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The Weather—Fair tonight and Tuesday; light frost tonight.

Oregon Daily Journal

WITH HER THE UNION SHE FLIES OWN WINGS

COAST TEMPERATURES
5 A. M. Today.

Boise	34
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VOL. X. NO. 6. PORTLAND, OREGON, MONDAY EVENING, MARCH 13, 1911.—EIGHTEEN PAGES. PRICE TWO CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

CORPORATION TAX HELD CONSTITUTIONAL

SUPREME COURT IS UNITED IN OPINION UPON FEDERAL ACT

Fifteen Cases, Brought in Six States, and Carried Up on Appeals Are Affected by Today's Decision.

VARIETY OF BUSINESS INTERESTS INCLUDED

Jurists' Conclusions Embrace All and Find No Flaws in the Law.

(United Press Leased Wire.)

Washington, March 13—The constitutionality of the corporation tax law was upheld today by the United States supreme court. The decision of the court was read by Justice Day.

The decision was concurred in by all the other justices. It affects 15 cases arising in different parts of the country.

The cases came from the federal courts of New York, Illinois, Ohio, Massachusetts, Vermont and Minnesota. The litigants include corporations concerned with real estate, mining, manufacturing, life insurance, transportation and merchandising. In each case two stockholders sought injunctions, asserting that the law was unconstitutional.

The decision declared that the contention that the law was not constitutional because it originated in a senate amendment to the Payne tariff act, was untenable. It said it was a tax upon doing business and not upon ownership.

"This is an excise tax upon the privilege of doing business," the decision

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WHY BROADWAY BONDS DON'T SELL

Obstructionists' Suits Sole Reason, Explains Fred Morris, Bond Man.

"It will be practically impossible to sell the Broadway bridge bonds as long as the obstructionists are able to keep up litigation in the courts, but the moment it is known that they have exhausted their last resource under the law bond buyers over the country will submit bids for the issue," said Fred S. Morris, of Morris Brothers, bankers and bond buyers. "Portland municipal bonds are held in very high esteem in the money centers of the east. In fact, New York savings banks look upon Portland bonds as an A-1 investment."

Mr. Morris returned to Portland Saturday night, following a prolonged stay in New York. He reports the eastern banks as gorged with money and the bond buying banks and brokers in the market for all good securities offered.

"The general condition of the country is much better than it was when I was in New York last summer," said Mr. Morris. "There is a complete absence of uneasiness. The merchants are selling more goods and the manufactories are running on fuller time. However, it must be understood that the big eastern manufacturers are operating on a smaller margin than when the competition was less strenuous and they are so shaping themselves as not to carry over heavy stock until next season.

"No one should get the idea that Portland's credit is involved in this Broadway bridge bond affair. Bond buyers all over the east recognize that Portland is one of the solidest cities in the country. Its bonds have always been sold on a very close margin. If there were a speculation in the Broadway bridge bonds the brokers might take a chance, but as they are handled on a margin of 1 per cent or less, bond buyers hesitate to touch them as long as the litigation over their validity is kept up."

Mr. Morris expects to return to New York the latter part of the week.

"I expect to return to Portland in time to spend the hot months in the delightful Oregon climate," he said.

10 BODIES TAKEN FROM NORMAN MINE

(United Press Leased Wire.)

Virginia, Minn., March 13.—Ten bodies, crushed into unrecognizable shape, were recovered today in the Norman mine. It is stated that 16 bodies still remain in the collapsed workings. A large force of men is digging to reach them, but in spite of continuous work it probably will be two days before they will be recovered. The accident is attributed to recent thaws, which softened the earth on which the mine timbering rested.

MADERO REPLIES TO DIAZ' THREAT BY REPEATING IT

Orders That No Quarter Be Shown to Federal Troops Who Fall Into Hands of the Insurrectos.

WOUNDED KILLED ON BATTLEFIELD, REPORT

Regulars Said to Have Slain Injured Rebels at Casas Grandes.

(United Press Leased Wire.)

El Paso, Texas, March 13.—Francisco I. Madero, commanding the eastern wing of the Mexican revolutionary army, has issued orders to his men to give the federal troops no quarter, according to a courier arriving today from Casas Grandes. This order is believed to have been the result of President Diaz' order suspending the personal guarantee provision of the Mexican constitution.

That the federals killed all wounded insurrectos left on the field after the battle at Casas Grandes was the statement of an American railroad man, based on the stories told him by Mexican non-combatants.

The entire Fourth United States cavalry is now encamped here, two troops having arrived last night. Scouts report that insurrectos are gathering in the hills south of Juarez.

