

# SHIPPERS WIN OUT

## United States Court Decides Har- rimer Lines in Wrong.

### LUMBER INTERESTS SUSTAINED

#### Upholds Right of Commission to Fix Freight Rates, Which Must Be Equitable Hereafter.

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 the 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.

### 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 firing in to Dannemora, where a large fire is in progress.

### IGNORANCE OF SANITATION.

#### Lower Classes in Russia Refuse to Be Vaccinated.

St. Petersburg, Sept. 29.—Since the beginning of the epidemic there have been 15,683 cases of Asiatic cholera reported in Russia and 7,102 deaths. In St. Petersburg alone, since the presence of the disease was officially admitted September 8, there have been 4,931 cases and 1,871 deaths reported.

The figures with reference to the invasion of this city by the disease cannot be relied upon as on a number of occasions authoritative sources showed the number of cases and deaths in a single day to be far in excess of that announced by the authorities. There is an appreciable betterment of the sanitary conditions and consequent decrease in the disease as shown by the figures given out Sunday.

For the 24 hours ending at noon the number of new cases in the city was 268 and the number of deaths 143, as compared with 312 new cases and 153 deaths for the previous 24 hours.

Difficulty has been experienced in dealing with the workmen of St. Petersburg, who with their families comprise three-fifths of the population for they were unable and unwilling to comply with the sanitary precautions. The ignorance of the lower classes and their superstition greatly increase the difficulties of the situation. During the earlier stages of the epidemic few could be prevailed upon to undergo preventive inoculation, which is provided free of charge, but latterly the authorities have made inoculation compulsory in some quarters of the city.

### SITUATION MOST SERIOUS.

#### Unbroken Drouth in East In Raising Havoc With Industries.

Pittsburg, Sept. 29.—With losses aggregating several million dollars from forest fires, and heavy damage to crops and livestock, and the reported loss of a number of lives due to fighting timber fires; the enforced idleness of thousands of workmen owing to suspensions because of lack of water; the authorities anticipating serious epidemics of contagious diseases, and many small streams dried up and practically obliterated, the drouth of 1908, which has held western Pennsylvania, eastern Ohio and West Virginia for two months, remains unbroken. While in the Pittsburgh district the water supply is sufficient to carry on all business, the low stage of the rivers has caused a congestion of much coal in this vicinity. Every available barge and float has been loaded with coal, and at present there are almost 20,000,000 bushels in the Pittsburgh harbor.

About 15,000 miners employed in the river mines along the Monongahela valley are out of work. In all sections of the dry zone prayers are offered up daily and these prayers will continue until they are answered with rain.

### STUDENTS FIGHT DISEASE.

#### Drafted in Manila to Battle With Epidemic of Cholera.

Manila, Sept. 29.—There were 14 new cases of cholera and three deaths reported for the 24 hours ending at 8 o'clock yesterday morning. Practically the entire staffs of the bureau of sciences and the local medical schools have been drafted into the service to fight the disease. The two senior classes of the medical schools are acting as nurses. A serious situation is caused by the supply of disinfectants running very low. The bureau of sciences is experimenting with electricity and sea water to produce chlorine for use until the new supplies of disinfectants arrive. Enormous quantities of disinfectants have been used in vigorous efforts to cleanse the entire city.

### New Party in Cuba.

Havana, Cuba, Sept. 29.—That the Liberal party will lose the entire negro vote in the coming election seems assured, as the result of an attack made on a mass meeting of negroes by a mob of Liberals. The fact that the negro element proposed to form a national party angered the Liberals, as they saw that such a party would draw more from their ranks than from the Conservatives. General Estenoz, leader of the negroes, has announced that his party is a certainty, as his followers cannot hope to secure their rights without a party of their own.

### New Coal Field Found.

Victoria, B. C., Sept. 29.—A rich find of good coal with a seam eight feet in width has been located as a result of the boring at Deep Bay, Vancouver Island, about three miles south of Union Bay, by the Wellington Colliery company of R. Dusmuis' Sons. The seam will be worked as soon as arrangements can be made to sink on it.

# NEWS FROM THE NATIONAL CAPITAL

### 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, \$8,167,822. 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.

### 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 ending 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 \$1,108,004 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 50 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 dunite, 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 shimose 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 Clegg, 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.

