

The Daily Capital Journal

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NO. 144

STATE RAILROAD COMMISSION SUSTAINED CLOUDBURST COMPLETELY WASHES AWAY MONTANA MOUNTAIN

IMPORTANT DECISION IS UPHELD

CIRCUIT COURT

MILWAUKEE AND OAK GROVE FROM PORTLAND NOW TEN CENTS, RESPECTIVELY.

Galloway, in the circuit court this afternoon, sustained the decision of the railroad commission on the rates on the lines of the Railway, Light & Power company from Portland to Milwaukee and to Oak Grove at rates with full transfer privileges. This is the most important decision in the local courts, it being the first step to whether the commission is nullity, or whether it is the powers conferred upon the legislature. The case probably will be appealed to the court.

The Case's History.

When of Milwaukee, represented by Attorney R. R. Giltner of this city, on August 15, 1907, filed a formal complaint with the commission, claiming they were discriminated against by the road company, the rate to be 10 cents, while that to a greater distance away from Portland, had a 5-cent rate and full transfer privileges. Replying to this, the company introduced in evidence a contract with the city of Portland, in exchange for a right, they agreed to the lower rate. This contract was held to be valid by the commission. At the same time, Giltner filed a similar complaint against the town of Oak Grove, the rate to be 15 cents. On October 15, the commission heard the evidence, and on October 17 of this year the case was decided. On the 30th of the same month the commission rendered its decision in favor of the complainant, reducing the rates to 10 cents. But on March 2, the railroad secured a temporary injunction against the commission from the circuit court.

On March 7, the hearing of the case in the circuit court began and after several days and after a recess of some days, was again resumed. Franklin T. Griffith appeared for the railroad, while Attorney Crawford, R. R. Giltner and Commissioner Clyde B. Barnes jointly represented the complainant. It was one of the most remarkable court fights ever known in this country and especially in the state's case was one of the most excellent thoroughness. Attorney Crawford took the part on the general law, while not saying much in his hearing, came in at the close with a clearness and readiness that drew forth the expert testimony from the railroad's attorney, that "Acheson probably had made it a point to see himself thoroughly familiar with the conditions existing on the lines between the two cities, and sur-

TERRIBLE COLLISION IN ITALY

FOURTEEN DEAD

SIXTY ARE INJURED—MANY MORE EXPECTED TO DIE—PILGRIM PASSENGER AND FREIGHT TRAINS IN WRECK.

(United Press Leased Wire.) Rome, June 9.—Fourteen persons were killed outright and 60 badly injured in a collision between a pilgrim passenger train and a freight train today at Roccapetra station. Many of the injured are expected to die.

The freight train was running at a high rate of speed when it struck the passenger train and three coaches were telescoped, the occupants being killed or pinned in the debris badly injured.

Fire broke out but by quick work on the part of officials it was extinguished and a much more horrible disaster was narrowly averted.

prised many of the company's witnesses by proving he knew as much, if not more, than they did on the operations of the road.

During the hearing of the case, an attempt was made by the railroad to introduce evidence not previously used before the commission, and the case was ordered back before the commission on March 24 for rehearing. It was again argued before that body, who, on the same day, practically sustained their previous decision.

The Decision.

Judge Galloway, in his decision, holds that the decision of the railroad commission is in conformance with the police power conferred upon it by the legislature; that the contract whereby the company claimed they were compelled to give the 5-cent rate to Lents was illegal and not recognizable by the court and that the rates to Lents and Gates were discriminatory against Milwaukee and Oak Grove, respectively.

SECURES JURY IN

BARNES TRIAL

(United Press Leased Wire.)

Walla Walla, Wash., June 9.—It took but four hours of actual time yesterday to secure a jury to try W. H. (Bud) Barnes for the murder of Mrs. Anna Aldrich, the wealthy Dixie woman, on May 1. No witnesses will be called to the stand before Wednesday morning. This afternoon attorneys for the state and defense will tell the jury what they expect to prove.

"Bud" Barnes' defense will be insanity at the time of the commission of the crime charged and now though it will not be admitted that he committed the deed.

It is expected that the case can be given to the jury the latter part of the week.

Barnett Case Continues.

(United Press Leased Wire.) San Francisco, June 9.—The trial of Walter J. Barnett on the charge of embezzlement of the Colton securities, was resumed today before Judge Conley, James Conning, the secretary of the wrecked California Safe Deposit & Trust company, continuing his testimony.

