

VOL. XLVIII—NO. 15,027.

WILL NOT DEFINE LAW ON REBATES

Supreme Court Leaves Railroads in Hole.

OBEDIENCE TO LAW IS RUIN

Not Allowed to Pay for Use of Industrial Tracks.

AWAIT NEW PROSECUTION

Equally Divided on Law Points, Court Refuses Rehearing on Alton Fines—New Attempt to Secure Definition.

WASHINGTON, Jan. 25.—(Special).—The Supreme Court of the United States today denied a rehearing in the case in which the Chicago & Alton and two of its former officers were fined \$50,000 for paying rebates to the packing firm of Schwarzschild & Sulzberger. The petition was presented to the court because that body was divided equally with reference to the law points involved in the case. Only eight judges sat, Justice Moody declining to participate, as it was under his administration as Attorney-General that the case was begun.

Law Points Are Undecided.

The result of the refusal of the court today to be a serious to the railroads, as it leaves a number of important questions arising under the Hepburn act undecided. All the more uncertainty exists, as the Court of Appeals also split upon the questions of law, the majority deciding in favor of the trial court. The gravity of the questions involved was made the basis of a petition for a writ of certiorari to get the case before the Supreme Court. Such writs are granted in less than 10 per cent of the applications, and having granted it in this case, the Supreme Court refused to give the defendants another opportunity to present the case.

Would Bankrupt Railroads.

The act which was declared by the court below to be the payment of a rebate was the payment to the packing firm of \$1 per car for the use of its switching tracks leading from the packing-house to the tracks of the Alton at Chicago. Under the terms of the decision of the court below, no railroad company can lease, pay for the use of, or operate under any agreement any such industrial sidetrack belonging to a shipper. If this is the law, it was pointed out to the Supreme Court, it would bankrupt the railroads involved to change, for example, the Chicago stockyards district, to conform with the law. Such a revolution in the methods of conducting transportation, it was urged, should not be forced upon the railroads until the highest court of the land declared it to be the law.

Will Wait to Be Prosecuted.

As a matter of fact, hundreds of traffic contracts have been held in abeyance awaiting the decision of the court, and now the railroads will not know what to do regarding this "new commercial crime," which the lower courts say was created by the Hepburn act. Owing to the fact that so much is involved, it is more than likely that the railroads will agree among themselves to make no changes, in the hope that the Government will start another prosecution which may result in a decision by the Supreme Court.

STEAMER VENTURE BURNS

Flames Break Out Shortly After Start From Prince Rupert.

VANCOUVER, B. C., Jan. 25.—The steamer Ventura, owned by the Bosworth Steamship Company, of Victoria, and worth more than \$100,000, was destroyed by fire this morning shortly after starting from Prince Rupert, on her way to Vancouver. The vessel, which was a first-class freighter, had just finished loading 6000 cases of salmon at the Inverness cannery, when flames burst from the engine-room.

Fifty passengers and the boat's crew were safely landed on the wharf and the boat was cut adrift to save the cannery from the blaze. She washed ashore a mile below and is still burning tonight. Seven thousand cases of salmon, fully insured, are also a total loss.

DOGS WORRY BOY TO DEATH

Son of Forest Ranger Mortally Wounded by Brutes.

TAPT, Mont., Jan. 25.—Hudson Barringer, 8 years old, a son of H. P. Barringer, a ranger in the Lolo forest, died today at the Milwaukee Hospital of terrible wounds inflicted Saturday by two large dogs. The boy was attacked on either side by the two brutes within 30 rods of his father's cabin, and before his parent could come to his assistance had been mortally wounded.

The dogs, which were destroyed, were owned by a neighbor and the boy had often played with them.

EXPLOSION TRAPS ELEVEN MINERS

ONE DEAD, TEN ENTOMBED BY CAVE-IN OF ROOF.

Three Miners, Badly Burned, Carry Superintendent Out—Others' Fate Unknown.

PITTSBURG, Jan. 25.—While Superintendent Logan and a party of miners were investigating conditions in the coal mine of the Merchants' Coal Company at Boswell tonight a gas explosion occurred which has already cost the life of one man and may result in the death of a dozen more.

Superintendent Logan, Mine Boss Norris, Pit Boss John Cole and 11 miners had begun an investigation and were nearly a mile back in the mine when the explosion occurred. The mine caved in and the pass gateway was completely blocked, with ten men back of the obstructions. Three miners, badly burned, found their way out and carried the superintendent, who was seriously injured and unconscious. He died soon afterward. Rescue parties are trying to rescue Norris, Cole and eight other miners, whose fate is uncertain.

BLOW PEPPER IN KEYHOLE

Police Lay Siege to Sunday "LAD" Club in St. Louis.

