



OREGON SYSTEM IN FIGHT FOR ITS LIFE

Initiative and Referendum Attacked.

SUPREME COURT TO DECIDE

Telephone Company Denies Laws' Constitutionality.

CORPORATION TAX FOUGHT

Big Concern Brings Action Before Highest Tribunal in Effort to Prove Popular Laws Against Spirit of the Constitution.

BY HARRY J. BROWN. OREGONIAN NEWS BUREAU, Washington, Sept. 24.—The constitutionality of the initiative and referendum, the famous "Oregon system" of popular government, will be the subject of a decision—with far-reaching consequences—by the Supreme Court of the United States in the approaching term. The question of the constitutionality of these expedients of government forms the basis of a suit between the State of Oregon and the Pacific States Telegraph & Telephone Company. As the case is near the head of the docket, it will be reached in time to insure a decision before the end of the term. The case originated in the company's challenge of a law enacted by the Oregon Legislature under the initiative plan, by which a tax of 2 per cent was placed on the gross earnings of telegraph and telephone companies. Taking the position that the initiative and referendum, which are coupled in the Oregon law, are inconsistent with the republican form of government guaranteed by the Constitution of the United States, the company refused for four years to pay the assessments.

State Courts Decide for Law. The state supreme courts in a suit. There was a hard fight in the trial court, but the decision was favorable to the law. A like conclusion was reached by the Supreme Court of the state, and the company, still unsatisfied, carried the case to the highest tribunal on a writ of error.

Senator Norris Brown, of Nebraska, a staunch believer in the initiative and referendum, has been engaged by the state of Oregon to argue this case before the Supreme Court, and supporters of initiative and referendum realize that their cause must stand or fall according to the decision of the Supreme Court in this suit. Because of the importance of this case, it was deemed advisable to secure the services of Senator Brown, who is a lawyer of recognized ability and one familiar with procedure before the Supreme Court.

Millions of People Affected. The state cause will also be fought for by Attorney-General Crawford, of Oregon, Jackson H. Ralston, of this city, and ex-Representative George Fred Williams, of Massachusetts. For the company, Pillsbury & Sutto, of San Francisco, will appear. Mr. Ralston will argue especially for the State Grange.

Much attention is already given to the case, as the constitutionality of the law is presented. It will be incumbent on the court to deal primarily with the fundamental principles involved in a system which is coming into vogue in many states. It is estimated that 8,000,000 or 9,000,000 people will be affected by the result. In addition to Oregon, the states of Colorado, Montana, South Dakota, Missouri, Oklahoma, Arkansas and Maine, and the prospective state of Arizona now have constitutional provisions for the initiative and referendum, while California, Washington, Nebraska and Wyoming are preparing to vote on amendments embodying such features. Nevada has the initiative and is expected soon to add the referendum.

Another Important Case Up. Another important constitutional decision to be made by the United States Supreme Court at this session involves the question raised at the recent conference of Governors as to the rights of the states to regulate rates on interstate business passing through their borders.

There are a great many railroad rate cases awaiting argument before the Supreme Court, but foremost prominence has been given to Minnesota case, because it was featured by the Governors at their Spring Lake conference. The rate cases arise largely in Missouri, Minnesota, Oklahoma and Kentucky. While the various cases differ somewhat in detail, in the main they all raise the question of the extent of authority of a state over railroad rates, and the opinions of the Supreme Court in these cases will probably fix definitely the constitutional limits of state railroad commissions and determine the powers they may exercise in the way of fixing rates of common carriers in interstate trade.

The Minnesota case goes farther, however, and the decision in this suit will determine how far a state may go in regulating rates in interstate trade.

Harmless Nursing Boom. Governor Harmon, of Ohio, has pretended to see in this case evidence of an encroachment of the Federal Government on the rights of a state. (Continued on Page 2.)

FRENCH WARSHIP BLOWS UP; 500 DIE

FIRE BREAKS OUT IN MAGAZINE OF LIBERTE.

Vessel Sinks 19 Minutes After First Alarm, Taking Most of Her Crew With Her.

