

# OREGON WAGE LAW REARGUED SUPREME COURT

### Box Factory Which Brought Test Case, Claiming Law Confiscatory, Has Doubled Capacity Since Under Law—Legislation of Eleven States Affected.

By GILSON GARDNER.  
WASHINGTON, Jan. 29.—The United States supreme court has been listening to "rearguments" in the Oregon minimum wage case. This is the test case on the law to compel the payment to women workers of a "living wage"; in this case, \$8.64 a week. The court heard this case argued December 17, 1914, but promptly went to sleep. After a two years' nap the court woke up and in June, 1916, asked that the arguments be repeated. So on January 18 and 19 they were repeated.

Justice Brandeis argued the case in 1914. At that time he was just Louis Brandeis—now that he is a supreme court justice he does not have to listen to the reargument, which was made by his understudy, Felix Frankfurter. Besides the traditions of the court make it "improper" for a justice to take part in a case in which he has appeared as counsel. A certain measure of judicial ignorance is requisite to the denatured equity in which our supreme court deals.

### Law Passed in 1913.

The Oregon minimum wage law was passed in 1913. The boxmaking firm which has carried the case to Washington, made the plea that it would be unable to pay so huge a wage as \$8.64 a week. Such a wage would be "confiscatory." But this was merely for the brief. The factory has, in fact, gone on paying the minimum wage, and the only result has been to double the capacity of the factory.

Will the court take judicial notice of this fact?  
Ask the court.  
Mr. Frankfurter probed the judicial intellect very lightly in this direction. He reminded the court that "the facts relative to work and fatigue are before the court." (They had been presented in that wonderful brief prepared by Josephine Goldhanski.)  
"How are they before the court?" snapped Justice Day.

### Eleven States Affected.

There are eleven states which have minimum wage laws, but in practically all these states the laws are not enforced—no effort is made to enforce them—because the state authorities have been waiting for the supreme court to decide whether such legislation is "constitutional." In many other states the people have delayed putting such statutes on the books pending the supreme court's consent.  
Why the supreme court has not decided this minimum wage question is one of those mysteries as deep as the mystery that the people have permitted the supreme court to usurp the veto power, under pretense of "interpreting the constitution."

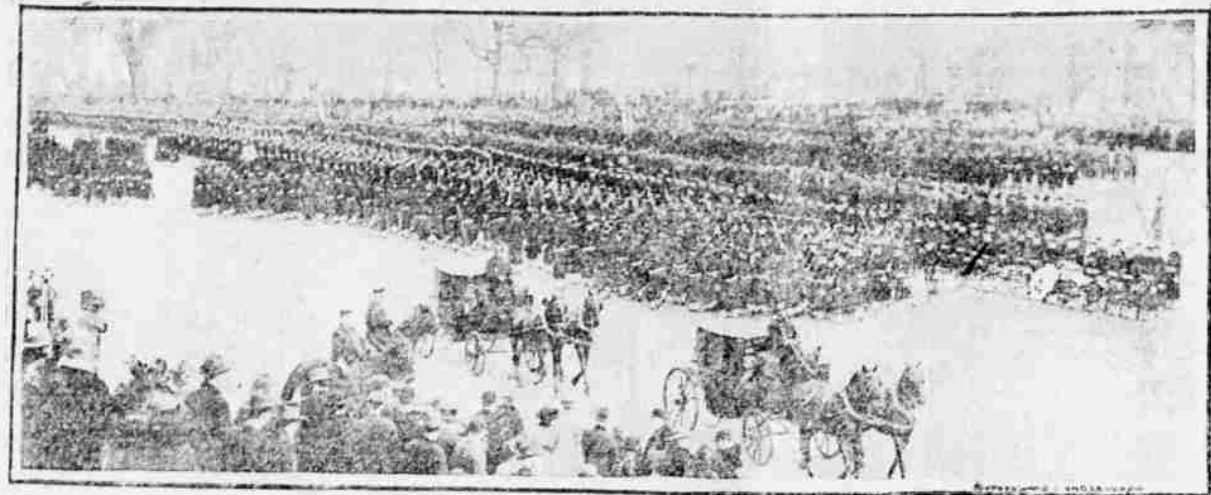
The supreme court is also sleeping on the "bunting ten-hour case." This is the test case on the law to make ten hours a maximum working day for men as well as women. It was argued April 17, 1916, but two months later the venerable justices asked to have it argued over again.

### Most Important Cases.

These two cases are undoubtedly the most important cases that have come before the United States supreme court since the court attempted to deal with the extension of slavery into free states, and by the Dread Scott decision brought on the civil war. The interests which have fought the ten-hour and the minimum wage case have to place a "constitutional" barrier in the path of all industrial legislation of this sort. The main argument against such laws is that they are "confiscatory" and therefore violate the constitutional provision which forbids the taking of property without "due process of law." Also they argue violently for the freedom of private contract—"that blessed privilege of the poor to freely contract to work for starvation wages, and to 'assume the risks' in all dangerous employments. The ten-hour day law is attacked, as is the eight-hour railroad working day law, as "legislation affecting wages," and therefore tending to "abridge the freedom of contract."

