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SUPREME COURT UPHOLDS LONG AND SHORT HAUL RULE

Decision Handed Down Yesterday in the Intermountain Rate Case Which Affects the Shipment of Goods Across Continent

(By Associated Press)

Washington, June 22.—The interstate commerce commission's so called Intermountain rate orders were sustained as valid by the supreme court which held at the same time, that the long and short hauls clause of the interstate commerce law was constitutional. Both had been attacked by transcontinental railroads.

The defunct commerce court, passing over the constitutional question, had annulle the orderr on the ground that the commission had no authority to issue "blanket" or "zone" orders and might act only on the reasonableness of specific rates.

In overturning the contention today and holding that the commission did have that power, the Supreme court decided a point lawyers and close observers of the interstate commerce commission's procedure say is of equal importance to the Intermountain rate case itself—if not greater.

Opposition to the five per cent increase in freight rates being asked by the eastern railroads—on which the interstate commerce commission is expected to announce its decision any day—had been based principally on the contention that the commission did not have authority under the law to grant such a "blanket" increase.

Effect Unknown.

What the effect, if any, of the decision of the rate case may be, only can be the subject of conjecture. Some among the well informed in the commission's procedure, however, say the decision in the disposition of the railroads' application had been delayed, awaiting the supreme court's decision on that point.

As a result of the decision, all doubt is removed as to the commission's right to pass on the reasonableness of a lower rate for a haul to a more distant city than to a nearer one in the same direction. It recognizes the commission's power to fix such rates by 'zones' as distinguished from taking up the conditions surrounding each point of shipment in the United States.

Chief Justice White said this was the unanimous decision of the court.

The commerce court held that the commission could not make "blanket" or "zone" rates; that is the contention of those who are opposed to the five per cent increase in freight rates now being asked by the eastern railroads. The Intermountain Rate orders were issued in June and July, 1911, by the interstate commerce commission, under the authority of the "long and short haul section" of the interstate commerce act, which clothed the commission with discretion to make exceptions to the general rule, laid down in the law that railroads should not charge more for a short haul than for a longer haul in the same direction and over the same lines or routes.

Asked for Exceptions.

Practically all of the railroads traversing the intermountain regions of the West applied to the commission to have exceptions made so that a higher rate could be charged on the shipments from the east in intermountain cities, such as Spokane, Washington; Reno, Nevada, and Phoenix, Arizona. The rates from cities east of the Rockies had for years been made by adding the through rate to the Pacific coast and the local rate from the Pacific back to the interior city. The intermountain points rebelled against what they claimed was a monopoly given to the Pacific coast cities of the trade of all points from the very doors of the intermountain cities. The Chief Justice next upheld the making of the rates by commission by zones.

"The zones selected by the commission were in substance the same as those probably fixed by the carriers as the basis of the rate making, which was included in the tariffs which were under investigation and therefore we may put that subject out of view," he said.

"Indeed, except as to questions of power, there is no contention in the argument as to the inequality of the zones or percentages or as to any undue preference or discrimination resulting from the action taken, but be this as it may, in view of the finding of the commission as to the system of rates, prevailing in the tariffs, which were before it, of the inequalities and burdens engendered by such a system, possible agrandizement unnaturally beyond the limits produced by competition in the competitive points and against other points by the tariff question, facts which we accept and which indeed, are unchallenged, we see no ground for saying that the order was not sustained by the facts upon which it was based, or that it exceeded the powers which the statute conferred, or transcended the limits of the sound, legal discretion which is lodged in the commission when acting upon the subject before it."

On Haul Clause.

On the constitutionality of the long and short haul clause, Chief Justice White said:

"It is certain that the fundamental change which it makes is the omission of the substantially similar circumstances and conditions clause, thereby leaving the long and short haul clauses in a sense unqualified, except in so far as the section gives the right to the carrier to apply to the commission for authority "to charge less for longer than for shorter distances for the transportation of persons or property," and gives the commission the authority from time to time "to prescribe the extent to which such designated common carriers may be relieved from the operation of this section."

