

## LONG AND SHORT HAUL CLAUSE UPHELD PAUL BEATTIE REPUDIATES RECENT TESTIMONY

### HOWEVER COURT HITS INTERIOR RATES A BLOW

Interior Cities Which Sought to Have Their Rates Equalized on the Bases of Through Rates to the Pacific Coast Suffer Most.

### WATER TRAFFIC BASES FOR LOWER RATES

Interstate Commerce Commission Finds Some Pleasure in Decision of Court.

WASHINGTON, D. C., Nov. 14.—The constitutionality of the long and short haul clause of the act to regulate commerce was established today by a decision of the court of commerce. The written decision in the Spokane rate cases, published today, says:

"Insofar as the interstate commerce commission attempts to determine the relation of the long and short haul rates, irrespective of absolute rates, it exceeds its authority, for it is not within the power of the commission to say that 100 per cent, 107 per cent or any given percentage of an unknown or less than reasonable rate to the coast is necessarily a maximum, reasonable and non-discriminatory rate from the same point of origin to an interior point."

Though this decision enjoined the reducing of rates in intermountain cities, as the interstate commerce commission ordered, the commission found satisfaction in upholding the long and short haul clause of the law.

The court disagrees with the methods of the commission in determining a proper rate and in this regard it is expected that a thorough investigation will be made before the case is finally settled.

The commission has always maintained the constitutionality of the long and short haul clause.

The commerce court emphasized its authority under the law to grant exceptions to the application of the long and short haul clause, declaring its belief that cities having water traffic are entitled to lower rates than cities where there is no water competition.

**Hits Interior Points.**  
This is a sever blow to Spokane, Reno and other interior cities which sought to have their rates equalized on the basis of through rates to the Pacific coast.

In this connection the decision says:

"For example, as Seattle can get supplies from New York by water, and as Spokane, because of its location, cannot, Seattle cannot be said to be unduly favored, merely because the railroad carriers, in order to meet water competition, charge a lesser rate from New York to Seattle, through Spokane, than from Spokane, provided the Spokane rate is reasonable per se, and the Seattle rate is not unremunerative. So, too, if the St. Paul-Seattle rate is reduced to a point less than is reasonable per se, though not unremunerative, to meet the New York-Seattle rate, in order to enable St. Paul merchants to compete with New York merchants at Seattle, Spokane could not complain merely because this rate is not less than the St. Paul-Spokane rate.

**Summary of Decision.**  
"In each of these instances, Spokane's case is not unduly prejudiced, because, if a lower rate to Seattle were forbidden, Seattle would nevertheless, by reason of its location, be able to secure supplies by water, and would, therefore, in the nature of things, have an advantage over Spokane.

Summing up, the decision says: "The practical effect of the interstate commerce commission's order is either to compel a blanket rate from the entire east to the entire west or prevent carriers from getting all

### WEST PLEASED WITH REPORTS OF HONOR MEN

Governor States That He Trusts Men Continue to Behave Themselves as Well as They Have During the Past Two Weeks.

### HERE TO GATHER DATA FOR USE ON TRIP

Will Return About Christmas Time for the Purpose of Visiting Westville.

"I am highly gratified at the reports I have received from Honor Camp No. 1," stated Governor Oswald West, on his arrival in Medford this morning, "and I earnestly hope that the honor men continue to do their work safely and well. I have given them a chance to help themselves and in so doing I hope that I have done some little good."

Governor West spent Tuesday in Medford and Ashland for the purpose of gathering data which he will use while east on the "governors' special," a train which will tour the eastern states, 18 governors making the trip in order to advertise their respective states. Governor West will also visit Grants Pass before returning to Salem, and will be well posted on this entire section of the state.

The governor finds it impossible to visit "Westville" on his present visit but expects to be in southern Oregon in December for that special purpose. This trip will be made about Christmas time, and no doubt for the purpose of bringing a certain amount of the Christmas spirit to his honor men.

