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NO. 245

NEW TRIALS FOR 6 LABORERS IN DYNAMITE CASE

Federal Court of Appeals Reverses Judgment Against Olaf Tveitmoe and Five Others, But Sustains the Conviction of Twenty-four Others.

Lower Court Erred in Consolidating Indictments and in Permitting McManigal to Testify.

CHICAGO, Jan. 6.—The United States court of appeals granted the appeals of six of the union men convicted at Indianapolis for illegally transporting dynamite, for retrials. It denied retrials, however, to 24 others.

Retrials were granted to Olaf Tveitmoe of San Francisco; James Ray, Peoria; Richard Houlban of Chicago; William McCain of Kansas City; Fred Sherman, Indianapolis and William Bernhardt, Cincinnati.

The cases were heard by Judges Seaman, Baker and Kohlsaat. The court's opinion was read by Judge Seaman.

Errors of Court

The court overruled all the challenges in error alleged by the defense attorneys. On this ground retrials were denied to twenty-four of the defendants. The claims overruled were:

That the lower court erred in consolidating the indictments and in overruling a motion to vacate this order.

That the lower court erred in permitting Ortle McManigal and Edward Clark, the latter business agent of the Cincinnati local of the iron workers both defendants, to testify for the government.

That the lower court erred in overruling a motion to compel the government to elect whether to prosecute the defendants under indictment alleging conspiracy or under a charge of aiding and abetting conspiracy.

Defense Claims Overruled

The principal claim of the defense—that conspiracy had not been proved—was overruled by the court. It held that the evidence showed a continuing and dominating conspiracy against the United States.

Reversing the convictions of six of the defendants, the court held that the evidence in their cases was insufficient and remanded the cases to the district court for a retrial. In the meantime the defendants will remain at liberty.

Defense attorneys were uncertain this afternoon whether to appeal the cases of the twenty-four men denied new trials to the supreme court. Attorney Zollie announced he would formally ask the court to not issue commitments for the twenty-four men until he had sufficient time to prepare petitions for a rehearing or perfect an appeal to the supreme court.

Partnership Unproven

Regarding the cases of the six defendants granted new trials, the court said:

"We are of the opinion that the

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UNION PACIFIC TO SELL B. & O. COMMON STOCK

NEW YORK, Jan. 6.—The executive committee of the Union Pacific railroad decided this afternoon that all Baltimore & Ohio stock owned by the Union Pacific must be disposed of and distributed among the holders of common stock as a dividend. It decided to recommend such a distribution and \$3 per share in cash to the company directors at its meeting here on Thursday.

If the plan is followed, the executive committee will also recommend that the regular annual dividend be reduced from 10 to 8 per cent. The Union Pacific owns \$53,367,000 of Baltimore & Ohio common stock and \$28,704,000 of its preferred stock.

JOHNSON TO BE CANDIDATE TO SUCCEED SELF

California Governor Seeks Re-election at Demand of Supporters—Would Prefer Senate for Personal Ease, But Duty Calls Him.

Will Not Solicit Votes, But Will Present to People the Record and Work of Administration.

SACRAMENTO, Cal., Jan. 6.—Governor Hiram W. Johnson, in a statement issued today said:

"I had hoped at the expiration of my term of office to take up my life where I left it in 1910, and with my boys resume the practice of my profession, but the men and women who, in the past three years, have placed California in the very lead of the progressive and humanitarian states of the union, insist upon another candidacy by me, and they have very earnestly asserted that the new movement so auspiciously commenced, and the maintenance, fruitfulness and perpetuation of the policies they have inaugurated, demand that I continue the fight. No one man in the nation or in the state is essential to the cause or the policies but there has come such a unanimous voice from the men and the women who have made the good fight in California, who, I know, speak from the heart, that I relinquish my own views and accept theirs.

"I have never held but one office, and I had hoped never again to become a candidate before the people, but if it be true that with the commencement of a new era in this state, under the present administration, there has come to me the obligation to continue in political activity, I have no wish to shirk the responsibility; and, solely because of the obligation to continue in political activity, I have no wish to shirk the responsibility; and, solely because of the obligation that is claimed to rest on me, I shall forego my cherished views and yield to those who I feel certain hold the best interests of California even higher than their friendship and loyalty to me.

"Very many, both progressives and others, have asked me to become a candidate for United States senator; and if a candidacy on my part be necessary, and I were to consult my personal desires alone, I should prefer this; but I must yield my hope of retirement, this year, I feel that I should be governed in my course solely by the desire to carry forward the cause that is so dear to me and to maintain and preserve what has been done in my native state.

