Only 11 DAYS For Christmas Shopping

THE OMAHA DAILY BEE

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LUMBER RATE CASE

Interstate Commerce Commission Begins Hearing Northwest Complaints.

MILL MEN OBJECT TO RAISE

They Say it Cuts Their Products Out of Middle West.

CHARGE OF CONSPIRACY MADE

Hill and Harriman Accused of Making Illegal Contract.

POSITION OF THE RAILROADS

Their Attorneys Say Advanced Rate Was Not Compensatory and That Advance is Justified by Conditions.

WASHINGTON, Dec. 11.—Rate cases involving larger financial interests than any ever heretofore brought to the attention of the Interstate Commerce commission now are being heard by the commission. While only four complaints are included directly in the present hearing, several others are dependent on the findings in the pending cases.

The history of the cases heretofore has been written. In brief, it is that the railroad lines of the west and northwest determined several months ago to advance their rates on manufactured lumber from northwest Pacific points—Oregon, Washington and Montana—to the east and south. The rates proposed were made effective on November 1 of this year. In the regular way these rates were filed with the Interstate Commerce commission. They showed an increase of from 5 to 10 cents a hundred pounds on lumber shipped from northwest Pacific points to eastern points and a much larger increase from Oregon and Washington points to San Francisco bay points. These proposed rates the shippers declared to be unjust, unreasonable, discriminatory and prohibitive. They asserted that if the advance in rates was put into effect they would have to go out of business. In fact, it was acknowledged in the hearing today that the lumber mills of Oregon and Washington had been compelled to close down because they were unable to ship their products on account of the advance in freight rates.

Long List of Plaintiffs.

The cases now being heard are those of the Oregon and Washington Lumber Manufacturers' association and others against the Union Pacific Railroad company and others; the Pacific Coast Lumber Manufacturers' association and others against the Northern Pacific Railway company and others; the Western Oregon Lumber Manufacturers' association against the Southern Pacific Railroad company and others, and the Southwest Washington Lumber Manufacturers' association and others against the Northern Pacific Railway company and others.

Each one of the complainants alleges an unreasonable advance in rates on forest products from the northwest Pacific states to various other points in the United States, and the defendants in each case include the most important lines of railway in the west and northwest.

Conspiracy is Charged.

It was stated in the opening of the hearing that the complainants would prove that the so-called Hill lines and Harriman lines had entered into a combination, or conspiracy, to advance the rates on lumber products through the medium of the transcontinental freight bureau and that the rates were made without any reference to competitive or to financial conditions. The former rates in force were declared to be fairly compensatory to the railroads, while the new rates were declared to be the result of an unlawful conspiracy in restraint of trade and made for the purpose of extorting from the lumber men of the north Pacific states a large percentage of their profits. The advance in rates was asserted to be abnormal and it was said they were put into effect for the purpose of depressing the price of lumber.

Many Mills Are Closed.

The effect of the advance in rates, it is stated, has been practically to paralyze the lumber industry of the Pacific northwest, in which hundreds of thousands of people are interested and in which tens of millions of dollars of capital are involved. It was pointed out that the lumber industry in both Washington and Oregon was built upon assurance that the railroads would maintain an equitable rate on lumber products. Many of the mills had been compelled to shut down, but others were running at a loss, merely because it was cheaper to do so than to close entirely. It was pointed out, however, that 93 per cent of the mills in the Great Harbor district were closed down, because they could not do business at the advance in freight rates.

On the other hand, it was contended by the defendants that the rates proposed were reasonable; that the rates heretofore in force were abnormally low; and that the railroads were not justified in continuing a set of rates that is not compensatory.

WESTERN UNION'S DIVIDEND

Directors Declare One and One-Quarter Per Cent in Unissued Stock.

NEW YORK, Dec. 11.—The directors of the Western Union Telegraph company today declared a quarterly dividend of 1¼ per cent, payable in stock of the company. The company has $2,630,000 of unissued stock and the dividend will be paid by issuance of this stock to the amount required.

The board adopted the following resolution:

Resolved, That the appreciation of the board is due to Colonel R. C. Clowry and the executive officers of the company for the tact, discretion and prudence with which they treated the situation arising from the strike of operators.

PANHANDLE TRAIN IN DITCH

Broken Rail or Defective Track Supposed to Be Cause of Accident.

COLUMBUS, O., Dec. 11.—The first section of Panhandle train No. 29, the Keystone express, was wrecked last night at Frazeyberk, forty-nine miles east of Columbus. It is stated that half a dozen passengers were injured, none fatally.

