

SUPREME COURT, BY IMPLICATION, DECLARES THAT INITIATIVE AND REFERENDUM IS CONSTITUTIONAL

REFUSES TAKE JURISDICTION OF TEST SUITS

Verdict Looked Upon as Distinct Victory for Popular Government in This State—Question Raised by Phone Company.

TWO CASES COMBINED AND TAKEN TO COURT

Frank Kieran of Portland Raised Same Question in Injunction Suit.

WASHINGTON, Feb. 19.—Practical affirmation that the principle of the initiative and referendum, as enacted in Oregon, is constitutional, came here today when the United States supreme court refused to take jurisdiction in test suits contesting the validity of the laws.

The decision of the United States supreme court, which was unanimous, affects many states where direct legislation is before the people. Chief Justice White delivered the opinion. He said:

"The issue is political and governmental and therefore is not within the reach of the judicial power. It follows that the case presented is not within our jurisdiction and the writ of error therefore must be, and is, dismissed for want of jurisdiction."

The decision of the court leaves the Oregon law in free and untrammelled operation unless some contrary action to override it should be taken by congress.

The opinion says:

"While the controversy is important, it is not novel. It calls upon us to decide whether it is the public duty of the courts or the province of congress to determine when a state has ceased to be republican in form. That issue since has been determined by a court to be political in character, and therefore solely committed by the constitution to the judgment of congress."

The opinion then recites that the adoption of the initiative and referendum in Oregon was a subsequent part of the legislative process.

"Inconceivable expansion of judicial power" and "unjust destruction of legislative authority" are terms Chief Justice White uses in denying the jurisdiction of the court. The opinion concludes:

"There is a misconception resulting from failure to distinguish between things which are widely different—that the courts' legislative duty is to determine political questions involved in deciding whether a state government, republican in form, exists; and whether judicial power is ever present on duty when it becomes necessary to enforce and to uphold applicable provisions of the constitution as to each and every legislative act of governmental power. The state government, a political entity in this case, was called to the bar of this court, not to test judicially some exercise of its power, but was assailed as to its rights to legislate as a state."

The constitutionality of the Oregon initiative and referendum law, which was practically affirmed in principle by the United States supreme court today, was first raised in Oregon when the state attempted to recover from the Pacific States Telephone and Telegraph company \$10,450 tax on its gross earnings under the authority of the initiative law passed in 1906.

The telephone company opposed the tax on the grounds that the law was unconstitutional.

Frank Kieran of Portland raised the same question in an injunction against the city of Portland and the two cases finally were combined and submitted to the United States supreme court for final adjudication last fall.

The Kieran action also asserted that the authority conferred on cities

ASKS \$20,000 ALIMONY.



The suit for divorce of Mrs. Florence McCornick Thaw against Charles H. Thaw, a cousin of Harry Thaw, which was started three months ago in New York, will come up for trial in the Supreme Court as an uncontested action. Mr. Thaw, it is said, has put in no answer to his wife's charges.

Alimony to the amount of \$20,000 a year will be asked by Mrs. Thaw.

FAMOUS POCKET HUNTER IS HERE

Man Who Has Taken Over \$1,000,000 From Hills of Southern Oregon Visits City—Largest Find Was \$130,000.

Enos M. Rhoten the most famous pocket hunter in the world, who has spent his life among the hills of southern Oregon, taking out over \$1,000,000 during that time, in pockets, is in Medford on a short visit. Mr. Rhoten has just disposed of his ranch on the Applegate and expects to turn again to his favorite work.

Mr. Rhoten came to Jackson county in 1859 when a small boy, coming overland with his parents from Iowa. His early life was spent in the mining camps of this district and he was yet a youngster when he found his first pocket and acquired a taste for such work which he has never succeeded in subduing. In the past 50 years he has uncovered hundreds of pockets ranging in value from \$25 to \$130,000, his richest find being on Kanes creek.

"This is the greatest mining district in the world," states Mr. Rhoten, "for nowhere are conditions so ideal. The surface has as yet but been scratched and we must go down."

"I do not claim that a person can go down on any prospect and strike it rich, but they can follow a pay chute down and find richer ore than has yet been uncovered."

"The placer gold in this district comes from ledges and it will some day be found in such rich quantities that will startle the world."

Mr. Rhoten has several mining properties now, but during the past four years he has been ranching, making a home for his family. He has now sold his ranch, made his family comfortable, and is planning to turn his attention to mining at once. And those who know him best say that some day he will stroll into town again with a fortune wrested from some mountain stronghold.

ACTOR, RECENTLY HERE, PASSES AWAY

SAN FRANCISCO, Cal., Feb. 19.—Atkins Lawrence, one of the oldest actors on the American stage and a member of the Graustark company, now appearing here, is dead today following a short illness from pneumonia. Though nearly 70 years of age, he played the part of the minister of police in the drama until Thursday and was thought to be in excellent health.

