Full Leased Wire Dispatches

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WORKMEN MAY WORK OVER TEN HOURS IN MAKING REPAIRS

The Supreme Court Reverses Judge Benson In Famous Ten Hour Law Case

NEEDED REPAIRS MAY BE MADE IN TIME FOR WORK

Other Important Rulings Are Made By Highest Court of State

Holding that when an employe of a factory, mill or workshop within the meaning of the ten-hour labor statute, is employed in the making of needed repairs to the machinery of a plant over the ten-hour limit is not a violation of the ten-hour workday law, the supreme court this morning reversed the decision of Judge Benson, of the circuit court for Klamath county, and discharged the defendant in the case of the state vs. James Young, opinion by Justice Bean.

This is a case in which Young, who owns and operates a sawmill in Lake county, was convicted in the trial court of violation of the ten-hour law in employing one William Harvey for more than ten hours in one day without payment for overtime. It was shown that Harvey was engaged in making needed repairs to the machinery after regular working hours. The whole question rested upon the interpretation of the word "necessary," which is contained in one of the exemption clauses of the act and the court holds that any repairs that are needful to the machinery of any plant, which, if not made in time to avoid serious accident might involve danger to life and property, are "necessary" within the meaning of the statutes, and while the defendant is discharged from violation of the statute, the ten-hour law is also upheld.

On the ground that it is apparent that two executions were attempted to be filed upon one judgment and the same property in satisfaction of a judgment for alimony, Justice Benson, of the supreme court, ordered that the second writ of execution against the property of C. E. Lampman and reversed the decree of Judge Kelly of the circuit court for Marion county. The suit for attachment was brought by Kathleen Lampman, divorced wife of the defendant, C. E. Lampman.

Opinions in other cases were:

Harry Stires, appellant, vs. Benjamin F. Sherwood, et. al., appeal from Multnomah county; W. N. Gatens, judge; appeal dismissed. Opinion by Justice Burnett.

Ex parte Jung Shing, alias Louie Hing, writ of habeas corpus; dismissed by Justice Harris.

John Burggraf, respondent, vs. Molly and G. W. Broche; from Multnomah county; Judge Davis affirmed. Opinion by Justice Eakin.

DuBois Lumber Co., appellant, vs. Clatsop county, et. al.; from Clatsop county; Judge Eakin affirmed. Opinion by Justice Bean.

T. K. Anderson et. al., plaintiffs and respondents, vs. Grant Phegley, defendant, and Emma G. Robinson, appellant; from Josephine county; Judge Calkins affirmed. Opinion by Justice Harris.

F. X. Duester and H. C. Rasen, et. al., respondents, vs. P. A. Alvin; from Multnomah county; Judge Kavanaugh affirmed. Opinion by Chief Justice Moore.

Klamath Lumber company, appellant, vs. Stella M. Bamber and husband; from Klamath county; Judge Bean affirmed. Opinion by Justice Burnett.

Petitions for rehearing were denied in the cases of McCarthy vs. Helbling (motion to recall mandate); Gantenbein vs. West; Pfeiffer vs. O.-W. R. & N. Co.; Joseph Milling Co. vs. Joseph; Striker vs. P. R., L. & P. Co.; State vs. Chapin; Sharkey vs. Portland Gas & Coke Co.; Van Brakle vs. State Board of Health; School District No. 42 vs. Lena S. Veatch.

Murderer Makes Escape From San Quentin Today

San Quentin, Cal., Jan. 19.—Edward Turpin, serving a life term at the San Quentin prison for murder, escaped today and is at large somewhere between San Quentin and San Rafael pursued by a score of armed guards. Prison officials say they don't believe the man is armed.

Turpin has been a member of the prison scavenger gang of ten convicts working at the cemetery a mile outside the prison walls. These men were under the supervision of a single guard. Turpin obtained permission from the guard to go to the tool house nearby and did not return. An investigation showed that the tool house was empty and Turpin nowhere in sight.

