

UPHOLDS RIGHT OF COMMISSION

Court Says It Has Power to Regulate Railroad Freight Rates.

Attempt to Pronounce Amended Interstate Commerce Law Unconstitutional Fails in Suit by Harman Lires Before United States Court of Appeals.

San Francisco, Oct. 1.—In sustaining a demurrer by the government to an application for an injunction filed by the Southern Pacific company seeking to restrain the interstate commerce commission from establishing a rate upon lumber between Oregon and California, the United States circuit court of appeals yesterday rendered a decision which upholds the authority of the commission to fix freight charges upon what it considers a just and equitable basis, and sustains, in its direct application, the most important clause of the rate law, namely, the right of the commission to relieve shippers, when in its judgment they are entitled to such relief.

While the opinion of the court will probably not be available for several days, the victory of the government appears to be a substantial one. Representatives of the United States district attorney's office and the interstate commerce commission declared that this is the first instance since the enactment of the rate law in which it was alleged that the commission had erred in a question of discretion and judgment, and the first time that there had been placed squarely before a court of this jurisdiction the right of the commission to make or correct rates under such circumstances.

The action decided was instituted by the Southern Pacific and the Oregon & California Railway after the announcement of an increase in the rates on rough lumber from the Willamette valley in Oregon to San Francisco and other bay points. The railroads announced that the rate, which was \$3.10 per 1,000 feet, was to be increased to \$5. A protest was filed with the interstate commerce commission by the Associated Lumber Dealers of the Northwest, and the commission, after investigation, decided that \$3.40 per 1,000 was a reasonable rate. The objection of the railroads to this decision took the form of a suit for an injunction to set aside the order of the commission.

DISEASE IS ABATING.

Cholera in St. Petersburg, Has Caused 2,168 Deaths.

St. Petersburg, Oct. 1.—For the 24 hours ending at noon yesterday 223 new cases and 93 deaths from cholera have been reported by the municipal hospitals. For the previous 24 hours the statistics were 222 cases and 99 deaths.

One hundred and twenty-seven recoveries were reported yesterday as compared with 137 the 24 hours ending at noon the day previous.

The totals since the beginning of the epidemic are 5,655 cases, 2,168 deaths and 1,651 recoveries.

There has been published an official report of an outbreak of cholera at the Pavlovsk military academy. This shows that the disease originated in the academy kitchen, where a cook was suffering from incipient cholera and prepared the food for the cadets for several days. The cook contracted the disease in the cholera hospital, where he was sent on a mistaken diagnosis. When the physician discovered his error the cook was discharged and allowed to return to duty. This gross carelessness resulted in 58 of the cadets coming down with the disease. Five of these cases ended fatally.

Aeroplane Deal Closed.

Paris, Oct. 1.—With the consent of Wilbur Wright, the great American aviator, Lazare Weiller has ordered a French factory to manufacture 50 aeroplanes built on the same plan as Wright's machine. Weiller is the head of the syndicate that is going to pay Wright brothers \$100,000 for the French rights to their machine, providing it meets with certain requirements, and it is believed that the order placed with the factory yesterday is anticipatory of the signing of a contract between the Wright brothers and the French syndicate.

Forests Still Burned.

San Jose, Cal., Oct. 1.—Although the valley is completely filled with smoke, no definite details can be learned of the forest fire that has been raging east of Mission Ridge and between the Calaveras and San Joaquin creeks. It is evident, however, that the fire is still burning and doubtless spreading, as the density of the smoke completely hides the mountain range from view. Owing to defective wires, communication with Lick observatory has been cut off.

Ship Arms to Chinese.

Vancouver, B. C., Oct. 1.—Arms and ammunition are being regularly smuggled from Vancouver to aid Chinese bandits and pirates on the western side of the Pacific, according to a discovery recently made on board the steamer Empress of Japan at Hongkong. On the last visit of the steamer to that port a number of trunks with false bottoms were found, in which were several hundred rounds of ammunition and many packages labeled "soap."

Fires Revived in Adirondacks.

Saranac Lake, N. Y., Oct. 1.—The forest fires in the Adirondacks which were temporarily checked by heavy rains are again springing into life in every direction. Fanned by a steady wind, the flames once more are assuming dangerous proportions. The wardens are rushing men to Dannemora, where a big fire is in progress.

