

CAPITAL CITY CHAT

ACTION IS NOW TAKEN AGAINST EXPRESS COMPANIES.

ATTORNEY GENERAL MOVES

Files Suit in Supreme Court to Restrain Them From Charging in Nebraska Rates Higher Than New Law Specifies.

Suit was filed in the supreme court July 5 against the express companies doing business in Nebraska to restrain them from charging in Nebraska any rate higher than 75 per cent of the rates in effect January 1, in conformity with the law enacted by the recent legislature, which went into effect on that day. The petition for an injunction was filed by Attorney General Thompson on behalf of the state and the defendants named were the Adams Express company, United States Express company, the Pacific Express company, the American Express company and the Wells Fargo Express company. The moment the petitions were filed officers were sent out to secure service on agents of the companies. In the meantime, fearing the express companies would ask for a restraining order from the federal court the members of the state railway commission were conspicuously absent from their office late this afternoon, so if a writ had been issued no service could be secured. At the close of business this afternoon none of the express companies had filed a schedule of rates as provided for in the new law, which the commission interpreted to mean the companies intended to ignore this particular piece of legislation. The bill contained this section:

Section 7. This act shall take effect on and after its passage and approval.

By some this was interpreted to be the same as an emergency clause, but the legal department has never put such a construction upon it.

The petition, which is practically the same as those filed in the railroad cases, contains the following:

In violation of the statute of Nebraska, defendants in conducting its intrastate express business, and the intrastate transportation of merchandise in the state of Nebraska, is charging, demanding, and receiving rates in excess of the charges fixed by said statute and is depriving the people of the state of Nebraska of their right to the reasonable and lawful rate and charges fixed in said act, and is exacting of the people of the state of Nebraska unlawful, exorbitant and unconscionable rates and charges complained of as irreparable and that the state of Nebraska and the people thereof are without any adequate remedy, except in a court of equity.

Individual citizens of the state of Nebraska, who intrust small articles of merchandise to the defendant for intrastate transportation in the state of Nebraska are unable to cope with defendant in premises, and it is the duty of the state of Nebraska in a sovereign capacity to protect the people thereof from the unlawful and exorbitant rates and charges exacted by defendant.

Wherefore its plaintiff prays that the defendants, its officers, agents, attorneys, servants and employees be enjoined from making or putting into effect any other or different intrastate rate or charges for the intrastate transportation of merchandise in the state of Nebraska than the rates and charges fixed in said act and from interfering with or attempting to change the rates and charges established by law for its services.

Mr. Ryder, Labor Commissioner.

John J. Ryder of Omaha, the newly appointed labor commissioner called at the state house and was shown to his new quarters on the third floor where he will preside as labor commissioner by appointment from Governor Sheldon. Don C. Despain turned over the keys of the office and gave Mr. Ryder all the information at his command concerning the office. Mr. Ryder hopes to familiarize himself with the work required by law and in addition to enforcing the law, throw in some labor for the benefit of the people of the state for good measure.

Session Laws Delivered.

Two bound copies of the session laws have been delivered to Secretary of State Junkin and more will arrive soon. The law provides for the delivery of these books to the secretary of state by July 1. The contract was awarded to Jacob North & Co. of Lincoln, but that company assigned the contract to Woodruff-Collins company. The work was compiled by Deputy Secretary of State A. Wait and H. H. Wheeler. The arrangement and the index is said to be the best the state ever had for such a book. It contains 692 pages.

No Fourth of July Pardons.

Secretary of State Junkin and Attorney General Thompson declined to approve the warden's recommendations for fourth of July pardons and no pardons were issued this year under the act which permits the governor, in his discretion to pardon two convicts on the Fourth. A convict must have served ten years and have had a clean prison record to be eligible to a pardon of this kind. The pardons are to be issued only on recommendation of the warden, secretary of state, attorney general and chief justice of the supreme court. The two state officers who decline to sign a recommendation say that if they should do so they would be put in the attitude of petitioning the governor for pardons. If the governor desires to pardon the men recommended by the warden he can do so under the general law regulating the issuance of pardons. The warden recommended the only two men eligible, Fraum, a wife murderer and Elliott who killed a man in Omaha.

Primary Election Call.

Governor Sheldon issued the first proclamation ever issued in Nebraska for a state-wide primary election, in accordance with the primary law enacted by the recent legislature. The proclamation is as follows:

The last legislature passed an act which provides that the candidates for the elective offices within this state shall be nominated by a direct vote of the people. This act, house roll 495, was approved April 3, 1907. The law provides that the primary election shall be held at the regular polling places in each precinct throughout the state on the first Tuesday in September, 1907.

