

TAFT CHAMPIONS ANTI-TRUST WAR

STATUTE NEEDS ADDITION NOT AMENDMENT HE SAYS

VARIOUS REMEDIES SUGGESTED TO THE LAWMAKERS

President Taft Stands Behind Anti-Trust Law in His Special Message to Congress Read at Noon Today—Supplemental Legislation Needed, but No Amendments Are in Place Right Now.

White House, Washington, Dec. 5.—President William H. Taft, today championed the anti-trust statute, suggested new remedies, and urged supplemental legislation—not repeal or amendment—in his regular message to the 62nd congress which convened yesterday noon. The message says in part:

To the Senate and House of Representatives:

This message is the first of several which I shall send to congress during the interval between the opening of its regular session and its adjournment for the Christmas holidays. The amount of information to be communicated as to the operations of the government, the number of important subjects calling for comment by the executive and the transmission to congress of exhaustive reports of special commissions make it impossible to include in one message of a reasonable length a discussion of the topics that ought to be brought to the attention of the national legislature at its first regular session.

The Anti-trust Law—The Supreme Court Decisions.

In May last the supreme court handed down decisions in the suits in equity brought by the United States to enjoin the further maintenance of the Standard Oil trust and of the American Tobacco trust and to secure their dissolution. The decisions are epoch making and serve to advise the business world authoritatively of the scope and operation of the anti-trust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in construing and applying this important statute, but they clarify those decisions by further defining the already admitted exceptions to the literal construction of the act. By the decrees they furnish a useful precedent as to the proper method of dealing with the capital and property of illegal trusts. These decisions suggest the need and wisdom of additional or supplemental legislation to make it easier for the entire business community to square with the rule of action and legality thus finally established and to preserve the benefit, freedom and spur of reasonable competition without loss of real efficiency or progress.

No Change in the Rule of Decision, Merely in Its Form of Expression.

The statute in its first section declares to be illegal "every contract, combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce among the several states or with foreign nations" and in the second declares guilty of a misdemeanor "every person who shall monopolize or attempt to monopolize or combine or conspire with any other person to monopolize any part of the trade or commerce of the several states or with foreign nations."

In two early cases, where the statute was invoked to enjoin a transportation rate agreement between interstate railroad companies, it was held that it was no defense to show that the agreement as to rates complained of was reasonable at common law, because it was said that the statute was directed against all contracts and combinations in restraint of trade, whether reasonable at common law or not. It was plain from the record, however, that the contracts complained of in those cases would not have been deemed reasonable at common law. In subsequent cases the court said that the statute should be given a reasonable construction and refused to include within its inhibition certain contractual restraints of trade which it denominated as incidental or as indirect.

These cases of restraint of trade that the court excepted from the operation of the statute were instances which at common law would have been called reasonable. In the Standard Oil and tobacco cases, therefore, the court merely adopted the tests of the common law and in defining exceptions to the literal application of the statute only substituted for the test of being incidental or indirect that of being reasonable, and this without varying in the slightest the actual scope and effect of the statute. In other words, all the cases under the statute which have now been decided would have been decided the same way if the court had originally accepted in its

construction the rule at common law.

It has been said that the court by introducing into the construction of the statute common law distinctions has emasculated it. This is obviously untrue. By its judgment every contract and combination in restraint of interstate trade made with the purpose or necessary effect of controlling prices by stifling competition or of establishing in whole or in part a monopoly of such trade is condemned by the statute. The most extreme critics cannot instance a case that ought to be condemned under the statute which is not brought within its terms as thus construed.

The suggestion is also made that the supreme court by its decision in the last two cases has committed to the court the undefined and unlimited discretion to determine whether a case of restraint of trade is within the terms of the statute. This is wholly untrue. A reasonable restraint of trade at common law is well understood and is clearly defined. It does not rest in the discretion of the court. It must be limited to accomplish the purpose of a lawful main contract to which in order that it shall be enforceable at all it must be incidental. If it exceed the needs of that contract it is void.

