

VOLUME NO. 16

TION NOT AMEND.

MENT HE SAYS

amendment-in his regular message

to the 62nd congress which convened

yesterday noon. The message says

To the Senate and House of Repre-

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 adjourn-

ment for the Christmas holidays. The

amount of information to be commu-

subject. calling for comment by the

executive and the transmission to con-

gress of exhaustive reports of special commissions make it impossible to in-

clude 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

The Anti-trust Law-The Supreme

Court Decisions.

ed down decisions in the suits in equi-

ty brought by the United States to en-

join the further maintenance of the

Standard Oil trust and of the Ameri-

can Tobacco trust and to secure their

dissolution. The decisions are epoch

making and serve to advise the busi-

ness world authoritatively of the

scope and operation of the anti-trust

act of 1890. The decisions do not de-

part in any substantial way from the

previous decisions of the court in con-

struing and applying this important

statute, but they clarify those deci-

In May last the supreme court hand-

as to the operations of the

int, the number of important

VARIOUS REMEDIES SUG-

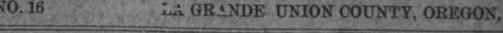
Right Now.

in part:

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sentatives:

regular session. ·



ist Grande

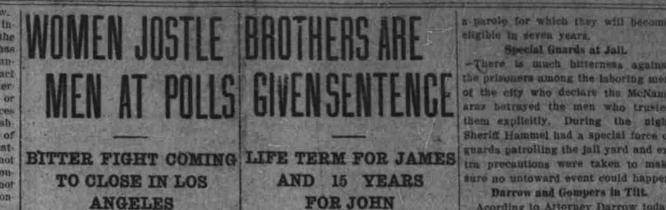
construction the rule at common law It has been said that the court by inroducing into the construction of the statute common law distinctions has masculated it. This is obviously untrue. By its judgment every contract and combination in restraint of inter state trade made with the purpose or hecessary effect of controlling prices by stiffing competition or of establish ing in whole or in part a monopoly of such trade is condemned by the stat-ute. The most extreme critics cannot STATUTE NEEDS ADDI. instance a case that ought to be condemued under the statute which is not cought within its terms as thus contrued

The suggestion is also made that the sufficience court by fis decision in the ast two cases has committed to the GESTED TO THE LAWMAKERS court the undefined and unlimited dis cretion to determine whether a case of president Taft Stands Behind Antirestraint of trade is with a the terms Trust Law in His Special Message of the statute. This is wholly untrue. to Congress Read at Noon Today-A reasonable restraint of trade at com-Supplemental Legislation Needed. mon law is well understood and is clearly defined. It does not rest in the but No Amendments Are in Place discretion of the court. It must be limited to accomplish the purpose of a lawful main contract to which in order White House, Washington, Dec. 5 .that it shall be enforceable at all it President William H. Taft, today must be incidental. If it exceed the championed the anti-trust statute, sugneeds of that contract it is void. gested new remedies, and urged sup-The test of reasonableness was neverplemental legislation-not repeal or

applied by the court at comman law ; to contracts or combinations or conspiracles in restraint of trade whose purpose was or whose necessary effect would be to stifle competition, to con-trol prices or establish monopolies. meanmed nower to say that such contracts or combina-

tions or conspiracies might be lawful if the parties to them were only moderate in the use of the power thus se cured 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

(Continued on P.re 2) MRS PATTERSON ACQUITTED ON these about 80,000 belong to the newly son, it is charged by the unionists, LIE, SAID. Star Witness Averred a Perjurer- it is believed. Counsel May Be Tried. Denver, Dec, 5 .- That Mrs. Patterson was acquitted of the murder of her husband on perjured testimony is Matlock Is Chosen Mayor by Small the proper method of dealing with the 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,



BIGGEST VOTE EVER CAST IS PREDICTION MADE TODAX

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 @ er at heart and jeclaring there are no government committee this af- . extenuating circumstances in the case, * ternoon claimed the election by * John McNamara was given 15 years in

@ cast and that half of these cast @ International Association of Bridge @ are by women,

Los Angeles, Dec. 5 .- Shoulder

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,

ides] Alexander's chances are favored owing to the McNamara confession. Throughout, the campaign has been, hitter and the pulse of the entire elly will be at fever heat until the final result is known, Seven hundred and

fifty special officers are sworn in to ise made by counsel for the McNamguard the city's interests and indica- aras and the big business men who tions early pointed to the heaviest vote wanted the cases disposed of prior to ever polled in Los Angeles. The total the municipal election, were suffocatregistration exceeded 180,000 and of, ed by Judge Bordwell." For this reaenfranchised women and they will be James, the murderer of 21, got "life." the ones to really decide the election, n na

PENDLETON KILLS COMMISSION.

Margin in Wheat Town.

Pendleton, Dec. 5 .- (Special, -

Special Guards at Jall. There is much bitterness against he prisoners among the laboring men of the city who declare the McNamaras betrayed the men who trusted them explicitly. During the night Sheriff Hammel and a special force of

WEDNESDAY, DECEMBER X 1911.

guards patrolling the jull yard and exin precautions were taken to make sure no untoward event could happen. Darrow and Gompers in Tilt.

