

SENDS TEST CASE TO HIGHEST COURT

Federal Court Enjoins Commission From Enforcing Missouri Rate.

INVOLVES VITAL POINT

Interstate Board Ordered Lower Rate Mississippi to Missouri River Points to Agree With Eastern Rate.

CHICAGO, Nov. 6.—Judges Grosscup, Seaman and Baker, in the United States Circuit Court today, granted a temporary injunction restraining the Interstate Commerce Commission from carrying into effect its order in what is known as the "Missouri River case."

The court did not go into the merits of the law in the case, but stated that the temporary order would issue, inasmuch as no injustice would be done by allowing the old rate to continue until the matter is finally adjudicated. Judge Grosscup suggested that the lawyers appear to agree on a statement of facts which could be presented without loss of time to the Supreme Court.

Revolutionary, Say Railroads.

The ruling of the Interstate Commerce Commission requiring lower rates between Mississippi and Missouri River points on shipments originating east of Pittsburg and Buffalo than on those originating west of the cities named was alleged, by the railroads which entered suit for an injunction, to be revolutionary. The ruling, it was declared, if allowed to stand, would fix a permanent tariff in Government ownership of the roads. The ruling was also declared to discriminate against communities west of Buffalo and Pittsburg.

Counsel for the Commission took the view that, if Chicago or any other city considered itself discriminated against, they had but to prove the fact to the Commission to have the rate equalized. With these opposing arguments before them the judges took the case under advisement.

Roads Have Prima Facie Case.

Judge Grosscup, in delivering the ruling of the court, said:

"Only one feature of the bill, in the opinion of the court, need be considered at this time. That feature grows out of the fact that under the Interstate Commerce Commission's ruling a rate of 9 cents was given on freight proportionately from the Atlantic seaboard to Missouri River points. The bill of complaint charges that the commission, which frankly and clearly shows that a differential of 9 cents was created. To make the reduction universal in place of differential would put the Eastern cities on an equality with the Missouri River cities. Whether the bill and the answer and the opinion of the court sufficiently show this, is the question now to be considered. The question which the court is concerned with is: Has a prima facie case been made out authorizing the court to enter the interlocutory order prayed for? The rulings of the Interstate Commerce Commission are authorized by the act which they would prevent undue discrimination.

Disturb Commercial Conditions.

The sole point to be considered is: What is undue discrimination? Discrimination is admitted. Is it due or undue? Many points are involved in determining this question, but the court holds that sufficient is shown in the bill to require us to grant the interlocutory order.

In the first place there has grown up on the basis of the old rate the commerce of the country. We cannot overlook that. The rule of the commission disturbs commercial conditions, which have grown up for years on a basis of the present rates. Which is sufficient to warrant the court in issuing a restraining order until the case is finally presented.

It may be that the parties to this proceeding can agree on the facts so that the case may go to the Supreme Court on a final record and the interlocutory order, and be determined in a short time.

Leave was granted to other railroads so wishing to intervene in the case.

DISCRIMINATE AMONG CITIES

Ground on Which Kansas City Got Reduction Ordered.

WASHINGTON, Nov. 6.—Surprise was expressed by officials of the Interstate Commerce Commission today on receipt of the information that the United States Circuit Court at Chicago had granted even a temporary injunction in what is known as the Missouri rate case. The complaint from which the order of the commission originated developed into one of the most important cases with which the commission has had to deal in the last year. It was brought by the Burnham-Hanna-Munger Dry Goods Company and many similar concerns in Kansas City against the Rock Island Railroad Company, and practically all of the railroads doing business between Atlantic seaboard points and Kansas City. In effect the complaint was that the rates on class commodities between Atlantic seaboard points and Kansas City were too high and that they discriminated against Kansas City, as compared with many other points in the West and Northwest.

It was developed by the commission's inquiry that no through rates existed between Atlantic seaboard points and Kansas City on class commodities, but that the rates paid by Kansas City merchants were the through rates from Atlantic points to Mississippi River crossings, plus the rates of the local rates from Mississippi River crossings to Kansas City and nearby points.

The order of the commission in the case was that the first class rates from Mississippi crossings to Kansas City should be reduced 9 cents per 100 pounds. Proportionate reductions were made on second, third, fourth and fifth classes of freight between the same points.

