AN UNPERSANT DUTY

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PORTLAND, OREGON, TUESDAY EVENING, JULY 23, 1912.-TWENTY PAGES.

PRICE TWO CENTS

BACK OF PLAN TO BUILD CAR LINE

Application for Franchise to Enter City From North Believed to Have Been Made by Agent of Big Concern.

ASKS RIGHT TO CROSS **NEW BROADWAY BRIDGE**

25 Year Franchise Wanted-Total Length of Line in City, Seven Miles.

Lending added interest to the interesting railroad situation caused by the rapid developments of the past few weeks in the transportation world with Porftland as the center of prospective expenditures of millions of dollars in improvements by street car and commercial railroad companies, was the strong rumer circulated today that the powerful Swift packing interests are back of an application made by George F. Heusner for an interurban franchise.

The proposed franchise ordinance was filed with the city auditor this morning and it will be introduced in the city council tomorrow. The ordinance asks for a 25 year franchise to lay and construct tracks over and along the following streets: From the northern boundary of the city along Derby street to Kilpatrick street; thence on Kilpatrick to Patton avenue; thence on Patton avenue to Prescott street; thence on Prescott street to Maryland avenue; thence on Maryland avenue to Failing street; thence on Failing street to Vancouver avenue; thence on Vancouver avenue to ridge to Seventh street and on Seventh street to Grant street.

line to the city limits would approximate names enough remain to cause the peseven miles, it is said, and its terminus titions to go on the ballot on Derby street would make it easily accessible to an interurban road that dissenting opinion on just one question, might be brought into the city over the the form of the petition. He holds that Columbia liver:

territory that would be penetrated by petition on each sheet, such a line is admirably adapted to the business of hog raising

It is said that the interests behind the proposed line are willing to subscribe \$100,000 toward a fund for the construction of an interstate bridge across of the 20 on the sheet signs the pe-

Whatever the truth of the rumor as to the interurban road may be, the important fact yet remains that the proposed franchise calls for a line within the city limits that is in itself of con-

siderable moment. It will be interesting to note what effect the application of Heusner will have on the apparent apathy of the Portland Railway, Light & Power company in securing a franchise across the Broadway bridge. President Josselyn of the street car company stated several months ago that his company was not at all anxious to secure any franchise on the Broadway bridge. At that time, however, there was no prospect of a rival company crossing the span.

PRESIDENT MAY HOLD LAFFERTY'S PATRONAGE

(Washington Bureau of The Journal.) Washington, July 23 - Whether (Congressman Lafferty's announcement that Simmons had shot the sheriff in the he will support Roosevelt for president hand while he was attempting to affect will interfere with the adoption of his an entrance into Simmons' house recommendations for the appointment serve a warrant on a statutory charge of public officials will probably soon be preferred on behalf of Simmons' 14shown by the action of President Taft. year-old daughter. Simmons was flee Lafferty has recommended a number of ing from the county, and was pursued applicants for vacancies in the postal by Sheriff Shockley several miles from service and there is some curiosity on Ilo, in Nez Perce county. A bystander the part of himself and other progres- at the ranch stated that Simmons fired sives to see what the administration the first shot, and that it was returned will do with his recommendation.

IS PUT ON BALLOT BY SUPREME COURT

Justice McBride Says Bunch of Blank Sheets Can Be Attached to One Statement of Petition.

JUSTICE EAKIN DISSENTS; "TITLE ON EACH SHEET"

People This Fall Will Now Pass When Kerr & McCord's Recon \$500,000 for State Schools.

Salem, Or., July 23 .- In an opinion written by Justice McBride, the supreme the Marion county circuit court in the University of Oregon referendum case and dismissed the suits. This means today that the referendums against the university appropriations of over \$500,000 Eakin gave a dissenting opinion, up- der the cover of Hanford's resignation. holding the decision of the lower court. the supreme bench that he has written a dissenting opinion alone.

The most sensational feature of the najority opinion is the declaration that the law does not mean it is necessary to have a copy of the warning and petition on each sheet of the referendum petition. In his opinion, Justice Mc Bride says that if sheets are fastened together and a bunch of them is attached to a copy of the petition, that is all necessary to make them legal.

