## APPEAL IN RATE CASES IS FILED

Government Holds Commerce Court Erred in Ruling on Short-Haul Clause.

#### EARLY HEARING INDICATED

Motion for Final Decree in Inter-Allowed and Appeals to Be Consoltdated.

WASHINGTON, Nov. 11,-Counsel for the Government filed late today with the Commerce Court a writ of appeal in the transcontinental rate cases. The appeal is from the temporary injunc-tions granted by the Commerce Court in the cases involving the long and short haul provision of the law. A motion also was filed by the Govern-ment counsel that a final decree making permanent the injunctions be granted by the Commerce Court. In the assignment of errors, Gov-

ernment counsel assert that the Com-merce Court, in granting the prelim-inary injunctions against the orders of the Interstate Commerce Commission, did not take cognizance of the facts that the deposition and affi-davits of the railways asking the injunctions do not set forth a sufficient cause to warrant the granting of the preliminary injunctions or to form the basis for relief from the Commission's

Showing of Equity Denied. It is contended also that the peti-tioners did not show that there is any equity in their petition upon which to grant the injunction; that the Com-mission acted entirely within its juris-diction, and that the petitioners have not shown that the Commission viclated any right protected by the Con-

The Government's counsel contends that the court erred in holding that the long and short haul provision does not authorize the division of the United States into the five zones prescribed by the Commission; in holding that the law does not authorize the Commission to prescribe the percentage basis of rates; and in maintaining that the Commission's orders were unconstitutional and void because they were be-

Injunction Called Error.

It is averred the court erred also in granting the preliminary injunction in the long and short haul cases particularly because the Commission in Issuing the order proceeded entirely in accordance with the law. It is de-clared also that the court erred in denying the motions of the United States District Court and the Interstate Com-merce Commission to dismiss the petitions for injunction.

The appeal will be granted by the Commerce Court and will be taken immediately to the United States Supreme Court. There a motion will be filed for an early hearing. Under the law, this motion probably will be granted.

Appeals to Be Consolidated.
The motion, filed by the Government counsel, to have a final decree entered in the intermountain case also will be granted by the Commerce Court, to facilitate consideration of the cases before the Supreme Court. It will be necessary for the Commerce Court to

The appeal from the permanent in-inctions then will be taken by the overnment to the Supreme Court. The appeals will be consolidated and heard by the Supreme Court at the

#### MINES OFFICIAL INDICTED

Fraudulent Sale to Company Is Charged Against ex-President.

SALT LAKE CITY, Nov. 21.—Ernest R. Wooley, a prominent Utah mining man and broker, was arrested today by a New York detective on an indict-ment returned in New York City charg-

#### Girl Seven Years Old Tries to Ward Off Father's Attack.

WATSONVILLE, Cal., Nov. 21 .- Mrs. George Ball, of Vega, a station five miles from here, was accidentally shot miles from here, was accidentally shot and instantly killed last night by her i-year-old daughter, who was trying to shield her from attack by the girl's father. Ball and the girl, who is wild with grief today, are being held here to await action by the Coroner.

According to local officials, who investigated the tragedy, Ball returned home in a drunken condition last night and began abusing his wife, when the little girl interfered. The pistol the

girl interfered. The pistol the held was discharged twice, one of the builets striking her mother just above the heart. The officers say the killing of Mrs. Ball was plainly an ac-

#### SPECIAL SESSION CALLED Free Textbooks Among 26 Subjects for Californians to Consider.

SACRAMENTO, Cal. Nov. 21.—Gov-ernor Johnson issued today his official call for the extraordinary session of the Legislature, to begin November 27. Free textbooks, reapportionment, a Presidential preference primary, the enactment of a law placing the adver-tisements of state officials or departments of the sinte government under the charge, control and supervision of the State Board of Control, and enact-ing laws to put into operation the sev-eral amendments to the state consti-tution, are among the subjects included in the call. There are 28 subjects named in the call.

MEXICO'S CHIEF EXECUTIVE, HIS WIFE AND POLITICAL LEADER, ACCUSED OF CONSPIRACY.