PROSPERITY IS SPREADING

(Continued From Page 1.) alike were addressed. No attempt was made to limit the canvass to any particular industry or to any particular section of the country and the queries sent to manufacturers were based solely upon

actual business conditions and business possibilities for the future.

MILLIONS FOR IMPROVEMENTS

Spokane Electric Company to Spend \$2,000,000 Yearly for 8 Years.

SPOKANE, Wash., Nov. 6.—(Special.)—More than \$18,000,000 is to be raised by the Washington Water Power Commission for extensions and additions planned for the next few years, to be expended at the rate of \$2,000,000 each year.

The capital stock of the company previously authorized is to be increased \$1,000,000, 20 per cent of the present issue of \$5,000,000. Bonds to the amount of \$13,000,000 are to be issued. If authorized at the special meeting of the stockholders called by President Henry M. Richards for the first day of next December.

This in brief, is the extensive plan of enlargement for one of Spokane's greatest corporations. The statement is authorized by Manager E. L. Hunt, president of the Empire enterprises. With the completion of their gigantic plan, the big power company will have expended over \$20,000,000 in actual cash in its inland Empire enterprises. A major portion of that stupendous amount being represented by improvements in Spokane and immediate vicinity.

The Washington Water Power Company conducts two important lines of business—the electric street railway

PROSPERITY ON ALL HANDS.

Never before in the history of a President's election in the United States has there been so pronounced and widespread a spirit of business conditions as is characteristic of the present day. The unprecedented revival of business conditions all over the country is without a parallel.

Telegraphic dispatches convey hourly news of the resumption of activity in practically every commercial avenue from the Atlantic to the Pacific. Eastern railroads are placing enormous orders for equipment and cars, steel plants, cotton mills, manufacturing establishments, electric and locomotive works—in short, nearly every corporation and industrial concern in the country of sufficient magnitude to carry weight has joined the general march of progress and increased its forces and output, with the result that the United States is experiencing for the first time in years an overwhelming tide of prosperity. Coming as it does after a season of financial depression, its effects are the more apparent.

lines throughout Spokane and vicinity, and interurban railway lines to Medical Lake and Cheney, and the distribution of electric energy for lighting and power. The company has one of the longest transmission lines in the world, and delivers power to run the rich mines of the great Coeur d'Alene mining district. To furnish electrical energy the company has three important stations now in Spokane and Post Falls and a steam plant located in Ross Park. Another important power plant is under construction at Little Falls, 13 miles north of Reardan on the Spokane River.

MILLS RESUME AT FULL TIME

Industrial Conditions Rapidly Improving in East.

BOSTON, Mass., Nov. 6.—(Special.)—Signs of returning prosperity are in evidence throughout New England in receipt of large orders by business concerns, employment of men and the resumption of all of the idle looms and spindles are resuming. At New Bedford, Mass., 3,000 mill operatives are all to be at work again within a few days. At Lowell, Mass., 10,000 spindles will resume full time tomorrow.

Directors of the Sagaros Mill Fall River, Mass., have submitted a proposition to the stockholders to pay in \$200,000 in new capital and build a new mill with 50,000 spindles.

Notices were posted today in the factory of Howard & Bullough, manufacturers of cotton machinery, Pawtucket, R. I., announcing resumption at full time.

The National India Rubber Company, Bristol, R. I., will soon resume full time.

The W. D. Brackett Shoe Company at Nashua, N. H., resumed work yesterday.

Beginning tomorrow, 1800 employees at the locomotive shops of the New York, New Haven & Hudson River Railroad at Newville, Mass., will start on full time.

The Webster Mill of the International Paper Company at Orono, Me., which has been running for some time at three-fourths of its capacity, resumed full operations today.

At Concord, N. H., all granite firms are now working full force and expect to continue all winter.

BROWN RELEASES HUGE ORDER

New Central Calls for \$31,000,000 of New Equipment for Road.

OMAHA, Neb., Nov. 6.—(Special.)—First Vice-President Brown, of the New York Central, made the statement at Clarinda on the morning after Taft's election that he had already sent 100 telegrams, releasing orders for material and equipment for the New York Central road lines which would aggregate \$31,000,000. Mr. Brown was on a visit to Clarinda, which is his birthplace. The statement was made to C. A. Lyle, president of a local manufacturing company in which Mr. Brown is a heavy stockholder. Mr. Brown expressed his conviction that the country was entering on the greatest period of railroad expansion it had ever known.

