

# RAILROADS LOSE IN FOUR BIG RATE CASES

## SUPREME COURT UPHOLDS RATE LAW OF OREGON

Maximum Freight Rate and Passenger Rate Law Decided to Be not Confiscatory—Railroads Sought to Enjoin Reduced Class Rates.

Freight Rate Overcharges Must Be Rebutted—Railroad Contentions Overruled.

WASHINGTON, June 16.—Oregon's maximum freight rate and passenger rate law was decided by the United States supreme court today to be not confiscatory. The decision was rendered in an action known as the "Oregon rate cases," brought by the Southern Pacific railroad, the Oregon & California railroad and the Oregon Railroad & Navigation company.

In its decision, however, the court reaffirmed its "states' rights" decree in the Minnesota rate case.

The Southern Pacific, O. R. & N. and Oregon & California railroads attacked the Oregon laws in two cases.

The Southern Pacific sued to enjoin reduced class rates fixed by the Oregon railroad commission south from Portland, alleging an annual loss of \$150,000 thereby. The railroads alleged the Oregon law creating the railroad commission was invalid because its order affected interstate commerce, provided excessive penalties, was not uniform, and conferred judicial and legislative powers upon the commission in violation of congress' right to regulate interstate commerce. An injunction was refused and the railroads appealed.

In the other Oregon test cases the O. R. & N. railroad of the Harriman system appealed from a judgment of the Oregon federal court, giving judgment to shippers for freight rate overcharges on shipments of groceries from Portland to Oregon cities. It was contended by the railroad that the groceries, in original packages, were first shipped from California and remained "interstate" freight, making the railroad property within the state plus 1 1/2 per cent for surplus was confiscatory. The railroad declared it was doing business at a loss on an investment of \$15,000,000.

## ARKANSAS WINS RIGHT TO MAKE RAILROAD RATES

Test Cases Brought by Railroads Questioning State Rights Decided by Supreme Court—Two Cent Law and Freight Distance Tariff Upheld

Federal Circuit Courts Overruled Five Thousand Dollar Penalties of Violations Sustained.

WASHINGTON, June 16.—The Arkansas two-cent rate for passengers was today declared by the United States supreme court not to be confiscatory in two test cases brought by the St. Louis & Southwestern railroad.

The Missouri Pacific railroad contested the law giving the state this right and imposing penalties of \$5000 fine for each infraction, payable to the aggrieved shippers. The Kansas supreme court upheld the constitutionality of the law. This case was not one of those involved in the Minnesota rate case.

Arkansas was another state attacked in the general railroad fight against regulation of intra-state rates by the state railway commissions or legislatures.

In July, 1908, the St. Louis & Southwestern railroad sued the Arkansas railway commission to enjoin enforcement of the two-cent passenger rate law and the "standard freight distance tariff" law passed by the Arkansas legislature in 1907. It was also alleged the law creating the commission in 1889 was invalid as an interference with interstate commerce and an invasion of federal authority.

The federal circuit court of Arkansas enjoined both passenger and freight laws and the commission appealed. The court declared the laws confiscatory because the railroads' income was less than 7 1/2 per cent. It was held that any law reducing the income less than 6 per cent annually on the value of railroads commission's rate reduction order, an interference with interstate commerce.

## TWO CENT LAW FOR MISSOURI IS HELD LEGAL

Contentions of State Sustained by Supreme Court in Decision Rendered Today—Rate Laws not Confiscatory to Six of Larger Roads.

Decision Follows Lines of Minnesota Case—Lower Court Reversed—State Rights to Regulate Sustained.

WASHINGTON, June 16.—Upholding, in the main, the contention of the state of Missouri, the United States supreme court in a decision rendered today, held that the two cent passenger rate and the maximum freight rate laws were not confiscatory, as to six of the larger railroads which brought a test case against the constitutionality of the statute. The laws were declared confiscatory as to a number of smaller roads. The court in today's decision followed the ruling laid down in the Minnesota rate case, decided recently.