MARSEILLE, Sept. 24.—Fire broke out early this morning in the ammunition hold of the French battleship Liberté and vessel sank 19 minutes later. Nearly 500 of the crew are dead.

The battleship was built about five years ago and was a sister ship of the Veritas, which met with misfortune at the maneuvers a few days ago, going on the rocks and suffering considerable damage before being pulled off.

The Liberté was of about 14,625 tons displacement and carried four 12-inch guns and ten 8-inch guns. She had a horsepower of 18,000 and a speed of 18 knots. Her crew numbered 793 men. She was one of the large vessels of the French navy.

MAN OF 84 WOULD FIGHT

Filled With Liquor, He Disturbs Sunday Quiet in Spokane.

SPOKANE, Wash., Sept. 24.—(Special.)—Full of fight and the spirit of resistance, to say nothing of alcoholic stimulus, Grandpa S. W. Hodge, 84 years old, was hauled to the police station in the department's automobile this afternoon and had the distinction of being the oldest citizen ever to be locked behind the bars. The monetary of a dry Sunday pulled upon Grandpa and he filled up on bottled alk.

The brand he purchased speedily transformed the tottering octogenarian into a "white man's hope," and he showed the neighbors who was the best man on the block, by fictitious demonstrations in his family.

When he sought the open and began to create a general disturbance in an otherwise peaceful community, there were hasty calls for the police and the emergency grayhound was dispatched. Grandpa, it is said, offered to fight the police force, severally and collectively, and was eager to take on any living thing in his precinct, color and sex waived, but he was soon landed in the city jail.

STYLES' TOLL IS GLEANED

Railroad Says High Heels and Hobbie Skirts Cause of Accidents.

PHILADELPHIA, Sept. 24.—(Special.)—That high heels and hobbie skirts are responsible for a large proportion of injuries sustained by women while getting on and off trains and mounting and descending stairways in stations, is the conclusion reached by the Pennsylvania Railroad claims department, after an investigation covering three months, in which 73 such cases were recorded. Injuries ranged from slight contusions to painful sprains and cuts.

Typical of the causes set forth are: High heel caught on step of coach and tore off. High heel caught while ascending stairs; wore hobbie skirt. It is pointed out that the railroad can do nothing to prevent these casualties, because "women of all time have followed styles that are dangerous to life and limb."

LUNATIC INVADERS MASS

Dozen Men Tussle With Disturber in Seattle Church.

SEATTLE, Wash., Sept. 24.—(Special.)—Just as solemn high mass was drawing near the close in St. James' Catholic Cathedral this morning, worshippers were astounded by the sight of a red-haired, bewhiskered and poorly clad man standing up on one of the foremost pews. The man, who was G. W. Kesterson, a religious fanatic, at once began a tirade against what he termed the "damnable Roman Catholics, the hellish methods of the Pope."

It required a dozen strong men to handle him. Outside the church he continued his tirade until the arrival of the police, when he became peaceable, saying, "I'm a lamb now. I always am one when with the police. They've arrested me dozens of times." He was taken to jail and booked on a charge of disorderly conduct.

CHARLES GATES TO WED

Son of Late Financier Will Take Minneapolis Girl as Bride.

MINNEAPOLIS, Sept. 24.—Charles Gates, son of John W. Gates, who died recently in Paris, and Miss Florence Hopwood, daughter of Mr. and Mrs. Frank T. Hopwood, of Minneapolis, will be married Wednesday in Uniontown, Pa., at the home of Miss Hopwood's uncle, Robert F. Hopwood.

Miss Hopwood, her parents and a small party of friends tonight are en route to Uniontown.

FRIENDLESS ISLE TAKEN

Lighthouse Inspector Takes Possession in Name of United States.

SAN FRANCISCO, Sept. 24.—Commander W. A. Moffett, United States Navy, inspector of the eighteenth lighthouse district, reported today that he has taken formal possession of Bishop Rock, an island 110 miles west, half south of Point Loma.

TAMMANY LEADER'S FEAR IS AROUSED

Blow to Election Law Angers Murphy.

"BIG BOSS" PROMISES WAR

Danger of Losing County and Board of Aldermen Hurts.

