

RESTRICTS POWER TO ADJUST RATES

Wings of Interstate Board Are Clipped by Decision of Federal Court.

COULD DESTROY CITIES

Missouri River Rate Order Suspended—Commission's Authority Is Limited to Specific Cases of Discrimination.

CHICAGO, Aug. 24.—Manufacturers and producers in the territory between Buffalo, N. Y., Pittsburg and Parkersburg on the east and the Mississippi River on the west are regarded as the greatest beneficiaries by the majority decision of the United States Circuit Court here today, permanently enjoining the Interstate Commerce Commission from enforcing its seaboard-Missouri River rate in the Missouri River rate case.

The opinion of Judge Grosscup and Kohlsaat (Judge Baker dissenting) if sustained by the Supreme Court of the United States, will greatly curtail the power of the commission over transportation rates, restricting it to a sort of police court adjudication of specific cases of discrimination.

Fight Between Two Sections.

The commission's order of June 24, 1909, reduced the rate on first-class freight from the seaboard to Missouri River points from 100 to 105 cents. This order was issued upon representation of the Missouri River interests that the seaboard rate of 115 to 120 cents and St. Paul was a discrimination against them, inasmuch as the Twin Cities, using the lower water rate of the Mississippi points, were able to undersell them in their own territory, who would not share in the reduced rate. According to commercial bodies to Chicago, Milwaukee, Detroit, St. Louis and other central traffic cities, the order of the commission was a discrimination calculated to ruin their industries.

No Power to Ruin Cities.

In their opinion Judges Grosscup and Kohlsaat held that Congress, in creating the Interstate Commerce Commission, had not intended to place a power in the hands of a few men to build up one community or to ruin another.

In dissenting, Judge Baker declared the commission in ordering the through rates, had done nothing more than the railroads have always done. Surely if the railroads have their power, Judge Baker argued, the commission likewise has it.

HARRIMAN REACHES HOME

(Continued From First Page.) land on his way to San Francisco and there met a young woman who had formerly been a stenographer in the Legislature. He escorted her to the theater in the West against him because of high school ball.

"It is alleged that you expect more to haul from New York to Salt Lake City than from New York to San Francisco," someone suggested.

"I don't want to go into rates at this time," he said. "My method is to serve the public and have them get what they pay for. It is like buying a new suit of clothes—you want to get the most for your money. The public gets its money's worth. I give them the best equipment, the best track and regular time."

The interview came to an end only at the insistence of Judge R. S. Lovett. While Mr. Harriman protested that he could talk without limit so long as the subject was railroads, the judge urged him to desist.

Reception Pleases Him. Mrs. Harriman, the Misses Mary and Carol Harriman, daughters, and Roland, son, returned with Mr. Harriman from Europe. The voyage was uneventful.

Mr. Harriman was visibly pleased with his reception down the bay by friends and relatives. He said his family, who came down to greet him.

Dr. W. Gordon Lyle, Mr. Harriman's physician, who came over on the steamer, said the family desired him to make no statement regarding Mr. Harriman's condition.

"Naturally the cure in Austria weakened him and the German food did not agree with him," said Dr. Lyle. "Mr. Harriman wanted to come home, thinking he would improve faster at Arden."

"Harriman tells me that he feels first rate," said Judge Lovett. "and that is all I can say. I did not see him much before he went away and therefore cannot say whether he is stronger now or not. He certainly is mentally keen and alert. Just now he is much fatigued."

Some of the passengers who had made the trip over with Mr. Harriman said he seemed somewhat stronger than when he went away, others insisted that he was a very sick man, and commented on his pallid face.

UNION PACIFIC HAS DIVIDEND

Regular Quarterly Profits Divided as Harriman Arrives.

NEW YORK, Aug. 24.—Directors of the Union Pacific Railroad today declared a regular quarterly dividend of 2 1/2 per cent on the common stock and a regular semi-annual dividend of 2 per cent on the preferred stock. Directors of the Southern Pacific Company declared a regular quarterly dividend of 1 1/2 per cent on the common stock. These meetings were before E. H. Harriman arrived on the steamer Kaiser Wilhelm II.

HARRIMAN IS NOW IN ARDEN

Waves Greeting to Villagers Before Climbing to Home.

ARDEN, N. Y., Aug. 21.—The Harriman special, with E. H. Harriman and party on board, passed here at 6:30 o'clock this evening. Mr. Harriman and several of the women on the train waved their hands to a crowd of villagers.

Leaving the train beyond here, Mr. Harriman was taken by automobile to the foot of the incline which leads up to his mountain home. They boarded a specially constructed car and was drawn up to his residence.

Friend to Get Insurance.

HOQUIAM, Wash., Aug. 24.—(Special.)—Charles Anderson, victim in yesterday's cave-in, was insured for \$500 in favor of Charles G. Lovett, a local banker, who had befriended Anderson. Policy has been placed in an attorney's hands for collection.

