

Eminent Jurists of Los Angeles Support Herald's Position on Proper Treatment of Rebate Cases

PROSECUTE RAILROAD REBATERS

DEMAND OF HERALD FULLY WARRANTED

PROMINENT JURISTS GIVE THEIR OPINIONS

Judge John D. Works, Judge D. K. Trask and Joseph H. Call Point Out Plain Duty of State Officials

THE HERALD has announced its determination to see that the law of the state embodied in the constitution prohibiting the granting of rebates and special rates by common carriers shall be enforced.

In default of action upon the part of the state board of railroad commissioners, to whom is primarily entrusted the enforcement of the state law prohibiting rebates and special rates, the people must look to the law officers of the state and of its subordinate subdivisions, the counties, for the enforcement of this law.

Plenty of Law for Attorney General The Herald has been given to understand through press dispatches that the attorney general of the state has expressed anxiety to discover some law which the crimes of giving rebates and special rates by common carriers—the gravest and most destructive commercial crimes known to our age—can be punished.

In order to assist the law officers of the state in the performance of their duty, the Herald has submitted to three prominent lawyers of the Los Angeles bar the declarations of legal principles embodied in editorials upon rebates and special rates which it has published, and has obtained their opinions upon the legal points set forth in these editorials.

PLENTY OF LAW, SAYS JUDGE JOHN D. WORKS IN WRITTEN OPINION

Judge Works in a written opinion rendered by him says:

"I have read with much interest the editorials in The Herald on the subject of rebates by railroads, and particularly the position taken in the law in this state, and without any specific inhibition, such companies may be made criminally liable and punished for the offense.

"If the standard of business honesty and integrity which it should be no legislation would be needed to prevent a practice so manifestly in violation of good morals and common honesty. But the standard of railroad business does not seem to be elevated enough to protect the public and the railroads themselves from this cut-throat method of doing business, nor is the business standard that will countenance the taking advantage of such practices by a shipper, for his benefit, any less reprehensible.

"The provisions of the constitution above named prohibit all discriminations by transportation companies in charges and in facilities for transportation between persons as well as places, for such discriminations are prohibited by sections 21 and 22, article 12 of the constitution, and that such discriminations are punishable by fine and imprisonment.

"I have given some consideration to the subject and am of the opinion that The Herald's premises and conclusions are in all respects sound.

"The provisions of the constitution above named prohibit all discriminations by transportation companies in charges and in facilities for transportation between persons as well as places, for such discriminations are prohibited by sections 21 and 22, article 12 of the constitution, and that such discriminations are punishable by fine and imprisonment.

"The constitution makes it the imperative duty of the commission to establish rates if they do not perform this duty, they may be compelled to do so. When they have established a rate any deviation from it is in favor of one shipper and not of all in a plain violation of the constitution, and the commission is liable by fine not exceeding \$20,000 against the guilty corporation, and a fine not exceeding \$500, or imprisonment for not exceeding one year, against the official or employe



JUDGE J. D. WORKS

—Photo by Marceau.

JUDGE JOHN D. WORKS has been known to the people of the state for many years. For years he was at the head of the bar of the county of San Diego, until he was chosen as a member of the supreme bench of the state, which position he filled with honor to himself and with advantage to the highest judicial tribunal in the state for several years.

Later he removed to the city of Los Angeles, where he has since occupied a prominent place at the bar and has added to his reputation as a counsellor and successful practitioner of the law which he expounded for a number of years as a member of the state's highest court.

of the common carrier guilty of granting the rebate or special rate for each offense. "These sections are self-executing. They require no supplemental legislation by the legislature. Neither can they in anywise be altered or repealed by any legislative act.

JOSEPH H. CALL IS EMPHATIC IN HIS STATEMENT OF CASE

Similar opinion is vigorously expressed by Joseph H. Call, who also freely gives written expression of his views to the readers of The Herald as follows:

"I have read with much interest The Herald's editorials upon the subject of discriminations and the conclusions reached that discriminations by railroads upon commerce within the state, as between persons and as between localities, are prohibited by sections 21 and 22, article 12 of the constitution, and that such discriminations are punishable by fine and imprisonment.

"Under these sections it is also made the duty of the board of railroad commissioners to fix and prescribe the tariffs for freight and passengers, and when so fixed the penalty for each violation by a corporation, a fine not exceeding \$500, or imprisonment not exceeding one year.

WEAK ANKLES NOT WEAK

WHAT many people who complain of having "weak ankles" are in reality slovenly walkers who do not know how properly to use the muscles which control the ankle is asserted by a contributor to Health, who maintains that such persons continually turn their ankles, even when walking on smooth surfaces, thereby frequently suffering sprains that put them on the invalid list for weeks.