EXECUTION STAY FOR LEO FRANK

Supreme Court of United States Has Doubts of Guilt of Georgia Man

Washington, Jan. 19.—The United States supreme court today ordered the execution of Leo M. Frank, of Atlanta, Ga., stayed, and directed that he be held in custody until further notice.

Had the highest tribunal not intervened, Frank would have been executed in Georgia next week for the murder of Mary Phagan.

Frank, a well-to-do Jew, was superintendent of an Atlanta pencil factory. The murder of Mary Phagan occurred on a holiday and at a time when Frank and a negro janitor only were in the factory. She called at the plant to collect a few dollars due her and was never seen alive again.

Frank paid her the money and alleged that, so far as he knew, she left the building immediately. A day or so later, however, her body was found in the basement of the building. The negro janitor, who had served several sentences in jail for minor offenses, swore that Frank had killed the girl and had ordered him to write a note to Mary's mother, asserting that she had been attacked by a "slim black nigger." The janitor said he signed Mary's name to the note.

Frank is a married man and a graduate of Cornell university. Investigation showed that his character was above reproach but he was arrested and charged with the murder. His attorneys claimed that the murder of Mary Phagan came as the culmination of 15 homicides in Atlanta in nine months. The police, they said, had obtained no convictions in these cases, and were charged on all sides with incompetency.

"Then," said one of the defense attorneys, "they arrested Frank and concocted the whole case against him."

Three witnesses, who testified at the trial which resulted in Frank's conviction, have sworn under oath that they testified falsely against Frank at the instigation of the prosecution. After the jury had returned its verdict of guilty, the trial judge gave out the following statement to the newspapers:

"Although I presided daily at the trial, I do not know even now whether Frank is innocent or guilty."

Sudden Impact Against Tree Stirs Councilman to Action

Under the head of a particularly informal discussion which Councilman McClelland aptly characterized as "for the good of the order," a number of small incidental matters for the betterment of the city were brought up and presented to the attention of the council following the meeting last evening.

Councilman McClelland, when he had the floor, told of his experience with an oak tree out on South Twenty-third street in his ward and also testified to the lack of street lights in this district.

"I was going home the other evening," said McClelland, "when it was so dark out there that I could not see three feet and right in the middle of the sidewalk I met an oak grub head-on. Kersmash, I hit it full in the middle, and, thinking it was some pedestrian standing in the middle of the walk, I excused myself for my carelessness and said: 'I beg your pardon, sir.'

"I received no answer, and you can imagine my surprise when I found I had bumped into an oak grub. Now there is no necessity of that tree in the middle of the sidewalk and I would like for the proper measure to be taken to see that it don't bump into anyone else."

Why does not some Mexican patriot effect a compromise by having the various presidents constitute a commission form of government for Mexico?

FRENCH RIDICULE IDEA OF GERMANS CIRCLING VERDUN

Believed That Scouting Line of Kaiser's Force May Complete Circle

VERDUN'S STRENGTH IS NOT ITS FORTRESSES

Long Trenches and Secreted Batteries Protect Gateway to Paris

By J. W. T. Mason,
(Former European manager of the United Press.)

New York, Jan. 19.—German reports that the French entrenched camp of Verdun has been encircled have not been substantiated. Paris ridicules the statement. It is probable that the Berlin dispatches mean at most that a thin scouting line has passed around the French position, not that an investment force has settled down to a formal siege of the famous fortifications.

Indeed, a siege of Verdun has become an impossibility. Since the German 42 centimeter guns demonstrated their superiority over all modern fortified places, the defensive strategy at Verdun has been radically altered.

Elaborated constructed forts of steel and concrete are not protecting the corner of the eastern gateway to France. Trenches are now doing the work of permanent fortifications.

Extending for miles beyond the forest are artillery and infantry positions dug into the earth or concealed in the woods.

These defenses, not anticipated at the beginning of the war, have been prepared since the 42 centimeters demonstrated the futility of fortress warfare. Field tactics, therefore, and not immobile artillery defenses or permanent fortifications are protecting Verdun.