CHANLER WILL BE WITNESS

FIFTEEN-YEAR-OLD ELSIE

VOECKS CORROBORATES VON HAGEN GIRL'S TESTIMONY—CLERK TESTIFIES FOR ACTOR

(United Press Leased Wire.) New York, June 9.—Sidney Harris, counsel for William Chanler of New York and millionaire, today announced that Chanler would take the stand in the trial of Raymond Hitchcock, the actor, who is accused to having wronged Helen von Hagen at his Long Island home.

Chanler has a place on Long Island, adjoining Hitchcock's and is alleged to have been present when the von Hagen girl and Elsie VoECKs visited the actor there.

Elsie VoECKs, who is alleged to have been with the von Hagen girl in Hitchcock's home, was on the stand today. She said that she is now 15 years old. Her testimony generally corroborated the von Hagen girl's testimony except that she asserted that she had never suffered at the hands of the actor.

The clerk of the Lambs' club, an actors' club of New York, today testified that Hitchcock had reserved a room at the club on December 17 and kept it six days. The testimony combated the assertion that the actor was a tenant of the "house with green blinds" in the Tenderloin, to which it was alleged that he lured the little girls. After the clerk had finished his testimony, the defendant's attorney made a motion that the case be dismissed but this was denied by Recorder Goff.

Assistant District Attorney Garvan moved that the prosecution be allowed to change the dates on the indictments from December 22 to "on or about December 15" and this was granted.

TRAFFIC BLOCKED BY FLOOD

(United Press Leased Wire.)

Butte, Mont., June 9.—It will be at least a week before traffic is resumed as the result of the great damage done to railroad tracks by the floods in this section. The Northern Pacific has again succeeded in opening its service to the east, but the trains have been stalled to some extent by a landslide 20 miles from this city.

To the west it is hard to say when the tracks will be repaired. Miles of ties and rails have been torn out and in Hell Gate canyon some stretches of track three miles in length, which apparently are intact, cannot be found on account of the water and landslides.

Many new station buildings will have to be reconstructed along their lines. A report received here says that a slide of 50,000 square yards of rock was loosened at Bonner Sunday.

Dikes are being constructed along the shores of the Boulder river to save the town of Boulder from being swept away.

TAFT STILL GAINS

MORE DELEGATES

FIRST SPLIT IN COMMITTEE—LOUISIANA DELEGATION DIVIDED—FORMER GOVERNOR FURIOUS AND WILL BOLT.

(United Press Leased Wire.) Chicago, June 9.—The first split since the Republican national committee began hearing contests was made today when, after a hot discussion and much objection, it finally was determined to divide the Louisiana delegation but even this was considered a victory for Taft as it leaves his men in control in the state.

The fight has fastened the name "illy-whites" on the Taft men and term "black-and-tans" on the allies, so far as the contests in the south are concerned.

The decision means that Pearl Wight, a Taft supporter, will be the sole dispenser of federal patronage in Louisiana. Former Governor Warmouth of Louisiana is furious at the result. When the committee adopted the compromise he was asked to accept it.

"I will bolt the convention first," he declared. "There can be no compromise that I could accept. It is impossible."

Warmouth says he will never enter an agreement with the "black-and-tans." The committee took an adjournment before going on with the contests in order to let Warmouth "cool down."

The compromise gives nine votes from Louisiana to each side.

During the recess a number of the committee gathered around Warmouth and tried to pacify him. He was made all the more obdurate by their suggestions and shouted:

"No I won't accept. It means an anarchy in the party. I could never go back to Louisiana and face my people if I agreed to such a scheme.

"As long as I have a drop of blood in my veins I will never sit in a convention with a black man."

Finding it hopeless to induce Warmouth to agree to the compromise, the committee re-convened. A motion to amend the resolution so as to seat the whole Taft delegation was lost by a vote of 30 yeas to 20 yeas. The compromise resolution then was made unanimous.

Warmouth then immediately announced his intention to carry his fight before the credentials committee of the convention and if failing there, to fight it out on the convention floor. The compromise resolution was offered by Chairman New of Indiana, who is presiding over the national committee.

Committee man Stevenson of Colorado offered a resolution requesting the incoming national committee to appoint Pearl Wight committeeman from Louisiana and it was adopted. The contests in Mississippi were then taken up.

The Taft delegates-at-large from Mississippi were seated this afternoon.