Acording to Attorney Darrow today. Samuel Gompers when in Los Angeles didn't ask him whether the McNam- SENSATIONAL BREAK FROM aras were guilty or innocent, as he TO DISTRICT ATTORNEY asserted in New York. Gompers / All Bravado Is Gone When Confessors Darrow had deceived him, which Come to Court to Hear Their Fate-

row denies Court Seathingly Attacks Both, Cal-McNamaras Are "Done." ting Them Murderers at Heart-This afternoon Fredericks / --- State Begs for Life of James Mewas through with the McNam positively douled that either / Namaras will help the state Los Angeles, Dec. 5 .- James Methe prosecutions connects Namara was given a life sentence in Times or other dynamite

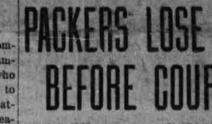
> "What the federal authors, / will do the fugitives who dragged a 13-year-I don't know." said Fredericks. He old girl from Summerville up the Toll said the bribery charges will probably Gate road to a point near the summit proceed, although a strong effort is be- yesterday had a climax at "the suming made to have the whole affair drop. mit" this morning at 4 o'clock. The ped. Sheriff Hammel is undecided startling chain of escapes and bold when to take the prisoners to San breaks by a La Grande family to "get Curntin He will have an elaborate away" with their 13-year-old daughguard to accompany him as they must ter grew out of an attempt to seen

e In

At the last minute the judge an- trouble might attend the transfer.

cendlary 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 position at the district attorney's ta- from Bombay tomorrow, Extensive precautions are taken to guard against danger to the lives of their majesties.



SUPREME TRIBUNAL DENIES A STAY IN TRIAL.



NUMBER 34

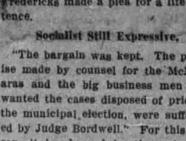
TRPT TPT

UNION ONLY ONE INCIDENT.

ficials Last Night Ovrtake Fugitive Family Near Summit of Blue Mountain Where They Were Camped to Rest.-Flight Has Been Long and Furious-Girl Will Be Beturned to Portland.

Stirring chases that smack inter-/ the mittently of pathetic instances, dartes In ing escapades and gruelling climbs by

be taken through San Francisco, and Miss Hattle Wright, daughter of Mr. and Mrs. Jack Wright of this city, from returning to the Good Shepherds' Delhi Has Excitement of Act of In-, 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 ber child that the officials here decided to allow the girl's parole but when Miss Hattle 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 Unlon and intended to move there, but would send the girl to school and treat hor kindly. On this consideration the



All the bravado was gone when he faced the judge. The judge said that James deserved the gallows but rec- Case to Come to Issue Tomorrow | parents were allowed to take the girl. tions of the prosecution saved him. James almost collapsed when he sat down. the other states

San Quentin tolay by Judge Bordwell this section. who first denounce I him as a murder-John was secretary-treasurer of the

Suminal Iron Workers and was · bitterly denounced by both the district attorney and the judge.

THOSE IMPLICATED KNOWN

Namara.

nounced 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 Mc-Namaras, handcuffed to the sheriff and his assistant, entered and took a ble. Shortly after 10:30. "Jim" was

sentenced after District Attorney Fredericks made a plea for a life sen-14 61

"The bargain was kept. The prom-

by further defining the already admitted exceptions to the literal construction of the act. By the decrees they furnish a useful precedent as to 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, Marely 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 restrant 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 decided the same way if the pourt had originally accepted in its A Address and

Italians Win Victories,

Tripoli, Dec. 5 .-- News reached here generally outlined in commission sentence was right." today of two battle near Benghazi and forms now.

Derna. The Italians were victorious in | W. H. Matlock was selected as mayboth battles. or by a small majority.



Morris in Spekane Spoke

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 hur-Pendleton yesterday defeated the pro- ried back to jail.

posed commission form of government by a margin of 24 votes. The opposi- Attorney Fredericks said: "Some lation developed at certain clauses in bor leaders who are denouncing the the new charter which was deemed un- McNamaras are absolutely as guilty as suitable. The general plan of the com- they and I know they are implicated mission government did not have the in the dynamiting outrages. I know specializing of responsibility feature, as much about them as does James the work beng handled for the city by McNamara himself. I know exactly three men instead of one man as is who were implicated and the judge's

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 civll war-an spoch 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 araigned. I want it to be soon."

Visitors Are Searched. Hall of Records, Los Angeles, Dac. 5. -Every man who entered Judge Bordwell's court this morning was searca-

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

ung 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 After returning to his office District 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 antitrust law is unconstitutional. The and Mrs. Wright and the girl arrived 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.

Good Shepherds' 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. there. This was done but the Wrights were placed in a room not in the jail building and jeft 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 Eignt.)



One of the prominent men connected | kers' but which is fechnically known with the federation strike against Har. as the Boilermakers and Irin Ship riman and other railroads of the coun- Builders and Helpers' union. try is in the city today and will be | The address will be held at the la-

heard at a public address at 9:30 to- bor temple in the Lewis building and morrow morning. He is J. H. Ryan, of everyone is invited to attend. Mr. Ryan Kansas City, vice president of the un- will discuss matters of importance to ion commonly known as the Boilerma . the labor situation as it is today,



Berlin, Dec. 5.-Cancellor Von Beth-, tain Heinrich Grosse, a German army don't know when McManigal will be mann-Holweg in a speech before the officer, on leave of absence, was arreichstag today replied to Sir Edward rested here today as a spy and re-Grey, the British foreign secretary, manded for trial next week without with the declaration that Germany ball. It is alleged has was making will never permit herself to be thrust maps of the dockyard and harbor. aside and pressed down by England, Great excitement followed the areat, ed by Detective Browne and a picked diplomatically. He was emphatic in owing to the popular belief that war force of men. He said he had received his statement that it is up to England between England and Germany is not information of an attempt that might to show sincerity of her foreign poli- far off. be made to shoot the McNamaras while cles before amcable relations can be

Rogers Is Blamed,

San Francisco, Dec. 5 .- The coroners' jury today declared John Rogers guilty of the murder of Benjamin Good-Portamouth, England, Dec, 4 .- Cap- man who was robbed of \$5000 in jewets

pected German.

GERMAN SPY ABRESTED.