"I sincerely trust that reports from 'Westville' will continue to be as glowing as they are at the present time. The experiment we are trying with these men will mean much, if successful, not only to the men themselves, but to the taxpayers of the state, for at work on roads they are not a dead loss financially.

"I, personally, do not believe that you will have any trouble with the men. If I thought that I could not have undertaken the course I have followed."

Governor West will spend this afternoon at Ashland, returning north to Grants Pass tonight.

### PATRICK CALHOUN MAY LOSE HIS JOB

SAN FRANCISCO, Nov. 14.—That Patrick Calhoun is soon to be succeeded by Charles N. Black as president of the United Railroads is the gist of a persistent rumor today following a reputed meeting of the owners of the railroad in New York. Calhoun and Black, the latter at present vice president and general manager are on their way westward to make the change at the annual meeting of the stockholders of the company here on November 22.

### NOBODY DEAD; NOBODY SICK; DOCTORS WORRY

ABERDEEN, Wash., Nov. 14.—With few sick and nobody dying, Aberdeen undertakers and doctors are getting worried. Several of them say they will quit unless business picks up.

business which they now secure without loss, by making rates enabling the merchants to meet market competition."

The court enjoined the enforcement of the commission's order reducing the intermountain rates, pending final determination of the case.

### DELEGATES TO MEET AT CANTON TO ESTABLISH GOVERNMENT



THE RIVER AND FOREIGN RESIDENTIAL SECTION AT CANTON.

### MISSOURI FINES HARVESTER CO., ALSO OUSTS IT

Fifty Thousand Dollars Fine Is Assessed by State Which Also Was First to Attack the Standard Oil Company.

JEFFERSON CITY, Mo., Nov. 14.—The supreme court of Missouri today issued a writ of ouster enjoining the International Harvester company from doing business in this state and fining the trust \$50,000.

It was Missouri which first ousted the Standard Oil company from the state as a combination in restraint of trade.

The decision was the result of a report by Special Commissioner Theodore Brace filed September 6 on the ouster suit begun when Governor Hadley was attorney general.

The report alleged that the company had violated the Missouri trust laws by controlling practically all the standard parts and makes of harvesting machinery.

The company's reply admitted its connection with the parent corporation of New Jersey but denied that it had violated any of the laws of the state of Missouri.

### COWGIRL RISKS ALL FOR BABE

Makes Effort to Stop Stampede in Order to Save Indian Woman—Lies Today Near Death but Child Is Safe.

LOS ANGELES, Cal., Nov. 14.—Miss Nellie Frances, a cowgirl in the employ of a wild west show, lies perhaps fatally injured in a hospital here, the result of an effort to stop a stampede among steers and Buffalo which had headed for the tepee of Mary Eagle, a Sioux squaw, who had given birth to a papoose earlier in the day.

The moment Miss Frances saw the cattle headed for the tepee, she realized the danger, and, jerking a lariat from her belt, she took a stand directly in front of the charging animals. This partially checked the stampede, but while her attention was turned to one wing a Buffalo in the other wing charged her. She was hurled 30 feet in the air and received internal injuries and a broken left arm and right ankle.

Mary Eagle and her papoose escaped injury.

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### CHIEF ISSUE TO BE ENFORCEMENT OF SHERMAN LAW

Republican Leaders Plan to Make Taft's Anti-Trust Records the Issue Upon Which They Will Base Their Fight for President's Re-election.

WASHINGTON, D. C., Nov. 14.—Republican national leaders are planning to win President Taft's re-election by political strategy and they are shifting the battleground of the presidential campaign to the question of the enforcement of the Sherman anti-trust law.

They plan to make President Taft's anti-trust record the issue upon which they will base the fight. And the president is devoting much time and space to that subject in preparing his annual message to congress. He will dismiss the tariff question with mere recommendations to the tariff board and endeavor to force active discussion of the government's attitude toward the various trusts.

President Taft will claim credit for all prosecutions waged by the government against the trusts that have been and are today under federal probe.

He will recommend in his message a federal incorporation law giving the government closer control over the integral parts of the big trusts after they have been legally dissolved. He will, however, oppose any incorporation scheme supplanting the Sherman law.