CAR JUMPS TRACK.

Six Men Killed and Six Others Injured Near Scappoose.

Portland, Oct. 2.—Six men killed and six injured. That was the toll claimed by a sudden shower of rain which wet the tracks on a steep spur of the Portland & Southwestern Logging railway, just as a construction train was nearing the summit of a hill at a point eight miles north and west of Scappoose, early yesterday afternoon.

Five men, in charge of the train and crew, were on the locomotive. These escaped. Twelve men were on the one gravel car which was being pushed uphill by the locomotive when the runaway occurred. Not one of these men got away unhurt. They clung to the car as it swept back down the hill and jumped the track at a sharp curve. Three of them were killed outright, two more died while being taken to Scappoose, and another died after being brought to the Good Samaritan hospital at Portland. None of the unfortunate 12 had seemed really to understand their danger until their car had leaped the track and death and destruction were in their midst. The locomotive went around the curve easily. The car followed, but just as it swung clear the momentum sloughed it aside. The pin which held it to the locomotive snapped and the big engine continued its mad flight on the tracks to the bottom of the grade, where it stopped on an uphill stretch.

PEARY OFF FOR POLAR SEA.

Steamer Erik Returns With Latest News of Explorer.

St. Johns, N. F., Oct. 2.—Having safely transferred a large supply of stores to the Peary Arctic steamer Roosevelt at Etah, West Greenland, the auxiliary steamer Erik has arrived back in this port.

The Roosevelt left Etah on August 18, bound north through Kane basin, Kennedy channel and Robeson strait. It is the explorer's plan either to enter the Polar sea or to reach a point from which he can easily get to Cape Columbia by February next. Then he will make a dash across the ice floes toward the pole.

The Roosevelt has on board three Eskimos and 350 dogs. The Eskimos, Captain Bartlett said, are eager to assist the explorer.

The Erik started on her return voyage to St. Johns on August 20. In Davis strait the Erik struck an iceberg, which battered her bows above the water line. She made the harbor at Mukowik, Labrador, where she effected temporary repairs, then proceeded. The remainder of the voyage was without incident.

EMBEZZLED TEN MILLIONS.

Danish Minister of Justice Sold Titles and Decorations.

Copenhagen, Oct. 2.—Having fixed the amount of his actual thefts at from \$9,000,000 to \$10,000,000, the Danish government is attempting to determine to what extent the defaulting former minister of justice, Alberti, profited by the sale of titles and decorations, in which he is asserted to have done a wholesale business for 14 years. The inquiry promises to be intensely embarrassing to scores of prominent men whose elevation to the aristocracy Alberti is said to have secured on payment of heavy sums, which he afterward lost, along with his holdings, in unshrewd speculation. The skill with which the fallen minister covered up these transactions is seriously handicapping the investigators. From Alberti himself they are getting little assistance, the culprit having utterly collapsed since his surrender to the police. Physicians say there is no pretense concerning the partial loss of his memory, and it is the general opinion that he will not live to be punished.

Failures growing out of his operations continue to be of almost daily occurrence. Of the former minister's thefts about \$5,000,000 were from large banks and syndicates, and the balance from private individuals and commercial houses.

Former Premier Christensen, who though suspected of no personal dishonesty, aided Alberti to raise money through public channels to such an extent that he was forced to resign, has spent entire days under painful cross-examination by the investigators.

Tom Lawson Very Sick.

Boston, Mass., Oct. 2.—Thomas W. Lawson, author of "Frenzied Finance," is seriously ill at his home in this city. His private secretary announced yesterday that the financier was suffering from grip, but it is feared the real trouble is the result of a general breakdown following his arduous work during the past few years. It was said at his office that he would be confined to his home for several days. It is rumored among the brokers, however, that his condition is more serious than is admitted by his family and employees.

Japs Watch Maneuvers.

Camp Atascadero, Cal., Oct. 2.—The presence of several Japanese here watching the maneuvers of the troops has led to the rumor that they are spies looking for information as to American military activity. The Japanese have been here for several days watching the arrival of the troops and the working of the artillery. Some soldiers declare they have noticed notebooks in the hands of the Japanese, but this has not been verified.

Chinese Emperor Insane.