The decision on the appeals sustains the state as to the Burlington, Santa Fe, Kansas City Southern, Missouri, Kansas and Texas, Rock Island and Frisco roads, reversing the decree of the lower court. Justice Hughes, in a memorandum of the court's decision, said: "These suits were brought to restrain the enforcement of the freight rate and passenger-fare acts of Missouri passed in 1907. The question of interference with interstate commerce is the same as that presented in the Minnesota case and the decision is the same. Under a stipulation of the court below the decision sustaining the rates as to the six companies above mentioned also applies to six other companies:

The St. Louis and South Western; Missouri Pacific, Iron Mountain, Wabash; Milwaukee and Alton. The court held that the rates were confiscatory in the case of the St. Louis and Hannibal, Kansas City and Clinton, Springfield and Chicago and the Great Western roads.

Re-affirming the right of states to regulate rates within their borders, as decreed in the Minnesota rate case, the United States supreme court today declared valid the two cent passenger rate law of West Virginia. The decision of the lower court is a test case brought by the Chesapeake and Ohio railroad that West Virginia rates are not confiscatory is affirmed.

The rate decisions were unanimous. The court adjourned until fall.

## AUTO TURNS TURTLE SISTER SUPERIOR KILLED

FRESNO, Cal., June 16.—Sister Alcega, 61 years old, Mother Superior of the St. Augustine Girls' Academy here, is dead today and three sisters of the institution are seriously injured through an automobile turning turtle twice in the state highway near here.

The accident was caused by the Japanese chauffeur, who also was fatally injured, swerving the machine suddenly to one side of the road. Sister Alcega's neck was broken. Sister Agolia's arm has been amputated, and Sister Margaret, a blood sister of the Mother Superior, and Sister Columba are suffering from broken arms.

The machine belonged to Father McCarthy, of St. John's church here. He is in Los Angeles.

## HEAT KILLS HUNDREDS OF CHICAGO CATTLE

CHICAGO, June 16.—Between 1500 and 1600 head of hogs and cattle have died in the Union Stock Yards here today from the heat.

MRS. EMMELINE PANKHURST, SUFFRAGETTE LEADER, CAUGHT BY DETECTIVE WHILE TRYING TO ESCAPE



From Left to Right: Detective; Dr. Ethel Smyth, in Whose Home Mrs. Pankhurst Lived While Ill; Mrs. Pankhurst and the Nurse.

## MRS. PANKHURST AGAIN RELEASED BY HUNGER STRIKE

LONDON, June 16.—Mrs. Emmeline Pankhurst, the militant suffragette whose ticket of leave was revoked last Saturday, the day of the funeral of Miss Emily Davison, was again released today from Holloway jail. From the moment she was returned to jail Mrs. Pankhurst refused to eat anything and maintained her hunger strike until she became so weak that she could not stand. It was decided that it would be dangerous to confine her longer.

Mrs. Pankhurst is now little more than a shadow of her former self and those close to her are convinced that she will not be able to survive another period of imprisonment and self-imposed starvation. She was extremely weak when taken back to Holloway jail May 26, after her first release on ticket of leave; in fact, she fainted as she was being led out of court at Bow street and grew steadily worse during the following four days of hunger striking. But it was only when the prison surgeon made an official report to the home office that another day without food probably would mean her death that her release was ordered. Since then until last Saturday when she was recommitted she has been under the constant care of a physician and relays of nurses in the home of a friend in London.

## CIVIL RIGHTS ACT IS DECLARED VOID

WASHINGTON, June 16.—In a decision handed down here today the United States supreme court declared void the federal "civil rights act" of 1875, which imposed criminal penalties for discrimination against negroes. The court held that because the act was not applicable uniformly throughout the whole country, it was invalid.

## TWO ASHLAND WIDOWS AWARDED PENSIONS

County Judge Tou Velle Monday approved the following widows' pensions: Catherine Elizabeth Silver, Ashland, Or., \$17.50. Tillie J. Crosby, Ashland, Or., \$17.50.

## \$7000 PAID FOR SUFFRAGETTES' FUN SMASHING GLASS

LONDON, June 16.—Suffragette leaders in the court of king's bench here today agreed to the proposition that they are to be held responsible for damages wrought by their followers when Mr. and Mrs. Pethrick Lawrence accepted without contest the judgment of the court awarding to ninety-three West End merchants damages of \$7000 for suffragette raids in Piccadilly, the Haymarket, Bond street, Oxford street and other fashionable thoroughfares of the west end in November, 1911, and March, 1912.