AROVE, PRESIDENT AND MRS. MADERO, JR.—BELOW, GENERAL BERNARDO REYES, WHO WAS KNOWN AS "IDOL OF THE ARMY" DURING ADMINISTRATION OF DIAZ.

massacres of foreigners occurred, is impossible. Telegraph wires have been

Tai Yuan, the capital of the Province of Shan-si, is in ruins, but the missions

Quake Cripples Telephones.

Germany Investigates Murder.

SHERIFF IS PREJUDICED

HYPNOTIC DENTIST OBTAINS

NEW VENIRE TRIAL.

Young Woman Who Charges She

Was Imprisoned 16 Months in

Darkened Room in Court.

tire venire was dismissed by Judge Oster on the ground that Sheriff Raiph, who draw the venire, was prejudiced. The Coroner will summon a new

venire tomorrow and the work of se-curing a jury will proceed. Miss McDonald and her baby were in

court when the case was called this morning. One point in the weman's testimony will be that throughout the 16 months she passed in the darkened

Josephim Is Wrecked.

NEW YORK, Nov. 21.-The Hamburg-

American line steamer Prinz Joachim, which salled from New York last Sat-urday for Kingston, Jamaica, reported by wireless early today that she had struck the rocks off Samana Island, 200

## BORDER IS UNEASY

Man Suspected of Designs on Mexico Arrested.

EX-REBEL HELD IN JAIL

Officials on Both Sides of National Boundary Keeping Watch on . Suspects-Idlers Are Made

to Disperse.

EL CENTRO, Cal., Nov. 21 .- Jesus Amador, formerly connected with Mexgive formal notice to all parties in interest of this motion and it is likely, therefore, that the final decree making the temporary injunctions permanent being held in the cuartel at Mexicali will not be issued for two or three by Mexican officials today on suspicion of having been implicated in an alleged new movement to organize an army to invade Mexico.

A feeling of uneasiness exists along the American side of the border and the officials are keeping close watch upon all persons crossing the interna-tional line. Bands of idlers have been ordered to disperso by both American and Mexican officials. Eighteen men have been arrested in the streets of Mexicali and are being held on sus-

MANIFESTO CHARGES FRAUD

Reyes' Name Used in Call Issued

Nevada-Utah Mines & Smelting Corporation with offices in New York and properties in Pioche, Nev.

Wooley formerly was president of the Nevada-Utah Company, but resigned several months ago when control of the company is eald to have passed to L.

SAN ANTONIO, Tex. Nov. 21.—
Copies of three manifestos calling on the Mexican army and the Mexican people to revoit against the Madero government, and signed in print with the name of General Bernardo Reyes, are in the hands of the locat secret service men today and will be laid by

several months ago when centrol of the company is said to have passed to L. Vegelstrein & Co., of New York.

The company charges that Wooley as president bought claims at Ploche, Nev., on hehalf of the company, saying that they cost \$15,000, whereas it is alleged that he obtained them for \$300.

Governor Spry announced that he would hold a hearing Friday to determine, whether he would grant the requisition.

CHILD KILLS HER MOTHER

The company charges that Wooley as president bought claims at Ploche, Nev., and three pronunclamentos are dated at Soleda. In Tamaulipas, which has been considered the state that would first rise in insurrection. They call on soldlers and officers to quit their allegiance to the present government, which is characterized as iniquitous, unjust and usurped. Promises of reforms in the army and greater pay are offered to all those who enlist in the new cause.

The manifestos charge fraud in Madero's election. The election of Jose Pine Suares is called an imposition from the Maderistas. Detectives are trying to learn where the manifestos printed.

The trial of General Bernardo Reyes will not be called until the April term of the Federal Court at Laredo.

#### REBELS MASSING TROOPS

(Continued From First Page.) accompanied. The foreign legations agree that they will be unable to send

MISSIONARIES ON WAY OUT

Baptists in West China, Except One,

Accounted For. BOSTON, Nov. 21.—Cable messages received at the headquarters of the American Baptist Foregn Mission So-American Baptist Forega mission do-clety today show that with the excep-tion of Dr. and Mrs. William R. Morse, who are remaining at Chung King. West China, all the missionaries of the society in West China have either ar-rived at Shanghai or are on their way there. Among other arrivals are Rev. and Mrs. C. A. Cherney, of Ohio. Expected on the next steamer are Rev. and Mrs. John P. Davis and two children, of Ohio, Mrs. C. A. Salquist.

of Minnesota; Mrs. Upcraft and Miss Beulah E. Bassett, of Illinois. Four of the society's missionaries are still shut up in Chontau, among them being D. S. Dye, of Ohlo.