It is probable that the Verdun forts have been denuded of their guns, which have been moved forward to the battle front for operations in the open. Were it not for this quick change in defensive methods adopted by the French, the Verdun forts would now be crumbled ruins. The French warfare, thus adopted, makes an investment impossible, or rather robs the term "investment" of its former meaning. To surround Verdun now means to dig an outer circle of entrenchments facing the trenches occupied by the French. To do this safely would require a stupendous army. It would necessitate also the radical extension of the German battle front in order to cut off the main French communications with Verdun.

Furthermore, Verdun, no doubt, has been plentifully stocked with ammunition and food. The encircling enemy, therefore would be unable to force the surrender of the trenches because of exhausted war stores. The two circles of entrenchments would constitute opposing battle lines, and local engagements would comprise the warfare. Such a ring would duplicate, on a small scale, the problems of the present fighting from the North sea to the boundary of Lorraine.

These are the reasons why the fate of Antwerp and Maubeuge has not overtaken Verdun and why it probably will not.

J. C. Dowling Injured When Clothing Catches in Machine

J. C. Dowling, formerly superintendent of the Willamette valley division of the Portland Railway, Light & Power company, and at present chief electrician of the Willamette Iron & Steel company of Portland, was seriously injured this morning at their plant in Portland. His clothing was caught on some shafting which tore off one kneecap, broke the other leg in two places and severed one arm from the body at the shoulder. He was taken to a Portland hospital but no further particulars have been received. Mr. Dowling, his wife and two children resided in Salem two years, leaving one year ago last September, and he has many friends here to whom the news of the accident will come as a decided shock.

The Weather

Oregon: Fair tonight and Wednesday; winds mostly easterly.

HOUSE PASSES THREE BILLS THIS MORNING

Lower Body Approves Dillard Census Bill Identical With Dimick Bill

The house adjourned at 3:10 this afternoon until 10 o'clock tomorrow. The senate adjourned at 3 o'clock until the same hour.

Three bills passed the house this afternoon: H. B. 30, by Anderson, of Clatsop; H. B. 23, by Lewis, and H. B. 12, by Huston.

Three bills were passed by the house this morning, one of which was the Dillard bill, providing for the repeal of the old statute requiring the taking of a state census every five years, alternating with the federal census, and identical with the Dimick bill passed by the senate last week; and another was the Huston bill, providing for the preservation of waterfalls, streams and other scenic beauties along the Columbia river, and the third was the Jackson county delegation bill ceding to the United States jurisdiction over Crater Lake National park. The Lewis bill, providing for an increase in the number of challenges allowed each party in selecting jurors in civil cases from three to five, was killed by indefinite postponement.

While the Jackson county delegation bill, ceding Crater Lake park to the United States, was up for consideration and final passage, Miss Marion B. Towne, of Jackson county, the first woman member of an Oregon legislature, delivered her maiden speech of the session and won the additional distinction of having been the first woman to have addressed an Oregon legislature from the floor of the house.

Upon recommendation of the judiciary committee, the Schenbel bill, providing a three per centum tax upon the gross receipts of sleeping car companies, refrigerator car companies and oil companies, was referred to the committee on assessment and taxation. This move, it is understood, was made to avoid the defeat of the measure through an unfavorable recommendation from the judiciary committee and his companion bill to this, providing for a per centum tax upon the gross receipts of express, telephone and telegraph companies, now in the hands of the ways and means committee, will probably take the same course as the ways and means committee is inclined to report the bill unfavorably on the ground that it is opposed to the policy of heaping unnecessary burdens of expense upon public service corporations during these times of financial stress.

Nineteen new measures were introduced in the house this morning, among the most important of which were several introduced by Chairman Davey, of the committee on printing, which repeals all old statutes requiring that the printing of certain departments of state be paid for out of the printing fund. These bills contemplate the reduction of a great amount of printing expense incurred by the state departments every two years and in the interim by providing that all printing by these departments be paid out of their maintenance fund. The departments mentioned in these bills include the inheritance tax fund, superintendent of public instruction, state fair directors, forestry department, state board of health, bureau of labor and state library board.