In accordance with the provisions of section four of this act I, George Lawson Sheldon, governor of the state of Nebraska, do hereby proclaim that at said primary election candidates for the following offices shall be nominated to be voted for at the general November election:

One supreme judge.
Judges of the district court for the several judicial districts.

Two regents for the state university.

One regent to fill vacancy.

One judge for the Eighth judicial district, to fill vacancy.

One member of the state railway commission, to fill vacancy.

One senator of the First senatorial district, to fill vacancy.

One representative of the Tenth representative district, to fill vacancy.

Johnson for Food Commissioner.

Joseph W. Johnson of Lincoln was appointed deputy food commissioner by Governor Sheldon. The position pays \$1,800 a year. Since the resignation of Food Commissioner Thompson over a year ago, State Chemist E. L. Redfern has been filling the place. The last legislature increased the salary from \$1,500 and provided a salary of \$1,500 for the chemist. Mr. Redfern is to be retained as the chemist of the food department at a salary of \$1,500 a year. Miss Gail McCrady has been appointed stenographer.

J. W. Johnson, the newly appointed head of the state pure food department, is widely known in this state as a newspaper writer. Beginning on the Sutton Advertiser he has been a tolerably steady contributor to the press of the state for about twenty years. Some of his skits, such as his poem on "O'Bryan, O'Kelghan, O'Kem," have a permanent place in the political literature of the state. When times were so hard in Nebraska that people felt that they could do better even in Arkansas, Mr. Johnson went down there and exposed the "red apple country" so thoroughly that some of the natives have been looking for him very cordially ever since.

Clarke Announces Candidacy.

Henry T. Clarke, Jr., member of the state railway commission by appointment, is a candidate for election to serve out the term of Robert Cowell. Mr. Clarke, in announcing his candidacy, said:

"I am a candidate for railway commissioner. There has been so much talk about whether a commissioner is to be elected this fall that I think it best to announce my candidacy. The matter of election was looked into thoroughly before my appointment was made and there is no doubt a commissioner is to be elected this fall. I have no hesitancy in going before the people of Nebraska as a candidate and I think that now is the time to let the fact be known that I am a candidate."

Mr. Clarke was appointed a railway commissioner upon the resignation of Robert Cowell during the last legislature, to serve until the election this fall. Mr. Cowell was elected to serve a four-year term, therefore Mr. Clarke if elected, will serve out the balance of the term for which Mr. Cowell was elected. Mr. Clarke was a member of the legislatures of 1905 and 1907, and during the last session fathered the bulk sales bill, the child labor law and was one of the leaders in putting the terminal tax bill through the house.

NEBRASKA NEWS

FREMONT PLACATES PRESIDENT W. H. CLEMMONS.

COLLEGE WILL STAY THERE

City Council Agrees to Close Up the Street Asked for, and Commercial Club Will Pay the \$2,400 Damages.

The Platte avenue closing controversy, at Fremont, has been settled and the street has been closed by ordinance. It will be dedicated to President and Mrs. W. H. Clemmons, of Fremont college. The ordinance was passed by the city council at a special meeting. At the meeting the report of the special citizens' committee was heard. The report said that an agreement had been reached by which the property owners who thought they were damaged should be recompensed. They were to receive \$2,400 and the Fremont Commercial club has agreed to pay that amount to them. The ordinance passed by unanimous vote. Only six members of the council, however, were present.

President Clemmons had asked to have the street closed in order that he might have room for a large science hall which he will erect. Mr. Clemmons says he has other additions in contemplation for the school. He is not altogether pleased with the wording of certain sections of the ordinance. The ordinance provides that the property shall revert to the city in case it is not used for school purposes, and for legal reasons Mr. Clemmons would have preferred not to have had it contain that.

FRANK BRINK OUT OF ASYLUM

Slayer of His Sweetheart is Declared Not to Be Insane.

Frank Brink, the Ponca young man recently tried for the murder of his former sweetheart on the eve of her marriage to another man, and acquitted on the ground of insanity, has been released from the state insane hospital at Norfolk, just three months to a day after his entrance to the institution. Officials at the institution declare that Brink has not been insane at any time during the three months that he has been an inmate of the hospital. He was discharged and sent home free.

Horse Killed by Guy Wire.