"The strongest ankle," he declares, "is not strong enough to support a man unless it is supported by the muscles of the ankle. The trouble is that most people walk in a slovenly manner, depending principally on the equilibrium of their bodies to keep them from falling, rather than the employment of the muscles of the ankle. They totter like drunken men instead of walking with a springy, active step.

"Those who have had trouble with their ankles should bear in mind that the muscles that support the ankle are probably as weak as the ankle, but that they are not properly engaged when walking. In order to overcome this fault one should, when walking, keep his mind on the muscles of the foot and try to cause them to act as much as possible. The practice of flat foot walking should be avoided; instead the foot should be given as much motion as possible when making a stride. If this is done in due time an active, springy walk will become a habit, and the muscles will always be on the alert to keep the ankle from turning.

"The practice of wearing high shoes does much to weaken the muscles of the ankles. As the ankles are relieved of the task of supporting the ankle, the result being that finally the muscles become weak and what is still worse, fall to act at all. The natural consequence of a person losing all control of the muscles of the ankles, just as most of us have lost control of the muscles of the ears.

JUDGE TRASK DECLARES CONSTITUTION PROVISIONS CLEAR AND MANDATORY

Judge D. K. Trask, in his written opinion upon the law as expressed in the state constitution governing the granting of rebates and special rates in this state, says:

"The Herald editorial of October 15, 1907, in relation to the powers and duties of the railroad commissioners of California has been the subject of much discussion and comment among lawyers. That clear, positive and mandatory provisions of our constitution should have been disregarded and not enforced all of these years since that instrument was adopted is something that no one would believe unless he knew a fact which reflects no credit upon the people of this state.

"And that melancholy fact, which accounts not only for the non-execution of the laws but also for the continued existence of inefficient railroad commissions, is that our people have been submitting to government of, for and by the Southern Pacific company.

"The editorial in question has shown that the framers of our constitution provided plain and adequate remedies for the prevention and correction of such abuses as discriminations, rebates and excessive charges for freight or fares by railroad companies. The position of The Herald is sound; it will do a great work if it convinces the people that they must elect railroad commissioners who have the ability, integrity, courage and industry to discharge the duties of their great office."

WOMAN IS ACCUSED OF PASSING BOGUS CHECKS

Mrs. Genevieve Webb Charged with Writing Paper Without Having Funds in Bank—Three Offenses Alleged

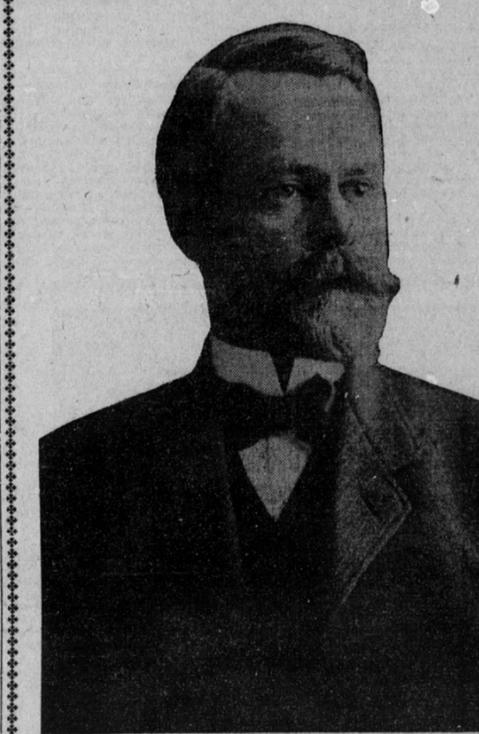
Mrs. Genevieve Webb is held by the police on the charge of passing checks without having funds in bank. The police say they have already discovered three instances in which the woman has passed checks illegally.

October 29, Mrs. Webb is said to have passed a check on the Central National Bank for \$35, using the name Mrs. F. L. Epps; October 29, a check for \$7.50 to Mrs. Mary M. Trask, 541 South Hope street, and on the same date a check for \$10 to Elliott & Bernhow, Sixth and Olive.

Charles Mulford Robinson, the landscape architect, will attend the meeting of the Sunset Boulevard Improvement association Monday evening at the Methodist Episcopal church, south, Sunset boulevard, opposite Custer street.

CONSTITUTIONAL PROVISIONS ARE UNEQUIVOCAL

Following is an extract from section 22 of article 12 of the constitution of the state of California: "Said commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad and other transportation companies and publish the same from time to time with such changes as they may make. . . Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such commissioners . . . shall be fined not exceeding \$20,000 for each offense, and every officer, agent or employe . . . who shall in any manner violate the provisions of this section shall be fined not exceeding \$5000 or be imprisoned in the county jail not exceeding one year."