ST. LOUIS, Jan. 25.—Thirteen members of the Belmont Pleasure Club, an alleged "LAD" organization, surrendered today after defying the police for 16 hours. The officers had gone to the place yesterday to raid it for violating the Sunday closing law, but found the doors and windows barred, and as the men inside had been charged only with misdemeanors, the police were not authorized to break down the barriers. There was nothing to prevent them establishing a siege, however, and this was done. In an effort to drive the men out the police blew cayenne pepper through the keyholes and stopped up the chimney. This failed and only the desire for breakfast caused the besieged to surrender.

KEEP CHILDREN IN FAMILY

Opinion of White House Conference on Their Care.

WASHINGTON, Jan. 25.—The importance of the preservation of the home was the central theme of discussion at the conference on the care of dependent children which was opened by President Roosevelt at the White House late today.

The subject under consideration was, "Should the Breaking of a Home Be Permitted for Reasons of Poverty or Only for Reasons of Inefficiency or Immorality?" It was the unanimous opinion of an array of notable charity workers that children can best be removed from the family circle only when proper supervision at home has become impossible. It also was the consensus of opinion that where poverty exists in the home state aid should be given.

EDWARD LANG IS DEAD

Week's Illness of Pneumonia Takes Fatal Turn.

Edward Lang, vice-president of the wholesale grocery firm of Lang & Co., died at 1:30 this morning at the home of his father, L. Lang, 722 Park avenue, on Kings Heights.

Mr. Lang had been sick with pneumonia for only about a week, and his death came unexpectedly to his family. Mr. Lang, although a young man, was well and favorably known here by a large circle of business and social acquaintances, and his sudden death comes as a great shock.

PIRATES ATTACK PEARLERS

Slaughter of Seven by Moros Is Reported.

MANILA, Jan. 25.—Word has reached here of an attack on the Farang pearling fleet by Moro pirates January 20, seven of the pearl fishers having been killed in the fight. The Insular government has dispatched several patrol boats to the scene of the attack with instructions to search for the pirates.

OFFICERS FIGHT POLICE

Admiral Protests Against French Treatment of Fleet.

MARSEILLES, Jan. 25.—A party of American naval officers came into conflict with the police today and one of the officers was taken to the police station, where, it is alleged, he was subjected to rough treatment. Rear-Admiral Waldwright has personally protested to the authorities against the action of the police.

GOLD MEDALS FOR WRIGHTS

Foraker Proposes Recognition of Services of Aeronauts.

WASHINGTON, Jan. 24.—Gold medals with suitable emblems will be awarded to Orville and Wilbur Wright by Congress in recognition of their great services in the advancement of aerial navigation, if the House of Representatives approves a resolution adopted by the Senate today. Senator Foraker introduced the resolution.

CAPTAIN LAST ONE TO QUIT REPUBLIC

Commander Goes Aloft as Vessel Sinks.

LATER RESCUED FROM WAVES

Second Officer and Handful of Men Stay With Chief.

ALL ESCAPE FROM SUCTION

Picked Crew From Gresham Picks Up Brave Men After Big Liner Goes Down—Two Coffins Sink With Steamer.

WOODS HOLE, Mass., Jan. 25.—The story of the sinking of the big liner Republic and the dogged heroism of Captain Sealby in sticking to his vessel until it had sunk beneath him, was told today by Lieutenant Scott, executive officer of the revenue cutter Gresham.

Lieutenant Scott said that when the Gresham found the Republic Sunday morning the passengers and all the crew but Captain Sealby, the second officer and 25 men, who had volunteered to stay by their chief, had been transferred to the Baltic.

The Gresham and a British passenger steamer passed lines to the Republic to tow the injured vessel, but she proved very unmanageable in the northwest wind. Late in the afternoon the derelict destroyer Seneca arrived and passed a line to the Republic, but by that time she was taking water fast. At 7 o'clock last night the entire crew was ordered by Captain Sealby to abandon the ship. They easily overtook the Gresham and said they could not persuade Captain Sealby to leave his vessel, and the second officer refused to leave the side of his commander.

NO BUSINESS EXCUSE GOES

Tennessee Puts Foot Down on Shirking Jury Duty.

NASHVILLE, Tenn., Jan. 25.—When the court opened today for resumption of the trial of Colonel Cooper, his son Robin and ex-Sheriff Sharpe, charged with the murder of ex-United States Senator Carmack, Judge Hart began to listen to the excuses of men summoned on the first venire.

"The first man who presents a business excuse will be fined \$10 right off the reel," remarked the court.

MURDERER IS SURROUNDED

Leader of Gang Run Down in Lonely Louisiana Cabin.

AMITE CITY, La., Jan. 25.—Garfield Kinchen, charged with being the leader of the gang that murdered three persons near Ticklaw, last Friday, was surrounded today in a cabin, seven miles from Amite City.