NO RECALL SAVES JURISTS

Nerve of Judges Who Upset Statutes Drafted by "Gracious Command" of Boss of Tammany Hall Has Telling Effect.

BY LLOYD F. LONERGAN. NEW YORK, Sept. 24.—(Special.)—The knock-out blow to the Levy election law, administered by Supreme Court Justice Gavegan, has aroused Leader Charles F. Murphy. There are daily consultations participated in by Tammany lawyers and "The Boss," and the case will be bitterly fought in an effort to have the decision reversed before election.

Municipal interest can best be explained by the fact that the rejection of the Levy law means that he probably will lose his county ticket and the control of the Board of Aldermen, also enough Assemblymen to transfer him into a minority in the Lower House at Albany.

This last contingency does not worry him, as there is not much left at the State Capitol except some furniture. But the local situation worries him extremely.

Tammany Sure Winner Officially.

Long experience has demonstrated that Tammany can never be defeated in a straight party fight. The city is naturally Democratic, and Democrats who dislike the rule of Murphy object to voting the Republican ticket. The only way to corral them is to suggest the Republican pill with a non-partisan name.

Murphy has six Supreme Court Justices, a Surrogate and Sheriff at stake this Fall. In a straight-out party fight he would certainly elect all of them. With a few independent organizations ramping and r-aring about, and fusion accomplished, which would be very easy, the road of the Tammany political auto would be strewn, figuratively, with broken glass and nails.

The Levy election law was designed to make easy riding. It absolutely prevented fusion, although, of course, not in so many words. Any political party or independent committee was authorized to name any person it pleased for any old office. But—

The candidate's name could only appear once on the ballot. For example, John Doe is named for Surrogate on the Republican, Prohibition, and old settlers' tickets. He selects to run as a Republican. In the Prohibition column no name appears for Surrogate. Instead there are the words, "See last column." There are the voter finds the name of his candidate, preceded by the emblems of the various parties that have nominated him, and the information "See second column" (the Republican column), whereupon he is supposed to cross over there and make a mark in front of the name of John Doe.

Voters Discriminated Against. The decision of Justice Gavegan, put briefly, is that the Levy act discriminates against the Republican ticket. (Continued on Page 2.)

TAMMANY LEADER WHO FINDS HARD FIGHT ON HIS HANDS, AND REPUBLICAN LEADER WHO IS DIRECTING IT.



SAMUEL ROENG, REPUBLICAN LEADER (UPPER LEFT) AND CHARLES F. MURPHY IN PORTRAIT, SNAP-SHOT AND THROUGH CARTOONIST'S EYES.

INDEX OF TODAY'S NEWS

The Weather. YESTERDAY'S—Maximum temperature, 67 degrees; minimum, 48 degrees. TODAY'S—Fair; winds mostly northerly. Foreign. Fear De la Herra will be elected Vice-President worse Madrid. Page 2. French battleship Liberté blows up; nearly 500 of crew killed. Page 1. National. Republican factions in Kansas unite in showing friendship for President Taft. Page 4. Part two of report of Commissioner of Corporations on tobacco industry tells of trusts' plan. Page 2. Constitutionality of Oregon system to be decided by United States Supreme Court at approaching session. Page 1. Pacific Northwest. Six laymen were ordained before throng at Methodist conference. Page 5. Boise Mayor denies petition of voters for commission election. Page 5. Clark County pruned crop loss by rains said to be \$375,000. Page 5. Industrial. North Dakota German-Lutheran farmers want to settle in country near Burns. Page 10. New four mill to be built at The Dalles. Page 10. Lakeland wants better market relations with Portland. Page 10. Domestic. Post Le Gallienne and ex-actress engaged to be married. Page 2. San Francisco primary election for Mayor is tomorrow. Page 2. Reclus suddenly dies and barn yields for initiative and referendum attacked as unconstitutional. United States Supreme Court to decide. Page 2. Blow to Levy election law in New York alarms Tammany leader. Page 1. Richard Le Gallienne to wed Mrs. Irma Hinton Perry, ex-actress. Page 2. Thirteen merrymakers killed when train hits hayrack. Page 1. Sports. Results in Pacific Coast League yesterday: Portland 4, Oakland 2. Vernon 6-6, Sacramento 5-3. Los Angeles 9-10. San Francisco 3-8. Page 5. Results in North western League yesterday: Portland 10-2. Tacoma 9-2. Seattle 5-2. Vancouver 6-1. Spokane 5-12. Victoria 2-8. Beavers and Columbus Club Grays clash today in benefit game for Buddy Ryan. Page 5. Beavers have been lucky, but "luck" has contained in good playing. Page 5. Umpire "Billy" Evans, attacked by Cleveland fans for decision, knocks out two rowdies with his fists. Page 1. Portland and Victoria. Dr. Otto Koshner, agent of German Government, visits Portland on way to China. Page 7. Auditorium site may be changed from present to new location. Page 14. Rev. H. R. Talbot, chairman of Vice Commission, discusses problems before new civic body. Page 8. Judge Harris, of Eugene, candidate to succeed Bourne in Senate. Page 4. Work on Broadway bridge progressing fast. Page 11. Rev. Edwin O'Hara says attempt to introduce social hygiene in schools is delirium. Page 2.