JUDGE D. K. TRASK

—Photo by Marceau.

JUDGE D. K. TRASK has been a member of the bar of Los Angeles county for the past twenty years and has served two terms as judge of the Los Angeles county superior court. Since his retirement from the bench Judge Trask has again devoted himself to the practice of the law, and the standing which he has achieved both as a practicing lawyer and as a judge is such as to give special weight to his opinion upon matters of law.

WEBB'S RAILROAD EYE

ATTORNEY GENERAL WEBB has made himself the object of severe criticism by his recent action refusing to permit the city of Sacramento to bring in the name of the state quo warranto proceedings to forfeit, on the ground of disuse, an old franchise held by the Southern Pacific company on the Sacramento water front. The city wants to break the stronghold of the railroad company on its means of approach, but Mr. Webb stands in the way as the corporation's next friend. From the statement printed in the Sacramento Union, Mr. Webb seems to have promoted himself to the dignity of a court of law with a difference. The difference is that from other courts there is a right of appeal. As a watchdog Mr. Webb has obvious merits.

Mr. Webb has other uses. T. E. Gibbon, an eminent Los Angeles lawyer, calls attention to certain provisions of the state constitution which cover the case of the interstate rebates given by the Southern Pacific company, as shown by the recent investigation before Commissioner Lane. The constitution expressly forbids discrimination in railroad rates, and under the head of duties of railroad commissioners it is provided: "Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such commissioners . . . shall be fined not exceeding \$20,000 for each offense, and every officer, agent or employe . . . who shall in any manner violate the provisions of this section shall be fined not exceeding \$500, or be imprisoned in the county jail not exceeding one year."

The question here is: What constitutes the establishment of railroad rates by the commission? Mr. Gibbon holds that the acceptance and acquiescence of the commission in the freight tariffs filed and published by railroad companies constitutes their legal establishment and binding force. Any departure from these rates in the shape of a rebate is discrimination of the sort forbidden by the constitution. Mr. Webb can not see it in the same light. He has the advantage of being blind as to his railroad eye.—San Francisco Call.

er, most heartily indorsed by Hon. William J. Bryan, Bishop Fowler and others, gives his noted lecture, "The Mission of Mirth."



JOSEPH H. CALL

—Photo by Marceau.

JOSEPH H. CALL has for many years been a leading member of the bar of Los Angeles county, and during that time has served with marked distinction and success as special attorney of the government in litigation brought for the purpose of restoring to the public domain millions of acres of the public lands which were wrongfully claimed by railroad corporations as government grants. In the course of his professional engagements Mr. Call has also had occasion to devote particular attention to the matter of railroad rates, and this fact gives special force and value to his opinion upon the legal points set forth in The Herald editorials.

HARPERS OBSERVE GOLDEN JUBILEE

MAYOR'S FATHER MARRIED FIFTY YEARS AGO

On Tuesday Festivities Will Take Place at Family Home in Laurel Canyon, Five Surviving Sons Participating

Golden wedding anniversary festivities will be celebrated Tuesday night for Mr. and Mrs. Charles F. Harper, parents of Mayor Arthur Cypryan Harper, at the Harper homestead in Laurel canyon, Hollywood.

All of the five children surviving and visiting relatives will take part at this memorable milestone step in the life journey of the venerable pair. Mr. Harper came to California early in the '50's, sailing around Cape Horn. He was born and educated in South Carolina and there had married his helpmeet, then Miss Martha Whelan Mullen. Mayor Harper was an infant when his parents came to California.

He first embarked in the tinshop business in Los Angeles, and later formed what is now the Harper & Reynolds Hardware company. The Harper tract in southwestern Los Angeles was platted around the old homestead, where Mayor Harper now lives with his family, while the jubilarians afterward moved to a picturesque ranch home on the hills above Hollywood.

Mr. Harper served in the civil war and is to this day an active man in business and ranching, though he is far in the seventies.

The five sons who survive out of seven children are Mayor Harper, Rev. E. J. Harper, who is city forester and a pastor also; Gus and Bert Harper, who are with the Consolidated Pipe company, and Dr. Ben Harper. All are married.

PATIENT COOLLY WATCHES AMPUTATION OF THUMB

Machinist, Injured by Fall of Heavy Engine, Which Crushes Finger, Refuses to Take Anaesthetic

John Koens, a machinist living at 17 South Avenue Twenty, was badly hurt yesterday while at work in the machine shop of the Western Gas Engine company. A heavy engine which Koens was lifting fell on his left thumb, crushing flesh and bone.

