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PROSECUTION OF STANDARD AND TOBACCO IS DEMANDED

Senator Pomerene Declares That Sherman Anti-Trust Law is Specific in Its Language and Action Necessary

NATIONAL EMBLEM IS AT ISSUE HE SAYS

Shall Stars and Stripes Be Banner Or the Oil Tank and Smokers' Tag is Question Before People Today.

(By Evening Herald A. P. Leased Wire)

Washington, June 15.—Criminal prosecution of the officers of the Standard Oil company and the American Tobacco company was demanded today by Senator Pomerene, who addressed the senate on his resolution calling on the attorney general to undertake such legal action.

The Ohio senator declared at the outset that the Sherman anti-trust law was specific in its authority to press such a suit against conspirators who restrain trade. He contended that the lawyers' doubts at the meaning of the statute were "an imputation to the side of the lives they revered from their clients, and that the interpretation of the law by the supreme court of the United States was clear.

"Now, with these plain findings of fact and conclusions to the court that this statute has been violated," he said, "what reasons can be given by any sworn court official for not continuing no fight against them in order to bring them to the bar of justice? What excuse can any law makers or any executive official give to the people of this country for a failure to enforce this law when they are every day exerting themselves to punish infractions of the law against other transgressors with loss money and less influence at their command. A decent sense of self-respect requires the government either to enforce this law or repeal it."

Declaring that if criminal prosecutions had been undertaken when the law was first enforced there would have been no such concentration of power as exemplified in either of the two corporations under discussion, Mr. Pomerene said that the ruling of the supreme court must be followed up sturdily in the most vigorous fashion "or the fruits of these victories will be lost to the government and to the people.

"I think it is high time that the American people should understand whether the stars and stripes are to be the emblem of their power and authority, or whether that emblem shall be the oil barrel or the tobacco tag."

The senator summarized the opinions of the supreme court in both decisions and contended that they disclosed that both corporations and their officials had been violating the law since it passed in 1890. He declared there was precedent for his resolution of instructing the attorney general, inasmuch as the latter had failed to undertake the criminal litigation although it is provided for in the anti-trust law.

"The attorney general is but a creature of the law," he said. "His office was created by congress. He is clothed with such powers and required to perform such duties as congress sees fit to demand of him. It can add to or it can take away from those powers whenever in its judgment it is deemed proper.

"It is not proposed that a resolution shall have the same force and effect as a statute, but it is proposed to declare to the department of justice in no uncertain way that the congress which made him and clothed him with power is cognizant of the fact that the law has been violated, that the court has so declared, that for 21 years no respect has been paid by any of these defendants to the provisions of the law and that, in the judgment of congress, he ought to begin these criminal prosecutions and prosecute and the resolution instructs him so to do in order that the majesty of the law may be preserved."

Senator Pomerene closed with an appeal to the senate for support for the resolution.

WHITE STAR LINE MAKES TERMS

(By Evening Herald A. P. Leased Wire)

London, June 15.—It was announced this evening that the White Star line and the Seamen's union had arranged a settlement of their difficulties, the White Star conceding an advance of $2.50 a month in wages to all employes involved. This is one half the amount demanded by the strikers.

HIGH HEELS ARE MORE DANGEROUS THAN RUM

New York Judge Scores Silly Habits of Women and Starts Nation Wide Campaign for Foot Reforms.

(By Evening Herald A. P. Leased Wire)

Troy, N. Y., June 15.—A nation wide movement against the wearing of high heeled shoes is the plan of Justice W. G. Howard of the supreme court of New York state. In an address here last night Justice Howard said to an audience of women: "The wearing of high heeled shoes is as barbarous and torturing and as destructive of health as the Chinese wooden shoes. It is as heathenish and outlandish as wearing rings in the nose, altering the face and breeds an ungainly and deformed race. Can I urge you to go out and advocate normal feet such as God gave? Have you the courage to speak out against this silly fashion, a fashion as destructive as rum, as deadly as opium, or are you to be counted among the slaves?"

EIGHT HOUR LAW PARTLY INVALID

Judge Densmore Declares it Discriminatory in its Application to Hotels; Otherwise Measure is Constitutional.