"From the failure to insert a word in the addition tending to exclude the operation of competition and adequate under proper circumstances to justify the awarding of relief from the long and short haul clause and, there being nothing which minimizes or changes the application of the preference and discrimination clauses of the second and third sections, it follows that in substance the amendment intrinsically states no ne wrule or principle, but simply shifts the powers conferred by the section as it originally stood; that is, it takes from the carriers the discretionary power lodged in them and vests it in the commission as a prmary instead of a reviewing function.

Mountain Rate Case.

The orders were the outcome of a change in the law in 1910. From 1887 to 1910, the law against a greater charge for a short than for a longer haul applied only to hauls under "similar conditions," but that proved unsatisfactory and led to the law being amended by striking out this phrase "similar conditions" and leaving the commission with discretion to make exceptions to the general rule laid down in the law.

Shortly after the passage of the act in 1910, practically all the railroads traversing the intermountain region of the west applied to the commission to have exceptions made so that a higher rate could be charged on shipments from the east to intermountain cities, such as Spokane, Wash., Reno, Nev., and Phoenix, Ariz. The rates to these cities from points east of the Rockies had for years been made by adding the through rate to the Pacific coast

(Continued on Page Seven.)

CAPTAIN'S SERVANT TURNS UP UNHURT

Alcarez, the Filipino Man of Rich's, Arrives in Mexico City Safely

(By Associated Press)

Mexico City, June 22.—Gregorio Alcarez, the Filipino servant of Captain Rich of the United States battleship Florida, for whom the State Department at Washington instituted a search, walked into the Brazilian legation today and introduced himself to the Minister. He showed no signs of ill treatment.

Alcarez said he was released from the Santiago military prison June 9, when at the invitation of a fellow prisoner, a Mexican, he went to Tizapan a few miles from the capital. He remained there until today when he read a newspaper account of the search being made for him by the Mexican police. He then came here immediately. He said he had no money and had been unable to return to Vera Cruz.

Alcarez said he left Vera Cruz May 6 to buy fruit for Captain Rich, and on passing the Mexican lines, he was arrested as a spy. He did not reveal his connection with the United States navy. He was taken to Paso Del Macho, then transferred to Cordoba.

The Filipino arrived in Mexico city in custody, May 10, and was confined in the military barracks. On may 15 he was removed to Santiago prison.

Alcarez said he was tried and acquitted on the charge of being an American spy. He will leave Mexico City tomorrow for Vera Cruz.

TEACHERS ENROLL LARGE NUMBERS

Many Attending the Walhalla Summer School---Faculty Has Strong Members

Special to Thet Intelligencer.

Walhalla, June 22.—The Oconee county teachers Summer school opened this morning in Walhalla school building, Rev. J. B. Umberger made the invocation. Col F. T. Jaynes city attorney, delivered the address of welcome in behalf of the town. Prof. L. A. Sease made the response. About forty teachers responded for work. At least ten others are expected to enroll this week.

The following is the faculty: Prof. L. Sease, English, Grammar, Composition and Literature, and History; Prof. J. E. Hunter, Arithmetic, Algebra and Geometry; Prof. B. J. Wells, Pedagogy, Agriculture and Civics; Miss Sallie Stribling, Primary Methods and Geography. Professors Sease Wells and Hunter are members of Clemson faculty.

Miss Stribling is a Walhalla girl, and a graduate of Winthrop. The faculty is a strong one and the sessions promise to be very successful.

FIRE FIGHTERS ARE IN FLORENCE

Anderson Delegation Expecting Most Pleasure Ever Experienced at Meeting

While Anderson could not arrange to send any of her fire fighting apparatus to Florence for the State Firemen't meeting, which open this morning in that city, she did manage to send the livest set of fire fighters ever sent out from this local fire department, and they will be creditably represented by the eight members making the trip. The following composed the party from this city: E. M. Scott, Emil Ortmann, Otis Nix, J. T. Davis, M. B. Smith, B. L. Rouda, E. G. Nix, Foster Jones.