Immediately after the opening statements of Counsel Justice Colebridge ordered judgment for the full amount claimed. Lawrence agreed and no testimony was taken. Mrs. Emmeline Pankhurst and her daughter, Christobel, who were jointly accused with the Lawrences, with being responsible for inciting the suffragettes to window smashing, will be freed from monetary responsibility by the action of Lawrence in accepting the judgment of the court and agreeing to pay.

## THREE KILLED IN MOTORCYCLE COLLISION

OAKLAND, Cal., June 16.—Two young men were instantly killed and a girl is dead of her injuries today as a result of a head-on motorcycle collision on "death curve" of the Pothill boulevard, near here. Joseph Suza, 21, and Miss Natalie Sulliff, 19, riding tandem, were returning to Oakland from Hayward when their machine crashed full tilt into another motorcycle, ridden by Westley Hoffelt, 20, from the opposite direction. Both machines were running 75 miles an hour. The riders were thrown thirty feet in the air, Miss Sulliff landing a score of feet from the roadway. Both men were dead when picked up, and the girl died without regaining consciousness.

## GATUN LOCKS TRIED WORK SATISFACTORILY

PANAMA, June 6.—The machinery of the Gatun locks in the Panama canal locks is declared satisfactory today following the first test by letting water into the great inclosure. The valves of the gigantic locks worked perfectly.

## FIVE OF FRISCO POLICE OFFICERS PLEAD GUILTY

Detectives Indicted in Connection With Bunco Scandal, Charged With Conspiracy to Defeat Justice, Change Pleas.

Two Stand Trial—No Deal Made With Men but Light Sentences Because of Saving to State.

SAN FRANCISCO, Cal., June 6.—Five of the police officers indicted here in connection with the \$350,000 bunco scandal, Louis Droulette, William McHugh, Charles Joseph, James McGowan and Jack Sullivan, charged with conspiracy to defeat justice, in connection with the bunco scandal, withdrew their pleas of not guilty before Superior Judge Lawlor here and were sentenced to the county jail for nine months each.

Louis Droulette was the first to enter his plea. In passing sentence on him Judge Lawlor stated that considering the character of the offense, which was very heinous, the men deserved a heavy sentence, but that as they had saved the state great expense he would exercise leniency.

Charles Taylor and Arthur McPhee, indicted with the other five, elected to be tried on the conspiracy charge.

Assistant District Attorney Brennan declared that no deal was made with the men and that they must face the possibility of future prosecution. All five have felony charges against them.

Frank Esola, convicted and sentenced on a felony charge, also admitted his plea of guilty to the conspiracy charge. He was sentenced to nine months in prison.

It was announced that Esola will be taken to Folsom penitentiary tomorrow morning. The other five will go to the county jail to begin their terms this afternoon.

Arthur MacPhee and Charles Taylor, the remaining two of the eight policemen originally indicted, demanded immediate trial and selecting a jury was at once begun.

## VARSITY BOAT HIT IN PRACTICE ROW

POUGHKEEPSIE, N. Y., June 16.—The four-oared varsity crew of the University of Pennsylvania barely escaped drowning here today while practicing for the intercollegiate regatta to be rowed on the Hudson river next Saturday. Far out in the river in the Pennsylvania shell drove into the Wisconsin varsity boat, which also was out for a practice spin. The Pennsylvanians' shell was wrecked and the Wisconsin boat was so badly damaged that its crew could render no assistance to the struggling oarsmen.

The Syracuse crew rowed out from shore, rescued the Pennsylvania men and aided the Wisconsin crew to right their craft and come ashore. The Wisconsin shell will be repaired and used in Saturday's race, but the Pennsylvania boat was damaged so that the crew must use a borrowed shell for the event.

## MISS DAVISON'S FATE SECURES SYMPATHY

BUDAPEST Hungary June 16.—Resolutions expressing sympathy with the fate of Miss Emily Davison, the English suffragette killed when she grasped the bridle of King George's horse, Anmer, as it ran in the derby, were passed here today by the suffrage congress despite the opposition of Jane Addams and the American delegates.

Miss Addams contended that Miss Davison's act was detrimental to the suffrage cause.

## WILSON STATES CURRENCY BILL NOT PARTISAN

Message on New Legislation Ready and Drawn but it Will not Be Strict Party Measure—Expects Assistance From Other Parties.

President Denies Rumors of Friction With Bryan Over Currency—Peaceable Outcome of Japanese Quarrel.