The opinion takes cognizance of the the trial, and reads a lecture to H. J Broadway, thence across the Broadway Parkinson for participating in a move ment which originated out of commujealousies, as this did, but the The total length of the contemplated opinion says after deducting the forged

Chief Justice Eakin says he bases his proposed interstate bridge across the every sheet should contain a copy of the petition and points out that the law Such a line would tap a rich farming specifically provides that 20 lines shall country on the Washington side of the be left in which the signatures of each river and would be extremely valuable sheet must be written in by the circuas a feeder line for the packing plant later and sworn to, and says this is of the Swifts on the Peninsula, The plain intent to have the warning and

"This whole act is bristling with precautions against fraud in its use," says Justice Eakin, "and this is the most important of them-the assurance that the man who writes his name as one

In the case of E. S. J. McAllister, apnellant vs. the American liospital association and George D. Peters et al. the supreme court reversed the decision of the Multnoman county circuit could

In this case McAllister obtained judgthe supreme court. The other decisions were given as fol-

John Hahn, appellant, vs. Astoria Na tional bank and J. E. Higgins; appeal from Clatsop county; appeal dismissed. Diamond Roller Mills vs. M. A. Moody,

IDAHO SHERIFF, SHOT BY FUGITIVE, KILLS HIM

appellent; appeal from Wasco county

action to recover money, reversed.

(Special to The Journal)
Lewiston, Idaho, July 23.—Late last night Sheriff William T. Shockley of Lewis county shot and instantly killed Jake Simmons, a resident of Ito, after

BLUE AND RED ARMIES WILL MEET TOMORROW NEAR ELMA, WASH.; OREGON SOLDIERS WEL

Invaders From Foreign Land, the Reds, With Jesign to Occupy Chehalis Valley, and American Defenders, the Blues, Now Only Ten Miles Apart. Advance Detachments Have Sighted One Another; Night March May Be Made by Blues.

Centralia, Wash., July 23. The blue army broke camp at Grand. Mound early this morning and marched to Gate City. Vancouver Barracks. Thirty members pany in Pasadena. 13 miles west of Centralia, where the of the Idaho guardsmen, attached to the headquarters of Brigadier General Maus. umpire in chief of the war maneuvers, are being maintained.

(Special to The Journal.)

The red army, under command of Colonel Kennon, will remain in camp at out. Elma until tomorrow, waiting for the blue army under Colonel Young to make army is now 105 officers and 1949 mer an attack. The two armies are now only and the ranks of the Red army mumabout 10 miles apart, and the first bat- her 142 officers and 2042 men. Lieuten tle will occur sometime tomorrow in ant Colonel John May, Major W. W. the vicinity of Elma.

The advance guards of the two forces all members of the Oregon National mighted each other near Gate City late Guard, have been appointed by General the mikado is holding his own, court yesterday afternoon. No shots were ex- Maus as umpires to serve with the Red physicians privately admitted that there changed, but each detachment reported army. Brigadier General R. K. Evans, is no chance for his recovery. eighting the enemy to its respective in charge of militia affairs, arrived stated that the emperor might linger for commanders

bers of the Twenty-first infantry who tilitles.

into Centralia last night in the ambu- been charged extortionate rates for curlance and transferred to the hospital at rent to pay for the losses of the com-Red army, were forced to drop out from exhaustion yesterday, but the Oregon guardsmen and the Twenty-fifth Infantry made the entire march of eight miles without a single man dropping

The effective strength of the Blue Wilson and Major Frank W. Settlemeier It is expected that the blue army will will remain until after the conflict is might come at any minute.

REFERENDUM 'EXPOSE FRIENDS IS CRY IN SEATTLE

"Criminal Prosecutions, if Justified," Are Urged by Lawyer John Perry, Who First Accused Judge.

BELIEVED HANFORD QUIT TO SAVE HIS ASSOCIATES

ords Were Called in, Resignation Came Fast.

Seattle, Wash., July 23 .- That Attorney General Wickersham should take up court today reversed Judge Galloway of the Hanford investigation where it was

Attorney John H. Perry, who worked with the congressional committee here, will go on the ballot. Chief Justice ford should not be allowed to escape un-This is the first time in his service on Perry, "naturally closes the case so far as he is concerned, but it is most certainly the duty of the department of justice to follow up the work of the committee with criminal prosecutions if It is justified by the facts which are

Hanford "Proud of Record."