While Mr. Junglaus, a deliveryman for a Grand Island grocery, was delivering wares at the home of Rev. Mr. Gregory, the horse, a fine family animal, reached over a nearby guy wire and fell. Mr. Junglaus, Rev. Gregory and A. Darling tried to move it and were all shocked by an electric current. The horse was killed. The men, able to break away, were not injured. The guy wire, reaching from a pole to the ground, had been charged through a neglected Western Union wire, which, becoming loose from the pole system, crossed one of the electric wires and became charged, in turn charging the guy wire. It is regarded as fortunate in the respect that children had been playing in the vicinity all day and had not touched the same, the condition becoming known before any person came in contact with the wire.

Child Kicked to Death.

The eleven-year-old daughter of David Glese, a well-to-do German farmer, who lives five miles northeast of Culbertson, was dragged and kicked to death by a horse she was leading. The father was cutting wheat and had instructed the child to bring him a fresh horse at noon and some oats in a sack as feed for the team he had been using. The little girl had wrapped the rope halter of the horse about her right arm, after leaving the house, and had attempted to carry the sack of oats with both arms. This frightened the horse, a big, powerful animal, and he started to run. The harder he pulled the tighter the rope drew on the arm of the helpless child, and when stopped at the end of a forty rod run the body was beaten and kicked to a pulp and was almost naked. Dr. A. Townsend of Culbertson was telephoned for and gave what aid he could, but the little sufferer died in an hour after being carried to the house.

Falls Dead at Telephone

Mrs. A. C. Stuckenholz fell dead at her home in Auburn, aged about forty years. She had just turned away from the telephone, where she had been ordering the bus for a visitor, when she complained of feeling badly and immediately expired. She left two daughters, aged thirteen and sixteen years.

DOUBLE CELEBRATION IN HALL.

Fourth of July and Fiftieth Anniversary of White Settlement.

Grand Island and Hall county celebrated the fiftieth anniversary of the settlement of that vicinity July 4. Elaborate preparations had been made in decorations, a fitting program of speaking and music and the accompanying sports and fireworks and the day was a propitious one. The rareness of such a celebration, the interest it awakens among all the older families within a radius of 100 miles, and the local pride that is stirred, combined with the general purposes of celebrating this day, resulted in the assembling of the greatest crowd ever seen in the city. It was not a mere arrangement that the fiftieth anniversary of the approach of white men to this section was observed on that day, for it was fifty years ago to the date that a colony of white men, mostly Germans, came out from Davenport, Iowa, to stake out a settlement and town here with the hope that it would some day become the future capital of the United States. It was about the time that people began to feel that, some day, in the not distant future, railroads would be built to the Pacific, the west would rapidly develop, and it would be absolutely necessary to locate the capital more centrally. A company of bankers and congressmen were back of the colony, but the company failed the first winter. The colonists remained on and eight of the original settlers still survive and live in Hall county while two others—one from Loup City and one from Saginaw, Michigan, the latter being the first sheriff, were present to join in the festivities.

COUNTIES MAY COMPETE.

State Fair Offers \$2,500 in Cash for Agricultural Exhibits.

All of the good agricultural counties in Nebraska are interested in the county collective exhibit to be held at the state fair at Lincoln the first week in September. Counties may enter agricultural exhibits in competition for cash prizes which aggregate \$2,500. Secretary Mellor of the state board of agriculture has printed premium lists containing a complete description of the terms on which counties must enter this contest. The state board has made material changes in the plan of competition and counties will now enter by districts. William James of Dorchester is superintendent of the exhibit, which will be class O.

Exhibits in this class are limited to county agricultural societies, exhibiting in the name of the society, provided, that in counties in which there is no organized agricultural society, one or more individuals may compete in the name of the county.

Aged Farmer Kills Self.

Austin Nutt, a farmer, seventy-seven years old, living near Mt. Hope church, seven miles west of Ashland, was found dead hanging from the limb of a tree in a grove on his farm. Since the death of his wife, two years ago, the old gentleman has been gradually losing his mind, due to poor health. It is believed that he committed the deed after worrying over financial losses.

Ashland Store Collapses.

Without warning the west wall and the roof on the rear end of S. L. Sears' store at Ashland collapsed. There was no high wind or other disturbance at the time and Mr. Sears is unable to account for the disaster, unless it was due to the intense heat. The only occupants of the store at the time were Bert Service, a clerk, and Dr. C. C. Whistler. Both escaped unharmed.

