

WEEKLY JOURNAL-MINER

PIONEER PAPER OF ARIZONA.

PRESCOTT, ARIZONA, WEDNESDAY MORNING, SEPTEMBER 20, 1911.

FORTY-EIGHTH YEAR.

SHOWER OF WARRANTS LATEST MOVE

Counsel For McNamara Is Charged With Contempt Of Court

Warrant Issued For Arrest Of Attorney Harrington Of Chicago

By Associated Press.
LOS ANGELES, Cal., Sept. 18. — A warrant charging John R. Harrington, Chicago attorney allied with the McNamara defense, was sworn to today for alleged contempt of court in Harrington's refusal to answer questions before the grand jury. The warrant was given to the sheriff for service but a search reveals the fact that Harrington had been absent from the city a week. He is supposed to be in San Francisco working in the office of O. A. Tveitmo, secretary-treasurer of the State Building Trades council.

The issuance of the warrant, according to Deputy District Attorney Arthur L. Veitch, is only the beginning of a series planned by the prosecution to stop alleged attempts by the McNamara defense to intimidate the state's witnesses. The citation which preceded the warrant accused Harrington of refusing to answer questions before the grand jury relative to an alleged attempt to influence Mrs. D. H. Ingersoll, the San Francisco lodging house keeper, who identified J. B. McNamara as J. B. Bryce, to leave the state. Bryce stayed at Mrs. Ingersoll's house immediately preceding the Times explosion.

Supporting the citation was an affidavit from Charles F. Wier, foreman of the grand jury, setting forth the questions which Harrington refused to answer pleading as an attorney that his information on the subject was privileged. The questions purported to determine whether Harrington offered the woman's husband money to assist her in leaving the state. Another affidavit from Ingersoll said he never employed Harrington as an attorney.

FOWLER HOPES TO RESUME THURSDAY

By Associated Press.
GOLPAX, Cal., Sept. 18.—Fowler announced today that he will make a trial flight Wednesday and has hopes that he will resume his flight overland Thursday. The repairs to his machine are nearly completed. Despite the reports that the engine was uninjured it is understood now that he had to send to San Francisco for a new one. He is still confident and says he will win the prize. He plans to start Thursday at day-break when the currents are less active than later in the day.

Journal-Miner—High class job work

INSURGENT LEADER IN COURT

General Pryce Ready To Fight Extradition To Mexico

Member of Red Cross Will Testify on Behalf Of Prisoner

By Associated Press.
LOS ANGELES, Cal., Sept. 18. — Defeated in all his preliminary efforts to balk a hearing General Caryl Rhys Pryce, insurrecto leader of Lower California during the recent rebellion, will go into court tomorrow prepared to fight extradition on the merits of his case. The testimony of H. B. Stewart, member of the Red Cross, who assisted in carrying the wounded after the first battle at Tia Juana will testify that he personally knew that Pryce after capturing the town issued strict orders against looting and ordered all liquor in the place confiscated lest the men drinking might disregard his commands. Basing his contention on Stewart's testimony, Pryce's attorneys will ask for the dismissal of the robbery charge which they say is the only one the Mexican government has any real hope of proving.

Alexander Savine, said to be a wealthy merchant of Tia Juana, created a small sensation today when he whispered during the trial to Attorney Frank Stewart, who is representing the Mexican government that he would be followed and threatened him with dire results should the testimony he was expected to give be unfavorable to Pryce. The prosecution asked a continuance of the hearing until tomorrow in order to obtain warrants for the alleged offenders.

Antonio Orenial, the first witness, translated the complaints against Pryce.

RATE HEARING BEGINS IN LOS ANGELES

By Associated Press.
LOS ANGELES, Cal., Sept. 18. — Franklin K. Lane is scheduled to arrive here tonight to begin the taking of testimony tomorrow in the rate cases affecting Arizona. The Maricopa County Commercial club, complainants and F. A. Jones, traffic manager of the club, are here to conduct their side of the case. One case affects California to Arizona distributive rates on products coming in through ports. Another affects stock shipments.

Secretary Tomlinson of the American Livestock association is here to aid the cattlemen. Three others involve Arizona shipments of farm manufactured products including hay and flour. Arizona is still maintaining that its territorial commission has the right to act and that otherwise, the commission's hands are tied, the rates being interstate.