In these cases an effort has been made by Attorneys Brandeis and Frankfurter to get a few social and industrial facts before the court—facts which are really the foundation of the whole problem. Mr. Brandeis felt, when he argued the case, that the court was not entirely impartial to facts, and that the prospects were good for a favorable decision. But as the years have slipped by this

# NATIONS PAY TRIBUTE TO MEMORY OF ADMIRAL DEWEY IN GREAT BURIAL CORTEGE



Thousands of marines and soldiers marched and thousands of people lined the streets of Washington while cannons boomed in all parts of the world in tribute to the memory of Admiral George Dewey when burial of his body took place at the nation's capital. The top picture shows a part of the cortege, the lower picture the casket being carried on caissons.

## BUTTE WOMEN REFUSE TO LEAVE OR GO TO WORK

BUTTE, Mont., Jan. 29.—Women of the underworld, formerly residents of Butte's segregated district, which has been closed by order of the attorney general, are not as willing to accept help as the benevolent workers of Butte are anxious to help them. Some of the women have stated that they would be willing to accept "respectable" work at a salary of \$50 a week. The impression gained is that the women are remaining in Butte, not because they are unable to get away, but because they are hoping for a "let-up" of the moral wave which resulted in the closing of the district two weeks ago.

## SAYS LAWSON IS PERJURER

(Continued From Page One.)  
jected Oregon trip for the present, if the committee's wishes are regarded.  
Denial Position.  
Fisk was brought into the inquiry by Thomas W. Lawson declaring at the hearings in Washington that Archibald White told him Fisk had boasted to him that he had offered Secretary McAdoo and had offered one night, to squim McAdoo from his bed by telephone. Lawson also said he had heard Fisk was connected with the peace note "leak."  
Fisk denied that he ever had a conversation with White as described in the Lawson testimony.  
"I want to state positively," he said, "that the meeting described never took place. I never had a conversation with White during which the name of Mr. McAdoo entered. I want to state that most unequivocally."  
The banker said that he knew White "only slightly" and had met him casually probably not more than half a dozen times.  
Asked if he had anything to do with closing up McAdoo's business affairs after he entertained the treasury, Fisk replied affirmatively. Upon entering the cabinet, Fisk said, McAdoo turned over all of his securities, largely bank and trust company stock to Fisk's firm and on them obtained a loan of \$112,000. On January 15, 1914, Fisk said, all of the securities having been disposed of, the debt was liquidated and a surplus was turned over to McAdoo.  
prospect has dimmed. Whether as a fellow-justice, Mr. Brandeis might slip it to his colleagues, that the box factory had doubled its capacity on the "confiscatory" wage is a problem in judicial ethics on which no one is authorized to speak.

## SUIT TO FORCE WEST VIRGINIA TO PAY \$12,393,000

NEW YORK, Jan. 29.—Mandamus proceedings were begun today in the supreme court by Virginia authorities against West Virginia's entire legislative assembly to compel levying of a tax to pay the supreme court judgment of \$12,393,000, with interest, adjudged to be West Virginia's proportion of the Virginia state debt in 1861, when West Virginia was formed.  
Papers in the extraordinary proceeding, without precedent in American jurisprudence, were received by the court, but no action was taken today. A ruling is expected next Monday and if Virginia is giving leave to file the mandamus suit, West Virginia probably will be given time to show cause why a writ should not be issued. Reopening of the case may result, as West Virginia has offset claims it desires to present.  
Virginia's petition, presented today by Attorney General Pollard and others, charges that West Virginia is temporizing in respect to the supreme court's decree, given in 1913, and does not intend to provide for payment of the judgment within the near future. Therefore, the court is asked to order the West Virginia senate and house of delegates, "forthwith and at the present session of the legislature to levy a tax upon the property within West Virginia sufficient to provide for the payment of the decree and judgment," with interest.  
As an alternative, the petition asks that the present legislature issue bonds to meet the Virginia judgment.  
The supreme court refused over a year ago to issue a writ of execution for attachment of West Virginia property in satisfaction of its judgment, withholding action until after the meeting of the present legislature.

## MOTHER UNEARTHS MOVIE ACTRESS MURDER MYSTERY

RUTLAND, Vt., Jan. 29.—District Attorney C. V. Poulin said today that a photograph purporting to be the body of Miss Nora ("Betty") Benson, who is said to have died at the Pacific Coast hospital in Los Angeles, Cal., January 3, and which seemed to show bullet wounds in the back, had been presented by the girl's mother, Mrs. Chauncey Benson of Chicago, who was advised that the authorities could not proceed until they received definite information from the Los Angeles police, Mrs. Benson was told to write for information.  
Miss Benson's body was shipped to Chicago and later brought here as the family formerly lived in this state. Mrs. Benson told the district attorney the girl went to Los Angeles a year ago to join a moving picture company. A telegram announcing her death was received in Chicago early this month.  
A card on the casket marked "pneumonia, do not open," aroused Mrs. Benson's suspicion and she had the casket opened and a photograph made, which convinced her that the young woman had been shot. According to District Attorney Poulin the cause of the death given in the death certificate was "yellow liver atrophy." No word, he said, had been heard from the California authorities.  
G. S. Sargent, a business visitor from the city of Chicago.