PAPER PLANT AT FULL TIME

Strike Broken and Strikers Applying Individually for Work.

BANGOR, Me., Nov. 6.—The Webster Mill of the International Paper Company at Orono, which has been running for some time at three-quarters of its capacity, resumed full operations today and the strikers began to apply individually for work.

Strikers Accept Terms.

SARATOGA, N. Y., Nov. 6.—The strike at the International Paper Mills at Palmer Falls was settled today. The employees voted to accept the terms of the manufacturers.

GLOVE SALE TODAY.

\$1.00 Kid Gloves, 25c a pair; \$1.25 Kid Gloves, 50c a pair; \$1.50 Kid Gloves, 75c a pair; 5c gloves, 2c a pair. No gloves fitted during sale. McAllen & McDonnell, Third and Morrison.

ROOSEVELT MAY SUCCEED PLATT

President's Public Career is Likely to be Continued as Senator.

WASHINGTON, Nov. 6.—That President Roosevelt may be the successor of Senator Platt in the Senate is considered by many in Washington as not at all improbable. Those who regard this as possible declare that they have assurances from the President himself that he would not be entirely averse to the acceptance of the Senatorial office under conditions as they will be after March 4.

His general attitude has been averse to entering the Senate, because he has felt that as a member of that body he would be called upon to criticize his successor in the Presidency, and this he would feel a delicacy about doing. He has said, however, within the last year that, knowing Mr. Taft as he does and agreeing with him in all essentials as he does, he is confident that there would not be any occasion for antagonism. He has not gone to the extent at any time of indicating that he would desire the office, even with Taft as President, but merely has said that with him, knowing Mr. Taft as he does and agreeing with him in all essentials as he does, he is confident that there would not be any occasion for antagonism. He has not gone to the extent at any time of indicating that he would desire the office, even with Taft as President, but merely has said that with him, knowing Mr. Taft as he does and agreeing with him in all essentials as he does, he is confident that there would not be any occasion for antagonism.

It is even suggested that the absence of the President upon the proposed African hunting expedition need not necessarily stand in the way of his election, but rather that such absence might relieve the embarrassment of his election in case his friends should desire to press his name.

ROOSEVELT HARVARD'S HEAD

Editors Give Diverse Opinions on Succession to Eliot.

SYRACUSE, N. Y., Nov. 6.—The Syracuse Herald and Tribune, prominent editors of the country for their opinions regarding the selection of President Roosevelt as the successor of President Eliot, of Harvard, in New York.

Clark Howell, Atlanta Constitution, wired that Roosevelt would make an ideal president.

The editor of the News and Courier, Charleston, S. C., said that the Southern editors would advise against such a move.

Josephus Daniels, News and Observer, Raleigh, N. C., wired:

"By all means Roosevelt should be elected president. Rockefeller, bursar and Root, professor of political economy at Harvard is to teach absolutism, greed and usurpation."

The Chicago Tribune preferred that Roosevelt stay in politics.

The Salt Lake Tribune thought the President would strengthen Harvard with the Mormons.

The Leader, Guthrie, Okla., said public sentiment suggested Bryan.

NOT SUCCESSOR OF ELIOT

Harvard Too Conservative for Roosevelt as College President.

MINNEAPOLIS, Nov. 6.—Romeo G. Brown, president of the Harvard Club of America, 1907-1908, says President Roosevelt cannot succeed Dr. Eliot at Harvard for two reasons:

"First, does not want presidency; second, couldn't get it. Not conservative enough for Harvard; would not get one vote Harvard board of overseers."

SAVE TWO MORE SEATS

REPUBLICANS HAVE MAJORITY OF 45 IN HOUSE.

Douglas in Ohio, Kinkaid in Nebraska, Pull Through—Many Districts Very Close.

CHICAGO, Nov. 6.—Today's returns from Congressional districts throughout the country resulted in a Republican gain of two, as compared with the figures of last night. Albert Douglas, Republican, was elected in the Eleventh Ohio district and Moses P. Kinkaid, Republican, in the Sixth Nebraska district. The contest in the Fifth Nebraska district is extremely close, and it will require the official vote to determine the result.

