

Daily—Sixth Year.
Forty-First Year.

MEDFORD, OREGON, MONDAY, JANUARY 15, 1912.

No. 254.

EMPLOYERS' LIABILITY LAW IS UPHELD

Statute Passed in 1908 Is Declared by Supreme Court to Be Constitutional—Justice Vandever Writes the Opinion.

LAW SUPERSEDES STATE LAWS ON SAME SUBJECT

At First It Was Found to Be Unconstitutional, But Congress Later Removed Clause.

WASHINGTON, D. C., Jan. 15.—The United States supreme court today declared the employers' liability law passed in 1908 to be constitutional.

The opinion was delivered by Justice Vandever, who said, in part: "It rested with congress to say whether a law operating upon all states was better than laws in several states. It is true that liability is imposed only on interstate carriers, but it does not follow that this is a preference in violation of the fifth amendment to the constitution." The United States supreme court holds that the act rightfully supersedes the acts in various states. The opinion was delivered in four cases. A fireman on the Northern Pacific railroad named Babcock was killed in a collision at Young's Point, Mont., in 1908. His wife sought \$8000 damages under the 1908 employers' liability law, and won her suit. The railroad company contended that the federal law was unconstitutional by reason of a Montana law on the same subject governing it.

The employers' liability act of 1908, the constitutionality of which was today upheld by the United States supreme court, is a measure passed by congress to determine matters of compensation to employees of public carriers engaged in interstate commerce and is designed to supersede various state laws on the same subject. As originally passed by congress the act was declared unconstitutional by the United States supreme court for the reason that it related to interstate as well as interstate commerce. Later, however, the interstate clauses were deleted from the measure.

The purpose of the law is that in cases where negligence exists as the cause of the accident contributory negligence on the part of the employe is not sufficient to act as a bar to action for damages provided that the negligence of the carrier was at least as great as that of the employe.

COMPLETE ABDICATION IS EXPECTED SOON

TIEN-TSIN, Jan. 15.—Complete abdication of the Manchu emperor is expected momentarily here. Premier Yuan Shi Kai, the "strongman of China," is the only thread holding together the empire, and he is expected to concede the government to the republicans before the new two weeks extension of the armistice is concluded. Prince Chun, the regent, has conferred with the premier upon the advisability of conceding the throne to the rebels, but Yuan Shi Kai has postponed definite reply.

Assemblyman Killed.

SAN FRANCISCO, Cal., Jan. 15.—Fighting desperately with three masked holdups who attacked him in his saloon here, John E. Mullanly, assemblyman from the Thirtieth California district, was fatally shot early today. He died soon afterward. John Craig, who was in the saloon, was shot through the thigh in a fusillade fired by the bandits after Mullanly fell. The thugs escaped.

Twenty-seven Drown.

EMDEN, Germany, Jan. 15.—Twenty-seven persons are known to have been drowned and several are missing as the result of the ice in the River Ems breaking while hundreds of youths were skating today.

BRIDE ACCUSED OF POISONING PIES



MRS. JOHN KULP.

Mrs. John Kulp, of Allentown, Pa., a bride of three months, is accused of having attempted to kill her husband and his aged parents and sister by putting poison and ground glass into two pies. "I am tired of you, and I'm going to get rid of you," is the threat the woman made, according to her husband's testimony, on the day the alleged poisoned pies were baked.

WOMAN DIES OF PHTHISIS WHILE IN PULLMAN CAR

Mrs. Nettie Thatcher of North Dakota Passes Away as Train No. 15 Was Approaching This City—Body Removed Here.

Mrs. Nettie Thatcher, of Wahpeton, N. D., died in a Pullman car on train No. 15 Monday morning just as that train was approaching Gold Hill. When the train reached Gold Hill Coroner Kellogg was called and deciding that no inquest was necessary directed that the remains be brought to Medford, where they could be prepared for burial. Upon the arrival of the train here Undertaker Perl took the remains from the train and removed them to his chapel, on Hartlett street, where they were prepared for shipment to the lady's former home in North Dakota.

The woman's husband, C. R. Thatcher, was traveling with her and they were en route to southern California, where they were going with the hope that her health might improve there, she being afflicted with tuberculosis, and from which affliction she died. Dr. P. C. Jones, a physician, also a passenger on train No. 15, was called a few moments before the lady expired, but he was unable to give relief. Deceased was about 35 years of age.