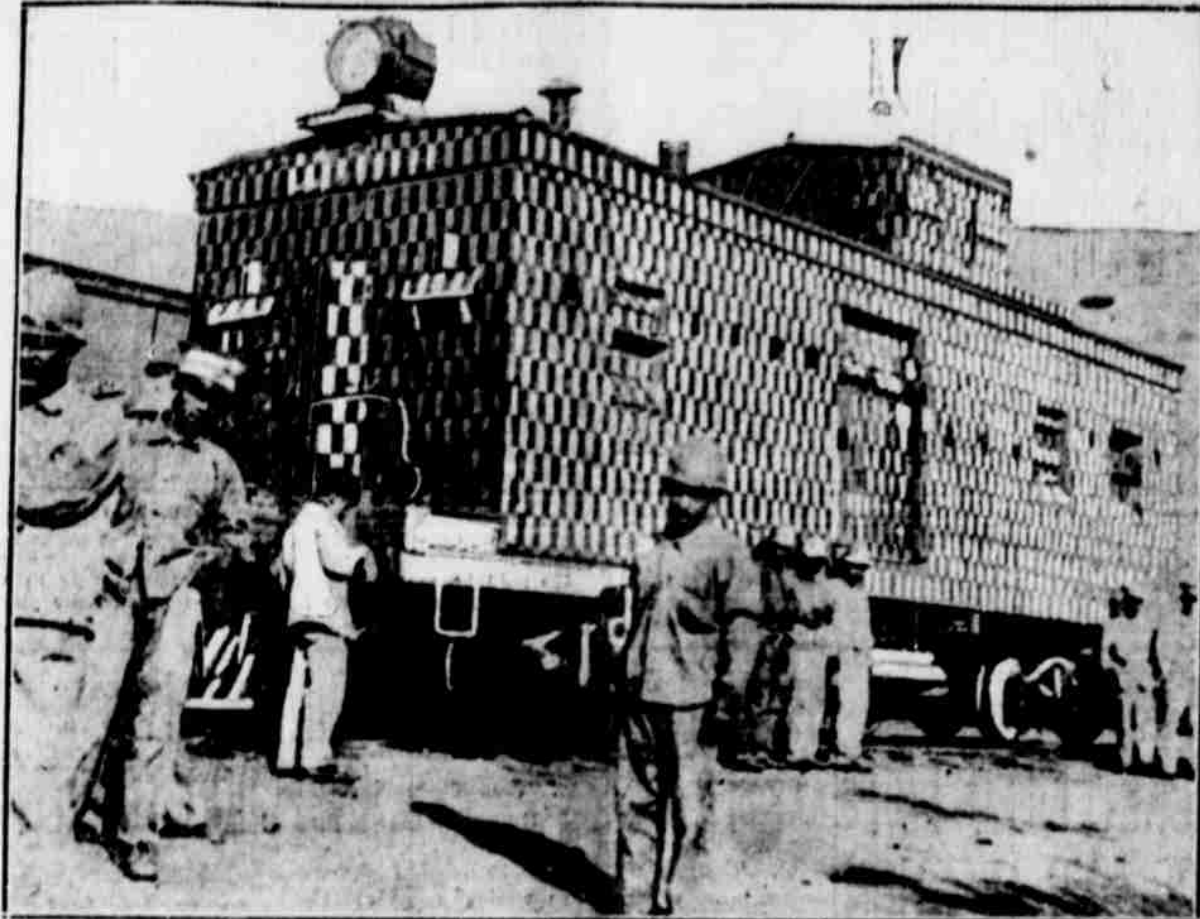
"Accordingly, I shall become a candidate for governor again; but in this candidacy, as in my previous candidacy and during the three years of my administration, I shall not yield one particle of the independence that I prize more highly than any office, nor shall I personally solicit the vote of any elector, I shall, with all the vigor and ability that I possess, present to the people the record, the work and the accomplishments of this administration, and leave with

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IDA VON CLAUSSEN DECLARED INSANE SENT TO MATTEAWAN

NEW YORK, Jan. 6.—Judge Malone, in the court of general sessions today, held that Mrs. Ida Von Clausen was insane and ordered her to Matteawan. Mrs. Von Clausen created a sensation several years ago by threatening Colonel Roosevelt, then president. More recently, she wrote threatening letters to a New York City official.