TAFT TO SEE COMMISSIONERS

Powers of Interstate Body to Be Thoroughly Discussed.

WASHINGTON, Aug. 24.—Messrs. Knapp and Prouty of the Interstate Commerce Commission, are in receipt of invitations from President Taft to attend a conference in New York next Monday to consider proposed changes in the interstate commerce act. Attending the conference besides the two commissioners will be Attorney-General Wickersham, Secretary Nagel of the Department of Commerce and Labor, Solicitor-General Bowers, of the Department of Justice, and Representative Townsend.

In a general way it is known that it is proposed that the act be amended by Congress legislation that will take from the Interstate Commerce Commission the investigation of certain practices of interstate carriers and place such investigations in the hands of officials of the Department of Justice. Such an arrangement would make of the Interstate Commerce Commission virtually a judicial body, with power limited to an examination into the reasonableness of freight rates. It is opposed by a majority of the members of the commission.

Attorney-General Wickersham says that it is a difficult problem and no definite plan can be reached until the matter has been threshed out. It is for the purpose of interstate carriers and place such investigations in the hands of officials of the Department of Justice. Such an arrangement would make of the Interstate Commerce Commission virtually a judicial body, with power limited to an examination into the reasonableness of freight rates. It is opposed by a majority of the members of the commission.

ELOPEMENT COSTS \$500

Traveling Man Fined Limit for Running Off With Telephone Girl.

SPOKANE, Wash., Aug. 24.—(Special.)—Upon motion of the Deputy Prosecuting Attorney, A. C. Clausen, Judge Stocker took jurisdiction and disposed of the case against W. B. Simmons, arrested at North Yakima more than a week ago for abduction of a petite telephone girl.

The court assessed a fine of \$500, the highest in the jurisdiction of the justice of the peace, and the bond of \$1000 under which young Simmons was released was wiped out. Simmons is a traveling man, representing the telephone company in Chicago. He left Spokane in company with Verda Davidson, going to Rathdrum; then west to Kennewick and to North Yakima, where they were arrested. The girl admitted she told her traveling mate she was 18 years old.

MISSIONARY SHIP IS LOST

Hiram Bingham, With Captain, Goes Down in South Seas.

BOSTON, Aug. 24.—The loss of the missionary steamer Hiram Bingham and the death of her master, Captain Alfred C. Walkup, were reported in a cablegram from Sydney, N. S. W., received today by the American Board of Commissioners for Foreign Missions. The cablegram said in detail that the steamer was wrecked on a reef off the coast of New Guinea on November 10, 1908 and after visiting Honolulu proceeded to the Gilbert Islands. She was last heard from on March 25, when she was at Ocean Island, one of the Gilbert group.

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SPANIARDS PIN ATTACK ON MOORS

Marina Takes No Chances, for Fate of Dynasty Hangs on Result.

FORCE ENSURES VICTORY

Digs Canal to Open Way for Supplies From Sea—Pinto's Death Inspires Caution Against Hidden Traps.

MELILLA, Aug. 24.—General Marina, commander of the Spanish forces, said today that he planned to assume the offensive within ten days. It is evident that he feels keenly his responsibility, knowing that far more depends upon the next movement than the actual success or failure of the military operations against the Moors.

The events of the next few weeks here may fix the fate of the Spanish dynasty. A reverse might prove fatal; hence General Marina is leaving nothing to chance. When he moves he will be at the head of a force so strong that the Rifas cannot by any possible means win a victory in the open.

Caual to Bring In Supplies. Melilla and the railway have been converted into a veritable fortress and it would require an army with a siege train and modern ordnance to capture the place.

Everything now turns on the construction of the canal to Marchica. If this fails, the task of the Spaniards will be made all the more difficult. Supplies must be brought by land and exposed to Moorish attacks.

Since the earthquake of 1894 closed the exit to the sea at Marchica, the Spaniards have evaporated and receded. By reopening the channel, the Spaniards hope to raise it to the former level, making it navigable for transports. The success of this will enable General Marina to feed the army by way of the sea.

Fear Traps of Moors.

Many feel that a little more dash to the enterprise would have been advisable, but the memory of Pinto's reverse appears to have been a lesson. Captain Alfred C. Walkup, were reported in a cablegram from Sydney, N. S. W., received today by the American Board of Commissioners for Foreign Missions. The cablegram said in detail that the steamer was wrecked on a reef off the coast of New Guinea on November 10, 1908 and after visiting Honolulu proceeded to the Gilbert Islands. She was last heard from on March 25, when she was at Ocean Island, one of the Gilbert group.

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STATE COLLEGE PRAISED

EASTERN VISITORS HAVE GOOD WORDS FOR O. A. C.