M'CARTHY, IN SPEECH, DEFIES UNION'S CRITICS

FRESNO, Cal., Jan. 15.—"Organized labor will show by its work in this convention that it stands now, as it has always stood, for justice, law and order, and will see to it that some laws are obeyed henceforth by those who have been ruthlessly violating them for centuries." This defiance was given to critics of organized labor in California here today by P. H. McCarthy, president of the state building trades council, on opening its eleventh annual convention, after state Senator Cartwright had welcomed the delegates with a speech advising that they abolish rather than violate unjust laws.

HIS NEAR-FATHER-IN-LAW STANDS BY RICHESON

BOSTON, Mass., Jan. 15.—Rumors that Moses Grant Edmunds, father of Violet Edmunds, heiress to whom Gov. C. V. T. Richeson was engaged prior to his confession to the murder of Avis Linnell, had abandoned the clergyman murderer are denied today by Richeson's attorney, William Morse. "The rumor is untrue," said Morse. "Mr. Edmunds will continue to furnish money with which to carry on the fight for Richeson's life." Sure of the attitude of the Edmunds family, Richeson is reported to be more cheerful and his guards say he is buoyed up by the self-centered hope that his life may yet be spared.

TWO DROWNED BY HIGH WATER BELOW WALDO

M. M. Kohler, Prominent Rancher of Josephine County, and Friend Drowned When Bridge Is Carried Away by Stream.

BODIES RECOVERED MANY MILES BELOW

Stream Had Torn All the Clothing From One and Boots From Other.

M. M. Kohler, a prominent farmer living near Waldo, and William Henry Lovell, an aged man from Tamwater, Wash., who was living with Kohler, were drowned Friday afternoon in the Illinois river, in Josephine county.

The news came to Grants Pass today when a teamster arrived there to purchase coffins for the victims. Kohler owned a crude bridge over the Illinois river and the two men were standing on this structure during high water attempting to guide driftwood and prevent it from injuring the bridge, when the structure was suddenly carried away.

Kohler's body was found four miles below, minus a pair of gun boots he had worn, and Lovell's body was found six miles below and entirely nude, the clothing having been stripped off in the raging waters. Around Lovell's neck, however, remained intact a string to which a miniature bag was attached which contained \$110.

CHINESE NEW YEAR THING OF PAST

SAN FRANCISCO, Cal., Jan. 15.—Chinatown here is enfeete today, in celebration of the adoption of the Julian calendar and the New Year. Announcement of abolition of the ancient Chinese system of reckoning time was received too late to have the fete January 1, and the new government ordered all loyal republican Chinese the world over to celebrate today.

The decision does not abolish the fortnight's celebration beginning February 17, as customary, and this year the Mongolians will celebrate New Year's twice.

EASTERN BREWERS ARE ALARMED AT HOP PRICES

SALEM, Ore., Jan. 15.—Alarmed by the high price of hops this year, due to the failure of the eastern and European crops, eastern brewers have invaded the hopyards of Oregon and California and this year will garner a large percentage of their own hops from fields controlled by themselves.

According to Theodore Eder, general superintendent of the E. C. Clemenshort company of Salem, 25 eastern brewers, members of the United Brewers' association, have secured control of 1300 acres of hopland, divided as follows:

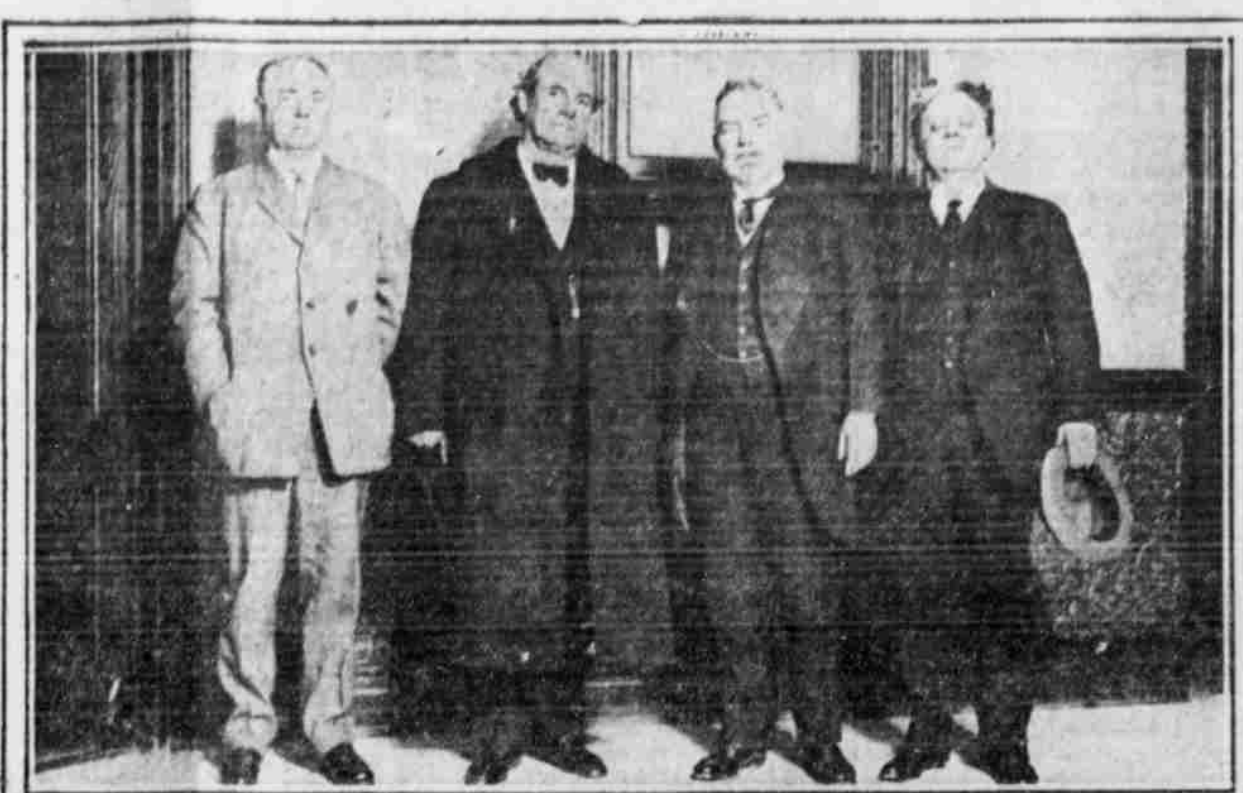
Two hundred and fifty acres at Independence, Ore.; 700 acres at Del Paso, Cal.; 200 acres at Wheatland; 150 acres at Tehama; 100 acres at Consumme, making 1150 acres for Clemenshort.

Eder says the brewers have raised \$500,000 that will be expended in hop growing this year.

Fighting Hill.

SAN FRANCISCO, Cal., Jan. 15.—Fighting James J. Hill's efforts to obtain for his proposed transcontinental railroad an entry into California, the Harriman lines today are declared to be planning competition by new extensions, with Oregon as the center of activity. The new lines are the Oregon Eastern between Eugene and Klamath Falls; the Oregon Electric, south from Salem; the Willamette-Pacific, between Eugene and Coos Bay; the Portland, Eugene & Eastern, providing another line from Monroe to Portland via Corvallis.

A GROUP OF DEMOCRATS PHOTOGRAPHED IN WASHINGTON.



Left to right NORMAN E. MACK, WILLIAM J. BRYAN, SENATOR JAMES A. O'GORMAN and UREY WOODSON OF DEMOCRATIC NATIONAL COMMITTEE.

Here is an interesting snapshot of a group of prominent democrats taken during the recent gathering of the National Committee in Washington. They are Norman E. Mack, chairman; W. J. Bryan, who has become known as the "perpetual democratic candidate for President;" Senator O'Gorman, of New York, and Urey Woodson, secretary of the Democratic National Committee.

CENTRAL SELLING AGENCY IS SAID TO BE PRACTICAL

Big Aid Seen in Merger of Four in Selling Agency—State Horticultural Society Head Lauds Combination.

Apple growers who are keeing in touch with the movement to form a great selling agency for the fruit of the northwest believe the plan is feasible and that it will be of incalculable benefit to the industry. The committee sent to Portland by the Hood River Apple Growers' union to investigate the workings of the Northwestern Fruit exchange has completed its labors, so far as a scrutiny of the books and an inquiry into the working plans of the exchange are concerned, and it will make its report to officials and stockholders of the Hood River union within the next two weeks, says the Oregonian. Until the subject is acted upon formally at Hood River, no steps will be taken by the other unions concerned.