The test of reasonableness was never applied by the court at common law to contracts or combinations or conspiracies in restraint of trade whose purpose was or whose necessary effect would be to stifle competition, to control prices or establish monopolies. The courts never assumed power to say that such contracts or combinations or conspiracies might be lawful if the parties to them were only moderate in the use of the power thus secured and did not exact from the public too great and exorbitant prices. It is true that many theorists and others engaged in business violating the statute have hoped that some such line could be drawn by courts, but no court of authority has ever attempted it. Certainly there is nothing in the decisions of the latest two cases from

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PERJURY CHARGE STIRS LAWYERS

MRS PATTERSON ACQUITTED ON LIE, SAID.

Star Witness Avetred a Perjurer— Counsel May Be Tried.

Denver, Dec. 5.—That Mrs. Patterson was acquitted of the murder of her husband on perjured testimony is the charge of Prosecutor Benson and which the Denver Bar association will investigate. He asserts the testimony of Francis Easton, the star witness for the defense, was manufactured and Judge Hilton, chief counsel, will be asked to explain. If the association sustains the Benson charge Easton is to be tried for perjury.

Italians Win Victories.

Tripoli, Dec. 5.—News reached here today of two battle near Benghazi and Derna. The Italians were victorious in both battles.

HANDS (UP) ACROSS THE SEA.



—Morris in Spokane Spokesman-Review.

WOMEN JOSTLE MEN AT POLLS

BITTER FIGHT COMING TO CLOSE IN LOS ANGELES

BIGGEST VOTE EVER CAST IS PREDICTION MADE TODAY

Women and Men Rub Shoulders at Polls to Determine Heated Municipal Election—McNamaras' Confessions Supposed to Be Aid to Anti-Socialist Movement—The Weather Is Splendid.

GOOD GOVERNMENT MEN CONFIDENT.

Los Angeles, Dec. 5.—The good government committee this afternoon claimed the election by an overwhelming majority. It is estimated that 70,000 votes are cast and that half of those cast are by women.

Los Angeles, Dec. 5.—Shoulder to shoulder with women who vote for the first time here, big crowds were at the polls today, deciding the mayoralty election after the bitterest fight in the city's history. The opponents are Mayor Alexander, representing the good government forces and Job Harriman, union labor socialist. The weather is ideal.

Alexander's chances are favored owing to the McNamara confession.

Throughout the campaign has been bitter and the pulse of the election will be at fever heat until the final result is known. Seven hundred and fifty special officers are sworn in to guard the city's interests and indications early pointed to the heaviest vote ever polled in Los Angeles. The total registration exceeded 180,000 and of these about 80,000 belong to the newly enfranchised women and they will be the ones to really decide the election. It is believed.

PENDLETON KILLS COMMISSION.

Matlock Is Chosen Mayor by Small Margin in Wheat Town.

Pendleton, Dec. 5.—(Special.)—Pendleton yesterday defeated the proposed commission form of government by a margin of 24 votes. The opposition developed at certain clauses in the new charter which was deemed unsuitable. The general plan of the commission government did not have the specializing of responsibility feature, the work being handled for the city by three men instead of one man as is generally outlined in commission forms now.

W. H. Matlock was selected as mayor by a small majority.

BROTHERS ARE GIVEN SENTENCE

LIFE TERM FOR JAMES AND 15 YEARS FOR JOHN

THOSE IMPLICATED KNOWN TO DISTRICT ATTORNEY

All Bravado Is Gone When Confessors Come to Court to Hear Their Fate—Court Scathingly Attacks Both, Calling Them Murderers at Heart—State Bids for Life of James McNamara.

Los Angeles, Dec. 5.—James McNamara was given a life sentence in San Quentin today by Judge Bordwell who first denounced him as a murderer at heart and declaring there are no extenuating circumstances in the case. John McNamara was given 15 years in San Quentin.

John was secretary-treasurer of the International Association of Bridge and Structural Iron Workers and was bitterly denounced by both the district attorney and the judge.