Dictator Huerta's Bottle Car and Federals Loading Trains for Advance on PREFERIS



Dictator Huerta of Mexico has found a way to protect trains sent over railways from Mexico City when they are attacked by the rebels. His officers have invented a bottle car which has a score or more holes for sharpshooters. This car sent ahead of the train can run up on the rebels, who may be tampering with the track, and it will be able to withstand assault by anything less than field guns.

HENEY CANDIDATE FOR U. S. SENATE FOR BULL MOOSE

SAN FRANCISCO, Cal., Jan. 6.—Flat announcement of his candidacy as progressive to succeed United States Senator George Perkins of California was made here today by Francis J. Heney. About a month ago Heney announced that he would be a candidate for the office if Governor Hiram W. Johnson concluded to be a candidate for re-election.

Heney's announcement today followed soon after Governor Johnson had announced his determination to seek re-election. It came in the form of a written statement. Heney flatly denied that there has been any friction between himself and the governor, as reported, declaring that Johnson gave his approval to his candidacy before going to Massachusetts in October.

Heney's statement in part follows:

"During the past three years Governor Johnson has understood at all times that I would support him for the senate if he desired to be a candidate. My candidacy for the senate during the last four months was with his knowledge and his specific approval given me in personal interviews just before he went to Massachusetts in October. The recent attempt of certain newspapers to make it appear that I contemplated entering into a contest with him for the nomination for senator has been wholly without any foundation and has therefore been grossly unfair and unjust to me.

"In view of Governor Johnson's intention to become a candidate for re-election, I shall, of course, continue my candidacy for the senate."

PHONE COMPANY ENJOINS FREE SERVICE TO RIVAL

PORTLAND, Ore., Jan. 6.—An order restraining the state railroad commission from enforcing its order of December 5, directing joint use of the inter-communicating telephone system in the Oregon Hotel in Portland on the part of the Home Telephone company and the Pacific States Telephone and Telegraph company, is asked for in an injunction suit by the latter company on file in the United States district court. Two violations of the federal constitution are alleged in the complaint, one being that the order is confiscatory.



The troops of Dictator Huerta have been hurried toward the north of Mexico for more than a month in an effort to prepare for the march of Pancho Villa, the conqueror of Chihuahua. Almost every day trains have been loaded with provisions and troops for some point in the north, where the stand to intercept Villa will be made.

WESTERN OREGON RECEIVING HARDEST RAIN OF YEAR

PORTLAND, Ore., Jan. 6.—The heaviest rainstorm in years is causing apprehension in a number of Oregon towns today. Since Saturday night more than 3.35 inches of rain has fallen and there is no indication when the downpour will cease.

Some damage has been done in Portland by slides in the higher portion of the city.

The Southern Pacific's Tillamook line is closed on account of high water.

The Willamette river here is rising rapidly but has not yet approached the danger mark.

Reports from all over Western Oregon report heavy rains and rising streams.

SEVERE STORM ON WILLOPA HARBOR

RAYMOND, Wash., Jan. 6.—The severe wind and rainstorms which raged on Willapa harbor since early Saturday had spent itself early today. Though the rain continues the wind has entirely subsided. It is estimated that the wind at times during the storm attained a velocity of seventy-five miles an hour. No damage was done to shipping so far as learned. The Northern Pacific railroad suffered some damage from washouts, and roads throughout this vicinity are impassable.

GOVERNOR FERRIS PROBES CALUMET STRIKE SITUATION

BOUGHTON, Mich., Jan. 6.—Governor Ferris began a personal investigation today of the copper mine strike situation, with this city as his temporary headquarters.

He conferred with Sheriff Cruse in the forenoon. Later he met other city and county officials. This afternoon he was scheduled for an interview with the military authorities and tonight he had an engagement with Circuit Judge O'Brien.

Much interest was expressed locally at news that the copper strike situation will figure prominently in the investigation the federal commission on industrial relations announced yesterday it would make into labor conditions throughout the country.

The Michigan copper country and the strikebound Colorado coal fields, in fact, it was understood, were the two places to which the commission's investigators would be sent first.

527 CORPORATIONS ORDERED DISSOLVED

SALEM, Ore., Jan. 6.—For failure to obtain licenses to do business in the state required under the provisions of the "blue sky" law, 527 domestic corporations and thirty-three foreign corporations are today dissolved by proclamation by Governor West. The governor acted at the request of State Corporation Commissioner Watson.