At the receiving hospital, Drs. Bonyne and Quint amputated the thumb and the man was taken home. Koens, while undergoing the operation, refused to take an anesthetic and showed great pluck, hardly quivering while the surgeons were using the knife. He watched the operation with interest.

CITIZENS OBSERVE CLEAN-UP SATURDAY

CO-OPERATE WITH CITY'S BIG SANITARY CORPS

Judge Eldridge Leads in Rat Killing in Sixth Ward—Health Office Phones Are Busy These Days

All ward heads in charge of the sanitary campaign now in progress in Los Angeles gathered last night at the health office, reporting that citizens generally took notice of the mayor's proclamation to make every Saturday in November a spotless town day.

The sanitary force of nearly three hundred men and teams is working every day and the citizens have been urged to put their own homes and yards in order, and business hours and on Saturday to independent cleaning, painting, tree trimming and rat killing.

The telephones in the health office are busy all day long with persons asking about the inspectors' work. They are glad to get notices of dirty premises, but if possible the information should be sent to the ward headquarters in each ward.

Hundreds of notices are served daily on house owners and tenants to put their yards, cellars and premises in order.

Hints to Householders Such stuff as cannot be burned will be carted off by the city's teams if put in sound tight boxes, barrels or other strong receptacles which the men can handle easily.

Anything burnable must be taken care of on the premises, as the law directs. Originally the city's teams and laborers had planned to clean no private premises, confining themselves to vacant lots owned by nonresidents who could not be reached except by a slow process.

Because of a premature announcement all house owners started to place their noncombustible rubbish in Grant's bins, and on their curbs and the city gangs found themselves confronted with the necessity of carting the stuff away, though this will take at least one hundred teams and wagons a month.

All the junk men in the city were put on extra duty and teams to search this accumulated stuff for bottles, scrap iron and other salvage and they are thereby partially reducing the haulage by city teams. They are cautioned, however, not to handle the boxes and barrels carelessly, so that the contents spill into gutters.

An Active Veteran Dr. Garvin, in charge of the Sixth ward, said he had given the trophy for the week for the greatest rat killings to G. H. Eldridge, a G. A. R. veteran, who fought under Chaffee and who served as a judge in Fort Grant, Ariz. Judge Eldridge captured and killed 150 rats.

Dr. Garvin, like the other ward directors, complains that the rat traps unloaded on the city are almost useless, as they are too weak to hold rats. The men were put to work with nippers and wire, enforcing all of the traps to make them serviceable, after hundreds of rats made their escape.

One woman on West Pico street telephoned yesterday that she had had a rat caged for two days and unless the department sent a man out to her home right away to dispatch the animal she would report the case to the humane society.

A New Storage Method A well-dressed woman took from her pocket-book two pawn tickets.

"How do you happen to have documents of that kind in your possession?" asked a friend. "They belong to me, that's how," replied the well-dressed woman, serene. "I pawned several pieces of jewelry when I went away in July and I haven't got the things out yet."

The friend's face took on an expression of mingled sympathy and wonder. "Well," she exclaimed, "you are certainly the last person I would ever thought of coming down to that. You always seem to have plenty of money."

"I didn't pawn the things because I needed them there for safe keeping. For several years I have been storing my furs in a pawnshop during the summer. Since they were so well taken care of there I concluded to trust the store with my jewelry this season. Last year the warehouse where I had the things stored was broken and I lost two nice places on earth to keep things in. It is hard enough for people to get their own stuff out of pawnshops, but it is almost impossible for anyone else to get it. Also it is cheaper than a safety deposit vault, so for that combination of reasons I have become a pawnshop patron."

PIMPLES, BLACKHEADS—Get Rid of All Your Face Troubles in a Few Days' Time With the Wonderful Stuart Calcium Wafers

TRIAL PACKAGE SENT FREE You cannot have an attractive face or a beautiful complexion when your blood is in bad order and full of impurities. Impure blood means an impure face, always.

The most wonderful as well as the most rapid blood cleanser is Stuart's Calcium Wafers. Use them for a few days and the difference tells in your face right away.

Most blood purifiers and skin treatments are full of poison. Stuart's Calcium Wafers are guaranteed free from any poison, mercury, drug or opiate. They are harmless as water, but the results are astonishing.

The worst cases of skin diseases have been cured in a week by this quick-acting remedy. It contains the most effective working power of any purifier ever discovered—calcium sulphide. Most blood and skin treatments are terribly slow. Stuart's Calcium Wafers have cured boils in three days. Every particle of impurity is driven out of your system completely, never to return, and it is done without deranging your system in the slightest.