At the last minute the judge announced that he would sentence the McNamaras in Judge McCormick's courtroom in the hall of justice building instead of his own in the hall of records. At 10:15 the judge arrived and took his seat. At 10:20, the McNamaras, handcuffed to the sheriff and his assistant, entered and took a position at the district attorney's table. Shortly after 10:30, "Jim" was sentenced after District Attorney Fredericks made a plea for a life sentence.

Socialist Still Expressive.

"The bargain was kept. The promise made by counsel for the McNamaras and the big business men who wanted the cases disposed of prior to the municipal election, were suffocated by Judge Bordwell." For this reason, it is charged by the unionists, James, the murderer of 21, got "life."

All the bravado was gone when he faced the judge. The judge said that James deserved the gallows but recommendations of the prosecution saved him. James almost collapsed when he sat down.

John then stood up. His eyes were sunken and showed deep worry. The judge said he was fully as guilty as his brother. Then the men were hurried back to jail.

After returning to his office District Attorney Fredericks said: "Some labor leaders who are denouncing the McNamaras are absolutely as guilty as they and I know they are implicated in the dynamiting outrages. I know as much about them as does James McNamara himself. I know exactly who were implicated and the judge's sentence was right."

Epoch Akin to Rebellion.

"I am perfectly satisfied with the outcome," continued Fredericks.

"Bordwell did exactly right. The ends of justice are best served. On the outcome of this case means more than anything else happening since the civil war—an epoch in America's history. It means a passing of the bludgeon and strong arm from the ranks of labor. There was no bargaining in this case. This was proved when James in his statement in the courtroom this morning, threw his life in Judge Bordwell's teeth and the judge threw it back at him.

Darrow and his associates declined to make any statement at this time.

"I did not know what the sentences of the McNamaras would be when I appeared in court today. And neither did the defense attorneys know. All this 'stinking' Steffens' business of fixing the case makes me tired. I don't know when McNamara will be arraigned. I want it to be soon."

Visitors Are Searched.

Hall of Records, Los Angeles, Dec. 5.—Every man who entered Judge Bordwell's court this morning was searched by Detective Browne and a picked force of men. He said he had received information of an attempt that might be made to shoot the McNamaras while they were being sentenced.

The McNamaras slept fair last night and although extremely nervous before being taken to the court house, they said they were willing to "take their medicine." They said if they got prison sentences, they'd both work for

a parole for which they will become eligible in seven years.

Special Guards at Jail.

—There is much bitterness against the prisoners among the laboring men of the city who declare the McNamaras betrayed the men who trusted them explicitly. During the night Sheriff Hammel had a special force of guards patrolling the jail yard and extra precautions were taken to make sure no untoward event could happen. Darrow and Gompers in Jail.

According to Attorney Darrow today, Samuel Gompers when in Los Angeles didn't ask him whether the McNamaras were guilty or innocent, as he asserted in New York. Gompers, Darrow had deceived him, which row denies.

McNamaras Are "Done."

This afternoon Fredericks was through with the McNamaras and positively denied that either McNamara will help the state in the prosecutions connected with the Times or other dynamite cases in this section.

"What the federal authorities will do I don't know," said Fredericks. He said the bribery charges will probably proceed, although a strong effort is being made to have the whole affair dropped. Sheriff Hammel is undecided when to take the prisoners to San Quentin. He will have an elaborate guard to accompany him as they must be taken through San Francisco, and trouble might attend the transfer.

Delhi Has Excitement of Act of Inceudinary Criminal.

Delhi, British India, Dec. 5.—An incendiary today burned the reception tent prepared for the coming of King George and Queen Mary, who arrive from Bombay tomorrow. Extensive precautions are taken to guard against danger to the lives of their majesties.

PACKERS LOSE BEFORE COURT

SUPREME TRIBUNAL DENIES A STAY IN TRIAL.

Case to Come to Issue Tomorrow Morning at Chicago, Says Judge.