Dictator Huerta Denies Reports of Early Resignation

MEXICO CITY, Jan. 6.—Prayers for peace were said in all the churches here today. Stories published in the United States and England that President Huerta was about to resign were based on old rumors. Huerta denied them also. American Charge d'Affaires O'Shaughnessy was among those who were authority for denying that the dictator had any thought of retirement. He had neither resigned nor did he contemplate resigning, O'Shaughnessy said. His information doubtless was at first hand, for he and Huerta, who personally are very friendly, were together in a cafe until late last night.

HUNTINGTON IS CLEANED UP BY ORDER OF WEST

Governor Offers to Withdraw Troops From County if Sheriff Co-operates in Law Maintenance—Injunction Proceedings Ignored.

Copperfield a Dry Town—Sooze and Gambling Paraphernalia Seized and Shipped for Confiscation.

HUNTINGTON, Or., Jan. 6.—Huntington was "cleaned up" this afternoon with no display and with little excitement.

Following their conference with Sheriff Rand of Baker county, Colonel Lawson and Special Agent Snodgrass visited Huntington's six saloons this afternoon and ordered them to produce all gambling devices in time for shipment out by this evening's train. All agreed.

Sheriff Rand stood out in front while Lawson, Snodgrass and City Marshal Hannon notified proprietors but took no part in the cleanup.

HUNTINGTON, Or., Jan. 6.—An early end to the conflict between the state military forces and the Baker county government seems near today as the result of a conference being held by Lieutenant Colonel Lawson and Sheriff Rand. They have progressed to the point where Sheriff Rand has agreed to name a deputy sheriff to take charge of conditions at Copperfield, relieving the necessity for martial law.

Colonel Lawson, accompanied by State's Attorney Collier, expects to go to Copperfield tomorrow if the meeting with Rand ends satisfactorily.

To Ignore Injunction

Attorney Collier was in Baker today investigating the legal phases of the injunction which was served on Lawson and his men at Copperfield yesterday and which Lawson refused to recognize.

The injunction suit before Circuit Judge Anderson was set for hearing in Baker tomorrow, but it is doubtful if any of the defendants will be present.

No attempt was made to molest the saloons here today. The militia-men under Lawson spent the time

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FLOODS TIE UP RAILROAD TRAFFIC IN WASHINGTON

TACOMA, Wash., Jan. 6.—Landslides, washouts and floods, following the protracted downpour of rain along the western slope of the Cascade range have practically paralyzed railroad traffic in western and southwestern Washington today. Aberdeen and Hoquiam in the Gray's Harbor section are almost entirely cut off, except for telegraphic communication. Telephone lines are down for a distance of twelve miles. Landslides at many points on the line of the Northern Pacific have made traffic difficult and trains are being detained. Local forecaster Cover says there is no relief in sight, more heavy rains being predicted for the next twenty-four hours. He also forecasts a drop in temperature of from eight to ten degrees. The storm center has passed inland and there will be relief from the high winds and tides that have whipped the waters of the Pacific into great waves which caused more damage along the Washington coast.

The Northern Pacific main line between Tacoma and Portland was kept open during the night with difficulty. There were several small slides between Ridgefield and Vancouver which blocked one of the two tracks part of the time. East of Castle Rock over eighty yards of track was covered with mud. Cooler weather, railroad officials say, will remove most of their operating difficulties.

MORGAN TALKS ON RESERVE BANKS TO CURRENCY BOARD

NEW YORK, Jan. 6.—J. Pierpont Morgan testified before the currency organization committee this afternoon.

He said the essential point in the organization of reserve banks was to have at least one bank of such importance as to command the respect and confidence of business men and bankers everywhere. Morgan was uncertain whether New York should be a reserve bank center or a branch of a Boston reserve bank, on the Atlantic seaboard.

Morgan favored three reserve banks on the Atlantic seaboard and said one of these should be in Atlanta. He said the capital of such a bank was not as important as its resources.

Lewis, president of the American Exchange National Bank, recommended eight reserve banks. He said banks should be located in New York, either Richmond or Washington, Atlanta either Houston, Texas, or New Orleans, Chicago, St. Louis, either Omaha or Denver and San Francisco.

SEVENTY-FIVE DROWN IN FRAZIER RIVER

WINNIPEG, Man., Jan. 6.—That seventy-five laborers were drowned Saturday while trying to cross the Fraser river near Fort George, B. C., was reported to the immigration department here today by Angelo Pugliese, a railroad worker just arrived from the scene of the disaster.