Two Pullmans and a day coach left the rails, the Pullmans turning over on their sides. The cause of the accident is supposed to have been a broken rail or a defective truck.

SUMMARY OF THE BEE

Thursday, December 12, 1907.

DECEMBER 1907

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

THE WEATHER.

Forecast till 7 p. m. Thursday:

FOR OMAHA, COUNCIL BLUFFS AND VICINITY—Probably rain or snow Thursday.

FOR NEBRASKA—Probably rain or snow Thursday; cooler in west portion.

FOR IOWA—Probably light rain or snow late Thursday; warmer in east portion.

Temperature at Omaha yesterday:

Hour.	Deg.
5 a. m.	25
6 a. m.	25
7 a. m.	26
8 a. m.	28
9 a. m.	27
10 a. m.	29
11 a. m.	32
12 m.	36
1 p. m.	39
2 p. m.	41
3 p. m.	42
4 p. m.	42
5 p. m.	41
6 p. m.	39
7 p. m.	37
8 p. m.	36
9 p. m.	36

DOMESTIC.

President Roosevelt issued a statement declaring that he would not accept another nomination for the presidency. **Page 1**

Department of Justice abandons idea of prosecution of Union and Southern Pacific roads for violation of anti-trust law on promise conditions will be changed. Postoffice department favors reappointment of H. E. Palmer as postmaster at Omaha and both of the Nebraska senators want B. F. Thomas. **Page 1**

Senator Davis delivers a passionate speech at the capitol directed against the trusts. **Page 1**

President Roosevelt is anxious to ascertain the actual conditions in Goldfield. Commissioners Smith and Neill, with Secretary Murray, have left to make an investigation. **Page 1**

T. O. Sadlier, manager of the West End branch of the California Safe Deposit and Trust company, blew off his head following disclosures of the bank's condition. **Page 1**

Democrats will hold the session of the national committee today. Chicago seems likely to capture the convention by default. **Page 2**

Mayor-elect of Boston will have democratic council and Board of Aldermen. **Page 1**

Judge Smith McPherson has enjoined the law reducing express rate in Missouri. **Page 1**

Harriman is reported sick with cold. **Page 1**

Stuyvesant Fish made hurried trip to Chicago, where he will be on hand for the coming contest for control of the Illinois Central. **Page 1**

Harry Orchard tells again his story in the Pettibone trial. **Page 1**

Interstate Commerce commission is hearing the lumber rate cases. **Page 1**

FOREIGN.

Emperor of Japan receives representative of Russia in audience. **Page 1**

Queen Sophia of Sweden is ill, following the strain of the death of King Oscar. **Page 1**

NEBRASKA.

Interstate Commerce commission has fixed the Wyoming-Nebraska coal rate hearing for December 16 at Lincoln. **Page 3**

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
NEW YORK	Ryndam	
LONDON	Minneapolis	
PLYMOUTH		President Grant.
ROTTERDAM		Lithuania.
GIBRALTAR	Republic	Koenigen Louise.
LIVERPOOL		Saxonia.
BREMEN	K. F. Wilhelm	
BOSTON		Ivernia.

INDICTED ON PERJURY CHARGE

General Manager of Greene Cananea Company Must Stand Trial in Arizona.

GLOBE, Ariz., Dec. 11.—The five indictments returned last week by the federal grand jury and placed on the secret file were against Dr. L. R. Ricketts, formerly superintendent of the Old Dominion Mining company, and now general manager of the Greene Cananea company. One is for perjury and four are for subornation of perjury in connection with alleged land frauds in New Mexico. Ricketts is at present in Cananea and no warrant has been served. Bail was fixed at $10,000 by Judge Nave.

CARSON CITY, Nev., Dec. 11.—Yesterday in the United States district court Judge Farrington pronounced sentence on the Williams brothers, one a state senator, for illegal fencing of federal lands in the eastern and northern parts of the state. On four indictments, each was sentenced to pay a fine of $100 and serve twenty-four hours in the Churchill county jail at Fallen. On another count George Williams was sentenced to pay a fine of $200 and serve twenty-four hours in jail. The fines were promptly paid by the two men as soon as court adjourned.

WIFE WEPT, HUSBAND IS DEAD

New York Bowling Expert Leaps to Death Down Dumb Waiter Shaft.