May Die From Her Burns.

Miss Fern Adamson, daughter of A. J. Adamson, Auburn, may not live because of injuries received as a result of a fire which totally destroyed the residence of B. Melott. The loss was over \$4,500, and only partially covered by insurance. Miss Adamson was seriously burned by falling embers which caught in her thin clothing.

Hurt in a Runaway.

A valuable horse belonging to Charles Hacker became frightened at the steam roller which has been used to work the roads at Auburn and ran away, throwing Mr. Hacker and Frank Forbes out of the buggy, injuring both very badly. The horse ran several blocks into a barbed wire fence, demolishing the buggy and cutting itself.

Dies From Encounter With Bull.

E. E. Greer of Cambridge, who was injured about three months ago by being hooked by a vicious bull has died from the effects. Mr. Greer was taken to a hospital in Omaha, where he remained until he was brought home. The funeral was held from the Greer home. The deceased left a widow and children.

Major Cherter Harring, corps of engineers, has been ordered to Panama to report to Colonel Goethals.

TO INVADE PACIFIC

FLOWER OF UNITED STATES NAVY TO MAKE LONG TRIP

NO MENACE IS INTENDED

Nothing in the Movement to Which Japan Can Take Exceptions—Will Not Encroach on Japanese Territory.

The government has decided to send a large fleet of warships to Pacific waters.

Details of the vast movement of the Atlantic fleet to Pacific waters have been theoretically worked out weeks in advance by the naval general board. But these details are necessarily subject to constant change resulting from the withdrawal of battleships from active commission on account of having been declared antiquated or in need of repairs and the substitution of other ships just going into commission and fresh from the builders' hands. There is in the navy department at present scarcely any one authorized to afford any information as to the contemplated fleet movement, those able so to do being away on vacations.

The opinion of the officers on duty is that the route most feasible for the big ships is by way of the Straits of Magellan. The route across the Atlantic and through the Mediterranean and Suez canal is open to the objection that it would bring the big ships almost into Japanese waters and the movement might consequently be regarded as a menace, which Secretary Metcalf has stated has never been contemplated. The Suez route, too, is longer by 1,100 miles than the Magellan route. This, according to the best calculations, and allowing for short visits to ports not on the nearest sailing route is about 13,000 miles in length.

The battleship Oregon covered the distance from San Francisco to Jupiter Inlet, Fla., in 1898 in sixty-three days. But she was handicapped by the company of the little gunboat Marietta, which was scarcely able to make more than eight knots per hour, and also by the fact that as a precautionary measure the Oregon was sent around the West Indies, sensibly lengthening her route. So the opinion now is that under ordinary cruising speed, which for the big battleships means about ten or twelve knots an hour, and allowing a reasonable time for coaling en route, the Atlantic fleet can make the passage from New York to San Francisco in less than sixty days.

LOSS OF A MILLION.

Break in Levee Floods Lands in California.

The Buena Vista lake levee near Bakersfield, Cal., has broken, flooding 30,000 acres of land belonging to Miller & Lux and the Tevis Land company and causing one million dollars' damage. The Sunset railway has been put out of commission, and the oil fields are cut off from communication with the city. The levee held back the waters of the Buena Vista lake, covering nineteen square miles and protected a body of reclaimed land extending for a distance of fifteen miles including the old bed of Kern lake, the property of the Kern County Land company and Miller & Lux. This land was covered with crops of growing grain. It will be days, perhaps weeks, before the waters find their level, and not until that time can the track of the Sunset railway be repaired so that traffic can be resumed. This means a cessation of shipments of oil from the Sunset district and also puts a stop to the active development work now in progress in that field.

CASUALTIES OF THE FOURTH.

Thirty-seven Dead and 2,153 Injured in United States.

Thirty-seven men, women and children are dead, and 2,153 are maimed, lacerated or burned as a result of excess of patriotism in the United States. The number of the dead does not include five drowned during the day.

The roster of the dead is four more than last year's mortality list. A year ago thirty-three persons were dead on the morning after the Fourth, not including five drowned.

Unfortunately, the death roll will increase day by day, and even the late days of August will witness additions to it. Tetanus, that germ aftermath of gunpowder wounds, claims its victims by scores, and even by hundreds, for weeks after the Fourth.

Rear Admiral Farquhar Dead.

Rear Admiral von Heldrichs Farquhar, U. S. N., retired, died suddenly at the Hotel Thornyke, Jamestown.