According to the reports already received the next House will consist of 177 Democrats and 218 Republicans, 158 compared with 220 Republicans, 158 Democrats and 2 vacancies in the present House.

MANY CONTESTS PROBABLE

Close Vote Frequent—Republican Gains in North Carolina.

WASHINGTON, Nov. 6.—With the latest returns from the Congressional districts throughout the country, there are indications of a number of contests. In many of the districts the vote between the Republican and Democratic candidates has been very close, involving possible changes as the result of the official count.

All the Southern districts have been heard from, although ordinarily among the latest to be cleared up. The most remarkable upset in the Congressional situation since reconstruction days has occurred in North Carolina, where in a state whose Democratic majority numbers approximately 40,000, three out of the 10 members of Congress sent to Washington will be Republicans. They are John M. Morehead, who defeated Aubrey B. Brooks in the Fifth district, which district William Kitchin vacated to become Governor of North Carolina; C. H. Cowles, who outran Richard N. Hackett in the Eighth, and J. G. Grant, who ran ahead of William T. Crawford, the rep-

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The day has been the quietest of any Mr. Taft has enjoyed since the election. He had a conference with Myron T. Herrick, but said afterward that no matters of significance were discussed.

Mr. Taft sent this telegram to Governor Magoon at Havana:

"Please convey to the family of the late President Palma my sincerest sympathy. He was a true gentleman and one who loved Cuba with all his heart."

The offices of Mr. Taft were dismantled here today and will be established at Hot Springs.

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While no official announcement has been made, it is known upon reliable authority that Frederick W. Carpenter, who has been Mr. Taft's secretary for many years, will be his secretary when he becomes President, succeeding in that position William Loeb, who can have the portfolio of Secretary of the Navy in the Taft Cabinet if he so desires. Mr. Carpenter was with Mr. Taft in the Philippines.

Wendell Mischer, assistant secretary, retains that position, and after a leave of absence will rejoin Mr. Taft this Fall.

Play Golf; Avoid Politics.

It is the intention of Mr. Taft while at Hot Springs to devote himself to golf and exercise. He will transact as little business as possible, and expressed the desire that it might be known that he wished as few conferences as possible. He may spend the winter at Augusta, Ga., which place has been recommended as furnishing a desirable climate for outdoor exercise during the winter, and the situation as to accommodations there is being looked into.

OFFICIAL RETURNS SLOW

Total Vote in Oregon Will Show Lead of Over 24,000 for Taft.

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(Continued From Page 1.)

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Tremendous pressure will be brought to bear by the House organization to limit the power of the opposition to a deadlock choice of Speaker. Provided some agreement is reached in advance, William H. Taft may not be compelled to indicate his wishes on the contest. It is already known, however, that early last summer Mr. Cannon sought out the Presidential nominee and reached a complete understanding with him as to general legislative policies under the new Administration.

SUIT FOLLOWS SEPARATION

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came friendly with Colonel McBee, a married man, prominent as a railroad man, tall and handsome. According to her counsel he planned great development of the property for agricultural purposes and induced her to form a company called the Buck Shoals Company, in which the title was invested. He acted as manager and lived at the house, often being seen in her company.

Several weeks ago, Edwards, a dashing young Virginian, appeared and soon a quarrel followed, which resulted in leaving the house for a hotel and being frequently seen in company with the new man. McBee's son lived with him at the Nye place.

A SURGICAL OPERATION

If there is any one thing that a woman dreads more than another it is a surgical operation.

We can start without fear of a contradiction that there are hundreds, yes, thousands, of operations performed upon women in our hospitals which are entirely unnecessary and many have been avoided by

LYDIA E. PINKHAM'S VEGETABLE COMPOUND

For proof of this statement read the following letters:

Mrs. Barbara Base, of Kingman, Kansas, writes to Mrs. Pinkham:

"For eight years I suffered from the most severe form of female troubles and was told that an operation was my only hope of recovery. I wrote Mrs. Pinkham for advice, and took Lydia E. Pinkham's Vegetable Compound, and it has saved my life and made me a well woman."

Mrs. Arthur R. House, of Church Road, Moorestown, N. J., writes:

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FACTS FOR SICK WOMEN.

For thirty years Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, has been the standard remedy for female ills, and has positively cured thousands of women who have been troubled with displacements, inflammation, ulceration, fibroid tumors, irregularities, periodic pains, and backache.

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