Salem Entertains Scientists and Heads of Agricultural Colleges. Speeches Are Made.

SALEM, Or., Aug. 24.—(Special.)—The agricultural college presidents of the country were the guests for three hours today of the Salem Board of Trade and the people of Salem, and judging by their public remarks they enjoyed the experience. The guests were met at the trade street depot of the Southern Pacific by a reception committee, which included Mayor Rodgers, Secretary Hofer of the Board of Trade and other leading citizens. The women had prepared luncheon.

Mayor Rodgers welcomed the visitors and Dr. Kerr, president of the association and of the Oregon Agricultural College, presided as chairman of the meeting and made a few remarks. Chancellor Avery of the University of Nebraska, president of the western agricultural colleges and engineering schools are doing in giving the young men of the land a cultured as well as a technical training.

Mr. Avery, who is the State College, discussed the Willamette Valley, present and future, and spoke very highly of the O. A. C., which he said has more splendid students than any other in the west, although he is from a state of over 6,000,000 people and his school is more than 50 years old. Dean Davenport of Illinois University, which received \$2,500,000, told the people how the country has hardly begun to realize the value of the school and the amount of money they are going to need. He lauded the hospitality of the West, and closed by asking the people of Oregon to bring pressure to bear on the Legislature to double the amount of money that President Kerr asks two years hence for the O. A. C.

After the exercises the guests were shown about the city by a trolley tour over the entire electric railway system.

Roosevelt Order Disliked.

WASHINGTON, Aug. 24.—Ex-President Roosevelt's order by which 15,000 fourth-class Postmasters were put into the classified civil service at one stroke of the pen, stands a good chance of meeting with a sudden end, according to information obtained at the Postoffice Department. According to high department officials, the move has proven of doubtful value, and it is generally conceded that the order will be rescinded. The order was not included in the November order and will not be placed in the classified service, as long as President Taft remains in office. Postmaster-General Hitchcock retains his present Cabinet portfolio.

Barracks to Be Repaired.

ASTORIA, Or., Aug. 24.—(Special.)—Instructions to look for soon from the War Department to call for bids on repairing several of the old barracks buildings at Fort Canby, in order to provide accommodations for 50 enlisted men and one commissioned officer. At present only five men, including one corporal, are stationed at that post, and that force is not sufficient to care for the guns.

Fidler's Body Recovered.

KELSO, Wash., Aug. 24.—(Special.)—The body of Gurney Fidler was recovered from the Columbia River this afternoon. The body was brought to Kelso this evening, where burial will take place.

McKees Rocks Suspends Hostilities for Funerals.

DEBS DOES NOT SPEAK Labor Leader Declares His Words Would Be of No Use, for Strike Is All but Broken—Dead Deputies at Rest.

Donovan Raps Schively.

Asked by Israel why he had not produced his license as an insurance solicitor, he had promised, Donovan replied that he did not intend to spend his own money going to Spokane after it.

"If you satisfied yourself that the records of the Insurance Department show that no such license was ever issued," asked Israel.

"Furthermore, it is my understanding that John H. Schively has issued a number of solicitors licenses, has not entered them on his deposit books and has put the fees in his pocket."

"Is this some of your Pan Tan muck-raking?" sneered Israel.

"No, sir; it is not Pan Tan muck-raking. You have a prejudice against Schively, haven't you?" pursued Israel.

"I have no special grudge against Mr. Schively."

"Yes; but you are willing to crucify him," exclaimed the attorney.

Objections were then made by an end to this form of interrogation.

Schively Is Contradicted. Late this afternoon the state closed by calling Israel and W. Ward, J. B. Schrock, S. C. Copeland, officers of the defunct Pacific Livestock Association, and Ben F. Davis, foreman of the Spokane grand jury, who directly contradicted numerous points in Schively's testimony on the perjury count.

Foreman Davis swore that Schively was not ordered to the grand jury room, but at the close of the questioning was offered an opportunity to make a statement, and said he had none to make.

Foreman Davis declared that he had never had any "instructions" to indict Schively, and that he had not promised Schrock immunity for testifying against Schively in the impeachment proceedings.

H. D. Wagon, of Portland, Ex-president of the Union Mutual Aid Association, testified that Schively was employed to assist in the reinstating of that company's business with the Union Guaranty Company.

Wagon said that he had considered the advice given them by Schively was well worth the \$100 paid him. Mr. Wagon said that subsequently the Oregon commission came to Portland to examine three stock companies; that the law in Oregon allowed the Commissioner \$10 per day for expenses, but that the commission represented that sum would not employ the necessary actuary. The company agreed to stand a bill for \$150 for agent, but the total cost proved to be \$280, which was paid.

"Has he been impeached yet?" asked Israel.

"No, sir," replied Wagon.

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