Peking, Oct. 2.—A peculiar mental derangement from which the Chinese emperor is suffering has been puzzling the attendants at the royal palace for some time and yesterday a consultation of the most eminent physicians in China was called by the empress dowager to discuss the case of their royal patient.

HAPPENINGS GATHERED IN AND AROUND WASHINGTON, D. C.

APPEALS GUARANTEE CASE.

Oklahoma Bank Will Test Validity in Highest Court.

Washington, Oct. 3.—The appeal of the Noble State Bank of Oklahoma from the decision of the supreme court of that state in the proceeding of the bank, which was instituted to test the constitutionality of the Oklahoma bank guarantee law, has been docketed in the supreme court of the United States. Governor Haskell, as chairman of the state banking board, is made the principal defendant. The case originated in the Logan county district court, of Oklahoma, which court sustained a demurrer and refused to grant the injunction asked for by the bank. The case was appealed to the supreme court of the state, where the decision of the county court was affirmed. The state supreme court held that the law was contrary neither to the federal nor the state constitution.

The court will be asked to advance the case to the docket, but it is doubtful if it can be heard before the November election.

Vorys Was Reinstated.

Washington, Sept. 30.—The Interior Department has made public a letter of Secretary of the Interior Cornelius N. Bliss dated November 5, 1897, revoking the disbarment of A. I. Vorys, of Ohio, from practice before the department. Mr. Vorys is a member of the political staff of Mr. Taft. The letter states that Mr. Vorys was disbarred for having withheld pension money and violating the law relative to compensation for services in pension cases in connection with the prosecution of a claim. In revoking the order Mr. Bliss stated that at the time of the disbarment Mr. Vorys was a law student and disclaimed any intention of violating the law.

Cash for Reclamation.

Washington, Oct. 2.—Estimates given out by the reclamation service show that Oregon last year contributed approximately \$1,387,413 to the reclamation fund, making her total contribution to June 30, 1908, \$5,167,822. For the first time since the reclamation law was passed, Oregon dropped from first to second place on the list of contributions, due to the unexpected boom in land sales in North Dakota, enabling that state to take rank over Oregon with a lead of less than \$200,000. Washington's contribution is estimated at \$843,762; her total, \$5,089,056; Idaho last year contributed \$490,625 or \$3,553,050 in all.

Barrett Off for Coastr.

Washington, Oct. 1.—John Barrett, director of the bureau of American republics, has gone to Albuquerque, where he will address the Irrigation Congress. He will also speak before the Trans-Mississippi Congress at San Francisco, and then spend 10 days in Portland, Oct. 12 to 21. On October 22 he will have a conference with the Seattle Exposition directors in regard to participation of the bureau and the Latin-American countries in the exposition.

Resume Silver Coinage.

Washington, Oct. 3.—Director of the Mint Leach has announced that the government will resume the purchase of silver for subsidiary coinage this week. The announcement says that 125,000 ounces will be purchased each week for an indefinite period. The director of the mint expects a strong demand for dollars and smaller coins as soon as the cotton crop begins to move and is preparing for it.

Cholera Cases in Manila.

Washington, Oct. 2.—Governor-General Smith, of the Philippines, has telegraphed the war department that there were 14 new cases of cholera during the 24 hours ending at 8 o'clock Tuesday morning and 12 cases for the 24 hours ended at 8 a. m. Wednesday. From 8 o'clock Wednesday morning until 5 p. m. there were seven cases.

Cholera Cases Increase.

Washington, Sept. 30.—The cholera epidemic in Russia is increasing, says a cablegram to the marine hospital service from a European report of that bureau. The principal centers of infection are St. Petersburg, Astrakhan, Curjew, Juban, Rostow and the Don valley.

Pensions in Northwest.

Washington, Oct. 3.—According to the annual report of the commissioner of pensions, there are now 7,862 pensioners in Oregon receiving \$1,198,004 annually in pensions; 10,761 in Washington, receiving \$1,651,313; and 2,223 in Idaho, receiving \$345,035.

Straus Sniffs at Guarantee.

Washington, Sept. 29.—Secretary Straus today said he thought an examination should be made of the failure of the National Bank of Coalgate, Okla. Straus declared this case furnished the only illustration of the guaranteed bank deposit scheme.

Printers Get Raise.

Washington, Oct. 3.—The new regulation went into effect Thursday by which the pay of the linotype and monotype operators in the employ of the government printing office is increased from 30 to 60 cents an hour.