Washington, Dec. 5.—The United States supreme court today denied the application of the Chicago meat packers for a stay of trial as they petitioned for. This means that the trial before Judge Carpenter in Chicago on a charge of violation of the anti-trust law, will proceed unless they rake up something else to stay the proceedings. The appeal of the packers is based on the contention that the anti-trust law is unconstitutional. The plea, as such, remains on the docket. Resume Trial Tomorrow.

Chicago, Dec. 5.—Judge Carpenter said the packers' cases will be called to trial tomorrow forenoon.

If convicted the nine packers must be imprisoned.

PROMINENT LABOR OFFICIAL HERE

One of the prominent men connected with the federation strike against Har-

rison and other railroads of the country is in the city today and will be heard at a public address at 9:30 tomorrow morning. He is J. H. Ryan, of Kansas City, vice president of the union commonly known as the Boilermakers' but which is technically known as the Boilermakers and Iron Ship Builders and Helpers' union.

The address will be held at the labor temple in the Lewis building and everyone is invited to attend. Mr. Ryan will discuss matters of importance to the labor situation as it is today.

GERMANY REPLIES TO ATTACK

Berlin, Dec. 5.—Cancellor Von Bethmann-Holweg in a speech before the reichstag today replied to Sir Edward Grey, the British foreign secretary, with the declaration that Germany will never permit herself to be thrust aside and pressed down by England, diplomatically. He was emphatic in his statement that it is up to England to show sincerity of her foreign policies before amicable relations can be hoped for.

GERMAN SPY ARRESTED.

English Excited Over Arrest of Suspected German.

Portsmouth, England, Dec. 4.—Cap-

GIRL DRAGGED TO TOLL GATE

TOT OF 13 YEARS CARRIED FROM AUTHORITIES BY PARENTS

SENSATIONAL BREAK FROM UNION ONLY ONE INCIDENT

Officials Last Night Overtake Fugitive Family Near Summit of Blue Mountain Where They Were Caught to Rest—Flight Has Been Long and Furious—Girl Will Be Returned to Portland.

Stirring chases that smack intermittently of pathetic instances, daring escapades and gruelling climbs by the fugitives who dragged a 13-year-old girl from Summerville up the Toll Gate road to a point near the summit yesterday had a climax at "the summit" this morning at 4 o'clock. The startling chain of escapes and bold breaks by a La Grande family to "get away" with their 13-year-old daughter grew out of an attempt to keep Miss Hattie Wright, daughter of Mr. and Mrs. Jack Wright of this city, from returning to the Good Shepherd's Home at Portland where she has spent the past two years but was released a few days ago and brought to La Grande by Officer Faulk on the supposition she was to be given to the parents if they showed a disposition to care for her. This is the family which jumped into calcium about two years ago when it was thought the father assaulted the little girl, then 11 years old—she was taken to the Portland school shortly afterwards. The mother became so incessant in her demands for her child that the officials here decided to allow the girl's parole but when Miss Hattie was brought here she was left in care of Officer Faulk until Mr. and Mrs. Wright appeared before County Judge Henry and said that they had taken a lease on a farm near Union and intended to move there, but would send the girl to school and treat her kindly. On this consideration the parents were allowed to take the girl. About that time, a Sister from the Good Shepherd's school came to La Grande and on the expense of the school wanted to take the girl to Portland where she was to appear in some literary attempt of the institution. When effort was made to locate the girl at the Wright home in this city it was found the family had gone to Union.

Chase Commences.

The authorities at Union were telephoned to hold the family when Mr. and Mrs. Wright and the girl arrived there. This was done but the Wrights were placed in a room not in the jail building and left there with the door locked. They made their escape by the use of a key in Wright's possession and just fifteen minutes before officers (Continued on Page Eight.)

Rogers Is Blamed.

San Francisco, Dec. 5.—The coroners' jury today declared John Rogers guilty of the murder of Benjamin Goodman who was robbed of \$5000 in jewels