The Florence meeting will be very interesting especially Wednesday and Thursday, on which days the tournament will be held.

VILLA'S WAR PLANS

Second Rebel Chief Said to Intend Pushing Fight Own Initiative.

(By Associated Press)

Eagye Pass, June 22.—General Villa is determined to complete the absolute defeat of Huerta and fight his way at the head of his army into Mexico City, irrespective of any action General Carranza may take, according to reports brought to the border today by travelers arriving from Torreon and Monterey. These reports state that after Villa succeeds in occupying Zacatecas he will push on south at once without waiting for troops other than at his own direct command.

Didn't Reach Senate.

Washington, June 22.—The Federal trade commission bill failed to reach the Senate floor today because the Indian appropriation bill occupied the entire session. Chairman Newlands, of the Interstate Commerce committee, has prepared his report on this bill, the first of the anti trust trio, and hopes to present it tomorrow.

SUPREME COURT PASSES ON CASES

LUMBER AND OIL SUITS DISPOSED OF BEFORE ADJOURNMENT

AMOUNT IS LARGE

The Decree of the Court Was One Step in Fixing Title to Oil Lands

Washington, June 22.—The Supreme court today adjourned until October after deciding the Intermountain rate case, the California Oil Land grant case, the eastern States retail lumber dealers suit, and several other important cases pending for many months.

Just fourteen cases in which arguments had been made were left undecided. These include cases involving the constitutionality of the "Grandfather clauses," limiting the right of negroes to vote in Oklahoma and Annapolis, Maryland; the mid-Washington land case involving the validity of President Taft's withdrawal of oil lands from entry; the Nashville Grain reshipping case; and the Henry case involving the right of congress to compel individuals to testify before investigating committees.

The court during the term disposed of more cases than in any year since 1890. Five hundred and ninety one decisions were handed down.

The court affirmed the decree of the New York federal court holding organizations of eastern states retail lumber dealers had violated the Sherman anti trust law by circulating among their members lists of wholesalers who sold lumber direct to consumers. The Pipe Line act of 1906, placing all interstate oil pipe lines under interstate commerce commission regulations was upheld by the supreme court. The court held, however, that the act is not applicable to the Uncle Sam Oil Company.

Transcontinental railways won their fight for title to seven hundred million dollars worth of California oil lands when the supreme court today held void the clause in the patents making the land revert to the government if later found to contain minerals.

The supreme court recessed until October without announcing decision in the tariff withdrawal oil land case. The Grandfather clause, the Nashville reshipping case and several others.

Lumber Trust Case.

Charges of blacklisting and unfair methods figured largely in the socalled Lumber Trust suit which the government brought against ten retail dealers associations and 137 of their officers.

The defendants were: The New York Lumber Trade Association, in Hudson County, N. J., contributory of Westchester County, N. Y.; the officers, directors and representatives of the New Jersey Lumbermen's Protective Association an unincorporated body composed of retail lumber dealers in New Jersey; the officers, directors and representatives of eh Retail Lumbermen's Association of Philadelphia, an unincorporated body, composed of retailers in Philadelphia and vicinity; the Massachusetts Retail Lumber Dealers Association; the Lumber Dealers Association of Connecticutt; the Lumber Dealers Association of the State of Rhode Island; the Fetail Lumbermen's Association of Baltimore; the officers and representatives of the Lumber Exchange of the District of Columbia; and the Eastern States Retail Lumber Dealers Association, a membership corporation of New York, composed of three representatives of each of the other associations named.

Charged Combination.

The government charged that the retailers had combined to prevent wholesalers from selling directly to consumers by blacklisting them and refusing to buy from them if they did, and by other specified means. The government showed that there had long been friction between wholesalers and retailers growing out of the

(Continued on Page 7)

Absolutely Nothing Doing

Special to The Intelligencer.