Representative Blanchard's bills proposing to change the meeting of the legislative assembly from the odd to the even years and the time for filing initiative measures with the secretary o fstate to on or before the first of January of the legislative years, as outlined in another story in this issue, were also introduced in the house this morning.

The following bills were introduced in the house this morning:

H. B. 128, by Blanchard—Fixing the time for filing initiative petitions.

H. B. 129, by Blanchard—Changing time for holding legislative assembly.

H. B. 130, by Cardwell—Giving druggists right to sell alcohol on prescription.

H. B. 131, by Stott—For relief of Miss Ella Ellefson, $600.

H. B. 132, by Schuebel—To instruct school children on harmful effects of alcoholic liquor.

H. B. 133, by Anderson (Clatsop)—Relating to capture of young sturgeon.

H. B. 134, by Hunt—Changing fiscal year for state business.

H. B. 135, by Vawter—Limiting inheritance tax liens.

H. B. 136, 137, 138, 139, 140, 141, 142, by committee on printing—Requiring several departments to pay for printing out of their appropriations.

H. B. 143, by Childs—Relating to letting contracts on public buildings.

H. B. 144, by Hinkle—Governing election of county school superintendents.

H. B. 145, by printing committee—Requiring departmental printing by respective department.

H. B. 146, by Jones—Abolishing Imnaha game reservation.

H. B. 147, by Barrow—Limiting day's catch of crabs to 50.

Judge Lindsey Attacks Sage and Carnegie Foundations

Denver, Colo, an. 18.—Bitter denunciation of the men behind the Rockefeller, Sage and Carnegie foundations, under investigation in New York by the federal industrial relations commission, was voiced today by Judge Ben B. Lindsey, of the juvenile court here.

"If the commission," said Judge Lindsey, "calls the attention of the people to the fact that it is with their money that the Rockefeller, Sage, Carnegie and oher foundations are maintained it will have fulfilled its purpose for the present.

"The industrial government, with headquarters in Wall street, is much more powerful than the political government at Washington. When the people cease to realize that the prime object of the Rockefeller and other foundations is to maintain the false economic system existing, then we will face the greatest danger in history—industrial slavery. We will be building toward a new futalism.

"The subtle violence of capital is being felt with full force. Capital controls our institutions of learning and the establishment of foundations that the rising generation may be brougat up in the path the industrial masters would have them go will breed more violence for labor. The violence of capital is oppression, built on an economic system which permits a few to reap the rewards of the work of thousands and then to distribute that wealth so the system can be maintained.

"If the foundations were really designed for the work they would have us believe, their first step would be to destroy the system which makes such foundations possible.

"Thousands of dollars have been sent to Europe for the suffering Belgians by men identified with the interests the foundations represent. No one has ever heard of our own sufferers being so aided. H. C. Phipps contributed $5000 to starving Belgian children. At his back door in Colorado there are thousands of starving women and children, victims of industrial warfare. They are as innocent as the Belgians. But Phipps has not contributed one cent for their relief. By maintaining the conditions under which his hirelings live, Phipps is able to amass hundreds of thousands of dollars yearly."

Judge Lindsey said he did not take the attitude that foundations did no good. He said there was no doubt that they aided in the building up of institutions to alleviate certain effects. But he insisted they always built in the direction they wanted the development to go.

HOSMER IN TOILS ON BENCH WARRANT

Editor of Silverton Journal Arrested For Publishing Lasenon Affidavit

J. E. Hosmer, the editor of the Silverton Journal, was arrested this morning on a charge of criminal libel on an indictment returned by the special grand jury which finished its session last week. The specific charge against the editor is that he republished the alleged affidavit of Mary Lasenon as soon as he was released from the county jail and in the first issue of his paper after he returned to Silverton. In the article containing the alleged affidavit he defied the Catholic sisters of Mt. Angel to proceed against him further.