LONDON, Nov. 21 .- The Baptist Missionary Society here received a cable message from Shanghal saying that communication with Sian-fu, where the

## **WARSHIPS ORDERED** TO SANTO DOMINGO

Government Prompt to Take Action, Following Assassination of Caceres.

VESSELS RESPOND QUICKLY

Movement Intended Chiefly as Notice to Foreign Nations That Their Citizens' Interests Will Be Protected.

WASHINGTON, Nov. 21.—The Cabinet decided today that the situation in Santo Domingo was such, as the result of the assassination of President Caceres, as to make it expedient for the United States to have naval forces there sufficient to meet any demands for the protection of American lives and property and to insure the maintenance of order.

No American warship was within

No American warship was within No American warship was warning hundreds of miles of Santo Domingo, but as soon as the decision of the Cabinet was communicated to Admiral Wainwright, chief of operations, he sent orders by wireless to the commander-in-chief of the Atlantic fleet, while of the Atlantic fleet, but to dispatch the two big. directing him to dispatch the two big armored cruisers Washington, and North Carolina to Hampton Roads.

Warships Respond Instantly. No one at the Navy Department knew the exact location of the Atlantic fleet, which was conducting a search problem somewhere off the Maryland and Virginia coasts.

But precisely 11 minutes from the moment he had sent the order, Admiral Wainwright had before him an answer.

moment he had sent the order. Ambitation with the waited before him an answer from the fleet commander saying that the two big ships were on their way to the roads, where they arrived within

Mr. Russell, the American Minister to Santo Domingo, left Washington to-night for the roads and will sail on the Washington, which will be accom-panied by the cruiser North Carolina. He should arrive in Santo Domingo within four days.

Other Nations Fear Calamity, There is nothing on the surface in-dicating danger of aerious trouble in Santo Domingo, but the decision to send this powerful naval force to the island was inspired by a desire to re-lieve any other nation from apprehen-sion as to the safety of its citiens or their property.

their property.
Incidentally, the Dominicans will be given to understand that the Washington Government feels that the obli-COLTON, Cal., Nov. 21.—A sharp earthquake shock was felt at 5:45 tonight. It lasted but a few seconds. The disturbance affected the telephone system and crippled the service for a time. ington that it has assumed under treaty to administer the finances of the re-public warrants it in requiring a strict observance of the terms of the Domin-ican constitution in the election of a President. BERLIN, Nov. 21.—The government today instructed its representatives in China to institute inquiries into the circumstances surrounding the murder, at Slan-Fu, China, of Phillip Manners, a German subject who was employed in the Chinese postal service. The steps to be taken later will depend upon the reports received.

## SHERIFF FRAMES DEFENSE

Evidence in Wisconsin Libel Suits to Be Sought in Portland.

MARINETTE, Wis., Nov. 21 .- (Special.)—Sheriff Schwittay, who has been twice disbarred in Marinette County, his arrenuous opposition to Senator Stephenson being an important factor, it is asserted, in bringing this about, has left for Portland, Or., in quest of evi-dence to be used in his defense in the three libel suits resulting from the disbarment proceedings now pending

These suits have been a long time, but it is expected that they will come up at the next session of the Circuit Court and will be conducted with great bitterness on both sides.

#### RELATIVES ARE SWINDLED

SAN BERNARDINO, Cal. Nev. 21.— The first day of the trial of Dr. A. W. McDavit, a dentist, charged with the abduction of Miss Jessie McDonald, aged 17, resulted in nothing. The entire venire was dismissed by Judge Supposed Portland Man May Admit Misuse of Malls.

LOS ANGELES, Nov. 21.—(Special.)— The attorney retained to defend Theo-dore T. Sturgeon and J. A. Shaw, charged with using the mails to de-fraud, intimated today that both would

plead guilty.
Shaw, who is said to be from Port-land, is in the County Jali. An examland, is in the County Jall. An examination of their effects showed that since Occober 25 61 letters had been sent to relatives of dead persons in Detroit, St. Touis. New Orleans, Kansas City, Philadelphia. mas City, Philadelphia, Chicago and Salt Laka. The letters said that goods ordered by the man before he died had been shipped and the the bill would be \$1.25. The article was a small phial of perfume.