Mexico City, March 13.—That the determination of President Diaz to end the revolution by exterminating the revolutionists will result in even more drastic steps than the suspension of personal guarantees under the constitution is the general belief here. It was expected that the order refusing civil trials to persons charged with the destruction of property, and directing that disturbers be shot, would quiet disorders. As far as can be learned here, however, the depredations of the insurrecto element continue.

MARTIAL LAW WILL MEAN REBEL RALLY, DECLARES REFUGEE

(United Press Leased Wire.)

Washington, March 13.—"Wholesale murder, unrestricted shooting and killing with anarchistic riot will be the portion of Mexico under martial law," said Juan Azonca, political refugee. "The establishment of martial law in Mexico means these three things. The revolutionists will continue to make war shot. It may found paradozical, but but it will be civilized warfare, and not outrageous barbarism.

"The reign of murder will be started with the slaughter of 9500 political prisoners confined in Mexican jails. They will be lined up against walls and shot. It may sound paradoxical, but

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FRIENDS OF TAFT TAKE STEPS TO BLOCK INQUIRY

To Forestall Congressional Demand, War Department May Advance Explanation of Mobilization.

(United Press Leased Wire.)

Washington, March 13.—Plans to forestall a congressional attack upon President Taft as a result of the "military maneuvers" are being considered today by the administration supporters. In order to avert resolutions of inquiry, the war department probably will announce details of the administration's version of the mobilization.

Senator La Follette, it is understood, is preparing a resolution, inquiring whether the troops are mobilized to aid Wall street interests.

GREAT TRAMP FARM IS ADVOCATED BY NEW YORK CHARITY BOARD

(United Press Leased Wire.)

Albany, N. Y., March 13.—Among the recommendations in the annual report of the state board of charities is the establishment of a state farm colony for tramps, where they might be made self-supporting. They now cost the state about $2,000,000 yearly.

New Man in Cabinet

The new secretary of the interior, Walter L. Fisher, of Chicago, who was recently appointed by President Taft to succeed Richard A. Ballinger, who resigned.

FISHER INSTALLED AS NEW SECRETARY

Ballinger to Return to Seattle to Prepare His Suits for Slander

(United Press Leased Wire)

Washington, March 13.—Walter L. Fisher took the oath of office today as secretary of the interior. R. A. Ballinger, his predecessor, will remain here until Fisher becomes familiar with his duties. Following this Ballinger will go to Seattle, with the announced purpose of preparing his threatened suits for slander.

SEES NO EXCUSE FOR DOUBLING OF FORCE ON BORDER

More American Soldiers Are There Now Than Are Needed, Declares Limantour, Mexican Finance Minister.

(United Press Leased Wire.)

New York, March 13.—In a statement today, in which he carefully quoted the word "maneuver" wherever it occurred, Jose Yves Limantour, Mexican minister of finance, declared that Mexico had done nothing to warrant the doubling of the American force on the frontier.

"I have received no official information that the United States has decided to send 20,000 additional troops to Texas," Limantour said. "It may be true, but there have been no developments in my country warranting the doubling of the force the American government originally announced it intended to mobilize in the southwest for military maneuvers."

"Of course your government has the right to send as many troops as it pleases, but not even 20,000 men are needed to stop the insurrectos from smuggling arms and ammunition across the border. There should be no sensational deductions from the San Antonio reports that two detachments are to be sent to points actually on the border. Maybe they are going to stop the smuggling.

"If the troops were distributed along the border it would by no means follow that a conflict is about to occur between the federal armies of Mexico and the United States. To effectually stop smuggling it by no means becomes necessary for American troops to cross the border, and it is not logical to infer that they will invade the frontier simply because detachments are being actually sent to the border."

Senor Limantour stated most emphatically that under no circumstances

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11 ARE KILLED IN RAILROAD STRIKE; MANY MORE HURT

Sharpshooters Pick Off Colored Firemen in Cabs as Trains Pass Through the Mountains of Kentucky.

TWO DEPUTY SHERIFFS ARE SLAIN IN BATTLE

Race Issue Brings Serious Results on Queen & Crescent Route.

(United Press Leased Wire.)

Cincinnati, March 13.—A complete tie up of the Queen & Crescent railroad, and probably of all other southern lines, is threatened today. It has been announced here that the Order of Locomotive Engineers has notified the firemen that unless the strike is settled in a few days the engineers will serve the railway with a ten days' strike notice.

If this is done the strike will probably extend to all southern railroads that employ negro firemen.

"We will not appeal to Governor Willson now," said Vice President Powell, "but we have notified the sheriffs at the scenes of trouble and expect them to maintain order. I have reason to believe that the engineers are loyal and have no fear that they will go on strike."