Columbia, June 22.—"The war department declines to change is attitude. Letter explains situation fully." The above telegram was received tonight from Adjutant General Moore who went to Washington to confer with the secretary of war, and it means that the South Carolina troops will not be allowed to participate in the camp at Augusta.

The Weather.

Washington, June 22.—South Carolina—Fair Tuesday and Wednesday.

CATHOLIC VOWS DECLARED VALID

Supreme Court Renders Decision Which Guarantees Title to Millions

(By Associated Press.)

Washington, June 22.—Doubt cast on the validity of vows of poverty in many Catholic orders was removed today by the supreme court, which reversed the decision of the eighth United States circuit court of appeals.

The lower court, sitting in Minnesota, held the vows void as against public policy on the grounds they did not permit a person making them ever to withdraw from the order. The supreme court today, speaking through Justice Hughes, announced that the lower court had erred by not distinguishing between the religious and civil natures of the vows. It was pointed out a person was permitted to withdraw civilly, although his withdrawal in a religious sense was a matter of conscience.

The case arose in the settlement of the estate of Father Augustin Wirth in charge of a church at Springfield, Minn., at the time of his death. Relatives claimed property in his possession at the time of his death, despite his vow to the order of St. Benedict to possess no property and turn over to the order al worldly possessions.

In the presentation of the case to the court it was stated that the decision of the court below, if sustained, would throw in doubt the title to millions of dollars worth of property held by religious orders, particularly those of the Catholic churches.

MASON AND DIXON LINE OBLITERATED

This Wish of President Wilson Was Conveyed in Letter to Road Builders.

Washington, June 22.—President Wilson expressed the wish today that the Mason and Dixon Line be forever forgotten, in a letter to H. B. Joy, of the Lincoln Highway Association, asking that the road run from Philadelphia to Gettysburg through Washington. The president suggested that it would be a good means of furthe obliterating sectional feeling between the North and the South.

The president's letter was as follows:

"I am sure that the entire country is interested to see to it that there should no longer exist a North or a South in this absolutely united country which we all love, and that the imaginary Mason and Dixon's line should be made once and for all a thing of the past, and as a small contribution to that end, I earnestly suggests that Lincoln Highway Association should grant permission to place the official Lincoln Highway markers on the macadam roadway from Philadelphia to Washington through the properly selected streets of the latter city to the Lincoln monument, and from there through Frederick Md., to Gettysburg.

"I am reliably informed that this route is now, or will be in the near future a modern macadam roadway, from Philadelphia to Gettysburg to Washington.

The entire expense of the roads, I am informed, including officially marking the highway, will be defrayed by local interests.

"Cordially and respectfully yours,
"Woodrow Wilson."

PEOPLE CHOOSE A MAYOR TODAY

Second Race Will Be Settled When Polls Close This Afternoon at 4 O'Clock

Anderson will tonight hail to a new mayor to succeed Lee G. Holleman, when that gentleman's term expires. Either J. M. Payne or J. H. Godfrey will grace that position and last night not even the wisest of all the wise politicians would dare say who would win. It seems that the race is almost a toss-up with little in favor of either candidate. Both will run a good race.

Predictions are that neither candidate will secure a majority of more than 100 votes and this would seem to be the case, since there were only 1292 votes cast in the last election, held a week ago today, and it is not likely that more than 1,000 will be cast today, although a great deal of "ginger" was injected yesterday.

The polls will open this morning at 8 o'clock and will close at 4 o'clock and in all probability the result will be known by 5 o'clock.

VERDICT REVERSED

In A Case Against the Columbia Hospital—Court En Banc.

Columbia, June 22.—An opinion from an en banc session of the state supreme court, handed down today, reversed the $8,000 verdict secured by Nan Lindler against the Columbia Hospital some months ago.