Cholera in the Philippines.

Washington, Sept. 29.—Governor Smith at Manila reports 36 cases of cholera for the 24 hours ending at 8 o'clock yesterday morning. From then until 4 o'clock 16 cases were reported as against 29 at 4 o'clock the day before.

TESTS NEW EXPLOSIVE.

War Department Expects Powder Will Revolutionize Warfare.

Washington, Oct. 1.—The war department is demonstrating at Sandy Hook proving grounds, New York, with a combination of powder and projectile that promises an effective fighting range of from 50 to 75 per cent greater than any at the command of any other army of the world. The powder used in the experiments is dunnite, an invention of Lieutenant-Colonel Beverly Dunn. It has an explosive power 15 per cent greater than that of any known powder, including the Japanese shimosa powder.

The ordinary shell or projectile used by the army has been elongated so as to lessen the air resistance and otherwise shaped to receive the full force of the powder explosion.

The preliminary tests at Sandy Hook have shown that the new projectiles have an extreme range of from 50 to 60 per cent more than the old projectiles. In combination with the new powder the new projectile has an extreme range of from 50 to 75 per cent more than the old projectiles.

As the extreme range of the projectiles heretofore used by the army has been as great as that of any other army in the world, the new discovery gives to this country a fighting weapon effective at far greater range than that of any other army.

The extreme range of a shell is a mile to an inch. The 6-inch shell has a range of 6 miles, the 12-inch shell a range of 12 miles.

GOMPERS WILL ANSWER

Decides to Reply to Questions, but Under Protest.

Washington, Sept. 29.—That he would reply to the questions certified to the supreme court of the District of Columbia in connection with the contempt proceedings against President Gompers and other Federation of Labor officials before the examiner, as directed Saturday by Chief Justice Claiborne, was announced by President Gompers on resuming the witness stand. "I will answer the questions," he said, "but I will answer them under protest."

The objectionable questions were not presented immediately, but Mr. Davenport, attorney for the Buck company, asked regarding the publications concerning the company in labor papers. Mr. Gompers sought to curtail the inquiry by accepting responsibility for many of the utterances copied into those papers.

Upon the reading of one of the newspaper clippings, Mr. Gompers reiterated the charge that President Van Cleave of the Buck Stove company and of the National Association of Manufacturers is employing detectives in connection with the contest with the Federation. Mr. Davenport protested against the charge, but Mr. Gompers persisted, declaring with emphasis that it was true.

Gompers Back at Van Cleave.

Washington, Sept. 30.—Testifying in the contempt proceedings against him and other labor officials, Gompers declared the fund of \$1,500,000 raised by President Van Cleave of the Employers' association for "educational purposes" had been used in an effort to bribe labor officials and in employing spies to follow labor leaders. Gompers said he had been shadowed everywhere by detectives.

Let Stewart Rest.

Washington, Oct. 2.—In accordance with Colonel William F. Stewart's request that he be allowed to recuperate from his journey from Fort Grant to Washington before he appears before the medical members of the retiring board, the board has decided to postpone the examination of the army officer until next week.

Office Seekers Must Resign.

Washington, Oct. 1.—Consternation was created here by the announcement that President Roosevelt had decided that all government employees who wish to take an active part in politics must resign their positions with the government, and that there is no hope of their regaining their positions after the campaign is over.

Wright Asks More Time.

Washington, Sept. 30.—In order to give Orville Wright time to recover from his injuries recently received in the accident to his aeroplane at Fort Myer, the Wright Brothers have made application to the signal corps for an extension of nine months' time, or until June 28 next, in which to make the official tests of their machine.

Ask Roosevelt to Decide.

Washington, Sept. 26.—To President Roosevelt will be left the decision whether the Washington monument is to be used as a wireless station for the purpose of conducting experiments with ships at sea and possibly across the Atlantic ocean.

Political Riot in Cuba.

Washington, Oct. 1.—Dispatches received at the war department from Provisional Governor Magoon show that one man was shot and killed and eight injured by canes and fists as a result of political disturbances in Cuba.

IRRIGATION CONGRESS.

Hot Debate Expected on Forest Reserve Policy.