The program, as it stands now, is to merge the selling departments of the Hood River, Rogue River, Yakima and Wenatchee unions into one central agency, which will direct the marketing of the fruit of the four big unions in this and coming years. It is proposed to take over the business of the Northwestern Fruit exchange, which has its headquarters at Portland. The exchange, in the past two years, has perfected its selling system until it now has an outlet in all the markets, large and small, in the United States and also good prospects for doing business in foreign countries. Such a large union would be invaluable to the four large unions, as it would not only give them an additional outlet, but by the purchase of the business of the exchange, they would thus remove a strong competition from the field.

The transfer of the exchange to the combined unions, if it goes through will be by the purchase of a controlling interest in the stock of the exchange.

The money is available for the purchase, and if the project is approved by the union stockholders, the deal will be closed in ample time to have everything ready for moving the coming crop.

A. P. Bateman of Mosier, president of the State Horticultural society, is an enthusiastic champion of the project. He said:

"I feel certain the merger will be consummated. I think as soon as it is explained to the stockholders of the four big unions they will approve of it. It is the best thing that could happen for the fruit industry of the northwest, and particularly for the apple growers of Hood River, Rogue River, Wenatchee and Yakima. The Northwestern Fruit exchange has a magnificent system of selling, and is in the hands of men of exceptional ability. I sincerely hope bringing the 'Big Four' together and obtaining control of the exchange may be a success."

LEFT \$100,000 FOR \$3 A WEEK WAGE AND ALL FOR LOVE

Big Aid Seen in Merger of Four in Selling Agency—State Horticultural Society Head Lauds Combination.

NEW YORK, Jan. 15.—Infatuated with a waiter and found working as \$3 a week nursemaid she might be near him, Violet Buehler, the 15-year-old Chicago heiress who disappeared November 25, and for whom the skyscrapers of the Chicago loop district were searched, is today held here awaiting word from her relatives.

For a time it was believed the girl had been kidnaped. This seemed to have been borne out in a mysterious letter which fluttered from a window of an upper story of an office building in Chicago. It was signed with her name and said she was being held a prisoner in a certain office. Search failed to locate her.

Last night Miss Buehler was discovered working as an attendant for Miss Britt, an invalid in an east-side tenement, under the name of Belle Ross.

Miss Buehler admits her infatuation for the waiter. She denies, however, that they are married. But she emphatically declares she will not return to her relatives in Chicago unless taken by force.

"I expect to marry Jack Clewne when I am a little older," she said. "Of course I love him. He used to bum around Chicago with my gang. He's a fine fellow. They say I'm foolish to leave home and all that \$100,000 to work for \$3 a week, but I can't see it that way. I don't think I'm foolish at all. I would rather work and make my own way here than be rich in Chicago. My foster mother there treated me well, but wouldn't let me go out, and I couldn't have any boy friends."

"I suppose now I'll have to go back to Chicago, but I will return to New York the first chance I get. Other girls without money are allowed to go into the world and make their own way. They can have sweethearts and do as they please. I think that's perfectly dandy. I enjoyed doing something for someone else and I felt that I amounted to something. In Chicago I was the one taken care of, and I didn't amount to anything. Now I've got to go back to it again."

Miss Buehler was arraigned before Justice Olmstead in the children's court on a charge of improper guardianship. Leaving the court room, she saw Clewne in the corridor, and, breaking away from her escorts, leaped into his arms and tried to kiss him, but the police interfered and charge. He was soon released, and the police declaring his relations with the child were perfectly proper. Violet was remanded to the care of the Children's Aid society until her foster mother arrives Saturday to take her back to Chicago.

13,556,000 TOTAL SALMON EGG TAKE IN LOCAL STREAMS

Over 12,000,000 Chinook Eggs Secured in Rogue River, While 1,000,000 Silver Salmon Eggs Were Secured From Applegate.

The total take of salmon eggs at the three southern Oregon stations of the United States bureau of fisheries during 1911, as shown by statistics just compiled by Hugh O'Malley, who is in charge, was 13,556,000, divided among the three stations as follows:

Upper Rogue River station, chinook, 5,830,000; Lower Rogue River station, chinook, 6,726,000; Applegate Creek station, silver salmon, 1,000,000.

During the year 785,000 steelhead trout fingerlings were liberated in Rogue river and its tributaries. Several thousand rainbow trout were also liberated in local streams.