#### INDIAN RIGHT CHAMPIONED

Pendleton Asks That Government Settle Irrigation Dispute.

miles north of Hayti. The wireless op-erator said the boat was resting easily and in no immediate danger. PENDLETON, Or., Nov. 21.—(Special.)—The board of managers of the Pendleton Commercial Association this afternoon adopted a resolution in which the Government officials are pe-Samana Island is one of the small outlying keys of the Bahamas, located just southeast of San Salvador, where DULUTH, Minn. Nov. 21.—Wholegale grocers here are circulating blank petitions, seeking to obtain support for a movement to influence Congress to reduce the duty on raw and refined sugars. The petitions are being spread broadcast throughout the country.

Association this which the Government of indians in the struggle for possession of the matter rights along the Upper Umatilla River. Six thousand acres of land could be irrigated if the rights can be established. The members of the board of managers believe that these rights are established.

## America's Favorite CHAMPAGNE For the Thanksgiving Dinner-An Epicurean Treat Made in America by the French process from luscious grapes. Equals the best French Wines. Costs but HALF. WHY? "All wine-no duty" ORDER A CASE-SOLD EVERYWHERE Special Dry-Brut URBANA WINE CO., Urbana, N. Y.

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agents are lacking in your digestive apparatus.
Stuart's Dyepepsia Tablets contain nothing but these natural elements necessary to digestion and when placed at work in the weak stomach and small intestines, supply what these organs need. They stimulate the gastric glands and gradually bring the digestive organs back to their normal condition.
Stuart's Dyspepsia Tablets have been subjected to critical chemical tests at

subjected to critical chemical tests at home and abroad and are found to con-tain nothing but natural disestives. London, 9th Aug., 1905.

I have analyzed most carefully a box of Stuart's Dyspepsia Tablets (which I bought myself at a city chemist's shop fr the purpose), manufactured by the F. A. Stuart Co., 85 Clerkenwell Road, London, E. C., and have to report that I cannot find any trace of vegetable or piperal polaries. mineral poisons. Knowing the ingredients of the tablets, I am of opinion that they are admirably adaptable for the purpose for which they are intended. (Signed)

John R. Brooke, F. I. C., F. C. S. There is no secret in the preparation There is no secret in the preparation of Stuart's Dyspepsia Tablets. Their comporition is commonly known among physicians, as is shown by the recommendations of 40,000 licensed physicians in the United States and Canada. They are the most popular of all remedies for indigestion, dyspepsia, water brash, insomnia, loss of appetite, meiancholia, constipation, dysentery and kindred diseases originating from improper dissolution and assimilation of foods.

dissolution and assimilation of foods, because they are thoroughly reliable and harmiess to man or child.

Stuart's Dyspepsia Tablets are at once a safe and a powerful remedy, one grain of these tablets being strong enough (by test) to digest 3000 grains of steak acres and other foods. of steak, eggs and other foods. Stuart's Dyapepsia Tablets will digest your food for you when your stomach can't. Ask your druggist for a fifty cent box or send to us direct for a free trial sample package and you will be surprised at the result. prised at the result. F. A. Stuart Co., 150 Stuart Bidg., Marshall, Mich.

to the Indiana. They also believe the City of Pendleton will benefit thereby to the extent of thousands of dollars annually, as it would greatly increase the value and productiveness of the

#### CAPTAIN PATTEN RELIEVED

Only Lieutenants to Be Military Instructors at Colleges

OREGONIAN NEWS BUREAU, Wash-OREGONIAN NEWS BUREAU, Wash-ington, Nov. 21.—The War Department, having decided to detail only Lieuten-ants to duty as military instructors at colleges, has relieved Captain William T. Patten, Thirteenth Infantry, from duty at the University of Washington after the close of the present year.

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\$85.00 Genuine Black Lynx Stole of finest grade skin; Special Closing Out Price \$56.50 \$80.00 Genuine Black Lynx Pillow Muff to match, quality skin only; Special Closing Out Price \$52.50 \$60.00 Blue Wolf Sets, extra large, suitable for young ladies; Special Closing Out Price ......\$33.00

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