

NEW FREIGHT RATE SCHEDULE UPHELD

FEDERAL JUDGES REFUSE INJUNCTION AGAINST NEW TARIFF ORDERED BY STATE

INTEREST WILL STILL BE PAID REMARKS COURT

Class Rate Tariff of September 21 1910, Will Stand—Railroad Will Probably Appeal Case to Supreme Court.

PORTLAND, Or., Jan. 28.—That the contention of the Oregon state railroad commission that they were within their rights when they ordered a reduction on all class freight rates between Portland and Willamette valley or southern Oregon points, was coincided with when Judges Gilbert, Wolverson and Bean of the federal court sitting en banc refused to issue a further injunction restraining the state railroad commission from compelling the railroads to abide by their ruling. This decision effects the Southern Pacific principally, and steps are being made today to revise the existing rates to conform with the order of the commission.

The decision was handed down yesterday, Judge Gilbert reading the opinion. A hearing was had before the three judges January 2, when the railroad asked to have the injunction extended until a hearing of the case on its merits could be had.

The court decided to refuse an extension of the injunction. The cut in rates is from 2 to 20 per cent of the former rate for class freight in carloads or less. The new rates will affect all Southern Pacific lines in Oregon.

Order in September. The order revising the class rates placed in effect by the Southern Pacific was made by the railroad commission September 21, 1910. The railroad immediately brought proceedings in the United States courts, asking an injunction on the grounds that the new rates were confiscatory, that the railroad commission had exceeded its authority in granting them and that inasmuch as they must affect through rates on interstate traffic, they were an infringement of the national government's rights, the state commission being given no authority over interstate commerce. Judge Wolverson, who was then sitting in the circuit court, signed a temporary restraining order prohibiting the commission from placing the proposed rates in effect until a final hearing should be had. The commission gave bonds of \$50,000 to protect shippers and repay them for money collected in excess of the proposed rates should the injunction not be sustained.

The application for the restraining order was finally argued before Judges Gilbert, Wolverson and Bean, sitting en banc, early in January. The oral opinion rendered states: Fair Returns Possible Yet.

"The court is not convinced that this is a case in which there should be a restraining order. The case does not stand on the basis of a suit where a right is alleged to have been invaded. The action of the commission is presumed to have been had upon a fair investigation of the facts and ought not to be enjoined by the court unless it is very plain from the averments of the bill that some right has been infringed, or that a rate has been fixed which would deprive the railroad company of a fair return upon its investment. Considering all the allegations of the bill upon this application, it does not necessarily appear therefrom that the railroad company will be de-

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VICTORY PRIMARILY ONE FOR MEDFORD

Most important to the people of southern Oregon is the ruling of the federal court which places in effect the order of the state railroad commission ordering a reduction in nearly all classes of freight. The reduction means a saving of 20 per cent and over to the shipper. For instance, paper is reduced from 79 to 59 cents a hundred weight, a saving of 20 cents a hundred. It ought to be still lower, for if paper can be shipped from the eastern mills 3000 miles to Portland for 75 cents, it surely can be profitably hauled the 300 miles here for less than 59 cents. But shippers are glad to get even the present reduction. It is peculiarly a Medford victory, for Medford, almost single-handed, appeared before the commission demanding the revision. Other complaints are pending before both the state railroad commission and the interstate commerce commission and still others are in preparation.

NEW RATES OF GREAT BENEFIT

Every Class Rate Has Reduction and Great Saving Will Be Afforded Public—Operate Promptly South of Eugene.

The opinion of the federal court sustaining the order of the state railroad commission is of great benefit to Medford.

It is estimated that the order just sustained will bring about 15 to 25 per cent reduction on the majority of classes to points south of Eugene.

As there is a strong water competition between Portland and Eugene, there will not be a material cut of rates affecting points north of Eugene.

The order covers both the west side, main line and all branches within the state.

Table with columns: Class, Present, New. Rows for Medford and Ashland.