WASHINGTON, June 16.—President Wilson today announced that currency legislation will be launched this week in congress, probably on Friday.

The announcement was made by the chief executive today at his semi-weekly conference with newspaper men after he had conferred with Secretary McAdoo and Senator Owen.

The president said that the party leaders were united on the currency reform program and that his message on it is already written. He expects that after this week the currency legislation will replace the tariff bill in the limelight.

## Bryan Rumors Denied

President Wilson also took advantage of the occasion to deny that Secretary Bryan disagrees with him on the currency question and also denied that Bryan had dominated the currency conferences, saying that the secretary had manifested "merely a general interest." He denied that the currency bill would be a "strict party measure," saying he hoped for and expected aid from the other side.

The president said the currency bill will be introduced simultaneously in both houses. He is uncertain whether he will send his message to congress before or after the bill is introduced.

The president expects a wide difference of opinion on the measure among the democratic leaders but asserted that the bill covers a broad principle and has hopes that it will receive general support. He refused to disclose the principle of the measure and asserts that he does not pretend to be a currency expert and that he does not want the measure called "the Wilson bill." He declared he is receiving letters from many manufacturers urging an early passage of the tariff law on the ground that business will be unsettled until it is passed.

## No Rupture With Japan

Turning to other subjects, the president said he had cabled William McCombs at Paris urging that he reconsider his declination of the ambassadorship to France.

President Wilson denied that Japan's rejoinder to American notes on the California alien land question had caused irritation in official circles here. He indicated that America would reply to the Japanese representations this week.

## HIGH COST OF KEEPING SUGAR OFF FREE LIST

WASHINGTON, June 16.—Some idea of the cost of keeping sugar off the free list was given today in the testimony of Henry Oxnard before the sub-committee of the senate judiciary committee, which is investigating the charges of President Wilson that "an insidious lobby" is at work here in opposition to the Underwood tariff bill.

Oxnard swore that the sugar interests had spent \$750,000 fighting free sugar during the last twenty years. He said the books of the American Beet Sugar association had been destroyed, but that even if these records were available they "showed nothing." He admitted that the man who disbursed these funds

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## GLENDALE BANK ROBBED OF \$3290 IN BROAD DAYLIGHT

GLENDALE, Ore., June 16.—With bullets whizzing around his head as he ran, Raymond Diamond, a well known resident of Glendale, fled into the mountains this morning after deliberately holding up Assistant Cashier Smith of the Glendale State Bank and securing \$3290 in cash.

Diamond, who was personally acquainted with Smith leisurely walked into the bank with his rifle across his arm and asked Smith to examine a new sight just set upon the muzzle. Smith reached to take the weapon, when Diamond turned it upon him and demanded the money. Before anyone could interfere, he had swept the cash into a bag and dodged out the door. Smith fired several shots but none took effect, so far as is known. The region hereabout is rough and timbered and the officers are working through the passes.

Sheriff Quine of Douglas county hurried here with bloodhounds arriving early this afternoon and prepared to take the trail of the fugitive.

Diamond has been known as a socialist agitator here for about a year.

H. Zimmerman of the Cubs has a rival in the way of being the "only guy of the Bronx." Dick Rudolph of the Braves, also comes from beyond the Harlem river.

## DOCTORS DENOUNCE SPLIT FEE HABIT

MINNEAPOLIS, Minn., June 16.—Denunciation of the practice of physicians in "splitting fees," and of consequent bargains between physicians and surgeons which have led to a countrywide epidemic of operations, was voiced today, in a recommendation from the judicial council of the American Medical society to the house of delegates of the society, low in session here. It urged that a resolution be adopted expelling from the organization any member splitting fees or giving or receiving commissions.

A committee of the society reported that the practice of splitting fees is prevalent in the states of California, Nebraska, Kansas, Iowa, Illinois, Indiana, Ohio, the Dakotas and in New York City. The assertion is made that this practice eventually leads to a great deal of needless surgery.

The judicial council also strongly condemned the practice of hospitals paying a commission for patients sent them.

## VESSEL STRIKES MINE: DESTROYED AT SMYRNA

CONSTANTINOPLE, June 16.—An unidentified sailing vessel tonight struck a submerged mine in the harbor of Smyrna and was destroyed, it is feared, with all on board. The vessel sank immediately. No information so far has been available as to the number of killed or injured.