(United Press Leased Wire.)

Somerset, Ky., March 13.—Today's toll of death is 11 and of injured nearly a score in the strike on the Queen & Crescent railroad. Traffic on the line, both here and at Chattanooga, is at a standstill as a result of clashes between striking firemen and strikebreakers.

The strike resulted from the refusal of the railroad to give assurances to the white firemen that they would have preference over negroes in the line of promotion.

The dead include nine negro firemen and two white deputy sheriffs. Five of the negroes were killed yesterday, having been picked off in their cabs by sharpshooters while the engines were passing through the mountain districts.

Four negroes and the two deputies were slain in a battle last night near Glenary, Tenn.

Railroad officials were served today with an ultimatum by the mountaineers that unless the negroes were discharged they would be killed and the company's bridges blown up.

Cincinnati, O., March 13.—Armed mountaineers have held up three Queen & Crescent freight trains near Kings' Mountain, Ky., 120 miles from here, according to a telegram received today by Vice President Powell. Railroad officials have asked the authorities at Kings' Mountain to send deputies to the scene.

CALHOUN MAY BE PROSECUTED AGAIN

District Attorney Will Reopen Case if Gallagher Is Returned to Frisco.

(United Press Leased Wire.)

San Francisco, March 13.—District Attorney Fickert intimated today that should James L. Gallagher be returned here through a legal process he would move to withdraw his motions to dismiss the so-called graft cases, and to reopen the prosecution of Patrick Calhoun, A. K. Detwiler and others charged with municipal bribery.

Fickert's statement was made in response to the printed statement that Gallagher would be brought from his home in Vancouver, B. C., to face a felony charge in connection with real estate deals in Oakland. Should Gallagher be extradited he would be usable as a witness in the graft cases.

Gallagher is regarded as the principal witness in the cases, having confessed that he acted as go-between for Abraham Ruef and the boodling board of supervisors in many briberies.

$20,000,000 WILL BE SPENT FOR STEAMER TERMINALS IN BOSTON

(United Press Leased Wire.)

Boston, March 13.—To carry out a steamship terminal project at South Boston, plans involving an outlay of $20,000,000 were announced today. The specifications call for the erection within a year of 11 warehouses and factory buildings, a 5000 horse power electric plant and terminal docks 1500 feet in length.

COMMANDERS IN BORDER "WAR"

Major General William H. Carter, who is in command of the 20,000 United States soldiers rushed to the Mexican border; and President Diaz of Mexico, the instability of whose government is the cause of the sudden activity of the army and navy.

TWO BIG HARNEY WATER CASES ARE DECIDED BY BEAN

Diversion of Flow of Silvies Is Restrained in One Suit; In Other Present Privileges Hold.

Two important eastern Oregon irrigation suits were settled in the United States court today by Judge Bean, the opinions being read by Judge Wolverton. Both were suits brought by the Pacific Livestock company, one against the Silvies River Irrigation company and the Harney Valley Improvement company, and another against W. D. Hanley and others. The former suit was decided in favor of the plaintiff and the latter in favor of the defendants.

In the suit against the Silvies River Irrigation company, it was claimed that the defendants were diverting water from the Silvies river onto their own lands. The Silvies river, after entering the Malheur valley, flows for several miles over a nearly flat country before emptying into Malheur lake. The plaintiffs own the land through which the river flows on its way to the lake, and owing to the level stretch, the stream branches into innumerable canals which irrigate this land naturally. Without the water the ground would be worthless.

The two defendant companies own land further up the valley and built a dam to divert the water onto this land, claiming they were taking surplus water only, which would not be missed by the land further down.

Judge Bean held that no showing was made of any surplus water being in the river, and therefore granted an in-

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HONOLULU UNDER QUARANTINE RULE

Federal Officials Take Steps to Prevent Spread of the Plague.

(United Press Leased Wire.)

Honolulu, March 13.—Steamship and shipping companies here are in possession of notifications today by United States quarantine officials that a quarantine will be imposed on all vessels arriving or clearing from here, because of plague conditions in the orient. The Pacific Mail liner Mongolia, from Yokohama, is the first vessel subjected to the inspection.

Johnson Denies "Short Ballot" Story

Sacramento, March 13.—"Statements in the reactionary press that the short ballot is a pet scheme of the present executive are untrue," said Governor Johnson today. "By the plan now before the legislature I could not have increased power. No official now in office would be affected by the measure."

ANOTHER STEAMER LINE TO MEXICAN PORTS ANNOUNCED

North Pacific Steamship Company Will Connect at San Diego With a Twenty Day Service.