REFUSED SHELTER, TAKES OWN LIFE

SEATTLE MAN CANNOT ENDURE NIGHT ON DESERT.

Railroad Agent, Fearing Robbers, Drives Him Out—Found With Bullet in Head.

SAN BERNARDINO, Cal., Jan. 25.—(Special).—With ample means and a large amount of jewelry, including a costly diamond scarfpin and ring, in his possession, C. O. Thompson, a telegraph operator of Seattle, committed suicide Sunday night under the pump-house of the Salt Lake Railroad at Rox, a small desert station, just across the state line in Nevada, cause unknown.

He had applied to agent Wright for a room at the station during the night, explaining he would pay any sum the agent might demand, but this request was refused, the agent being suspicious of robbers. The agent told him to gather his kindling and build a fire under the pump-house station close by, and spend the night there.

Thompson went at once to the place indicated. Next morning his lifeless body was found, a small pistol clutched in the right hand and a wound in the temple mutely testifying to suicide, as none of his jewelry nor money was molested. His name scrawled on the back of a card, giving Seattle as his residence, was all he left by which to establish his identity.

COURT UPHOLDS BANK LAW

Nevada Justices Order President of Defunct Bank Brought Back.

CARSON CITY, Nev., Jan. 25.—The Supreme Court of Nevada rendered a decision today in the case of T. B. Riekey, president of the defunct State Bank. The act under which he was indicted was assailed on its constitutionality. The court unanimously upholds the law, and remands the defendant to the custody of the Sheriff's office of Esmeralda and Ormsby counties. Riekey is now in California, where he has taken up his home. It is expected he will be brought to this city immediately in case he does not surrender in person.

FRAME EMERGENCY BILL

It is probable that tomorrow the Joint committees on assessment and taxation

It is evident from this that Multnomah, Columbia, Tillamook, Douglas, Jackson, Josephine, Clackamas, Coos and Wallowa must pay the greatly increased tax which will be apportioned under the uniform levy based upon assessed valuations. The burden will fall upon the counties as a whole, for the state tax is a debt from the county to the state. In the case of Multnomah the additional \$107,000 will come out of the general fund of the county. The law requires that the state tax must be paid out of the first moneys collected. The county must also pay to the city, the school district and the Port of Portland their respective funds. It will be necessary for the county to retrench in other directions or issue interest-bearing warrants for current expenses.

EMERGENCY LAW TO IMPOSE TAXES

Governor Will Call on Solons to Act.

LEGISLATURE TO MAKE LEVY Can Be No Equalization for Fiscal Year 1909.

HARD ON LARGE COUNTIES

Extra Burden Imposed on Them by Supreme Court Decision—May Put Equalization in Hands of Tax Commission.

SALEM, Or., Jan. 25.—(Special).—Governor Chamberlain will send to the Legislature tomorrow morning a special message advising immediate enactment of an emergency tax law to take the place of the act declared unconstitutional. The Governor had not decided tonight whether to outline a message which he thinks should be passed or to leave this entirely to the Legislature. Probably he will indicate the general features which he deems best suited to the emergency.

Levy on Present Assessment.

In speaking of the matter tonight the Governor said that in his opinion it would be necessary for the Legislature to frame and pass a bill either making a levy or authorizing the State Board of apportionment to make a levy for the year 1909. "This levy would necessarily be upon the valuations as they now stand upon the assessment rolls," said the Governor, "for there can be no equalization this year, and the Legislature must assume that the assessors have done their duty in making assessments. Provision can then be made for an equalization of taxes for future years."

Big Counties Will Suffer.

DIVORCE REVEALS CARMAN'S SECRET

GENERAL'S SON MARRIES CHORUS GIRL AND DESERTS HER.

Left to Shift for Herself by Son of Wealthy Family, Who Says He's "Broke."

LOS ANGELES, Cal., Jan. 25.—(Special).—The secret marriage of John Carman, son of Brigadier-General Ezra F. Carman, United States Army (retired), to a tragic young chorus girl, was published to the world for the first time in a divorce suit tried today before Judge James. The sprung daughter-in-law of the wealthy and aristocratic military family, now a stenographer, went to court merely asking for maintenance, but when the testimony was half completed her counsel said, if it was all the same to the judge, she would rather have a divorce instead.

She got an interlocutory decree and young Carman was ordered to pay her \$40 per month for three years, unless she should remarry in the meantime.

The secret ceremony was performed in Detroit, the home of the Carmans, three years ago, and the husband and his mother soon afterward came to California, leaving the bride to shift for herself. She finally followed him here. Young Carman testified that he was "broke" and cannot support a wife. He said the marriage was kept quiet for business reasons.