4 QUAKE SHAKE ECUADOR

Shocks Are Heavy, Buildings Collapse and Panic Reign.

GUAYAQUIL, Ecuador, Sept. 24.—Four earthquakes did much damage today at Riobamba, the capital of Chimborazo Province, about 85 miles from Guayaquil. The shocks continued throughout the day, but with diminishing intensity.

At the first shock a great panic prevailed. Many buildings were shaken badly and several collapsed. The occupants of most of the houses fled to the streets, where they since have remained.

At Guaranda, capital of Bolivar Province, 25 miles from Riobamba, the shocks were heavy. The walls of a number of residences collapsed. The disturbances are attributed to the Yunguargua volcano in the southern part of the province of the same name.

KANSAS HAS TWO LEPROS

Mother and Little Child Found Suffering From Disease.

TOPEKA, Kan., Sept. 24.—Dr. A. J. Crumblin, secretary of the State Board of Leprosy, today discovered two cases of leprosy at Hayes, Kan. Mrs. Mike Quint and her young child are afflicted with the disease. The entire family has been placed under quarantine and the Federal health authorities have been notified. These are the first cases of leprosy found in Kansas. (Continued on Page 4.)

ITALY AND TURKEY ON VERGE OF WAR

Turks Capture Italian Steamer.

LATINS ARE MOBILIZING TROOPS

Italian Protectorate Over Tripoli Cause of Rupture.

WARSHIPS SENT TO FRONT

Soldiers From Italy Said to Have Landed on Tripoli Coast and Seized Turkish Vessel—Socialists Threaten to Strike.

PORT SAID, Sept. 24.—(Special.)—News has arrived here that the Turks have captured the Italian liner Regina Margherita at Marsina, which is on the Mediterranean, near Adena. The Italian liner Besoforo, which is now here, has postponed her departure for Syrian ports because of fear of seizure.

PARIS, Sept. 24.—(Special.)—It is reported that Italy is mobilizing 112,000 troops and that reserves landed at Tripoli have seized a Turkish ship and ammunition.

ROME, Sept. 24.—The Italian government is moving rapidly and with determination to establish an Italian protectorate over Tripoli. Its plans no longer are concealed and its attitude is favored by all classes except the advanced Socialists, who threaten to call a general strike in the event of hostilities.

Although not attaching much importance to the strike, the government has decided to call to the colors 112,000 reserves so as to be prepared for all emergencies, both at home and abroad.

Battleships Go to Tripoli. It is reported that an Italian squadron, consisting of the battleships Napoli and Roma, the armored cruisers Pisa, Amalfi, Giuseppe Garibaldi, Varese and Francesco Ferruccio, and two flotillas of destroyers and torpedo boats, left Syracuse tonight for Tripoli.

The warships carried no troops and it is understood will confine their action for the present to watching the coast. They will interfere only in the event of an outbreak on the part of Turkey.

No official confirmation of this can be obtained. There is the strictest censorship of newspapers here, which are threatened with dire penalties if they publish anything concerning the naval and military movements.