That Portland is to have an almost direct steamship service to Mexican ports was the announcement made this morning by the North Pacific Steamship company, arrangements having been made by C. P. Doe, head of that company, for a joint service with the Cia Naviera Del Pacifico, sailing from San Diego for principal Mexican ports.

While details of the new service received by M. J. Higley, local passenger agent of the North Pacific, are few, advance information in a circular this morning states that the joint service has been inaugurated and that the steamer from Ensenada, Mazatlan, Guaymas, Manzanillo, Acapulco and Salina Cruz, with connections for all other ports on the west coast of Mexico, will sail every 20 days from San Diego.

Mr. Higley said this morning that he expected fuller information on the new service within a few days, but that in the emantime they would begin receiving freight for Mexican ports for the sailing of the next steamer from San Diego.

This addition to the service of the North Pacific Steamship company will give Portland two lines into Mexican ports, the American-Hawaiian furnishing the other, although the greater part of the freight of the latter company is for eastern or European shipment. Taken in connection with the new California-Atlantic Steamship com-

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COURT USES CLUB IN CAMORRA CASE

"Serve on Jury or Go to Jail" He Tells Fear Stricken Talesmen.

(United Press Leased Wire.)

Viterbo, Italy, March 13.—Continued fear of the Camorra on the part of talesmen in the trial of 40 members of the band for murder caused Judge Bianchi today to announce that he would punish prospective jurors who should attempt to evade service through false excuses.

"Two panels have already been exhausted," said the court. "We must force men to do jury duty. Beginning tomorrow I intend to inflict a jail sentence on every man offering an invalid excuse."

Public interest in the trial, which will be resumed tomorrow, was increased today by the news that Ciro Vitozzi, formerly a priest and now one of the defendants, is in a serious condition as a result of an attack of heart failure.

NO GROUNDS FOR EXTRA SESSION REPORT, SHOWN

Corey Says No Discrepancies of Magnitude and Would Make but Little Difference if There Were.

HUNT SAYS ERRORS OF NO CONSEQUENCE

Courts Have Already Passed on Case Where Records Are Lost.

All Bills Presumed to Be Regular.

Salem, Or., March 13.—It must be shown affirmatively that a bill did not pass before it can be proved by the journal proceedings of either house of the legislature that a law is invalid, is the opinion of Attorney General Crawford.

"A mere failure to show that a bill passed is insufficient when the bill has been filed with the secretary of state, properly enrolled and signed by the speaker and president. The presumption in that case," says Mr. Crawford, "is always to the effect that the law was regularly enacted."

(Salem Bureau of The Journal.)

Salem, Or., March 13.—There can be no errors in any of the proceedings of the senate as shown by the senate journal sufficient to vitiate any law passed by the legislature, let alone any such as would make the need of a special session even probable. Chief Clerk Corey of the secretary of state's office says he knows of no discrepancies in the journal that should cause any alarm and it is safe to say that Governor West will call no special session of the twenty-sixth legislative assembly.

"There may be a few discrepancies in the record of the proceedings," says Chief Clerk Corey, "but there have been none found yet of sufficient magnitude to nullify any law. There are several days' work yet required to check over the journal and prepare the copy for the journal. Some superfluous matter is being rejected and other parts of the proceedings returned to the rec-

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20 TRAINLOADS OF GAS PIPE ORDERED

Banners on Each Train Will Tell Country 520 Cars Are Portland-Bound.

Twenty trainloads of 26 cars each of pipe are being brought to Portland for the Portland Gas & Coke company from Chattanooga, Tenn. The first trainload is en route and is expected March 25. Others will follow in quick succession with a view to having the entire order filled before the end of October.

The pipes represent a value of about $250,000, and when laid will mean an increase of 180 miles in the company's service.

The trains bearing these pipes will mean a big advertisement to Portland because banners will be strung on their sides stating that 20 trains of 26 cars each, every one laden with gas pipe, are headed for Portland, a convincing illustration of the remarkable development of this city.

The arrival of this tremendous quantity of pipe means that many of the outlying districts will have gas service before the end of the summer, it being the intention without delay to take care of Vernon, Woodlawn, Sellwood, Mount Tabor and Montavilla, where gas has not yet been introduced. Other suburban districts will be given attention as quickly thereafter as possible.

TOP OF TURRET OF BATTLESHIP MAINE RAISED FROM SEA

(United Press Leased Wire.)

Havana, March 13.—The turret of the battleship Maine has been recovered. It weighs 21 tons and is 21 feet in diameter. Although the great piece of steel is unwarped, the 200 heavy bolts that held it in place are sheared in two as if with a sharp knife. During the last fortnight pile driving has been suspended because of an obstruction in the bed of the harbor.