Riverside, Cal., June 15.—The eight-hour law, so far as it refers to hotels, is discriminatory and therefore unconstitutional. In all other respects the new law is valid, the legislature having the right, under its police powers, to pass such a provision.

Such is the meat of the decision of Judge Frank Densmore in the case of Frank A. Miller, proprietor of the Glenwood Mission inn, who appealed from the judgment of Justice of the Peace Hafter, finding him guilty of having violated the new law in having employed Emma Hunt, his head waitress, more than eight hours during one day.

Judge Densmore upholds the constitutionality of the new law in every respect except where it applies to hotels, and in this respect finds that it is discriminatory for the reason that the application of the law does not include lodging and boarding houses as well as hotels. The decision also finds that the unconstitutionality of the one application of the law does not destroy the entire enactment, but merely affects its application to hotels.

The decision was read from the bench shortly after 9 o'clock in the morning, the courtroom being crowded with attorneys and merchants all deeply interested in the fate of the new precedent, this being the first test suit to reach the superior court for final adjudication. District Attorney Lyman Evans states that he has not the right of appeal, therefore the decision becomes final.

In reaching this conclusion Judge Densmore thoroughly discusses the provisions of the new law from the standpoint of the legal or constitutional right of the legislature to enact a provision limiting the hours of labor of one sex, which provision does not apply with equal force to the opposite sex, and, after citing numerous decisions of courts in other states, upholds this right as a police regulation intended for safeguarding the health of women.

Under the provisions of the new law it is laid down that "No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone office, or by any express or transportation company for more than eight hours in any one day, or 48 hours in any one week."

ARIZONA PROJECT IS APPROVED

Secretary of Interior Gives Official Sanction to Irrigation Reservoir in Hassayampa Valley.

(By Evening Herald A. P. Leased Wire)

Washington, D. C., June 15.—Secretary of the Interior Fisher has approved an application by Mrs. Eleanor C. Wilson for the use of 300 acres of land in the Hassayampa valley, Arizona, for the box canyon reservoir. Notice of the approval will be sent to the local land offices at Phoenix in a few days. The reservoir is to be used for irrigation and power purposes.

MORMON LEADER MUST TESTIFY ABOUT SUGAR COMBINE

Joseph F. Smith of Salt Lake Will Be Witness Before the House Committee; Senator Smoot Makes Excuses.

OFFICIALS FACE TRUST RESOLUTION

(By Evening Herald A. P. Leased Wire)

Washington, June 15.—Joseph F. Smith, head of the Mormon church, has been summoned to appear before the house sugar trust investigating committee to tell what he knows of the formation of the Utah-Idaho Sugar company, a combination.

Senator Smoot of Utah made an unsuccessful effort to have the Mormon president excused, insisting that Thomas R. Cutler of Salt Lake could supply all the information desired from Mr. Smith.

The committee, after considering the matter decided that Mr. Smith should appear in person.

A resolution adopted in 1898 by the directors of the American Sugar Refining company, authorizing their committee "to fix the price of sugar and to buy outside refineries at terms to be fixed at their discretion," confronted the officials of the company today when they appeared before the house committee.

The resolution had been found in the minute books of the company.

DEMOCRATS RALLY IN QUAKER STATE

Champ Clark and Woodrow Wilson Are the Principal Speakers at Get-Together Meeting in Pennsylvania.

(By Evening Herald A. P. Leased Wire)

Harrisburg, Pa., June 15.—Governor Woodrow Wilson of New Jersey and Speaker Champ Clark will be the principal speakers at a big Democratic rally here tonight, following the organization of a state federation of Democratic clubs.

Forty-five clubs are expected to be represented at the meeting.

MAINE WILL SOON BE OUT OF WATER

Pumping Lowers Coffer Dam One Foot Every Four Hours and Examination of After Structure May Be Made.

(By Evening Herald A. P. Leased Wire)

Havana, June 15.—At 10 o'clock this morning the water level in the coffer dam surrounding the wreck of the battleship Maine stood at five feet six inches below normal, without revealing anything of importance. It was the intention of the engineers to continue pumping during the day at the rate of one foot every four hours and so lower the water by a total of eight feet before dark, probably permitting an observation of the after superstructure and part of the main room space.