JACKSONVILLE TRACT SOLD FOR \$10,000

L. M. Lyon of this city has purchased from D. S. Force 26 acres of the Cardwell addition to the city Jacksonville the price paid was \$10,000. A. F. Barnett engineered the deal.

If the patronage of the readers of this newspaper is important to you, make your store-advertising important to THEM.

NEW \$40,000 THEATRE IS PLANNED

Local Men Are Getting Together and Project Seems Assured—Subscriptions to Stock Are Being Freely Made.

WILL STAND NEAR THE "NAT" ON SIXTH STREET

Dr. F. C. Page Expresses Willingness to Go In On Project Instead of Building One He Planned.

If the plans of a number of local men do not miscarry, Medford will have, before the opening of the next theatrical season, a \$40,000 theater. It will stand on a site at Sixth and Riverside, near the Natatorium.

During the past few days a subscription list has been circulated among the business men of the city and now the project seems to be assured, as a large sum has been subscribed.

The site will be put in by its owners at a certain figure, so that the money subscribed will be used in erecting the structure.

Dr. F. C. Page, who some time ago announced his intention of erecting a theater, is said to have expressed a willingness to go into this new venture and assist in it, instead of erecting the one he planned.

Before the end of this week the men back of the scheme say they will be ready to go ahead with the project.

Medford is known as the best one-night stand in Oregon, and the one thing the city needs now in the way of buildings is a theater, and one seems now to be assured.

GALLOWES MAY GO IN OREGON

Fifteen Against Noose, Ten for It and Five Absent—Opponents of Measure Rely on Absentees—Debate Most Lively.

STATE CAPITOL, Salem, Or., Jan. 28.—Abolishment of capital punishment received a tentative defeat in the senate yesterday, but advocates of the measure are positive that on reconsideration, which has been allowed, they will carry the day.

This bill, substitute for Patton's bill, prepared by the judiciary committee, proved to be the measure around which waged the fiercest battle of the day in the senate and the lobby was packed when it was noised about the capital that the question was before the senate.

Under provisions of the bill capital punishment is abolished completely and the supreme court is practically made the body to pass on the question of pardons. No pardon may be granted by the governor unless the supreme court submits an opinion showing that new evidence has been discovered proving innocence of the accused.

Dimick Leads Opposition. Malarkey made an urgent plea for the bill, recounting his experience with prosecutions and citing statistics to show that capital punishment has not proved a deterrent of crime. Dimick led the opposition to the bill. Abraham offered a plea in favor of the bill and took occasion to attack the tactics of some prosecutors, declaring that they become fiends incarnate in their desire to secure a conviction.

TAFT DOES NOT INTEND TO FIGHT FURTHER

WASHINGTON, D. C., Jan. 28.—Although President Taft is disappointed at the failure of Canadian reciprocity treaty, he considers that he did his full duty in presenting it to that body, and he does not intend to make any further fight in the treaty's behalf. The president holds that he has done all he can for the measure.

OFFICERS SENT AFTER TARDY LEGISLATORS

For First Time In Fourteen Years Speaker Issues Warrant of Arrest for Recalcitrant Members of Legislature.

SALEM, Or., Jan. 28.—The house sergeant at arms was dispatched to Portland this morning to place under arrest and return to Salem eight members of the Multnomah delegation who failed to report when the house began its session today.

For the first time in 14 years the speaker of the Oregon lower house caused to be issued warrants of arrest for recalcitrant members who would be forced to return to the capitol in charge of officers. Sergeant at Arms Ely and one deputy left here at 11 o'clock this morning to bring back the absentees and he is authorized by the speaker to call on Chief of Police Cox at Portland to assist him in placing the eight legislators under arrest.

When the house began its morning session today it was found that 37 members answered the roll call. Doorkeeper Singer was immediately ordered to circulate through the state house to bring any member he could find. He succeeded in locating Abbott of Multnomah, but two more members were necessary to form a quorum, and drastic measures were adopted to find them.

After waiting for half an hour without success, the speaker called the house to order and informed the members that an effort would be made to bring in the Multnomah members. Speaker Rusk instructed Ely to take an assistant and bring back the eight men who left for home after the house adjourned last night.