COPPER

NEW YORK, Sept. 18.—Electrolytic \$12.50 to \$12.62½.
Lake, \$12.62½ to \$12.87½.
Casting, \$12.25 to \$12.50.

TAFT DISCUSSES TRUST EVIL

Commends Decisions Of The Supreme Court

Two Killed By Storm In Chicago

By Associated Press.
CHICAGO, Ill., Sept. 18.—A check tonight shows that two persons were killed and many injured in today's storm which blew down signs, uprooted trees and displaced roofs. The wind was followed by heavy rains. The dead are John McPhillips, 73 years old, blown over a railing into a basement, and Thomas Matthews, 28 years old, who was found dead in a gutter filled with water. It is believed the latter was knocked senseless by a fall and drowned.

Basements of the big down town stores were flooded and much glass was broken. The damage is estimated at half a million dollars.

BIG STAKES AT DETROIT

DETROIT, Mich., Sept. 18.—Detroit's second Grand Circuit race meeting, held in connection with the Michigan State Fair, opened today and will continue until next Friday. The program provides for twenty events, among the winners of which \$45,000 will be distributed.

INDEPENDENCE DAY IN CHILE

SANTIAGO, Chile, Sept. 18.—The ninety-ninth anniversary of the declaration of Chilean independence was celebrated with elaborate festivities throughout the republic today.

Strike Depends On Machinists' Action

Conference of Harriman Line Employees Ends Abruptly When Kruttschnitt Refuses to Recognize Federation

By Associated Press.
CHICAGO, Ill., Sept. 18. — James W. Kline, president of the International Union of Blacksmiths and Helpers, arrived today after a trip to San Francisco to attend a conference between the officials of the five unions involved in the dispute with the Harriman lines over the recognition by the railroad officials of the shop employees' federation. The conference ended abruptly with Kruttschnitt's refusal to recognize the federation. Kline stopped off at several places

en route to learn the temper of the men in question. He said they almost unanimously favored a strike if recognition was withheld. He further said that no action would be taken immediately.

From an authoritative source tonight it was learned that no action would be taken by the International Association of machinists, now in session in Davenport, Iowa, adjourned. Further action depends largely on the attitude of the machinists, without whose support no strike could be called.

PREMIER OF RUSSIA SUCCEUMBS TO WOUNDS

By Associated Press.
KIEV, Russia, Sept. 18.—Russian Premier Peter A. Stolypin died tonight from the bullet wounds inflicted by an assassin during a gala performance at the Municipal theater Thursday evening. The official time of his death was announced as 10:12 p. m. The premier was conscious almost until the last. Toward the end he suffered greatly and finally his heart action became weaker and weaker until as his body grew cold the premier realized he was dying. At a lucid interval the priest admin-

istered extreme unction and Metropolitan Flavian blessed and consoled him in his last moments. His last words were "Lift me, right up."

Hope for his recovery was abandoned this morning and premature reports of the premier's death were prevalent hours before he actually died.

One hundred and fifty arrests of lawyers and other acquaintances of Dmitri Bogroff, Stolypin's assassin, have been made at Kiev. Bogroff talked freely and gave the authorities many valuable clues and his

DELIVERS STATESMANLIKE ADDRESS ON THE GREAT QUESTION CONFRONTING AMERICAN PEOPLE

Declares Enforcement of the Sherman Anti-Trust Law Will be Signal for Voluntary Dissolution of Illegal Combinations

By Associated Press.
DETROIT, Mich., Sept. 18.—President Taft today plunged into the political phase of his long trip through the west. He delivered a set speech which may have a determining effect on his future. He chose "trusts" as his subject and outlined his position on this inquisition.

In a second speech he answered the charge that he had used patronage to further his own ends and challenged the men who made the charge to come forward and join him in the extension of a civil service policy to include all the appointive offices under the government. He announced a uniformed opposition to any amendment of the Sherman anti-trust law designed toward overthrowing the "rule of reason" as laid down by the United States Supreme court and challenged William Jennings Bryan and all others criticizing the courts to cite a restraint of trade case which they would condemn which

would not be condemned under Justice White's definition.

President's Address.