It is claimed that in this issue he reiterated all of the charges he had claimed against the Catholics of Mt. Angel and which resulted in his incarceration in the county jail upon conviction of libel in the circuit court.

Hosmer alleged that one Mary Lasenon was a nun in the Mt. Angel convent and that she escaped and made her way to the home of a minister in Silverton and in the presence of several people made serious charges against the convent heads. The publication of this affidavit resulted in the bringing of libel against Hosmer and a suit for $30,000. Hosmer was confined to the county jail for several months after his conviction.

Hosmer gave $500 bonds for his appearance in the circuit court of this county and Sheriff Esch returned to this city from Silverton this afternoon. Hosmer made no statement after his arrest and the sheriff permitted him to go on his own recognizance to find bondsmen. The bondsmen were secured and approved in the justice court of Silverton. Hosmer will be arraigned in the circuit court early next week.

GOVERNOR REQUESTS JACKSON TO RECONSIDER

Governor Withycombe this morning received the resignation of Colonel Jackson, inspector general of the Oregon National Guard, to take effect simultaneously with that of Adjutant General Finzer, whose retirement, it is claimed, was forced in order to make room for the appointment of his successor, Captain George White, of Portland. Governor Withycombe returned the resignation of Colonel Jackson with the request that his action be reconsidered.

It has been insistently intimated that Colonel Jackson tendered his resignation out of sympathy and in retaliation for the treatment of Adjutant General Finzer, with whom he has worked so harmoniously and in accord for so many years, and it has also been reported that Colonel Jackson's resignation was tendered in anticipation of receiving such a request from Governor Withycombe, but both these rumors were emphatically denied in the governor's office as being absolutely without grounds. In giving out a statement regarding the request for reconsideration of Colonel Jackson's resignation, Governor Withycombe said:

"I have always regarded Colonel Jackson with the warmest personal friendship, and entertain for him the highest admiration as a military man. Indeed, his presence at my inaugural reception was one of the most pleasant events of the evening. I sincerely hope Colonel Jackson will reconsider his action, and will remain with the Guard. Such action will be appreciated not only by myself and the officers of the Guard, but by all who know this veteran friend of the state."

SENATE RECALLS JOINT RESOLUTION NO. 2 TODAY

President Thompson Is At Albany at Bedside of His Father

The senate was opened by Senator Moser this morning acting as proxy for President Thompson who was called to Albany by the sickness of his father Rufus Thompson, one of the pioneer residents of that city. Senator Wood was called to the chair and presided throughout the forenoon.

The most important matter considered during the morning was the reconsideration of Senate Joint Memorial No. 2 which was approved by the upper house yesterday afternoon.

The first business of the morning was lengthy debate upon the subject of recalling the memorial from the house. This was finally accomplished and after more discussion the measure was indefinitely postponed, a squabble over the rules occupying considerable time.

Senator Moser raised a point of order demanding that the motion to indefinitely postpone was out of order until after a motion made by Senator Butler to refer to committee was disposed of. Dictionaries, Roberts' Rules of order and many other documents were presented in evidence before the matter was finally settled.

The memorial urges the adoption of house resolution No. 5139 providing for the retirement of civil service employees and providing a pension for them.

Three bills were passed, senate bill No. 44 by Senator Laugguth permitting taking of testimony outside of the state by litigants, Senator Moser's Bill No. 36 referring to counter claims and Senate Bill No. 39 by Senator Strayer changing the time of holding court in the Eighth Judicial District.

The joint resolution introduced by Senator Garland providing by a committee consisting of three from the senate and four from the house to investigate the asylum was approved by the senate this morning.

In keeping with his program of economy and retrenchment, which he has mapped out with a view to correcting the extravagant system of taxation and particularly as it applies to Lane county, Senator Bingham this morning introduced a bill proposing to limit the levying of taxes for the year 1915 to the amount levied on the total assessed value of the year 1914, plus six per cent, and for each year after 1915 the tax rates are to be limited so as not to levy a greater amount of revenue than was levied the preceding year, plus six per cent.

