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VOIDS TWO-CENT FARE

Judge McPherson Holds Mis-
souri Law is Confiscatory.

Attorney Declares Decision Sounds
Death Knell of Low Fares in Every
State—Return to Old Rates Expected.
Maximum Freight Law Also Hit.

Missouri's 2-cent passenger fare and
maximum freight rate laws were nul-
lified by a decision handed down in
the district court at Kansas City by
Judge Smith McPherson of Red Oak,
Ia. As a result, it is believed there
will be a quick return in Missouri to 3-
cent fares, and Frank Hagerman, for
the eighteen companies involved, as-
serts the decision sounds the death
knell of the 2-cent rate in every state
in the union.

Judge McPherson held that both
the commodity and the passenger
laws were confiscatory and unconsti-
tutional, and Mr. Hagerman declared
that it is not conceivable that if the
2-cent rate is confiscatory in Missouri
it can be compensatory in other states.

The state, on the other hand, de-
clared, emphatically that Missouri's
fight for lower rates would continue.
Elliott W. Major, the newly elected at-
torney general, who succeeded Her-
bert S. Hadley to that office and was
in court when the decision was read,
said an appeal would be taken and
that the present legislature would be
asked to pass new rate laws that
would stand the test of the courts.
Governor Hadley made a similar state-
ment at Jefferson City.

Judge Smith McPherson, who ren-
dered the decision, is presiding judge
of the United States circuit court for
the southern district of Iowa. He
sat through the lengthy trial of the
case that has covered several months'
time and had worked diligently on his
opinion for a month past. He left for
Council Bluffs, Ia., to open court there.

"The question," said Judge McPherson
in his decision, "is whether the
traffic wholly within the state of Mis-
souri generally referred to in the evi-
dence as local traffic, can be carried
under the freight rate statutes of 1907
and the passenger fare statute of 1907
at such profit as will give a reasonable
return after paying expenses upon the
investment, or whether such traffic is
carried at a loss or less than such
reasonable profit. * * * The court
has reached the conclusion that upon
this question the statutory rates fixed
by either and both statutes are not
remunerative."

OIL CASE NEAR COLLAPSE.

Government Attorneys Told to Bring
Proof of Rebating or Stop.

The government attorneys in the
retrial at Chicago of the Stand-
ard Oil company of Indiana were told
by Judge Anderson that unless they
introduced further proof sustaining
their contention that the oil company
accepted a rebate from the Chicago
and Alton railroad they might as well
cease their efforts to convict. Judge
Anderson, after considerable argument
from both sides, admitted tentatively
tariff No. 1,203 of the Chicago and Al-
ton and tariff No. 4 of the Wiggins
Ferry company. Before admitting the
documents in this way the court spoke
of the "fatal discrepancy" in parts of
the indictment against the Standard
Oil company.

"If the government can furnish no
further proof," said he, "in support of
its contentions than the tariff sheets
already introduced, it may as well
stop."

Judge Anderson agreed with the de-
fense in that no evidence had been ad-
duced proving connection between the
Chicago and Alton railroad and the
Terminal Railway association.

"In the event it is proven that a
joint agreement existed between these
two railroads the indictment would
stand," said the court at one point.
"It might also stand if it is shown
that the two companies offered conces-
sions."

Attorney Wilkerson for the govern-
ment insisted that his object in intro-
ducing the tariff sheets of these two
roads was to show proof of publication
and the intent on the part of the de-
fendant.

U. P. RECONVEYS COAL LAND

Decides Not to Defend Suit and Settles
With Government.

A settlement has been effected by
the secretary of the interior of the gov-
ernment suit against the Union Pacific
Railway company, involving coal lands
in Wyoming estimated to be worth \$1-
500,000. This land was acquired by
the company through what are known
as "dummy entries." The land
involved aggregated 4,560 acres and
after numerous conferences, the com-
pany decided not to defend the suit,
but instead reconveyed the lands to
the government and also paid nearly
\$33,000 in settlement for the coal
mined from the lands. Besides recon-
veying the land and paying trespass
damage, the company loses the \$91,200
which was paid as purchase price for
the lands. This is one of the cases
included in former Secretary Garfield's
letter to congress showing lands worth
over \$100,000,000 under investigation
or in litigation.

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