CUBA GREET'S WARSHIPS

Salutes Mark Arrival at Havana on Historic Anniversary.

HAVANA, Jan. 25.—The American battleships Maine and Missouri steamed into Havana harbor today. The Maine, flying the flag of Rear-Admiral Arnold, pointed the way, and after she passed Moro Castle began saluting the Cuban flag. This salutation was returned from the Cabanas fortress. As the warships made their way through the harbor the bands on the quaterdecks played national airs, while there was a steady applause from the thousands of persons who crowded the seawalls.

Today is the eleventh anniversary of the arrival at Havana of the old battleship Maine, whose wreck still is to be seen in the harbor.

MUST PAY BACK RAKE-OFF

New York City Railroad Milked by Securities Company.

NEW YORK, Jan. 25.—A judgment for \$445,000 against the Metropolitan Securities Company and in favor of Adrian H. Joline and Douglas Robinson, as receivers for the New York City Street Railway Company, was awarded today by Judge Ward, of the United States Circuit Court.

The suit was brought to recover funds of the New York City Railroad Company, alleged to have been diverted by the Metropolitan Securities Company. It was charged that notes of the New York City Railroad Company were sold at 70 per cent of their par value and later redeemed at full value.

THINK NEGRO FIRED HOUSE

La Grande Much Stirred Up Over Midnight Fire.

LA GRANDE, Or., Jan. 25.—(Special).—The city is stirred up tonight over the arrest of this afternoon of Joe Williams, a negro, who is accused of having fired the Hiltz-Andrews building last night, when over \$500 in property was destroyed.

Today the District Attorney, whose household goods were destroyed, caused the arrest of the negro employed about the house. Public opinion is strong that the negro fired the residence out of personal spite. A word battle had ensued just previous to the discovery of the fire.

FIGHT AT RAID ON FIGHT

Forty Men Attack Police Who Spoil Sparring Match.

NEW YORK, Jan. 25.—Followers to-night raided a prizefight in the Drydock Athletic Club, at Tenth street and Avenue D. When the two fighters were arrested the detectives were attacked by 20 or 40 men. Five shots were fired. Reserve were called from two precincts and 25 men besides the fighters were arrested. Nobody was hurt.

CARRIE GIVEN SOME EGGS

London Audience Presents Them to Her With Much Vigor.

LONDON, Jan. 25.—Mrs. Carrie Nation, who is attempting to deliver a series of lectures here, met with a hostile reception at the Canterbury Music Hall to-night. She was presented with eggs, one of them striking her in the face. The audience maintained a chorus of hisses. Mrs. Nation was obliged to quit the house under police protection.

TWENTY-FIVE DIE IN MINE

Explosion in Pennsylvania Is Disastrous Affair.

JOHNSTOWN, Pa., Jan. 25.—Twenty-five men are reported killed in the Boswell mine, including Superintendent Logan. The deaths were the result of an explosion. The mine is located at Boswell, Somerset County, Pa.

DARK HORSES IN ILLINOIS BATTLE

Hopkins Pleads While New Rivals Appear.

STANDARD OIL CRY IS RAISED

Calhoun Said to Be Ally of Octopus Like Foraker.

HOPKINS' HOPE IN DIVISION

Does Not Believe Antis Can Center on Candidate—Threatens to Prolong Deadlock by Tying Up Last Ditchers.

CUBA GREET'S WARSHIPS

Salutes Mark Arrival at Havana on Historic Anniversary.

HERD OF DARK HORSES

Mr. Sherman is being credited with 21 votes, Mr. Ross with 18 and Mr. Rodenberg with 4 to 6. The Hopkins managers express the belief that as soon as the "antis" attempt to center upon a candidate against the Senator they will meet with trouble.

Congressman George Edmund Foss, in returning to Illinois, has caused alarm in the Hopkins camp. The gossip here insists that the appearance of Mr. Foss on the scene will rally new votes for him. W. J. Calhoun, ex-member of the Interstate Commerce Commission, is a Chicago "dark horse" entry expected to show additional strength this week. The politicians are attempting to stem the Calhoun sentiment by insisting that, if Mr. Hopkins is to be routed, the vote should go to some one who has been active in politics.

STANDARD OIL CRY RAISED

Bitterness of a new kind entered the fight today. The Standard Oil cry has been raised against Mr. Calhoun. Men who are aiding Mr. Hopkins in the fight for re-election are likening Mr. Calhoun to Senator Foraker.

It is charged that Mr. Calhoun has been long connected with the Standard Oil Company. One case cited is that of George F. Harding vs. Standard Oil Company, of New Jersey, and William J. Calhoun.

DEEPEIN IN PREJUDICEMENT

Governor Deeneen is quietly lining up

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HERE'S ANOTHER BRIGHT GALAXY OF LEGISLATIVE TALENT

