

CLEARINGS Bank clearings today were \$33,877.57.

MEDFORD MAIL TRIBUNE

WEATHER Clear Today & Wednesday Bar 29.85 Tem. 40

FORTIETH YEAR. MEDFORD, OREGON, TUESDAY, FEBRUARY 28, 1911. No. 292.

EQUALITY BEFORE THE LAW BASIS OF MEDFORD'S EFFORT TO READJUST FREIGHT RATES

Opening Brief in Cases Before the State Railroad Commission Filed Today by Attorney McCune—Synopsis Given Shows That Law, Facts and Justice Are on the Side of Medford, Whose Traffic Association Members Have Been Minute Men Unflinchingly Facing the Railroad.

PREFERENCE IN RATES GRANTED TO PORTLAND WHICH IS PROHIBITED BY STATE CONSTITUTION

Discrimination Against Carload Shipments is Result of Improper Ratings in Classification Where Insufficient Spread is Fixed Between Carload and Less Than Carload Ratings.

Medford Submits Rate Case to Commission. The law, the facts, and justice are on the side of Medford; it is now up to the commission to act. Everything that man can do has been done by every person connected with Medford's battle.

The opening brief of the Medford Traffic Bureau in its cases before the state railroad commission has just been filed with the commission by Attorney Frank H. McCune who has represented the bureau's interest in a series of cases against the Southern Pacific Company during the past seven months.

The brief is for the cases known as the distance class rates out of Medford to points in Oregon and for commodity rates on various articles from Portland to Medford. While the cases were filed separately they were tried jointly and are briefed jointly.

Both cases were filed with the commission August last but delays occurred after the cases came to a hearing, first by request of the defendant and later for some cause unexplained, but with the filing of plaintiff's brief the cases are progressing to a close.

Brief Very Lengthy. The brief is unusually lengthy for cases of this nature but it is deemed necessary to devote considerable attention to detail because of the entanglements in which the cases became involved by reason of the interference of Portland jobbers in an effort to intervene and confuse the issue in the hope of thwarting equality of rates for Medford.

In the statement of the distance class rates out of Medford, Mr. McCune states that the Southern Pacific rate structure for Oregon consists of two sets of tariffs: "one set is for the interchange of traffic between points other than Portland, and the other is a specially designed set for Portland." The rates in cents per one hundred pounds are not equal for the same distances, and because of this it is charged that "a preference appears to have been granted Portland" and that this preference in rates is prohibited by the constitution of the state.

To Remove Inequality. Attention is called to the commission made rates out of Portland without a concurrent investigation and

order reducing the class rates out of Medford in which it is stated "wherever reductions appear in the order of the commission in the Portland tariff a corresponding differential was automatically fixed widening the already unequal rates applied to traffic" out of Medford. The suit was brought "to remove this inequality and to secure a constitutional uniformity of class rates that shall be equal to all men and places for equal miles of transportation."

In the statement of the commodity rate case, it is charged that the discrimination against carload shipments is the result of "improper ratings in the classification" where an insufficient spread is fixed between a less than car load rating and a carload rating. It is pointed out that "the statute under which this action is brought sanctions and legalizes commodity rates as a method of exceptions to the standard classified ratings, and the law is therefore invoked to obtain relief by the establishment of carload commodity rates in setting aside the improper classification ratings and naming and fixing specific commodity carload rates."

Witnesses Enumerated. In the abstract of evidence the various witnesses are mentioned together with the salient parts of their testimony the names of whom are H. C. Garnett, George Putnam, John E. Reddy, Edward A. Welch and Attorney Frank H. McCune. Defendant's witnesses were H. E. Lounsbury, assistant general freight agent, and R. B. Miller, general freight agent, but of this testimony the brief states it was "almost wholly argumentative and directed against the documentary evidence of plaintiff."

The argument follows at length the foundation of which is laid in the constitution under the bill of rights which provides "that all men are equal in rights," and that "no law shall be passed granting to any citizen or class of citizens privileges or immunities which shall not equally belong to all citizens." The act to regulate transportation and commerce having passed under judicial review and being upheld it must embody the principle of the bill of rights and the

Portland Lumber Yards Destroyed. PORTLAND, Or., Feb. 28.—Fire of unascertained origin this afternoon destroyed the lumber mills of the Oregon & Washington Lumber company at Fulton, a suburb, and shortly before noon was threatening the finished lumber in the yards. All available fire apparatus from Portland was rushed to the fire.