Lawrence had played leading roles with Mary Anderson and had also been with Booth and Barrett during his long career.

TAFT SCHEME ARBITRATION A DEAD ISSUE

Such Is Belief in Paris Following Recent Quarrel With Italy—Its Impracticability Is Said to Have Been Shown by France.

NATIONAL HONOR CANNOT BE LEFT TO ARBITRATION

When France Jumped Italy England Nodded Her Head in Approval.

PARIS, Feb. 19.—President Taft's scheme to arbitrate questions of national honor is believed to be as dead as the proverbial door nail. Slowly the eyes of statesmen are opening, so it is said, to the fact that the recent quarrel with Italy clearly demonstrated its utter impracticability. For should governments agree to arbitrate such cases public opinion would force of an entirely different sort.

The seizure of the French steamer Manouba and the arrest of the 29 captured Crescent hospital attaches by the Italians caused France to blaze with indignation. The Italian consulate at Marseilles was guarded by the police to prevent attack. When Italy suggested taking the affair to The Hague, a cry of derision went up from France. "Return to the French flag the 29 Turks you took from us and we will arbitrate the rest," Prime Minister Poincaré said, the people to a man backing him up.

"The taking of those Turks placed a stain upon the French flag—wipe out that stain first," the premier declared, "and then we will talk. It is a question of national honor," and "questions of national honor cannot be submitted to arbitration."

France said those things to aily, with which country she has long been on terms of warmest friendship, and with whose people she is akin by blood ties. England, who, with France, signed the Taft arbitration treaty, applauded France quite vigorously and the tone of the English press was the same as for that in France: "Questions of national honor cannot be arbitrated."

So politicians and statesmen here are smiling and asking themselves if Theodore Roosevelt is not right in saying there is no use making treaties just to break them; that questions of honor are not debatable.

CHARGE FRISCO MEN WITH PLOT

Federal Grand Jury of Indianapolis Returned Indictments Against Tveitmo and Clancy for Nation-Wide Dynamite Plot.

SAN FRANCISCO, Cal., Feb. 19.—Olin A. Tveitmo, secretary of the California State Building Trades council, and E. A. Clancy, formerly member of the executive board of the International Association of Bridge and Structural Iron Workers, were arrested here today by United States deputy marshals on indictments found at Indianapolis, charging them with a conspiracy in a country-wide dynamite plot.

The warrants charged both Tveitmo and Clancy with illegally transporting dynamite from one state to another. Both were immediately released on bonds, Calney furnishing \$10,000 and Tveitmo \$5000. Jafet Lindberg, an Alaskan millionaire, and Mrs. Tveitmo qualified on the bonds for both men.

Banker's Valet, Said to Have Been "Railroaded"



PITNEY PLACED ON SUPREME BENCH

Officially Announced That Chancellor of the State of New Jersey Will Be Named Justice of the Supreme Court.

WASHINGTON, Feb. 19.—It was officially announced at the White House today that Mahlon Pitney, chancellor of the state of New Jersey and former congressman, will be appointed to the vacancy on the bench of the supreme court of the United States.

Pitney was for two terms a member of congress and is a noted lawyer and jurist.

Chancellor Pitney has been under consideration by the president for several weeks. He is 54 years of age and has been a practicing lawyer and judge since 1882.

NEW FLAG OF CHINA FLIES O'ER CONSULATES

LONDON, Feb. 19.—The republican flag of the Chinese republic was raised over all Chinese legations in Europe and the old flag, emblematic of the Manchu dynasty, being hauled down.

All Chinese diplomats today have discarded their queues, in accordance with orders by President Yuan Shi Kai, and hereafter will appear at official functions in occidental attire.

Noted Tragedy Recalled.

BOSTON, Mass., Feb. 19.—Forced to pass the last 40 years of her life practically penniless, Mrs. Louisa Flisk, widow of James Flisk, Jr., partner of the late Jay Gould, died in South Boston today. Rivalry between Flisk and Edward S. Stokes for the smiles of Josie Mansfield led Stokes to shoot Flisk more than 40 years ago.

ATTENTION, B. P. O. ELKS

All Elks will meet at Elks hall tomorrow morning promptly at 8. From there the lodge will march to the funeral of Mrs. Reddy, the mother of our brothers, Martin J. Reddy and J. F. Reddy. By order of C. L. REAMES, Exalted Ruler No. 1168.

JUSTICE TO SET SENTENCE ASIDE

District Attorney May Also Move to Have Other Indictments Against Brandt for Burglary Quashed by the Court.

NEW YORK, Feb. 19.—Justice Gerard this afternoon expects to set aside the 30 year prison sentence against Folke E. Brandt, former valet to Millionaire Mortimer Schiff, who is said to have been "railroaded" on a burglary charge to save the name of a woman member of the Schiff household.

It is expected that District Attorney Whitman will also move to have other indictments outstanding against Brandt for burglary and assault quashed on the ground that the man already has suffered enough in his five years imprisonment.