### RICHESON TRIAL TO START JANUARY 15

BOSTON, Mass., Nov. 14.—No further attempt will be made to postpone the trial of Rev. Clarence Richeson, charged with the murder of nineteen-year-old Avis Linnell, his former fiancée, by inducing her to take cyanide poison.

### ONLY HOPE FOR WILSON LIES IN SUPREME COURT

OLYMPIA, Wash., Nov. 14.—Denied a new trial by Judge Burchell, the last hope of George H. Wilson of avoiding a 15 years penitentiary sentence lies now in an appeal to the supreme court.

RHEIMS, France.—Aviator Weymann, carrying two passengers and 660 pounds additional weight, yesterday completed the round trip from Rheims to Amiens, 190 miles, and return and at an average speed of 73 miles per hour.

### COMMERCE COURT MAY BE WIPED FROM EXISTANCE

Crisis Comes as Result of Decision in Turning Down the Order of the Interstate Commerce Commission in Rate Case.

WASHINGTON, D. C., Nov. 14.—An acute situation developed in the career of the court of commerce today as a result of the court's decision in turning down the order of the interstate commerce commission granting lower rates to the intermountain cities, and talk of abolishing the court, a movement warmly advocated recently by Representative Sims of Tennessee, is again rife.

Sims and his followers point to the repeated action of the court of commerce in overruling the commission, resulting in the frustration of a ten years' fight between the interior cities in the west for lower rates. After this period, Spokane, Salt Lake City, Reno and other cities had practically won their contention, only to have it nullified by the commerce court forbidding the reductions by injunction.

The court was organized in December, 1910, when President Taft appointed the following members:

Martin A. Knapp, former chairman of the interstate commerce commission, presiding judge; Robert W. Archibald of Pennsylvania; William Hunt of Montana, John E. Carland of South Dakota and Julian W. Mack of Illinois, associate judges.

### "BIG BUSINESS" PROBE TO START

Senate Committee on Interstate Commerce Begins Its Work of Investigating Corporations Tuesday—Many Financiers Will Appear.

WASHINGTON, D. C., Nov. 14.—Whether "big business" shall be controlled along the lines of competition or by combination of leading corporations in the question which is agitating the minds of politicians and trust magnates here today, in view of the proposed investigation of "big business," which begins here tomorrow with the hearings before the senate committee on interstate commerce.

Senator Cummins of Iowa, a member of the committee, said today:

"Whether there shall be competition is the question. If competition our aim shall be to perfect it; if combination, to regulate it. "The business men are complaining that under the present conditions there is danger of the business of the

### REBELS SEND WARSHIPS TO AID ATTACK

Leaders Confident That Imperialists Will Soon Be Forced to Surrender as It is Known That Their Supplies Are Low.

### MARTIAL LAW HAS BEEN DECLARED AT CANTON

Robber Chiefs Are in Control of City—Pirates Have Been Made Policemen.

SHANGHAI, Nov. 14.—Rebels are today preparing to send the newly acquired 13 warships, surrendered yesterday by Admiral Sah, to Nanking. It is planned to wage a simultaneous attack by land and sea. While the warships bombard the city the rebels will take advantage of the fire to attack the walls.

Rebel leaders here are confident that the imperialists will soon be forced to surrender, as it is known their funds are low and their chances of replenishing their dwindling supplies of food and ammunition are slender.

Embassies of General Li Yuen Heng, commander of the revolutionary forces, arrived here today to meet Wu Ting Fang, secretary of foreign affairs of the proclaimed republic and former Chinese minister to the United States.

Dr. Sun Yat Sen, the rebel leader recently reported to have been in the United States, is expected to be present to organize a national bureau for the proclaimed republic.

Martial law has been declared at Canton. Robber chiefs are practically in control of the city and pirates and brigands have been made policemen.