1911 Most Successful.

As to the salmon propagation at the government's hatcheries, the season of 1911 was the most successful in years. The climatic conditions for collecting large-takes of eggs were ideal, the water remaining low enough so that racks could be maintained until late in the fall, with the exception of one or two rises which were just enough to encourage the fish to ascend the rivers to the spawning beds.

In the late fall last year, the United States bureau of fisheries delivered to the Oregon state fish commission 8,000,000 eyed chinook salmon eggs to be hatched and reared at the state's new hatchery at Bonnevile. Preparations are being made by the bureau this year to collect steelhead trout eggs on the Clackamas river, Eagle creek, Applegate creek and the upper Rogue river.

From the fact that salmon do not return to the stream from which they are released for four years, 1911 was the first season the practical results of the new policy of salmon propagation could be ascertained. The results were both gratifying and satisfying to those who have enunciated this theory and insisted that in its thorough and continued application would be found a solution to the perplexing problem not only of increasing the annual run of salmon, but of conserving the industry itself.

First Trial Made in 1907.

The first large number of fed chinook salmon was liberated in the Columbia and its tributaries by the United States bureau of fisheries in 1907, when about 3,500,000 of these young fish were liberated as fingerlings. This season proved one of the most successful in the history of the industry on the river.

With the record for the state of Washington incomplete, the total take of salmon eggs this season by the United States bureau of fisheries and the authorities of Oregon and Washington was 83,558,865, distributed as follows: United States bureau of fisheries, 46,564,000; Oregon, 23,505,955; Washington, 19,488,910.

AGED MINISTER IS SOUGHT FOR CRIMINAL ACT

Case Almost Parallel to That Against Richeson Comes to Light at Pittsburg—Charged With Performing Criminal Operation.

MISS ELSIE COE, 28, HIS STENOGRAPHER, IS DEAD

In Ante-Mortem Statement Young Woman Accused Him of Deed.

PITTSBURG, Pa., Jan. 15.—A case almost parallel to that of the Rev. C. V. T. Richeson, of Boston, confessed murderer of Avis Linnell, developed here today when a warrant was issued for the arrest of the Rev. W. F. McFarland, aged 60 years, pastor of the United Presbyterian mission at Greenville, Tenn. A coroner's jury today recommended that the minister be held pending an investigation of charges that he performed two criminal operations on Miss Elsie Coe, aged 28 years, his private secretary, which resulted in her death.

As a result of the jury's findings, a warrant for McFarland's arrest on a statutory charge has been issued and he is being sought by the police of a dozen eastern cities.

According to the police the minister performed two operations on the girl at her home here. It is alleged that the mother and sister had no knowledge of Miss Coe's condition, believing that McFarland was a licensed physician.

In a statement issued just before her death Miss Coe stated the minister had performed two illegal operations on her, and these charges were substantiated by the woman who administered the anesthetic. Rev. McFarland resigned his position here as head of the academy department of the Crantall high school in June, 1910, to take charge of the Tennessee mission. Miss Coe spent her vacation in Greenville.

After the alleged operations she was removed to the Homeopathic hospital, where she died January 5.

The minister has a wife and son living in Tennessee.

THERMOMETER SOARS AT LOS ANGELES

LOS ANGELES, Cal., Jan. 15.—January 14 and the mercury standing at 87.

This happened in Los Angeles, and conditions were practically the same throughout southern California, while in the shivering east coal furnaces, coupled with intensely cold weather, caused acute suffering.

Summer suits and peek-a-boo waists were in evidence, while thousands swarmed the beaches and splattered in the surf.

Fight Over Burials.

BERLIN, Jan. 15.—After bitter fighting the increasing tendency toward cremation instead of burial, the Evangelical church authorities today have finally granted pastors of that denomination permission to preside at funerals where bodies are cremated, but still forbids them to attend the ceremonies of placing the ashes to rest. The church authorities still urge the "old-time Christian burial."

Troops Sent to Quell Riots.

BOSTON, Mass., Jan. 5.—Five more companies of state militia were ordered to Lawrence to the scene of today's rioting by Governor Eugene N. Foss this afternoon. They left here on a special train. Other companies probably will be sent later.

Trouble in Ecuador.

MARE ISLAND, Cal., Jan. 15.—Because of the disturbances in Ecuador the collier Prometheus, now in San Francisco bay, today received orders to proceed to Galapagos island to assist in the protection of American interests there.