NOTE SENT TO COLOMBIA NOW EXPLAINED BY BRYAN

Secretary of State Compares Recent Communication With the Letter to the Southern Republic by The Taft Administration

(By Associated Press.)

Washington, June 22.—Criticism of the proposed treaty to settle the differences between the United States and Colombia over the separation of Panama brought a formal statement tonight from Secretary Bryan defending the clause expressing "sincere regret" on the part of the United States that anything should have occurred to make friendly relations between the two countries. The expression "honest regret," Mr. Bryan said, was used in the memorandum drafted during the Taft administration on which the present negotiations as well as those which previously had failed were based.

Despite opposition in the senate, Mr. Bryan was hopeful today that the treaty would be favorably reported and ratified. Members of the foreign relations committee expected that correspondence in the archives of the State department bearing on the treaty would reach the committee Wednesday. It will be referred to a subcommittee and probably will be made public.

It is said this correspondence will show that at one stage of the negotiations with Colombia during the Taft administration the United States proposed to submit the dispute to arbitration with the knowledge that a verdict in favor of Colombia would mean a judgment for at least $40,000,000.

Bryan's Statement.

Secretary Bryan's statement follows:

"Article 1 of the treaty now before the senate reads: 'The government of the United States of America, wishing to put to rest all controversies and differences with the republic of Colombia arising out of the events of which the present situation on the Isthmus of Panama resulted, expresses, in its own name and in the name of the people of the United States, sincere regret that anything should have occurred to interrupt or to make the relations of cordial friendship that has so long subsisted between the two nations.

"'The government of the Republic of Colombia, in its own name and in the name of the Colombian people, accepts this declaration in the full assurance that every obstacle to the restoration of complete harmony between the two countries will thus disappear.'

"In what is known as the Dubois memorandum, made during the Taft administration, which presented the basis upon which he was authorized to negotiate a treaty, the following language is used:

"'The government and the people of the United States honestly regret anything should have ever occurred to mar, in any way, the long and sincere friendship that existed for nearly a century between Colombia and the United States, and the latter country has for years, earnestly desired to remove the ill feeling aroused in Colombia by the separation of Panama.'

Messages Identical.

"It will be seen from a comparison of the two paragraphs that they are identical in meaning and almost identical in language. In the Dubois memorandum the United States 'honestly regrets' and in the pending treaty 'the government of the United States of America expressed in its own name in the name of the people of the United Etates, sincere regret.' There is no material difference between 'honestly regrets' and 'sincerely regrets.' The pending treaty uses the phrase, 'to interrupt or to mar,' the Dubois memorandum uses the words 'to mar.' The Dubois memorandum describes the friendship formerly existing as 'sincere,' while the pending treaty is as 'cordial.'

Both refer to the 'events of 1903.' The Dubois memorandum speaks of 'the ill feeling aroused in Colombia by the separation of Panama;' the pending treaty refers to 'the events from which the present situation on the Isthmus of Panama resulted.' In the pending treaty the government of Colombia accepts this declaration in the full assurances that every ob stacle to the restoration of the complete harmony between the two countries will thus disappear, while the Dubois memorandum declares that the United States earnestly desired to remove the ill-feeling aroused in Colombia by the separation of Panama.

"This comparison is made to show that the two 'expressions of regret' are in all essential particulars the same."

TO GIVE OPEN TRIAL

Congressman E. Y. Webb Introduces Bill to Change Judicial Practice.

Washington, June, 22.— Representative Webb of North Carolina today introduced a bill to provide that persons indicted or informed against for crimes and misdemeanors other than capital offenses shall be furnished copies of the indictment or information at or before the time of arraignment, or pleading. Names and addresses of witnesses and also be furnished defendants at least one day before trial.

Mr. Webb, who heads the judiciary committee to which the bill was referred, seeks to liberalize the "'star chamber" features of prosecutions.

Negroes Outside Law.