### FRICION DEVELOPS AT M'NAMARA TRIAL

HALL OF RECORDS, LOS ANGELES, Nov. 14.—Because he asserted that his associate counsel Leconte Davis, had been discriminated against in a ruling by the court and assailed District Attorney Fredericks for, as he alleged, refusing the defense a privilege he had himself demanded only yesterday, Joseph Scott, assistant counsel for the defense in the McNamara murder case was sharply reprimanded by Judge Bordwell today. The entire morning session of the trial seemed charged with electricity, the friction between the court and counsel on both sides being at times very manifest.

As the result of the morning session another tentative juror qualified. He is William J. Andre, a carpenter.

### UNION MEMBERS GIVE SIGNS OF MUTINY

NEW YORK, Nov. 14.—William Ashton's threat to call out the 20,000 teamsters in the union of which he is the head in an effort to bring the city of New York to terms and win the strike for the garbage collectors is being opposed by the members of the union.

Many teamsters threaten to depose Ashton if he forces the program through, as the teamsters do not feel that they are called upon to take an active part in the trouble between the garbage collectors and the city.

country going to ruin. Propositions to amend the Sherman law may also be considered."

Those who are invited to appear before the committee include J. P. Morgan, E. H. Gary, George W. Perkins, Samuel Gompers of the American Federation of Labor, and President Hadley of Yale.

### AFFIDAVIT IS SWORN TO BY STAR WITNESS

This Affidavit Is Presented to Governor Mann in Hope That It May Save Young Wife Slayer From Gallows.

### GOVERNOR TO DECIDE WEDNESDAY MORNING

Attorney Admits That Much of Paul Beattie's Testimony Was Perjured.

WASHINGTON, D. C., Nov. 14.—Attorney Walter C. Balderson admitted today that Paul Beattie made an affidavit in his office last week repudiating the main features of his testimony, on which his cousin, Henry Clay Beattie, Jr., was convicted of the murder of his wife near Richmond, Va.

The affidavit was presented to Governor Mann at Richmond today, and for this reason the governor postponed his decision on Beattie's appeal for commutation of the death sentence.

Paul Beattie gave as a reason for his testimony which he now says was false that he was in a bad physical condition at the time, was in great fear as the result of the suspicions directed toward him and was affected by his confinement in jail.

He denied that he gave the shotgun to his cousin Henry on the Saturday night preceding the Tuesday in last July when Mrs. Beattie was killed. He also denied that Henry ever made a confession to him.

It is understood that Paul Beattie came to Washington to make the affidavit in order not to attract attention. The paper was forwarded immediately to the attorneys for Henry Beattie in Richmond.

### Has Been Confused.

Since his return to Richmond Paul Beattie told confused stories of being drugged and taken to Washington by three men. When he was told a few days ago of the report that he had made an affidavit he denied it, saying that if he had signed anything in Washington it was while under the influence of a drug.

This story is not generally credited, as Attorney Balderson is a prominent lawyer of high standing and good reputation. He had no connection with the case further than the fact that Beattie and two men from Richmond went into his office and had him draft the affidavit. He said that Paul gave the affidavit freely.

### RICHMOND, Va., Nov. 14.—Attorneys for Henry Clay Beattie, Jr., convicted of murder of his wife, today pleaded with Governor Mann to grant the prisoner a reprieve until after the Christmas holidays. Beattie was sentenced to die on November 24. They also asked for a commutation of the sentence.

Beattie's father personally pleaded with the governor, who announced that he would decide by 11 o'clock tomorrow. It is not believed that the governor will intercede. Today's hearing was secret.

### SOLONS IN ILLINOIS FAIL TO AGREE; ADJOURN

SPRINGFIELD, Ill., Nov. 14.—The two houses of the Illinois legislature being unable to agree and pass the appropriation bills, both adjourned sine die today. Governor Deneen had intended to prorogue the legislature but the houses "beat him to it" adjourning sine die and then receiving the prorogation message from the governor.

### Court Upholds Law.

MADISON, Wis., Nov. 14.—The supreme court of Wisconsin today upheld the constitutionality of the workmen's compensation act.