The efforts of the Taft men to sweep everything before them were resumed today, when the Louisiana compromise proposition, which caused an adjournment yesterday, was

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DRUMMER KILLS SELF AND WOMAN

IN RENO, NEVADA

FIRST WRITING CHIEF OF POLICE, MEMBER OF THREE BIG ORDERS, COMMITS DOUBLE DEED.

(United Press Leased Wire.) Reno, Nev., June 9.—"A girl cannot be good in Reno" is the statement made in a letter written to the chief of police by William McCausland, a traveling man, recently from Los Angeles, who shot Nan Sutherland with whom he had been living in her rooms last night, and then blew the top of his own head off. The letter was opened early today after the woman had died and explained the tragedy.

The woman was known as Nan Harrison and was but 26 years of age. She came here some time ago from San Francisco where she had been singing at Taft's cafe. McCausland met her here.

McCausland returned to their rooms last night to find the woman in the company of other men and flew into a rage. He shot her and then turned his revolver on himself. The woman's 4-year-old daughter was in the room at the time.

That the shooting was premeditated in the opinion of the police who found the letter addressed to the chief in McCausland's pocket today. The letter says in part:

"This is a case of a man loving a woman too much. I do this act because the love she gave me is dead. I took the baby and have been doing everything for her. A girl cannot be good in Reno."

Accompanying the letter to the chief of police were letters and telegrams written to McCausland by the woman. One said:

"Don't do anything rash until you see me."

The woman was using her husband, J. Byron Harrison of Bloomfield, N. J., for divorce and was stopping at a concert hall here. Her mother is Mrs. John Mitchell of East Orange, N. J.

McCausland was a traveling man for the Armour Packing company. He had known the girl a year. He was a member of the Elks at Bisbee, Ariz.; a Mason and an Odd Fellow.

THREE MORE SAILORS WILL DIE

Los Angeles, Cal., June 9.—Three of the four survivors of the explosion in the fire room of the cruiser Tennessee are in a critical condition today and Dr. Brooks, of the Angelus hospital, stated at noon that their death may occur at any moment. These men are Walter Burns, coal passer, Brooklyn; A. Hays, water tender, Brooklyn, and S. Stamatias, fireman, Norfolk, Va.

The injured men passed a very bad night, but their condition was slightly improved during the morning hours, although according to Dr. Brooks, little hope is entertained that any of the men except Henry Fitzpatrick, fireman, of Brooklyn, will recover.

MAMMOTH LANDSLIDE NEAR BUTTE

GIANT ROCKS FALL

BOULDERS 200 FEET LONG BY 100 WIDE FALL IN CANYON—RESIDENTS DESERT THEIR HOMES.

(United Press Leased Wire.) Butte, Mont., June 9.—The entire contour of the Continental divide has been changed by a tremendous cloudburst, which has caused great rocks 200 feet long and 100 feet high to tumble down the canyon at Columbia gardens, a suburb of Butte.

The huge rocks carried trees, fences and everything in their path. A half dozen small truck ranches have been completely obliterated but curiously enough, not a dwelling was touched. What was once a mountain wall east of the city is now a great gap. It is estimated that millions of tons of rock have fallen since Monday morning. Every family in this vicinity deserted their homes, anticipating the danger.

The wife of J. A. Herman, crazed with fear, was in her home alone Monday night when she was startled by the rumbling noise of big rocks falling. She lost her reason and is now in a hospital.

All roads leading to the spot where the mountain stood have been shut off from the people, as it is feared that the entire wall, which was loosened by the heavy rain will fall at any minute.

Neither the Great Northern or the Northern Pacific will be able to handle business for at least two weeks.

It was estimated today that the total damage will amount to more than \$2,000,000. There was no rain today, the weather being warm, which, it is feared, may make the floods worse. Nearly a foot of snow fell during last week.

Thousands Homeless.

Topeka, Kas., June 9.—Eight thousand persons are reported to be homeless today as the result of the floods. Late reports say that the water is constantly rising and great fears are being entertained for the safety of the property and the people in the part of the rushing water. Train and mail service have been cut off here.

DISGRACE OF FRENCH TRAITOR

(United Press Leased Wire.)

Paris, June 9.—Lieutenant Ulmo, the traitor, who was convicted by court-martial of having tried to seize documents descriptive of the defenses of Houlton, and of a code of signals, is to be publicly degraded before the men he commanded here next Monday.

Ulmo's sword will be broken in front of him, his uniform will be stripped of all honorific decorations and he will then be compelled to pass in front of his men.