Albuquerque, N. M., Sept. 30.—The proceedings of the opening session of the 16th National Irrigation Congress, which convened in Convention Hall, in this city, at 10:30 yesterday, were impressive, and 1,500 delegates and 2,500 spectators, who crowded the galleries, were moved to repeated demonstrations.

It is evident that this congress is to give the major portion of its time to discussion of the reclamation of public land and conservation of natural resources, and it is likely these discussions may lead to differences of opinion on phases of the government policies, particularly the forestry policy. D. C. Beaman, of Denver, Colo., will address the convention today on "Forestry Service," and it is intimated that such criticism of the service as may be included in will come at that time. The livestock interests are well represented, and their desires as to the resolutions urging government regulation of the public domain and national forests may precipitate sharp discussion.

A movement has appeared, backed by a number of well-known men, to make the irrigation congress a permanent working organization, with headquarters and a secretary, whose duty would be the collection of data and information for the use of the congress in furthering needed legislation and arousing public interest in reclamation and conservation work to be undertaken. The movement is finding favor among the delegates.

A notable feature of the congress is the absence of men prominent or active in political affairs, and the presence of an unusual number of men who are active workers in the practical fields of reclamation, and who make up a list of speakers of exceptional strength. The usual exposition, for which congress appropriated \$30,000, and which has brought together the finest display of irrigated products ever assembled in the United States, was formally opened yesterday by Governor Curry of New Mexico, following a parade of the troops of the Department of the Colorado, ordered here for the exposition. General Bell, chief of staff, and Brigadier-General Thomas, commanding the Department of the Colorado, took part in the parade.

A vigorous fight is under way between Pueblo, Colo., and Spokane, Wash., for the next session of the congress.

INCREASE FREIGHT RATES.

Railroads to Make Advance Roth Ways First of Year.

Chicago, Sept. 30.—January 1 the transcontinental railroads hope to be able to increase the freight rates on more than 80 commodities east-bound and on about 20 commodities west-bound between all eastern points and the Pacific coast.

Conferences are being held frequently with a view to reaching an agreement as to what commodity rates should be increased and what should remain at present rates. Yesterday traffic men admitted that all of the commodities were being gone over with a view to making increases where possible and equitable. It is stated that all of the commodities on the list, which include a number of large consumption and large tonnage, have borne ridiculously low freight rates for years. This fact, it is maintained, is due to old competition, which was wont to cut a rate in order to get business irrespective of whether or not it paid.

The proposed increases, if they become effective, will be from every territory east of the Missouri river to the Pacific coast and will average between 5 and 8 per cent above the present rates. It is hoped that most of the increases can be agreed upon, and it is expected that the railroads will be able to make them effective January 1, 1909.

Two Towns Wiped Out.

Marinette, Wis., Sept. 29.—A soaking rain, which began Saturday evening and continued until yesterday morning, has extinguished the forest fires in Marinette county. Before the rain came the towns of Goll and Kingsman, on the Wisconsin & Michigan railway, were wiped out, and six or eight families had to flee for their lives. The town of McAlester was saved by the residents, assisted by volunteers from Marinette. The loss to Senator Stephenson and the Sawyer-Goodman company in standing timber will be large. Other companies on the Menominee river also lost heavily in standing timber.

Court Knocks 8-Hour Law.

Madison, Wis., Sept. 30.—The supreme court of Wisconsin yesterday declared unconstitutional the railroad telegraphers' eight-hour law, introduced at the 1907 session of the legislature. The decision is based on the contention that the state law conflicts with the provisions of the federal constitution giving congress the power to regulate interstate commerce. It is also given as a basis for the finding that congress already has passed a law fixing the hours for the employment of railroad telegraphers. The decision is the result of a test case.

C. P. Strike Nears End.

Winnipeg, Man., Sept. 30.—It is expected here that the Canadian Pacific strike will end before midnight. It is known that delegates left here Sunday night for Montreal to see Thomas Shaugnessy, of the Canadian Pacific, with terms satisfactory both to the western strikers and the western interests of the railroad company. If the strike is declared off it will be the result of a compromise, leaving the situation the same as when the strike was called.

Surveyors General to Meet.

Boise, Idaho, Sept. 30.—D. A. Utter, surveyor-general of Idaho, has invited the surveyors-general of Oregon, Montana, Washington, Wyoming, Colorado, Nevada and Utah to meet here at a date to be named later for the purpose of considering uniform plans for conducting their work.