My fellow citizens: I propose to take up the question which has occupied the attention of the American people for now twenty years, that of industrial combinations known as "trusts." During the last year we have had two great decisions by the Supreme court of the United States. They are epoch-making, and the public has not yet come to realize the effect that those decisions are certain to have. It is not that the construction which the court has put upon the act is different from that which most members of the profession, and most subordinate courts, and indeed, the supreme court itself, had before indicated as the proper construction of the statute; but it is that it is now finally settled, by two fully considered decisions in respect to two of the largest and the most powerful of these combinations, at which their illegality consists in, and how they are to be treated, in view of the finding that they are illegal and do violate the provisions of the so-called anti-trust or Sherman act.

Persons who do not understand the law have a great deal to say which is intended to lead the public to the belief that in some way or other the supreme court has emasculated the statute and prevented its operation against objectionable and injurious trade combinations and conspiracies. Nothing is further from the truth.

When the statute was passed in 1890 the expressions used in it to define its object and what it was proposed therein to denounce as unlawful were not new but they were sufficiently broad and indefinite to require judicial construction to settle their meaning. Congress was dealing with a subject matter in respect to which it may be assumed that the legislators themselves were not clear as to the exact limitations of the meaning of the words in the statute they were passing. They knew

there was an evil which they hoped to restrain by the enactment of this law, and they relied upon the courts in their construction of the law to hedge about its operation such restriction as would prevent the statute from being so wide in its application as to involve absurdity and the impracticable. The early decisions under the law cannot be said to have been fortunate. The decisions in what is known as the Sugar Trust case—the Knight case—was really a retrograde step and one which really to limit much the operation of the statute. It encouraged the organization of combinations which the same court has since found to violate the statute. The case could not be effectively presented to the court because the record had not been properly made up and the questions arising were treated in the opinion in such a way as to give the impression that the operation of the law would be most restricted, because of limits of federal jurisdiction. Indeed some law officers of the government did not hesitate to say that under this decision there was little hope of reaching the evil aimed at through federal action.

It has required twenty years of litigation to make the statute clear. But now it is clear.

I shall not attempt to give it a close, lawyer-like interpretation—but I think it is not departing from the declaration of the court to say that they find any contract in restraint of trade, made for the purpose of excluding competition, controlling prices or of maintaining a monopoly, in part or in whole, is contrary to the statute, and is subject to injunction and indictment under the statute in the federal courts where it affects interstate trade.

Now, I would like to ask Mr. Bryan or any of the other publicists and jurists who have been denouncing this opinion as the surrender of the rights of the people and a usurpation of judicial power, to tell the public what particular contract or restraint of interstate trade he would condemn which would not be condemned within this definition of the court. The difficulty with the literal construction of the statute is that it would denounce a great many minor or incidental restraints of trade, which made the statute ridiculous and weakened its effect and lent support to the criticisms and contemptuous treatment of the statute by those who were opposed to its passage and enforcement.

For instance, take the instance cited by a federal circuit judge in which he said that under the literal construction of the statute it would condemn within this definition of the court. The difficulty with the literal construction of the statute is that it would denounce a great many minor or incidental restraints of trade, which made the statute ridiculous and weakened its effect and lent support to the criticisms and contemptuous treatment of the statute by those who were opposed to its passage and enforcement.

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MARTIAL LAW DECLARED IN VALENCIA

MADRID, Sept. 18.—A general strike, which has revolutionary support, has broken out at Valencia, a maritime city 197 miles southeast of here. Martial law has been declared and troops occupy the streets. The telegraph wires have been cut. Just before communication was broken it was reported that serious disturbances had occurred. Valencia has 200,000 population.

SILVER

NEW YORK, Sept. 18.—Silver 52½, Mexicans unchanged.

LEAD

NEW YORK, Sept. 18.—Lead \$4.40 to \$4.50.

original confident behavior has given way to despondency. It is generally believed that Bogroff is a member of some autonomous organization organized for the purpose of assassinating individual statesmen. Another theory widely believed is that he was both a police spy and a revolutionary agent and when found out was forced to kill Stolypin or be killed himself.

MANY KILLED IN CHIAPAS RIOTS

By Associated Press.
CITY OF MEXICO, Sept. 18.—A number of persons were killed today in a clash between the state troops and rebellious Indians of Chiapas near Rio de Grijalva, Chiapas. It was stated at the president's office that troops will be sent to the scene.

TALLEST SKYSCRAPER

WACO, Texas, Sept. 18.—The office building recently completed in this city by the Amieable Life Insurance company was formally dedicated and opened today. The structure is twenty-two stories high and is said to be the tallest office building in the Southwest.