### RUSSIA BEGRUDGES MONEY.

#### Bureaucracy Weighs Dollars Heavier Than Human Life.

St. Petersburg, Sept. 28.—The bureaucracy of St. Petersburg is weighing dollars against human life, and as a result Russia is today threatened with one of the gravest cholera scourges in the history of the empire.

Premier Stolypin, into whose hands the work of enforcing imperative sanitary reforms was recently placed, is meeting with discouragement from those in authority on every hand. They are protesting vigorously against the enormous expense involved in cleaning up the city, and as a result of their opposition the work will probably be only half done.

One of Premier Stolypin's proposals is a complete new system of sewerage, the estimated cost of which is \$40,000,000.

It is being pleaded that the advent of cold weather will put an end to the cholera spread, whereas the history of all cholera plagues has been that cold weather is but a temporary check, being followed in the ensuing spring by a recurrence of the scourge.

Bad as conditions are in St. Petersburg, they are hardly to be compared with the menacing aspect of the disease in other parts of the empire. In scores of towns the wretched poverty of the people, covered with the ignorance and superstition against remedial measures, makes the work of guarding against the fearful outbreak in the spring an utter impossibility.

Doctors are appalled at the prospect, and say that whatever the outcome in St. Petersburg, there is no hope of improvement elsewhere.

It is estimated that throughout Russia there have already been 18,000 deaths from cholera. In many towns 75 per cent of the cases have terminated fatally.

### ABOLISH COLONIST RATES.

#### Plan Almost Unanimously Approved by Western Railroads.

Chicago, Sept. 28.—The colonization of the western country is going to be materially retarded if railroads between Chicago and the Pacific coast carry out a plan which has been advanced by executive officials. A proposition has received the approval of nearly every railroad in the Western Passenger association to abolish all low or reduced rates after January 1, 1909.

This determination has been reached because of the alarm felt over the reduction in net passenger revenues of western roads. This reduction is laid at the door of reduced rates, and genuine alarm is felt for the future. Railroad officials declare that with the 2-cent rate generally there can be no reduced rate without passing the margin of profit.

It is estimated that western roads have lost this season several millions of dollars in passenger revenues, compared with what they would have enjoyed had they maintained a minimum 2-cent rate west of Chicago. This conclusion is based upon careful statistics prepared by the Alton and other railroads, which show that railroads have carried more passengers than ever, but at a less net revenue than accrued from a smaller movement. This can mean only one thing, it is said, and that is the return of a minimum 2-cent rate everywhere.

It is not expected that this change can be brought about until the first of the year, but it now seems certain that, if the public desires reduced rates, they can be had only by a return to the 3-cent basis.

### CHINESE AVOID HEAD TAX.

#### Hundreds Admitted into Canada on False Statement.

Ottawa, Ont., Sept. 28.—A scheme has just been laid bare by the controller of Chinese immigration at Ottawa, which is believed to be the most elaborately conceived fraudulent device for effecting the Chinese "invasion" of Canada ever perpetrated.

By means of this device hundreds of young Celestials have been flocking in at the eastern ports of the Dominion and escaping the \$50 head tax by passing themselves off as merchants or other privileged classes. Canada has thus been victimized through honoring certificates of the charge d'affaires ad interim and consul general at the imperial Chinese legation in Mexico.

Statistics in the trade and commerce department here show that 280 Chinese immigrants were admitted into Canada recently at the ports of Montreal and Halifax alone, without paying the head tax and that not more than 15 Chinese should have been so favored.

### Land Grab Thwarted.

San Francisco, Sept. 28.—State Mineralogist Aubrey after a long fight has compelled H. H. Yard & Co., speculators associated with the Western Pacific, to release their hold on 13,000 acres of rich mineral land in Plumas and Butte counties. This land was located by Yard and his associates some years ago. Later Aubrey filed an action in the land office on the ground that while it had been taken as mineral land and was known to contain minerals, the land was desired for railroad purposes. The land office has now cancelled the filing.

### Work for Young Teddy.

Hartford, Conn., Sept. 28.—Theodore Roosevelt, Jr., is to begin service with the Hartford Carpet Works at Thompsonville today. It is thought he will enter the operating department.

# DROUTH IS BROKEN

## Parched and Suffering Eastern States Welcomes Rain.

### FOREST FIRES ARE EXTINGUISHED

#### Had Just Destroyed Village in Adirondacks When Downpour Began—Cold Wave Is Due.

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 ending at noon yesterday was 263 and the deaths 103. The statistics for the previous 24 hours were 268 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.

### 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.