Hanford at first issued a statement was the cause of his resignation. In later statements, however, nothing was said about this, but arious other reasons were assigned. He declared that he was satisfied with the outcome of the investigation, proud of his record on the bench and of the

Representative W. I. McCoy of night for the east. Representative E Higgins of Connecticut, left on the Canadian Pacific for the east, yesterday

Hanford's Friends Getting Involved. That Judge Hanford was induced t tender his resignation to shut off congressional inquiry that tended to in volve seriously some of his most infiexplanation credited here today for his

Just at the time when Hanford and his defenders were expecting the probe to be closed the committee made its most unexpected move. This move clearly hit upon a trail which had hitherto been covered. There was no mistaking the surprise it caused to the Hanford defense and there was no denial of the report that the probe in that direction would have involved others than Hanford

The Kerr & McCord Subpense, ment against the hospital association. Two blanket subpense issued by which was insolvent, and then brought the committee Saturday calling for a Two blanket subpenss issued by suit against the stockholders to collect dozen witnesses and for all the private the amount of the judgment from them, books, records and stenographic notes in to the extent of their unpaid stock sub- the offices of Attorneys Kerr and Mcscriptions, which action is sustained by Cord. Hanford's closest advisers were responsible, it seems, for the hasty ne-(Continued on Page Nineteen.)

PASADENA'S COUNCIL ASKS COMMISSION TO RAISE ELECTRIC RATES

Novel Request Is Made of the State Body to Save Municipal Light Plant.

Call July 23 — Unique in the history of corporation litigation is tric company to increase its rates for

This action is taken on the ground that the Edison company's rates are for competitive purposes only. Pasadena as a municipal lighting plant, and has educed the rate from 8 cents, where it he Edison company cuts under it a little, now selling current for 4 cents and it is alleged that the corporation in this way is endeavoring to force the city to lose so much money on its en erprise that the taxpayers will become lissatisfied and go out of business, leaving the field clear for the light trust.

is specifically charged that Santa Ana, Long Beach, Pomona, Whittier and were taken sick yesterday were brought Venice are among the cities which have

EMPEROR OF JAPAN IS LIKELY TO PASS SOON

(United Press Leased Wire.)
Tokio, July 23.—Although bulletins issued from the palace today state that from Washington, D. C., last night and days or even weeks, or that the end make a forced march tonight in an over. Lieutenant Colonel George Bell When the emperor awakened this

endeavor to take the enemy by surprise. Jr., inspector general of the western morning, after a restless night, his mind The Blue army has as yet shown no division, also arrived from San Fran- was clear, but his fever was high and signs of fatigue, although four mem- cisco last night, to be present at the hos- he was greatly weakened. The patient slept several hours during the day.



married, However,

(Special to The Journal.) Astoria, Or., July 23.-Ethel Metcalf, had been living as man and wife under the name of St. Clair for nearly a

According to a statement made by Miss Metcalf to local officers, her people knew of her leaving Oakland with Gray. She says they left on a freight train for Roseburg, intending to go to Lus after to obey the orders of the court. ingeles, where they intended to be married. Owing to a landslide the train was delayed and they hired a horse and buggy and went to Roseburg, and thence by train to Portland. After staying in Portland a couple of days they were dissuaded from securing a license because of the publicity given the case, and came on to Asiorla, intending to remain until the thing blew over and then go to California by steamer. She had know the man with whom she eloped only

the action which was authorized by the marry her. She claims to be over 15, council of Pasadena today, in and blames the woman for whom she which the state tailroad commission was working, who, she states, had been will be asked to force the Edison Elec- in the liabit of arranging for girls in her employ to visit the rooms of travel ing men and others in the house. However, she claims she refused all such

offered for the capture of the runaways. stood four years ago, to 5 cents. Mean- The sheriff at Roseburg has been not: Mitchell left light Lake last night while, whatever rate the city charges, fied and will have at once for Astoria for Pontias. Mich. to resime official

MAN GETS HEART FAILURE WHEN POSING FOR PHOTO

ersons at a social gathering at Mountain View Park were being grouped for a photograph, Clarence Miles, druggist the San Francisco Labor council and tion of the fastest and most powerful was stricken with heart failure. Five physicians immediately rendered assistance. Mr. Miles' condition is extremely

O.-W. R. & N. REFUSES REQUEST TO KEEP OLD BRIDGE OPEN

In a communication terse and crisp, the O.-W. R. & N. Co. today refused to consider the county court's request that the old steel bridge be kept open after August 10, pending settlement of the rental dispute over the upper dack of the new railroad bridge. The letter says: Replying to yours of July Regret that we are unable

to grant your request." The letter is signed by vice president and general manager, J. P. O'Brien.