Senator Bingham's bill extends and limits this authority of levying tax revenues to include the legislative assembly, and every city, county, town, school and road district in the state; in case an increase over this ratio is deemed necessary the question is to be submitted to a vote of the electors of the county, town or district and it requires a two-thirds majority to authorize an increase, but it does not apply to an additional levy to provide for the payment of bonds or warrant indebtedness created prior to the enactment of the measure. A violation of the provisions of the measure constitutes a misdemeanor and any officer or officers responsible for such violation are subject to a fine of not exceeding $1,000 and the state tax commission is delegated with the power of administering and enforcing the provisions of the act.

CLAIMS OF SUCCESS MADE BY FRENCH IS DENIED BY BERLIN

Artillery Fighting Continues In Region North of Arras

NO DEVELOPMENTS OF IMPORTANCE RELATED

Dispatch Declares Russian Assaults in East Have Been Repulsed

THE WAR LINEUP.

Russian Poland— Petrograd claims Germans driven to frontier of Plock province. Mlawa destroyed by constant cannonading. Austro-German column advancing against Warsaw reached Opoczno, Germans claim general success in Poland.

France—French claim captured additional German field works in LaPretre forest and southwest of Metz. Berlin denied these claims. Lull at Soissons; Germans reinforcing there for renewed offensive.

Germany—Captain of American steamer Greenbrier, at Bremen, charges British naval officers hauled down ships American flag, hoisted Union Jack and otherwise insulted American colors.

Austria—Vienna claims Austrians captured Russian trenches near Zaklicza, Russians say Transylvania campaign proceeding satisfactorily.

Turkey— Despite numerical superiority, Russian attempt to outflank Turks in Caucasus defeated, Constantinople claims.

Belgium and Alsace—Fog and snow hampering operations.

Berlin, by wireless to London, Jan. 19.—Taking direct issue with the French statement, the official German statement issued this afternoon by the war office denied claims of French successes at LaBoiselle and in the forest at LaPretre.

It is declared that artillery fighting continues north of Arras, near LaBoiselle to the east of Soissons and in Alsace but that there have been no important developments at any of these places. Only at LaBoiselle says the statement, have there been evidences of a renewal of infantry fighting. Heavy snows and fog generally interfere with the operations in the west.

The war office declared Russian assaults in many places in the eastern theater have been repulsed and that several hundred Russians have been captured. Moscovite defeats at Nadzanow, Cjoshun and Sierpez are given especial mention.

Unfavorable weather still prevents a continuation of the German drive toward Warsaw, the statement adds.

The Russian Report.

Petrograd, Jan. 19.—Bloody fighting for possession of the northeast section of the province of Plock, in Russian Poland, has resulted in a decisive defeat of the Germans, according to official announcement by the war office here today. The enemy has been forced back to the frontier, the statement adds.

This is the district through which General Francois' German army attempted to advance toward Warsaw several weeks ago. Military experts believe it indicates the defeat of another serious German offensive in that section.

The announcement reports artillery duels and sporadic infantry fighting east of Mlawa. The town of Mlawa itself has been reduced to a heap of ruins as the result of successive bombardments, and the country thereabouts has been completely devastated.

It is unofficially reported the shattered German columns are reforming and receiving reinforcements in the vicinity of Saint Rypid and plan an attempt to resume the offensive.

The main column of the Austrians and Germans, advancing toward Warsaw from the south has reached Opoczno. Outposts from this force are reported unofficially to have been sighted south and west of Radom, where the Russians are strongly fortified. Desperate fighting is expected at Radom, as the Russians regard it as the key to the Warsaw positions.

MILLIONAIRE DIES.

San Francisco, Jan. 19.—E. W. Howard, aged 45, millionaire capitalist of San Mateo, president of the Howard Cattle company and prominent polo player, died at 11:30 a. m. today at the Adler sanitarium as the result of injuries received in an elevator accident at the California-Pacific building here two weeks ago.