MILLIONAIRE IS RECUPERATING

(By Evening Herald A. P. Leased Wire)

New York, N. Y., June 15.—W. E. D. Stokes, who was shot by Ethel Conrad and Lillian Graham in their apartments a week ago, was discharged from Roosevelt hospital today as out of danger and immediately left for his cottage at Long Branch, N. J. Both the girls are still in the Tombs in default of $11,000 bail each.

TEXAS CORN CROP SAVED BY RAINS

(By Evening Herald A. P. Leased Wire)

Fort Worth, Texas, June 15.—General rains occurred over a radius of 300 miles in every direction from Fort Worth last night varying in amount from one half to two inches. In some sections a drouth has prevailed for two months and crops suffered severely.

The precipitation will save the corn crop which has been regarded as practically lost.

NEUTRALITY LAW VIOLATORS ARE ARRESTED BY GOVERNMENT

Men Who Are Alleged to Be Heads of Movement in Lower California Are Held in Los Angeles on Charges.

THEY WILL BE TAKEN INTO COURT MONDAY

(By Evening Herald A. P. Leased Wire)

Los Angeles, Cal., June 15.—Ricardo Flores Magon, Angelmo Figueroa, Enrique Magon and Librado Rivera, alleged heads of the Mexican revolutionary junta, who were arrested here on federal indictments yesterday, will be arraigned Monday before United States District Judge Wellborn on the charge of having violated the neutrality laws of this country.

According to officials of the United States district attorney's office, bail of $5,000 will be demanded in each case.

More arrests are expected on indictments already found by the federal grand jury, before the Magons and their alleged aids appear in court. Three of these according to the federal authorities may occur today.

THEATRICAL MAN IS ARRESTED FOR PLOTTING

San Diego, Cal., June 15.—Dan Ferris, the Los Angeles promoter and theatrical man, who has a refined considerable notoriety in connection with the insurrection in Lower California, was arrested here today on a charge of conspiracy. The arrest of Ferris is believed to be in connection with those of members of the Mexican liberal parties jailed in Los Angeles for violation of the neutrality laws in promoting the rebellion. Ferris was unable to furnish $2,000 bail. The arrest of Ferris created a sensation in San Diego.

AUSTRIAN PORTS SWEPT BY STORM

(By Evening Herald A. P. Leased Wire)

Trieste, Austria, June 15.—A storm of hurricane force raged during the night, causing many deaths and much damage to shipping. Early today the bodies of recent victims had been recovered at this point.

It is feared that fishing smacks with crews totalling forty men, which were at sea last night, were lost. The ships in the roads were severely damaged. A great wreck with its crew of twelve foundered. Slight damages to craft are reported from other points on the Adriatic sea.

TODAY'S GAMES

American League.

Philadelphia-Chicago game postponed; rain.

	R.	H.	E.
Cleveland	2	6	2
New York	1	5	0
Detroit	9	5	3
New York	5	12	0
St. Louis	7	16	1
Washington	8	14	1

National League

	R.	H.	E.
Philadelphia	1	7	0
Chicago	0	4	1
Boston	5	8	3
Pittsburg	8	8	1
New York	3	7	0
St. Louis	0	5	0
Brooklyn	1	7	2
Cincinnati	0	5	2

Boost for New Mexico!

"Post Card Day," for New Mexico will be on Thursday, June 22. Governor Mills has designated that day as a general day for advertising the state to-be of New Mexico. Post Cards containing general and detailed information regarding any part of New Mexico may be obtained in any quantity from H. B. Hening, Secretary of the Bureau of Immigration, Albuquerque.

Post Cards telling about Albuquerque, may be obtained from Tom Naylon, Secretary of the Commercial Club.

Make a list of some of your friends who might be thinking of moving and send them some post cards. Post Cards are free---all it will cost you is the stamp.

PORTUGESE TROOPS MUTINY WHILE THE ROYALISTS ATTACK

Reports Without Further Confirmation, Come From Border of Miniature Republic That Ex-King Triumphs.

SPANISH CATHEDRAL DAMAGED BY A BOMB

(By Evening Herald A. P. Leased Wire)

Madrid, June 15.—Telegrams received today from Vigo state that a monarchist revolution has broken out at Chaves, Portugal, and that the Portuguese garrison mutinied and killed its commander. The monarchists formed and raised the offices of the Republican newspaper in the plaza Braga.