No intimation of the expected arrest of Schiff, his attorney, Howard Gans, or the detective who is said to have "framed up" the case against Brandt has yet been given out.

YOUNG WOMAN OF PORTLAND DISAPPEARS

PORTLAND, Ore., Feb. 19.—An exhaustive search of the Pacific northwest was started today for Miss Elois Harris, 22, who disappeared from the home of her mother and stepfather, Mr. and Mrs. William Shafer, at Hillsboro.

Although the young woman has several thousand dollars in her own right, she left with less than \$10.

THOUSANDS SAID TO BE STARVING IN CHINA

PORTLAND, Ore., Feb. 19.—An appeal to the people of the northwest to aid in the relief of 600,000 starving families in China was issued here today by the China famine relief committee of New York, which is cooperating with the Red Cross society.

According to the circular 3,000,000 people are practically destitute and south central China on account of heavy floods which last years destroyed crops in 50,000 square miles of territory.

TROOPS CHARGE BODY OF WOMEN

Detachment of Infantry Aided by 200 Police and 15 Cavalry Hurl Themselves Upon Women Strikers at Lawrenceville.

LAWRENCE, Mass., Feb. 19.—Without warning and apparently without cause, a detachment of infantry today, aided by 200 police and 15 cavalrymen, charged a body of 100 women, composed of striking textile workers, who had gathered on the common here, pleading with other operatives "not to return to work and scab." Three of the women picketers were arrested on charges of intimidation and disorderly conduct.

Dispersed by militiamen whenever men picketers attempted to approach strike breakers, leaders of the textile workers hit upon the plan of using women for this work. The plan, however, was betrayed to the police, and when the women gathered on the common the police and militiamen were in waiting. The charge came when several of the women approached a body of men who were on their way to the mills.

No warning to stop picketing was given by either the police or militiamen. Instead the police and soldiers with drawn clubs and bayonets swept down on the body of picketers, knocking down the women right and left. Several of the picketers were thrown heavily to the ground, sustaining painful bruises, but no casualties were reported.

OREGON CO-EDS WILL WORK FOR SUFFRAGE

UNIVERSITY OF OREGON, EU-GENE, Ore., Feb. 19.—With Miss Birdie Wise, of Astoria, as its president, the co-eds at the University of Oregon have just organized an equal suffrage association and are planning today to plunge into a "votes for women" campaign.

A suffragette parade will be held here soon. At present the co-eds will hold to the plan to confine their efforts to converting the mere man element of the university to the equal suffrage idea.

JOHNSON OUT FOR ROOSEVELT FOR PRESIDENT

Governor of California Desires La Follette's Standard and Declares for Teddy as Leader in Fight to Defeat Taft and Reactionaries.

NAMED AS RUNNING MATE UPON PROGRESSIVE TICKET

Radical Speech Planned by Strenuous One for Columbus This Week in Which He Announces Campaign.

FRESNO, Cal., Feb. 19.—Chester H. Rowell of Fresno, president of the La Follette league of California, today declared for Roosevelt and called a state meeting of progressives to be held in San Francisco February 28.

NEW YORK, Feb. 19.—Governor Hiram Johnson of California, apparently released from his allegiance to Senator La Follette as progressive candidate for the presidency, today issued a formal statement declaring for Theodore Roosevelt as leader of the fight to beat President Taft.

Johnson recently conferred at length with Colonel Roosevelt and other leading progressives, and last week saw La Follette in Washington, when, it is believed, the Wisconsin senator released the California governor from previous promises of support.

While Johnson refuses to discuss the matter in any way, it is strongly believed that when the progressive slate is made up he will be found in the position of Roosevelt's running mate as a candidate for the vice presidency.

Johnson's statement endorsing Roosevelt's candidacy is interpreted also as an endorsement of the sentiments to be expressed by the former president in his speech on Wednesday next before the Ohio constitutional convention at Columbus.

Johnson extended his stay here in order to urge on the colonel the necessity of taking an ultra-progressive stand in his Columbus address, and as a result of his influence it is believed the speech will be much more radical than it was originally intended by the colonel to be.

LOG AND DEBRIS CHOKED INTAKE

George Trana Returns From Head of Water System Stating That Everything Is in Good Condition There.

A huge log and debris cast up by the flood waters of Little Butte creek was responsible for the failure of the city water supply Saturday. The log lodged in such a position that it turned the water from the intake to the creek again. No damage was done.

Superintendent Trana of the water system visited the intake Sunday and states that everything now is in good shape.

Stocks Change Slightly.

NEW YORK, Feb. 19.—Today's stock market opened with small and irregular changes. The buying of United States Steel and Amalgamated Copper sent the leaders up fractionally for a time, but profit taking again sent it back to the opening figures. Operators took advantage of feeble rallies to sell but the general prices did not go much below last week's figures.

The market closed firm. Bonds were steady.