Only four members of the Multnomah delegation answered roll call this morning. They were Abbott, Pouts, Clyde and Collins. After waiting until noon the house finally adjourned until 10 o'clock Monday morning.

SESSION NOW IS HALF OVER

Good Roads Bills Will Come Up In Earnest During the Coming Week—Much Opposition Is Met With So Far.

SALEM, Jan. 28.—With half the session over the house today disposed of 111 out of the 255 bills presented. Of the bills on which definite action has been taken 14 have been indefinitely postponed, two withdrawn and two tabled.

The most important subject to be attacked by the house this session still remain before it. These include the public utilities commission bills and the good roads measure. No legislation reappointment bill has made its appearance but one will be introduced Monday. It will probably take days to dispose of this single question alone. Action is absolutely impossible at this session unless a special session be called.

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RECIPROCITY TREATY IS DEAD

Such Is Opinion of Washington Legislators—Buried In Committees—Every Member of Those Committees Said to Be Against Plan.

FROM NOT ONE ANGLE COMES RAY OF HOPE

One Man Is Quoted as Branding it "Rotten"—Northwest Senators Condemn the Treaty.

WASHINGTON, D. C., Jan. 28.—President Taft's reciprocity agreement with Canada, according to the opinions of most legislators here today, is dead and buried.

The two places of interment, it is freely said, will be found to be the senate finance committee and the house committee on ways and means, to which the proposed treaty has been referred.

There is believed to be no doubt that the senate committee will pig-conhole the plan. Every member of the committee, it is reported, is against the measure, as shown by a canvass. One congressman in discussing the probable action of the house, said today: "You have seen the last of it."

No Ray of Hope. From not one angle does there seem to be a chance that the measure will be put through. Both the house and senate candidates are at present controlled by high protection advocates, and they are not expected to do anything to break down the tariff wall. Even the democrats will not rally to its defense. They, it is said, will oppose action at this time on the

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WELL, I ALWAYS DID LIKE UPPERS

Such Will Be Wail In Future for They Come After February 1 at \$1.60 the Night—Cut Comes in Pullman Rates.

With the announcement yesterday of the decision of the interstate commerce commission causing a reduction in Pullman car rates all over the country and requiring the sleeping car company to charge a lower rate for upper berth accommodations than is charged for the more comfortable lower berths, the heretofore much maligned "upper" became as popular as it formerly was ditto with much of the reserve English.

Five-cent beer, when it gets here, will hardly be welcomed as was the fact that after February 1 the sleeping car rate to Portland will be reduced from \$2.50, the present rate for either upper or lower berths, to \$2 for the lowers and \$1.60 for uppers. The old rate to San Francisco of \$3 for either uppers or lowers is changed to \$2.50 for lowers and \$2 for uppers.

With this good news, however, comes the bitter tidings that in future persons wishing to make Pullman car reservations will have to pay cash for them when ordering them or wait until immediately before train time and take their chances on getting accommodations.

This last ruling is not as yet in effect, but is a change suggested by the general passenger agents of the various railroads at a recent meeting.

Medford Mail Tribune Want ads are business bringers.

BROOKS SAYS HE CONFESSED TO MURDER OF WOMAN TO "SEE 'EM SIT UP AND TAKE NOTICE"

BROOKS TELLS WHY HE "CONFESSED"

"Just because I wanted to live up this burg—to bask for a while in the calcium rays of publicity—I confessed to the murder of the woman Belle Ellis here in December. I thought out what would happen and knew that they couldn't pinch me in the end. Doc Cook's game worked better than mine did. "I came west with a circus, I am fond of being in the limelight. So I took a chance. I confessed. "It afforded me much amusement to see the local sleuths get busy. Then came the examination as to my insanity and my trip up the line. "I really enjoyed my little stay at the asylum. 'Tis a nice home for a man. There are no 'three squares' a day to worry about. I was satisfied—until they turned me out. Then I came down here to see my old time friends. Now that I have seen them I am going to leave again."