FOREST FIRES EXTINGUISHED

Long Continued Drouth in East Has Been Broken at Last.

Village in Adirondacks Had Just Been Destroyed When Downpour Came—Snow Fall is Reported in Middle West—Cold Wave Due East of Rocky Mountains.

Washington, Sept. 29.—The drouth which has prevailed over the entire eastern section of the United States for months is broken. Rain has been general over the entire affected area.

The weather bureau announced last night that the heavy rains would be followed by a drop in the temperature today. Forecaster Garriot said it would be about 25 degrees cooler. Rains will cease tomorrow in the Middle Atlantic states, but may continue for 24 hours longer in the New England States, which, until late yesterday, had not shared in the general precipitation.

Adirondack Village Burned.

Utica, N. Y., Sept. 29.—Rain began falling at Clearwater and Long Lake yesterday and it is reported that indications are for a sufficient downpour to stop the fire ravages.

A fire which destroyed the village of Long Lake West, causing a loss of \$125,000, swept through the forest so rapidly that the firefighters had to flee for their lives. It is reported that during the fire four tons of dynamite, which had been sent in for use upon the railroad and in fighting the fire, exploded, causing great destruction in the immediate vicinity and badly twisted the tracks.

Reports indicate that many extensive private preserves in the vicinity of Long Lake West are being fire-swept. Chasane Park, Dr. Seward Webb's estate, is burning and there are fires in Harry Payne Whitney's 80,000-acre estate.

Rain Falls in New York.

New York, Sept. 29.—The long drouth in New York, New Jersey and Pennsylvania, which has resulted in serious forest fires, stopped industrial pursuits and caused a water famine in many districts, has been broken by rainfalls.

The drouth, which has been the most prolonged in many years, has lasted about eight weeks. So serious have been its effects, especially in the country districts, that prayers have been offered up in many churches for relief.

Rain Puts Out Fires.

Glens Falls, N. Y., Sept. 29.—The forest fires that have been raging in the foothills of the Adirondacks in this section for several weeks were extinguished yesterday by heavy rains.

WHAT IS HAWAII?

Judge Dole to Decide Important Case Involving Status of Islands.

Honolulu, H. I., Sept. 29.—Is Hawaii a territory of the United States, as Arizona and New Mexico, or is it an insular possession, as Porto Rico and the Philippine islands? This is the question that Judge Dole of the United States district court has been called upon to decide and attorneys all over the islands are awaiting the answer to the question, as it will effect the status of nearly every legal problem that has come up for solution since the annexation of the Hawaiian islands.

The issue was raised in the case of Manuel Perez and Augusta Walsh, indicted under the Edmunds act. A plea of former acquittal was filed by the attorneys for the defense, it being alleged that the defendants were prosecuted for the same offense and acquitted in the district court last April.

The point of law raised by this plea is whether there are two sovereignties or one in Hawaii. If there are two, as in a state or territory of the United States, a former acquittal in the courts of one jurisdiction is not a defense in a court of another jurisdiction. But if Hawaii is not a full territory and there is only one sovereignty, an acquittal in any court is a bar to further prosecution on the same charge.

Cholera Claims Many Victims

St. Petersburg, Sept. 29.—The number of new cholera cases in the municipal hospitals for the 24 hours ended at noon yesterday was 263 and the deaths 103. The statistics for the previous 24 hours were 248 and 143, respectively. Eight hospital attendants have come down with the disease and the other attendants are in a state of panic. Great difficulty is being encountered in persuading them to remain at their posts. Premier Stolypin has written a sharp letter of censure to the mayor of St. Petersburg regarding the conditions.

Sternberg's Successor Named

Berlin, Sept. 29.—While there is no official confirmation as yet, it is believed here that Baron Mumm von Schwarzenstein, present ambassador to Japan, will be the successor of the late Baron Speck von Sternburg as ambassador to the United States. It is known that Baron von Schwarzenstein has indicated his desire for the Washington post and from information obtained it seems likely that he is considered the most likely aspirant.

Cholera Declines in Manila.

Manila, Sept. 29.—The cholera continues to decline. But 10 cases were reported during a period of 12 hours yesterday. Mrs. C. A. Carter, an American school teacher, is among those stricken.