Four Men Lost in Artic Circle. DAWSON, Y. T., Feb. 28.—A dozen mounted police left Dawson today for a long search into the upper Arctic circle for a police expedition of five men already 40 days overdue from Fort McPherson and Herschel island. Indiana brought the alarm to Dawson, it being reported that the missing party left Fort McPherson a week before Christmas. The trip down to Dawson usually takes no longer than 30 days. The missing party was bringing down mail from children and troopers by

RIOTS MARK PRIMARY IN WINDY CITY

First Direct Nomination Held in Chicago Marred by Grave Disorders at Polls—One Man is Killed and Many Are Injured.

CARTER HARRISON MAKING VERY STRONG SHOWING

Many Candidates in Field, Including Former Mayor Dunne and Professor Merriam.

CHICAGO, Ill., Feb. 28.—After one of the most bitter campaigns Chicago has ever seen voting is on here today for the first direct nomination of municipal officers. Grave disorders marred the voting at the primary election. One man was killed and a number injured. The election commissioners this afternoon reported that the democratic vote was heavier than had been anticipated and that former Mayor Harrison was making an unexpectedly strong showing.

The struggle so far has been characterized by extensive billboard advertising, and it is estimated that the various primary candidates have spent more than \$350,000. There are 392,000 registered voters in the city, and of these, it was believed, that more than 250,000 will vote.

Confident that A. J. Kraham, democrat, banker, candidate of the regulars and of their interests, will be nominated, Jim O'Leary, the handbook king, has wagered immense sums, not only on his success, but also that he will be elected mayor on April 4. John R. Thompson, the republican candidate for the interests, is favored for the nomination by that party.

Foremost among the other candidates on the primary ticket are former Mayor Edward F. Dunne, democrat, and Charles E. Merriam, republican, a University of Chicago professor. Both are running on reform platforms and are believed to be the men the interests have to defeat.

Other candidates are Carter Harrison, democrat; John Smith and John Smulski, republicans and W. E. Rodriguez, socialist. In the last election the socialists polled 15,000 votes. This year Rodriguez's followers expect to poll 50,000.

PROFITS DON'T FIX CHARGES

Interstate Commerce Commission Rules That Reasonableness of Tariffs Are Not Regulated by Income From Them.

WASHINGTON, D. C., Feb. 28.—The interstate commerce commission today cast new light on railroad rate questions generally when it announced that the profits of a road do not necessarily affect the reasonableness of its rates.

On an appeal by the Iowa state railroad commission for a reduction in the charges of the Illinois Central Railroad for carrying passengers over the road's private bridge at Dubuque, the interstate commission ruled: "The net revenues of a carrier often affect the question of the reasonableness of its rates, but the fact that they are greater than the returns of ordinary business enterprises, is not in itself sufficient to justify a finding that the rates are excessive."

MEXICAN INSURRECTOS CAPTURE BORDER TOWN

DOUGLAS, Ariz., Feb. 28.—Frontiers, across the border line from here, is in the hands of Mexican revolutionists today, following an attack yesterday by 200 rebels who killed five of 15 civilian soldiers. It was expected that the revolutionists would attack Agua Prieta today.

FRESH AIR FOR ALL NIGHT SICK VEACH BOYS

Kind Hearted Neighbors Move Veach Boys Into Tent—Many Contribute Dainties—Clean Clothes and Bed-clothes Now Needed.

CASH RELIEF FUND GROWING GRADUALLY

Invalids Somewhat Better Today Though Slight Hope is Held Out for Elder Lad.

VEACH RELIEF FUND. Subscription List. In order to provide Clarence Veach and Vernon Veach with the necessary articles of food and other requirements that they in their sick condition demand, the undersigned donate the following sums: M. S. Johnson (collection) \$41.50, The Medford Mail Tribune 5.00, Claude Miles 5.00, Jay E. Eff 3.00. Total to date \$54.50.

With \$41.50 collected by M. S. Johnson already turned over to Dr. R. W. Stearns for use in providing Clarence and Vernon Veach, the two sick boys, with necessary medicines and foodstuffs and \$13.00 additional subscribed to the Mail Tribune's fund, the prospects for the two sick lads now appear brighter. Dr. Stearns visited them this morning and when he came away he announced that the younger boy, suffering from pneumonia, had much improved while the older boy, Clarence, whose condition is the more serious had shown up somewhat better than on previous visits.

This afternoon neighbors erected a tent alongside of the frame cottage in which the family live on South Front street and the sick boys were moved into it. During the days they will both be allowed all the sun that they can stand and the tubercular trouble with which both are affected will find it has a harder battle to fight to gather either boy as a victim with them breathing the fresh air of a tent that it had in the stuffy and cramped quarters where they were formerly lodged.

Several people have contributed quantities of eggs and milk, jellies and other articles of food permissible for invalids and these things, more than medicines, are what the two boys needed. The next question is to provide them with sanitary and clean clothes and bed clothes and the fund now collected will be turned over to proper authority to be used for this and any other purposes deemed necessary. Articles of clothing or food may be left either at the homes of the children or at the Mail Tribune.