MITCHELL SENTENCED TO NINE MONTHS IN PRISON FOR CONTEMPT

Defendant Absent.

Washington, July 23 -- John Mitchell, who disappeared from Oakland, Or., June vice president of the American Federa- row trial was again postponed today 6, in company with a man by the name tion of Labor, today was sentenced to on account of the illness of Jurar L. A. of George Gray was located last night nine months in Jail on the charge of Leavitt, who is at his home in El Monte, by Police Officer Bryant, in a lodging contempt of Justice Wright's court in threatened with appendicitis. Judge house near the Hammond mill. They which Samuel Convers and Frank Mor. rison also are involved.

> to appeal immediately. it was noted after sentence was pronounced that tence if Mitchell would promise herehave already refused to do.

other labor leaders grew out of alleged by District Attorney Fredericks. contempt of Justice Wright's court through a conflict proceeding out of the boycott of the American Federation of Labor on the Buck Stove and Range mpany of St. Louis

Spokane, Wash, July 23 .- Shortly before leaving the Spirit Lake, Idahe, guilty of the McNamaras. hautauqua grounds, where he comleted his western tour, John Mitchell caping punishment in the Buck Stoye & Range case. In effect he said.

"I have no fear as to the outcome of the case involving myself and other American Federation of Labor officials. believe the supreme court will reverse Miss Mercalf's parents reside at Oak- the lower court, before which the case land, Or., and a reward of \$150 has been is now under consideration, the same as was done in the former case." Mitchell left Tightt Lake last night

duties in the labor federation.

Sentence Helps Labor, Says Nolan. Daxton, Wash, July 23 .- Just as 700 other instance of the abuse of the injunction in connection with labor dis- tion the construction of any, pures," said John I. Nolnn, secretary of

> the Fifth district, today. "There is not another instance on record of sentences as severe as those im- row will consider the proposal. posed by Judge Wright on the Federation of Labor officials for what he considered violation of injunctions issued

in the Buck Stove case. "However, Judge Wright by his ac tions is contributing more by his absoutely unfair rulings to the cure of the injunction evil than any force that labor possesses.

recognition in regard to the killing of principal speaker. this evil. Mitchell's case will be appealed and the higher court will decide NAVAL MANEUVERS TO in his favor."

Plague in Porto Rico Is Alarming. (United Press Lessed Wire) Washington, July 23.—Public health service officials here today are slarmed over the plague situation in Porto Rico.

DARROW TRIAL WAITS; 1 JUROR GOES HOME ILL WITH APPENDICITIS

Missing Oakland, Or., Girl Is Justice Wright of Washington Clarence Darrow Likely to Be Found at Astoria, Still Un- | Would Suspend Sentence; the Last Witness Called by the Defense,

which Samuel Compers and Frank Mor- Hutton stated that he would wait an-Mitchell was absent when sentence signs of recovery, he would consider was pronounced, having waived the right resuming the trial, calling the 15th juror into the box-

Le Compte Davis, former McNamara Justice Wright offered to suspend sen- attorney is expected to be the first witness. Clarence Darrow himself, is experted to take the stand. He will be This, Gompers, Mitchell and Morrison the last witness for the defense and The sentence of Mitchell and the two sel, Earl Rogers, and cross-examined The rebuttal by the prosecution will

> The district attorney is uncertain with regard to calling Harry Chandler, of the los Angeles Times, T. E. Gibbon, a poliician, and others to offset Steffens' testimony with regard to the plea of It is predicted by both sides that the case will go to the jury within three

NAVAL APPROPRIATION BILL TO BE APPROVED

Washington, July 23. — Democratic enders today are trying to end the dead-San Francisco, July 23 - The action ator Tillman and Congressman Cregg mer the naval appropriation bill Senof Judge Wright in sentencing John are urging a compromise between the will present an individual report, in Mitchell to nine months in Jall is an position of the senate-two battleships which he will oppose the plan to imand the refusal of the house to sanc- pose the "burden of proof" upon cor-

the Harper drug store in this cit. progressive candidate for congress from battleship affont, which is to be capable f making 35 knots an hour. The linuse Democratic caucus tomor