Amicable Settlement Hoped For. It is said the government hopes to arrange an amicable settlement with Turkey whereby Italy will secure a lease of Tripoli under the sovereignty of Turkey, paying therefor an annual rental. If Turkey definitely refuses to meet this proposal, Italy will proceed with military measures.

The government is prepared to meet any aggressive measures on the part of Turkey, such as attacks upon the lives and property of Italian subjects in Turkey, in which case, it is understood, a naval demonstration will be made before Smyrna immediately. The material difficulties of those operations have been given full consideration.

The calamitous Abyssinian campaign has been recalled by the government. (Continued on Page 4.)

UMPIRE PUNCHES HOODLUM CRITICS

GAME AT CLEVELAND BREAKS UP IN RIOT.

"Billy" Evans Knocks Out Two With His Fists When Enraged Fans Attack Him for Decision.

CLEVELAND, Sept. 24.—Umpire "Billy" Evans hit one man, beat up another, and was himself roughly handled following the Cleveland-Philadelphia baseball game here today. A general fight resulted and a crowd of 2000 spectators swarmed on the field and around the participants.

Spectators objected to Evans calling a foul ball on Second Baseman Ball of the Cleveland team in the eighth inning, and when he put Butcher out of the game in the ninth for protesting after two strikes had been called on him, they became more enraged.

After the game, Evans was cursed by two men, and retaliated by punching and routing both of them. Several women were in the crowd that swarmed around the official, and one was so badly crushed that two ball-players had to rescue her.

Evans was not beaten badly. "The first fellow used some pretty foul language," he said. "His fists were clenched, but I hit him first. I did not hurt him—just knocked off his hat. The other fellow, standing in the entrance to the clubhouse, refused to let me by, and I hit him several times, but I am sorry such a thing occurred, but I had to defend myself."

Several years ago Evans was nearly killed when hit by a pop bottle in St. Louis.

After Evans had been spirited away in an automobile to a railroad station and out of the city, the crowd started to stop streetcars in an effort to find the umpire.

Two men who resembled Evans were pulled from cars, but neither was injured.

CHEESE POISONS CHILD

Death Fought Off After Babe Eats Tiny Slice of Limburger.

One wedge of cheese nearly caused the death of Florence George, age three, late Saturday night, and a like amount of the same food brought hours of agony to her four brothers, Theodore, seven; Roy, 10; William, 12; and Adam, 14. It was only by the efforts of Dr. J. C. Hayes that Florence's life was saved. The physician was called at 11 o'clock and it was not until daylight that he thought the little one out of danger.

The illness, said Dr. Hayes, was due to limburger cheese which formed part of a late meal. It resulted in an acute attack of ptomaine poisoning. The father, John George, a city employe, also ate some of the cheese, but felt no ill effects. The children were taken with severe pains immediately following the repast.

The George family reside at 895 East Eighth street North.

FIB ANNOYS CONSCIENCE

Woman Pays Old Debt to Railroad for Child's Ride.

ROSEBURG, Or., Sept. 24.—Confessing that she had told a train ticket agent her child was under five years of age, when in fact she was over six years old, and under such pretense succeeded in securing free transportation for her, a woman appeared at the local Southern Pacific ticket office this morning and tendered the agent \$5. She said the incident occurred about three years ago, and that she had since been troubled by her conscience.

"I do not think I could right myself with God until I had paid the debt," declared the woman as she hastened from the ticket office. The woman refused to give her name. Southern Pacific officials here declare that today's donation is the first "conscience" money ever received at this office.

YALE BEGINS 21TH YEAR

Former San Francisco Educator to Head Divinity School.

NEW HAVEN, Conn., Sept. 24.—Yale University, in beginning next Thursday its 21th year, will show changes both in the personnel and in teaching force and physical equipment. Charles Reynolds Brown, formerly of San Francisco, has been placed at the head of the divinity school. Professor Hans Gertel succeeds Dean Andrew W. Phillips of the graduate school. Several professors identified with the University for many years have ceased connections through death, resignation or retirement.

Notable among the building operations is the demolishing of Alumni Hall, preparatory to beginning the erection of the new Wright memorial dormitory.

MINER FALLS FAR; LIVES

After Drop of Several Hundred Feet Wolff Has No Bones Broken.