LOADING SUPPLIES FOR FAMINE STRICKEN CHINA

SEATTLE, Wash., Feb. 28.—The work of loading the transport Bigford with relief supplies destined to aid the famine sufferers in China, will begin this afternoon immediately after the vessel lies up at the dock here. The Bigford will sail for China Sunday afternoon. Just before sailing there will be services on board to which the public has been invited.

J. W. PERKINS PROMOTES COOS BAY RAILROAD

J. W. Perkins, formerly owner of the Hillcrest suburb at Medford, but now secretary of the Douglas Development company of Roseburg, has left for points in Minnesota where he goes to look after business matters connected with the construction of the proposed Coos Bay railroad. Mr. Perkins says that money is at present easy in the east, and that actual construction work will be commenced on the line within 60 days, says the Roseburg News.

ALL NIGHT FILIBUSTER IN LORIMER CASE

Crawford Starts Talk to Prevent Roll Call on Blond Boss Case and is Assisted by Senators From Other Sections in Killing Time.

BAILEY HAS ENOUGH AND ABANDONS LORIMER

Chamberlain Says Senators Acted Like Children—Many Slept During Debate—All Worn Out.

WASHINGTON, D. C., Feb. 28.—Senator Crawford this morning discussed both the Lorimer case and the reciprocity issue for eight hours and five minutes, maintaining throughout the most energetic delivery. Crawford started his filibuster when it became clear that in another quarter of a minute Vice President Sherman would order a roll call on the Lorimer case, and throughout his efforts senators with speeches prepared assisted him in killing time. They were Bourne, Smith, Jones, Simmons, Davis, Bacon and Rayner, all talking at great length.

Plenty of Action. During the night Vice President Sherman was accused of exercising too much power. On a motion for a roll call Sherman declared he himself had counted a quorum and refused to accede to the demand. Bexleridge protested sharply, declaring that such action threatened to establish a precedent which would mean a closure of the senate.

There was plenty of action all through the night and eager listeners to the battle of words jammed and galleries until this morning. Filibuster Resumed. The senate filibuster was resumed at noon when Senator Stone started a lengthy attack on Lorimer. The preliminary situation was then such that if the filibusters left the floor unoccupied for ten seconds Vice President Sherman could start the Lorimer roll call. To prevent this Owen and Bristow were ready to follow Stone all negotiations for an agreement for a vote on Lorimer, the tariff board and reciprocity having failed.

MOB ATTACKS INDUSTRIALIST

Riot in Fresno When Worker Attempts to Speak on Streets—Orator Dragged Through Gutter and Subjected to Violence.

FRESNO, Cal., Feb. 28.—Dragged through the gutter for three blocks and subjected to violence at the hands of 200 rioters, a member of the Industrial Workers of the World who attempted to speak on the streets yesterday is suffering today from severe injuries.

The rioting followed the refusal of Sheriff McSwain to receive other Industrialists in the county jail. The sneaker was knocked down repeatedly.

A by-stander who protested was thrown under the heels of a kicking horse and his nose broken.

HARRY C. McALLISTER ENTERS REALTY FIRM

Cards have been received announcing the formation of the real estate firm of McAllister & Leudemann, with offices in the Electric building, Portland, H. C. McAllister, one of the partners is well known throughout the state, having been master fish warden for several years and later manager of the Greater Oregon Home Rule association, which made the campaign for the home rule amendment and kept the state from becoming dry at the last general election. Before appointment as master fish warden, Mr. McAllister was for many years a commercial traveler for the wholesale firm of Allen & Lewis of Portland.

UNITED STATES SENATE REJECTS POPULAR ELECTION OF SENATORS VOTING 54 FOR TO 33 AGAINST

Measure Fails to Secure Necessary Two-Thirds Vote—Nine Southern Democrats Vote Against Resolution Submitting to the People a Constitutional Amendment in Favor of Direct Election—Standpatters All Line Up Against Progressive Measure.

NATION WIDE MOVEMENT STARTED TO DEMAND A CONSTITUTIONAL CONVENTION

Measure Introduced in New York and Other Legislatures in Session—If Thirty-one States Request It, Congress Must Call It—Southerners Objected to Sutherland Amendment.

Direct Election of United States Senators. Demanded by the legislatures of 33 states. Refused by the United States senate, only four votes lacking of the necessary two-thirds; 54 votes for it and 33 against. The alternative: The constitution of the United States provides that when two-thirds—31 of the 46 states—request a constitutional convention congress must call one. Movement started today all over nation to voice the demand. Measure was introduced in New York legislature yesterday and will be introduced in every sitting legislature in the United States.