FRIENDS OF LORIMER PLAN DEMONSTRATION

(United Press Issued With,) Chicago, July 23.—A demonstration by thousands of friends of William E. Lorimer, recently deposed as a United "Either at this mession of congress or States senator, will be held here tonight in the next labor will certainly get some in Orchestra hall. Lorimer will be the

ENGAGE 44 VESSELS

which amount to a sham battle, in which over the plague situation in Porto Rico. 15 battleships, 20 destroyers and nine Of 42 cases recently reported 23 deaths submarines are participating, started near Block island early today.

EAST SIDE STRE**ETS**

Sweeping Concession for Competing Interests Granted by Street Committee of City Council, After Long Session.

RIGHT TO CROSS NEW STEEL BRIDGE GIVEN

Harriman Road May Fight the Bridge Agreement; City Plans Belt Railroad.

The street committee of the city council at a special session lasting from 10 o'clock yesterday morning until late in the afternoon adopted every section but one of the proposed ordinance granting to the Hill interests franchise rights which will enable the Hill roads o tap the rich east side shipping district now served exclusively by the Har-riman railroads. The single exception was that in the case of East Third street on which the common user already applies. The only reason that part of the franchise was not recommended for passage was that that the Harriman officials protested they would be placed at a disadvantage unless the council should grant them the same privileges sought by the Hill roads on the street.

Section 12 of the franchise ordinance provides that the Hill lines may operate over any part of the Harriman track or on East Third street or over any spur or side track from that street that may hereafter be constructed by the Harriman companies.

Harriman Lines Request. Superintendent Campbell of the South ern Pacific and Vice President and Gereral Manager J. P. O'Brien of the Harriman roads should be granted the ame privileges over any tracks that be constructed by the Hill roads. hereafter. But the committee decided that the proposed franchise is being ought and will have to be paid for by the Hill interests and that it would not be proper to grant any rights to rival road in the same franchise. The matter was referred to City Atorney Grant, who will draft a separate franchise ordinance for the Harriman companies. This and Section 12 of the Hill franchise will then be considered together at a special meeting of the

ommittee to be held next Monday morn-At that meeting the committee will ndoubtedly recommend the passage of franchise as a whole. Not nly did the committe adopt the orignal provisions of the Hill franchise, ith the exception of Section 12, yesterday, but it also voted to incorpo-

ate an important amendment submitted by the Hill representatives. Hill Amendment Adopted,

This amendment gives the Hill lines franchise to operate freight cars down North Front street from the Hill yards to the west approach of the new Steel bridge, thence across the bridge and the east side approaches to hast Second street, down that thoroughfare to East Ankeny, diagonally cross block-65 to East Third street and thence to the in user tracks of the Harriman roads at East Third and Pine streets,

Attorney C. H. Carey of the Hill lines, (Continued on Page Three.)

STANLEY COMMITTEE SAYS LABOR SYSTEM MOST INIQUITOUS

Radical Revision of Sherman Law Recommended as an Early Remedy.

(Phited Press Leased Wire.) Washington, July 23 .- Characterizing the present labor system in the mills of he United States Steel corporation an nhuman and iniquitous," the Demorain majority of the house steel trust evestigating committee, headed by harrman Stanley, which inquired into he operations of the steel trust, comdated its report today and has prepared three bills which recommend radical revision of the Sherman anti-trust law. Congressman Gardner announced that ock between the house and the senate one and possibly two Republican minerity reports would be presented.

Congressman Littleton of New York porations sued as monopolies and reuiring them to show that their combination is not an unreasonable one in restrain of trade.

GEORGIA YOUNG WOMAN HORSEWHIPPED BY MEN

Macon, Ga, July 23 .- Dragged from er home at midnight, stripped of her clothing and horsewhipped by three men, Miss Elsie Carter, a comely young woman of Dublin, Ga., is in a dangerous condition in a hospital here today with her body from the waist down cov-

ered with welts. Although Miss Carter refused to dis lose the identity of her an sister told the authorities that she was whipped because she spursed the lo V. O. Dozler, aged 15, who was infalls ated with her.