REPORTS OF MUTINY ARE NOT CONFIRMED

Vigo, Spain, June 15.—Reports from Chaves of the mutiny of two regiments of Portuguese troops are not confirmed. The rumors are probably unfounded, since it is learned from other sources that the Royalist plans on the Portuguese frontier did not develop as had been expected. It is supposed here that the royalists at Chaves planned to profit by the approach of Captain Couceiro, the monarchist leader, who is said to be at the head of the forces near Braga.

BOMB WRECKS DOORS OF SPANISH CHURCH

Valencia, Spain, June 15.—The great entrance of the cathedral here was shattered by a bomb exploded in the place today. So severe was the shock that several neighboring buildings were damaged. No one was injured.

INSURRECTOS WILL NOT LAY DOWN THEIR ARMS

(By Evening Herald A. P. Leased Wire)

Mexico City, Mexico, June 15.—Revolutionists in the southern part of Vera Cruz, numbering 500, are said to have refused to lay down their arms in accordance with the plan by disbanding on June 20, and to have taken the field in Americans. The government has intercepted the revolutionary chief, Rosario de San Andres Tuxtla, to prevent against the disturbance. It is also reported that 500 insurrectos who have recently laid down in Morelos have assumed a hostile attitude toward all authority and are preparing to continue fighting.

Copies of the official call for the holding of primaries on October 1, for the general presidential election on October 15, were posted in the federal district.

JOHN KLING GETS CAPTAIN'S JOB

(By Evening Herald A. P. Leased Wire)

Pittsburg, Pa., June 15.—John Kling, former Chicago catcher, was this morning appointed captain of the Boston National league team by President Dovey and Manager Fred Tenney. Kling will take charge of the team on the field, beginning this afternoon.

GERMANY WILL NOT BE RESPONSIBLE FOR CASTRO

Vessel Flying Wilhelm's Flag Has No Authority and Censure Must Attach to Hayti for Landing of Former Exile

(By Evening Herald A. P. Leased Wire)

Berlin, June 15.—The German government disclaims all responsibility for the insults offered Cipriano Castro, which it regards as flying the German flag and announces that the blame for any complications that may result from the landing of Cipriano Castro, the exiled president of Venezuela, will rest on the Haitien government.

The steamer was formerly the Haitien steamer Lachenier, and was purchased from Italy by Hayti, which latter country is the one now properly authorized with the movement of the vessel.

The steamer recently arrived at Port De Paix, Hayti, and according to advices received at Washington from Jean H. Torres, the American consul at Fort Au Prince, has on board the exiled Castro, who is supposed to be attempting to return to Venezuela in the hope of being able to rally his erstwhile followers and so regain the presidency, from which he was deposed after he had left the country for a visit to Europe in the fall of 1908.

COLEMAN CUT-OFF COMPLETES CHAIN

Galveston to the Pacific Coast Via. the Santa Fe to Be Scheduled After First of August; Cut-Off Helps.

A new through direct route from the Atlantic coast and Gulf of Mexico ports to the Pacific coast has been created by the completing of the Coleman cut-off on the New Mexico and Texas lines of the Santa Fe. It completes a traffic way for the Santa Fe, in conjunction with the Mallory steamship line from the Atlantic coast by way of Galveston, and by the new Pensacola & Pacific and the Central Arizona lines, which make connections with the San Francisco & St. Louis lines at New Orleans.

The new cut-off between Texico on the Belen line of the Santa Fe and Coleman on the Gulf line of the same system, just completed and to go into operation August 1, closes the southern end of a big triangle of Santa Fe tracks and affords the short line between Galveston and San Francisco and a line only a few miles longer than the Southern Pacific route between the former city and Los Angeles. Heretofore passenger traffic from Galveston to the Pacific coast has been a problem for north as Newton, Kansas. Freight traffic moved over the Gulf line to Guthrie, than over a close line to a connection with the Belen line at Kinsley, making a total distance of 2,914 miles from Galveston to Los Angeles.