WASHINGTON, D. C., Feb. 28.—By a vote of 54 for to 33 against the resolution submitting to the people a constitutional amendment in favor of the direct election of United States senators to secure the required two-thirds majority in the senate today and was killed.

This is the first vote ever taken in the senate on the question of the submission of such an amendment, although resolutions of a similar nature have passed the house. Four other affirmative votes would have been sufficient to secure passage. Those who voted for the resolution were:

- Those Favoring It. Bailey, democrat, Texas; Beveridge, republican, Indiana; Borah, republican, Idaho; Bourne, republican, Oregon; Bradley, republican, Kentucky; Briggs, republican, New Jersey; Bristow, republican, Kansas; Brown, republican, Nebraska; Burkett, republican, Nebraska; Burton, republican, Ohio; Carter, republican, Montana; Chamberlain, democrat, Oregon; Clapp, republican, Minnesota; Clark, republican, Wyoming; Clark, democrat, Arkansas; Culberson, democrat, Texas; Cullom, republican, Illinois; Cummins, republican, Iowa; Curtis, republican, Kansas; Davis, democrat, Arkansas; Jones, republican, Montana; Frye, republican, Maine; Dupont, republican, Delaware; Gannett, republican, South Dakota; Gore, democrat, Oklahoma; Gronam, republican, North Dakota; Guggenheim, republican, Colorado; Jones republican, Washington; LaFollette, republican, Wisconsin; McCumber, republican, North Dakota; Martin, democrat, Virginia; Nelson, republican, Minnesota; Newlands, democrat, Nevada; Overman, democrat, North Carolina; Owen, democrat, Oklahoma; Paynter, democrat, Kentucky; Nixon, republican, Nevada; Perkins, republican, California; Piles, republican, Washington; Rayner, democrat, Maryland; Shively, democrat, Indiana; Simmons, democrat, North Carolina; Smith, democrat, Maryland; Smith, republican, Michigan; South, democrat, South Carolina; Stevenson, republican, Wisconsin; Stone, democrat, Missouri; Sutherland, republican, Utah;

Those Opposed to It. Those voting in the negative were: Bacon, democrat, Georgia; Bankhead, democrat, Alabama; Brandegee, republican, Connecticut; Burnham, republican, New Hampshire; Burrows, republican, Michigan; Crane, republican, Massachusetts; Depey, republican, New York; Dick, republican, Ohio; Dillingham, republican, Vermont; Fletcher, democrat, Florida; Flint, republican, California; Foster, democrat, Louisiana; Gallinger, republican, New Hampshire; Hale, republican, Maine; Heyburn, republican, Idaho; Johnson, democrat, Alabama; Keane, republican, New Jersey; Lodge, republican, Massachusetts; Lorimer, republican, Illinois; Money, democrat, Mississippi; Oliver, republican, Pennsylvania; Page, republican, Vermont; Penrose, republican, Pennsylvania; Perry, democrat, Mississippi; Richardson, republican, Delaware; Root, republican, New York; Scott, republican, West Virginia; Smoot, republican, Utah; Tamm, democrat, Florida; Tillman, democrat, South Carolina; Warren, republican, Ohio.

These Who Didn't Vote. Senators Aldrich, republican, Rhode Island; Crawford, republican, South Dakota; Frazier, democrat, Tennessee; and Terrill, democrat, Georgia, did not vote.

The resolution carried the Sutherland amendment, which was objectionable to the southern members. It was designed to give congress direct control of and supervision over elections. Senator Bacon introduced today a resolution empowering congress to supervise elections of senators when "states failed to do so." Vice President Sherman ruled the resolution out of order. Senator Crawford explained that his failure to enter a street car prevented his reaching the senate in time to vote on the resolution. He said he would have supported the measure. He arrived two minutes after the roll call had been completed.

SHEEHAN GET OUT! DEMANDS CROKER

PALM BEACH, Fla., Feb. 28.—Demand for the withdrawal of William F. Sheehan from the New York senatorial deadlock was voiced today here by Richard Croker, one time boss of Tammany Hall. Croker said: "The situation ought to be relieved immediately or it will prove a calamity to New York and the country. Tammany is wrong to expect to swing all New York democrats into line without discussing the situation thoroughly, the welfare of the party state and national demands Sheehan's withdrawal."

ABANDON HOPE OF MAKING IDAHO DRY

BOISE, Idaho, Feb. 28.—Prohibitionists today abandoned all hope of putting Idaho in the prohibition column at this legislative session following the failure of the measure in the senate that would have referred the prohibitionists' constitutional amendment to the people. The senate voted 13 for and 15 against while a two third vote was necessary. ST. PETERSBURG, Feb. 23.—While trying to enforce anti-plague precautions several Japanese were killed by Chinese today in a pitched battle near Mukden.