MAN FREED BY AUTHORITIES AT ASYLUM IS BACK

Came West With Circus and After Loafing Around for a Week Decided He Would Live Up the Town by Confessing to the Crime.

Declaring that he only confessed to the murder of Belle Ellis here last month to "see 'em sit up and take notice," E. L. Brooks, who was committed to the state insane asylum at the time as a paranoiac and discharged from that institution Friday, returned here Saturday morning and left again the same evening for Grants Pass.

"I had come west with a circus," he said yesterday afternoon, "and after loafing around here for awhile I decided I would live things up a bit and so when I heard that a woman had been found on the railroad track with her skull beaten in I thought that I would tell them that I did it."

Brooks was arrested here last December following a confession to the murder of Belle Ellis, whose dead body had been found on the Southern Pacific track between this city and Phoenix. When found, the body showed signs of mutilation and the top of the woman's head had been beaten in with a blunt instrument. Brooks was arrested following his confession and he told the authorities that he had met the woman while he was walking along the railroad track after having been thrown off a freight train by a brakeman. He said that he had asked her for money and that, upon her refusing to give him any, he had hit her on the head with a small claw hammer that he had picked up earlier in the day. He described having carried the body of his victim some distance from the place where he had first hit her and later, after he had been lodged in jail, identified a hammer found in a tool shed near the scene of the crime, as the one he had used.

Little credence was placed in his story at the time and later developments convinced the authorities that Brooks was merely seeking notoriety. He was examined by a sanity commission and sent to the state asylum at Salem.

"They discharged me from there Friday," he told a number of people here before he left last night, "and I am sorry for it. I liked the place, was treated fine while there and was always sure of getting my meals regularly."

Although telling a story which would hardly be expected from the lips of a man in his right mind, Brooks appeared perfectly rational. He at first said that he would travel south on the afternoon train yesterday but later appeared at the station and informed Baggage-master E. W. Carder that he would take the evening train for Grants Pass.

Drexal Quits Air.

NEW YORK, Jan. 28.—Impressed by the deaths of Hoxsey and Moissant, J. Armstrong Drexel, the rich Philadelphia aviator, today announced that he had decided to abandon aviation. Drexel is here for the wedding of Miss Vivian Gould to Lord Decies.

Today he said: "It is not that I am greatly worried for myself, but my family have for some time been urging me to abandon flying as too dangerous. I had been able to laugh off their urgings until Hoxsey and Moissant were killed. Then they insisted, so I am done with the air."

PLACE TIES IN PATH OF "FLYER"

Unknown Miscreants Attempt to Wreck the Jacksonville Limited In Broad Daylight—Place Barrels and Ties Along Track.

Prompted either by mischief or more sinister motives, an unknown person yesterday jeopardized the lives of a trainload of passengers on the afternoon train from Jacksonville to this city by placing a number of barrels and railroad ties along the right of way.

The identity of the guilty parties is a mystery and no clue which could lead to their prosecution could be furnished by the railroad's employees.

Shortly after the afternoon train left Jacksonville for Medford, the engineer was forced to bring his train to a sudden stop because of an object lying between the rails. He descended and discovered an empty barrel. The train was started again but every few hundred feet for a distance of almost a mile was forced to come to a stop to permit of the removal of some obstruction in the form of a railroad tie or an empty barrel.

Owing to the fact that the recent rains had softened the roadbed, the trains are only run over that section of the road at a slow speed and this, coupled with the fact that it was daylight and the obstructions could be seen probably averted what at night might have resulted in a catastrophe.

LOCAL MAN BUYS; PAYS \$12,000 CASH

Saturday, Theodore Einroff, a citizen of the Rogue River valley bought 19 acres of Griffin creek orchard land from Edward Judy, for the sum of \$12,000. Six acres of the orchard is in 20-year-old Yellow Newtown trees, and the remaining acreage is in cleared land ready for planting.

Want ads in the Mail Tribune are like investments in Medford real estate—sure winners.