## SETTLEMENT OF ROCK ISLAND SUIT MEETS APPROVAL

CHICAGO, Jan. 29.—Settlement of the suit of minority stockholders of the Chicago, Rock Island and Pacific railroad company against Daniel G. Reid and William H. Moore for \$7,500,000 was approved today by Judge Carpenter in the United States district court. The terms of the settlement include the purchase of \$5,000,000 of six per cent preferred stock of the railroad company by Mr. Reid and Mr. Moore, the payment by them of \$500,000 and all the costs of the litigation.  
The settlement is a part of the reorganization plan agreed to by the several stockholders committees. The \$5,000,000 stock to be purchased is part of a new issue, \$20,000,000 of which will go to holders of the present twenty-year debentures of the company.  
Objection to the settlement was made by the counsel for the Kenosha and Des Moines Railroad company, which has a claim against the Chicago, Rock Island and Pacific railroad company, growing out of its lines having been leased by the Chicago, Rock Island and Pacific railroad. The objection was overruled by Judge Carpenter, who said that the rights of the objector were not affected.  
Miss Lenore Vance will leave Tuesday for an extended trip to Eastern points, expecting to be away for three months.

## OXMAN'S TESTIMONY CORROBORATED BY OAKLAND GIRL

SAN FRANCISCO, Jan. 29.—The state produced another witness today in the bomb murder trial of Thomas J. Mooney, Warren K. Billings, Mrs. Rena Mooney and Israel Weinberg, all defendants, were together July 22, 1916, when a bomb was exploded during a preparedness parade, costing ten lives. The witness was Miss Sadie Edman of Oakland.  
The explosion took place at Stuart and Market streets, about a half dozen blocks towards the ferry from 721 Market. Frank C. Oxman, a cattleman, testified Friday that he saw the same party drive up to the corner of Stuart and Market streets about twenty minutes before the explosion, in Weinberg's automobile.  
Corroboration of Oxman's state-

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### Here's the Program. Can You Beat It?

PART I

- Overture, "Echoes from the Metropolitan Orchestra," Tobani
- Solo, "Carmena" MISS MARJORIE STEVENS.
- Ladies Chorus, "La Charly" Rossini MRS. JAMES ANDREWS, BAILEY, ISAACS, KNAPP, MISSES MARION GOULD, WILLIE HOWARD, FRANCES ASH.
- Solo, "The Little Damozel" MISS FLORENCE HAZELRIGG.
- Violin Solo, "Legende" Meniawski W. CARLETON JAMES.
- Duet, "Holy Mother," from Maritana, by Wallace MRS. GEO. ANDREWS AND MRS. KARL KNAPP
- Solo, "Flower Song," from Faust, Gounod MISS WILLIE HOWARD.

PART II

- Quartet: (a) From Faust Gounod (b) From Bohemian Girl Balfo MRS. ANDREWS, C. C. M'CURDY, MRS. ISAACS, GEORGE ANDREWS.
- Solo, "Why My Soul," from Martha, Flotow GERALDINE THEISS.
- Piano Solo, "Scherzo," in B Flat MRS. C. C. M'CURDY, Chopin
- Solo, "Rosary" Nevia MRS. FRANK ISAACS.
- "Good Bye" Tosti MISS RUTH WARNER.
- Solo, "Drinking Song," from Martha, Flotow GEORGE ANDREWS.

DIRECTOR, H. H. HOWELL.

Tickets 50c each, at Brown's or Hotel Holland, up to 6 p. m. After that at Presbyterian Church.

## MUSICAL TREAT PROMISED TONIGHT

Medford is, or at least should be, proud of the really unusual musical talent it possesses. This evening at the Presbyterian church, almost all of the best singers and instrumentalists in the city will give a concert which everyone should attend. Such singers as Miss Geraldine Theiss, Mr. and Mrs. George Andrews, Miss Florence Hazelrigg, Miss Ruth Warner, Mrs. Edna Isaacs and others will sing the kind of songs that everyone loves to hear.  
They will be accompanied by the Choral society orchestra, with which everyone is familiar. Miss C. C. McCurdy is organist. Now all these fine musicians have worked hard and faithfully under the direction of Mr. Andrews and Mrs. How and they are most certainly deserving of a large audience, and everyone who attends will hear unusual music. It is impossible for singers or speakers to do their best amidst empty spaces. So let all who enjoy the music best encourage them by their presence. The complete program appears elsewhere.

### "Kondon's" Lightens Her Housekeeping.

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