The first long step toward this new direct line to the Pacific coast from the Gulf of Mexico was the building of the low grade line from Bean to Clovis, a distance of 240 miles. Then the line from Texico, thirty-four miles east of Clovis was projected. It was proposed to build the line to a connection with the Santa Fe at Temple, which has been accomplished. While this construction was going on progress was made in lessening grades and curvatures on the line between Coleman and Temple, with the object in view of establishing a low grade line in conjunction with the new line between Coleman, Clovis and Texico, and the Belen line for traffic from the Gulf of Mexico to the Pacific coast.

By reason of its length, now increased by the new line of the Santa Fe from Texico from a close competitor of the Southern Pacific for traffic originating on the Pacific coast consigned to Galveston, New Orleans and points, or the much larger volume of traffic brought to the Mexican gulf ports by ships originating in the immediately adjacent territory to those ports. With the completion of the new short line the Santa Fe will be able to actively compete with Southern Pacific for a larger share of this business.

The transportation authorities in Los Angeles, to Galveston, Santa Fe, 2,745 by main line; 2,914 miles via Bean cut-off and by the new line, 1,554 miles. Los Angeles to Galveston Southern Pacific, 1,831 miles. The two miles in favor of the Southern Pacific is largely overcome by reason of the low grades which the Santa Fe has constructed from Albuquerque to Texico and the reduction of grades on the Coleman and Galveston [illegible] Galveston and Galveston [illegible] is longer via Santa Fe from [illegible] to Galveston, it will be [illegible] from San Francisco which [illegible]

A PORTION OF EL PASO IS ON MEXICO SIDE

Chamizal Boundary Commission Attempts to Fix Line Which it Will Be Impossible to Locate With Survey

RESULTS OF WORK ARE DISMAL FAILURE

As Washington Understands Findings There is Nothing Left to Do Now But Submit Matter to Diplomats.

(By Evening Herald A. P. Leased Wire)

El Paso, Texas, June 15.—The international boundary commission, consisting of General Anson Mills, American commissioner; Senor Puga, Mexican commissioner, and Hon. Eugene Lafleur of Montreal, Canada, presiding commissioner, today handed down its decision in the Chamizal arbitration. The question submitted to the commission was as to the international title of the Chamizal tract, a body of accretion land lying between the present channel of the Rio Grande and the obliterated and abandoned channel of the river as surveyed by the boundary commission in 1852. The tract is and always has been physically and geographically a part of the city of El Paso, Texas, about 6,000 of the 40,000 inhabitants of El Paso living upon the tract.

The opinion and award of the commission are indecisive. The net result of the opinions of the three commissioners, which agree only on certain points of contact, is an attempted division of the tract between the United States and Mexico.

The suggested dividing line is the channel of the river as it ran in 1884, a line which the commission does not attempt to relocate and which is impossible of relocation. The decision marks a notable departure. It is the first attempt so far as is known in the history of jurisprudence to divide accretion land upon the theory that slow erosion would change the boundary line and that rapid erosion would not.

Vigorous dissenting opinions were filed both by the American and Mexican commissioners. In concluding his opinion the American commissioner says that the award "breathes the spirit of unconscious but nevertheless unauthorized compromise rather than of judicial determination."

COMMISSION PROVES A BANK FAILURE

Washington, June 15.—As understood here the decision in the Chamizal zone case means a practical failure of the tribunal. In substance the commissioners found that up to a certain point the lands on the El Paso side of the river grew by accretion, but that at another period there was a sudden subsoil by the river of a considerable portion of Mexican territory.

The lands submitted by agreement belong to the United States. The lands submitted of all from Mexico belong to the latter country. It is believed to be impossible to draw the line between the two and the whole case must be referred to diplomatic adjustment.

SUBMARINES OFF ON LONG TRIP UNDER WAVES

Seven Boats Will Make Voyage of 150 Miles Beneath Water; Will Come to Surface Only During Night.

(By Evening Herald A. P. Leased Wire)

Newport, R. I., June 15.—Bound for an underwater voyage of 150 miles to Gloucester, Mass., the submarines Grayling, Bonita, Narwhal, Salmon, Snapper, Stingray and Tarpon belonging to the third submarine division of the Atlantic fleet left Newport today under command of Lieutenant Bingham.

During the trip, which is expected to consume three days, the submarines will come to the surface in the day time only to recharge their batteries. They will put into some harbor each night, where they will rise from the depths.