Washington, June 22.—The supreme court today upheld the validity of the state statutes under which the supreme court of Tennessee held that former slaves have no inheritable blood and cannot inherit property under the ordinary rules of Kinship.

WOULD HONOR GAILLARD

Finley Asks That Culebra Cut Be Dubbed His Name.

Washington, June 22.—A proposal to honor the late Colonel David du B. Gallard, who dide from an illness aggravated by overwork on the Panama canal, by naming Culebra cut after him was laid before President Wilson today by Representative Finley, of South Carolina The South Carolina Congressmen said the suggestion had met with the hearty approval of the president.

Mr. Finley also invited the president to attend the 15th anniversary of the founding of the town of Cheraw, S. C., on July 8. The president took the invitation under advisement.

Passed By House.

Washington, June 22.—The House today passed the senate joint resolution appropriating $31,000, for procuring title to land at Cape Henry Virginia, for fortifications and coast defense purposes. The resolution now goes to the president.

Washington Pleased With Plan for Mexican Council

(By Associated Press.)

Washington, June 22.—Officials of the Washington government whose hopes for peace in Mexico had been somewhat dampened by the events of last week, were more hopeful today, when the announcement came from Niagara Falls that the United States had extended an invitation to Representatives of the Mexican Constitutionalists to meet the American and Huerta delegates to the mediation conference for an informal discussion of peace proposals.

That the United States had for some time been exerting strong influence to bring the Constitutionalists leader into the mediation conference on such a basis was not denied here. It was intimated here that this influence had met with success, and the representatives of the Constitutionalists soon would proceed to Niagara Falls. The announcement was reported here to have been the culmination of the prolonged informal negotiations by the Washington administration with General Carranza, General Villa and other Constitutionalist chieftains, and the conference here last week by Dr. Romulo S. Naon, the Argentine minister, with President Wilson, Secretary Bryan, and Washington representatives of the Constitutionalists.

Fernando Igelais Calderon, Alfredo and Leopoldo Hertado Espicona, who have started for Washington as representatives is believed will take charge of the proposed informal negotiations or at least direct the general policy with reference thereto.

Administration officials today indicated that the plan of averting an abrupt end to mediation now presented would be prophetic of results. They looked for prompt response from the Constitutionalist leader, but did not anticipate new developments in the actual provisional government plan to be devised until representatives of the United States and the warring Mexico factions had deliberated together for some time.

Mexican International Mess To Be Discussed Apart

(By Associated Press)

Niagara Falls, June 22.—Through the invitation of the United States Government and the good offices of the three South American mediators, representatives of the two warring factions in Mexico, the constitutionalists and Huerta Government, soon will be brought face t oface in an informal conference distinct from the mediation proceedings.

To save Mexico from further spoliation and the possibility of a foreign war, the constitutionalists apparently have been prevailed upon to meet their countrymen—the Huerta delegates—in a conference whose object shall be the ending of the Mexican civil strife. The belief is general that this plan stands an excellent chance of being carried to success if recent differences between Generals Villa and Carranza are sufficiently composed to guarantee that the constitutionalist delegation may work without embarrassment.

Arrangements for the meeting are in a formative state. The mediators and American and Huerta delegates, however, believe that by tomorrow or Wednesday, at the latest, they will be able to announce not only the personnel of the constitutionalist delegation but the proceedings of the meeting and its general purposes. The new plan has buoyed the hopes of the principals to mediation.

The South American envoys discussed it briefly with the American delegates today and later conferred with the Huerta delegates, who were asked formally if they would meet constitutionalist representatives. The Huerta delegates replied they were willing to enter any conference with their countrymen which had for its object the prevention of bloodshed and the destruction of property and sought to establish a national government on a firm basis.

The plan the mediators have worked out is to confine the formal mediation conferences to consideration of international questions, treating with these points. On internal questions, the Huerta and constitutionalists delegates will be expected to confer alone. They would discuss names for the provisional presidency, while the mediators and American delegates would await the outcome of their efforts before signing a final protocol.