SPOKANE, Wash., Sept. 24.—(Special.)—Adolph Wolff, a miner, fell several hundred feet from the second to the fourteenth floor in the Hunter mine, above Mullian, Idaho, at 2 o'clock this afternoon and sustained no other injuries than a number of deep cuts and severe bruises. He was picked up unconscious but soon recovered and was brought to Wallace Hospital, where it was learned not a bone was broken. The doctors say he can return to work in two or three days.

TRAIN SHUNTS 13 TO AWFUL DEATH

Hayrack Ride Fatal to Merrymakers.

VICTIMS PILED ON ENGINE

Flying Bodies Knock Over Flagman's Little Shanty.

ONE SCALES BIG BARN

Infanct Found Unhurt in Arms of Unconscious Woman Far From Dangerous Grade Crossing Where Accident Occurred.

WENNAH, Wis., Sept. 25.—Twelve persons were instantly killed, one was so severely injured that she died later and three were dangerously hurt when a fast Chicago & Northwestern train struck a hay rack on which 30 persons were riding early today. Five other members of the party were badly hurt.

The party was returning from a wedding anniversary at the farm of Peter Hansen, near here. Of the victims all but two lived in Wrennah, Wis. Mr. and Mrs. Joseph Brinski escaped and a child of two years also escaped. They were sitting in the front half of the rack, the mother holding the child in her lap.

Woman Hurled 50 Feet. About half way back in the wagon sat Mary Schwartzbauer. She was hurled about 50 feet and rendered unconscious. When found by rescuers, the Brinski child was in her arms unhurt. The parents of the child were slightly hurt.

Peter Hanson, driver of the wagon, managed to hang to the reins and was the only person in the party who was not stunned by the collision.

A billboard prevented him from hearing the on-rushing train until his team had reached the track. He whipped up the horses, but the wagon was only half way across when the crash came.

Pilot Strawa With Dead. Hanson had taken the merrymakers to his farm in the early evening and had taken them back within a mile of their homes when the collision occurred.

Six of the dead were found on the engine pilot. Two others were hurled through the flagman's shanty with such force as to overturn the little structure. One of these, a young woman, though hurled through a wall of the house, was alive when found. She died a few hours later.

Another victim was thrown over a barn, 50 feet from the railway right of way.

In the last eight years nearly two dozen persons have lost their lives at the grade crossing where the accident today occurred.

PA OF 11 GIRLS SUFFRAGIST

Traveling Preacher Will Settle in State of Washington.

VANCOUVER, Wash., Sept. 24.—(Special.)—With 11 daughters and his wife, William N. Paul, an itinerant Adventist preacher, has arrived in Vancouver and will settle permanently in this state.

While the electoral power of Mr. Paul's family is not yet at its full strength, for several of his daughters are deficient in the age requirement, he has expressed a desire that his family be versed in suffrage when the time to vote arrives. The youngest daughter is less than a year old and the eldest is a comely miss of 20.

The Paul family rode into Vancouver in a prairie schooner, in which the members have traveled in many parts of the United States. It has been the preacher's policy to time his arrivals in such a way that he may profit by the particular industry for which the region he visits is known. From Ashland, where Mr. Paul has been the past few weeks, the family plucked hope, and application has been filed with Lloyd Du Bois, president of the Vancouver Commercial Club, asking that Clark County prunegrowers who are seeking aid in the harvest of their crops communicate with Mr. Paul. The latter says he stands ready with several pairs of deft feminine hands to take part in the work.

Mr. Paul, while he is not a politician, says he believes in woman's suffrage, and has come to Washington, where equal suffrage has been granted, for the benefit of his daughters. He is an admirer of Theodore Roosevelt, he says.

BLACK ATTACKS 2 WHITES

Negro Rescues Crowding on Street-car; Victims May Die.

CINCINNATI, Sept. 24.—Because they were crowding into a seat on a crowded car here late last night, Thomas Taylor, aged 25, and Floyd Eastor, 21, were attacked by an unidentified negro and sustained knife wounds that will prove fatal.

The negro escaped. The two men, both of prominent families, were hurried to a hospital.