was passed by the council which was approved by the mayor and became effective February 26, 1913. It provided among other things, that the matron should be appointed by the mayor, that she should hold office during his pleasure, that she should be appointed under the sole and exclusive authority of the mayor, and that her compensation should be \$30 per month. This ordinance was, so it is understood, prepared by the city attorney, at the request of the mayor. Later the city attorney stated in open council that the ordinance was illegal and contrary to the charter, which provided that all police officers should be appointed by the city council. Under this ordinance the mayor appointed the present police matron. The council later, evidently believing the ordinance was illegal, passed an ordinance amending section 2 of the original ordinance, and adding a fourth section. The amendment provided that the police matron should be appointed the same as all other police officers, by the council. This ordinance was approved and became effective August 5, 1913. Since the amendment was passed no appointment has been made, and Mrs. Lynch has been acting as such police matron. The question now arises, "Is she the legally appointed police matron of the city?" When she was first appointed the law or ordinance under which her appointment was made was declared by the city attorney to be void. The council evidently believed this, for it amended the ordinance to cover the points made by the city attorney, and to make the ordinance follow and agree with the charter. It follows that if the ordinance under which the appointment was made was illegal and void, as the city attorney said it was, then the appointment made under it was void. From the time of her appointment until the ordinance was amended, Mrs. Lynch was, as we construe the law, acting without any authority whatever. Her appointment was void from the beginning and her acts as such police matron illegal. Since the ordinance was amended, so far as could be learned, no appointment has been made, Mrs. Lynch continuing to act under her original appointment by the mayor, who it is admitted had no right to appoint any one, that duty being for the council alone. As the council has made no appointment since the ordinance was amended, and that of the mayor before that time was void, as he had no right to make it, the situation as it appears now is there is no police matron. The mayor never had the authority to appoint, and the council which had the right, has never appointed any one. To say that Mrs. Lynch's appointment, which was never legal, is now good, is simply absurd. The only power that had the right to appoint, has never acted; how then could any other appointment be legal? If the city council wants a police matron, all it has to do is to make the appointment and so settle the whole matter. If it wants Mrs. Lynch it can say so, and if it wants any one else, it is up to it to name her. If there is to be a police matron, her appointment should be above all doubt. She should have authority to act legally or not at all. Now Mrs. Lynch is setting under an illegal appointment, made by one who had no authority to make it, and under a law which has been repealed, and no appointment has been made under the new law or at any time by any one having authority to make it. It is up to the council to settle the matter before some one gets the matter into court and makes trouble for some one for paying her her salary.

The Weather

The Dickey Bird says: Oregon: Fair tonight and Thursday; light frost tonight east portion easterly winds.

BOY FALLS 97 FEET INTO WELL BUT IS RESCUED UNHURT BY POLICE

Seattle, Wash., Sept. 24.—The miraculous escape of Thomas Ketchel, aged 7, with hardly a scratch after falling 97 feet to the bottom of an abandoned well, is subject of comment among local physicians today. The boy was crossing a vacant lot and another boy, approaching him from an opposite direction, saw him suddenly disappear. Rotted planks covering the well had broken under the boy's weight. Police were called and the boy was rescued without a scratch, but somewhat dazed.

IS ENRAGED IN READING LOVE POEM

Mayor Murphy Forced to Read Missive Dedicated to Mrs. Merriam.

FACE IS PURPLE AND VOICE HUSKY

Crowd Laughs as He Tells About "Her Dewy, Rosy Lips" in His Jingle.

San Francisco, Sept. 24.—"There was moonlight on the meadows, There were shadows in the lane As I went along with Bessie At the grinding of the cane. "It was drip, drip, drip— Oh, the cane was sweet to sip, But nothing to the sweetness of her dewy, rosy lips."

And that's only part of it—part of the poem Major Clarence Murphy, formerly of the governor of Louisiana's staff, wrote and dedicated to Mrs. Bessie C. Merriam, wife of Captain Henry C. Merriam of the United States army. Husky With Rage.

His face purple, his brow covered with perspiration and his voice husky with rage, the major had to read the entire poem to a crowded courtroom today at the trial of Captain Merriam's divorce suit against his wife, whom he accuses among other things, of indiscretions with Major Murphy. The major did so well under direct examination by Mrs. Merriam's lawyer yesterday that Mrs. Merriam exclaimed to him, "you did fine," as he left the stand.

Attorney Linforth, for Captain Merriam started on his cross-examination today, however, with the avowed intention of "ruffling the major's bangs," and to some extent, he succeeded.

The reading of the witness' poem threw the court room into such paroxysms of mirth that Judge Graham, himself on the broad grin, could not restore order for some time, and laughing suggested that the major take his lyric to the Orpheum.

The dapper but wrathful major finally reached a point where he could contain himself no longer, and exclaimed, regardless of court etiquette: "I have been brought here under false pretenses and ought to be allowed to protest. I was in Paris when I received word that I had been named as co-respondent in this case, and I came all the way across an ocean and a continent to defend the good name of this woman and myself—only to be made game of. So I wish to make a statement."

Linforth wouldn't consent, however, and, apparently against his will, Judge Graham, who looked as if he would have liked to hear what the major had to say, was obliged to refer him to the newspapers.

Aside from annoying the major, Linforth accomplished nothing. His poems were the worst offense the witness would admit. As for his relations with Mrs. Merriam, he declared euphematically, and with every appearance of truth, that they were perfectly innocent.

THREE BADLY HURT.

Colfax, Wash., Sept. 24.—R. M. Gwin, his wife and 5-year-old son are suffering today from serious injuries sustained when the automobile in which they were riding was struck by an O. W. R. & N. freight train at Pullman.

PUTS BULLET IN BRAIN.

Oakland, Cal., Sept. 24.—While a bill collector waited outside today, Geo. C. Wright, of Antioch, Cal., stepped into his bedroom here and sent a bullet into his brain.