NEW YORK, Dec. 11.—Because he and his wife of two months quarreled over his desire to spend his evenings at his bowling club Jacob Victor killed himself last night. Victor, who enjoyed a local reputation as a bowler, told his wife at supper that his club was to bowl a match game last night and needed his help. She burst into tears at his desire to spend the evening away from her. Victor, saying that if she was tired of married life so was he, rushed from the room. She followed him up five flights of stairs, where he burst into the apartments of a family he did not know, threw open the door of the dumb waiter and jumped in. His wife was so close to him that she grabbed his foot, but he kicked himself free, plunging to the bottom of the shaft. He was instantly killed.

WALSH TRIAL GOING SLOWLY

Early Testimony Largely About Identification of Books and Papers.

CHICAGO, Dec. 11.—The early testimony in the trial of John R. Walsh consisted entirely of the identification of books and papers which had been used in the various enterprises of Mr. Walsh. Louis E. Hart, secretary of the Indiana Southern Coal company declared that he had purchased stock in that company, but that the money with which he paid for it was furnished by Mr. Walsh.

DAVIS ROASTS THE TRUSTS

Arkansas Senator Takes First Opportunity to Speak at Washington.

REJECTS FOOD FROM MAMMON

Spectacular Address Made in Favor of His Bill Doing Away with Combinations in Trade.

WASHINGTON, Dec. 11.—Senator Jefferson Davis of Arkansas went to the capitol today carrying a large dress suit case filled with documents he wished to have on his desk for reference during his speech on trusts. He was at his desk almost an hour before noon and before the arrival of any other senator.

When Senator Davis secured the floor and began his address all of the senators, both republicans and democrats, were in their seats and they gave strict attention to his remarks. The galleries were filled with spectators.

Senator Davis delivered a passionate address. After declaring that his bill, rigorously enforced, would kill the trusts, with dramatic effect he challenged any senator to step forward and contest the issue with him.

Senator Davis began by declaring that it was not his purpose to restrain his seat in the senate until his hair shall have grown gray before taking his work actively in that body.

"I undertake to say," he continued, "that if this bill is enacted into a law, and fearfully and honestly executed, trusts will be wiped from the face of the earth and no longer will we feel their grinding and destroying grip on the arteries of trade and commerce."

A domestic corporation found fixing the price of any article would, by his bill, he said, have its charter forfeited and a foreign corporation guilty of such an act would not be allowed to do business in the United States.

Congress should not hesitate in its work of destroying the trusts because of any fear of unsettling business, he continued. He spoke of the Sherman anti-trust law. "Has it proven effectual?" he asked. "Has it destroyed a single trust?

The Hands of Mammon.

Ah, Mr. President, it was stated by the metropolitan press before I entered this august body, flippantly too, that before I had been in the senate six months the trust magnates would have me feeding out of their hands. I may share crumbs with a Lazarus, but I swear to you today, by every God in the calendar, that I shall never eat from the hands of mammon.

When we look to the leading cause for this great wealth upon the part of these great corporations, and the causes leading to their formation, to the formation of trusts, we are compelled to go no further than republican authority itself and take the sworn testimony of Mr. Havemeyer, the great sugar king, who has gone to his reward, be it good or bad, who has gone to that land and that clime where St. Peter does not take "sugar in his," and where money is of no value.

He read Mr. Havemeyer's statement before the industrial commission that "the tariff is the mother of trusts."

"Under the operation of this system of government," he said, "fifty-one men in the United States, multi-millionaires, if you please, have amassed a total fortune of $3,295,000,000. Of this fifty-one, John D. Rockefeller, the oil king of the world, leads with $600,000,000, Andrew Carnegie, the steel king of the world, follows with half this amount."

Wealth of the Nation.

The secretary of commerce and labor had calculated, he said, all the property owned by 89,000,000 American citizens is $107,000,000,000, so that these fifty-one citizens own one-thirty-fifth of the entire wealth of the nation.

He declared that while he is an alarmist, he is not an anarchist or a socialist. He favored imprisonment for rich law breakers.

"There is too much gold," he declared; "there is too much glitter; there is too much gloss; there is too much of tinsel and I say, sir, that unless times and conditions change it will not be long before the American statesmen will be wearing knee breeches with brass buckles and powdered wigs and bowing down to semi-royalty."

Speaking of the great expenses of the government, Senator Davis said:

Our president, and I speak of him in the most respectful terms, besides his salary of $50,000 a year, and I say that that is not excessive, is paid by this congress $25,000 a year for traveling expenses, and approximately $112,000 annually for living expenses. Ah, Mr. President, this is enormous. This is unreasonable. The president of the United States has five children, I believe. It is true that he should live in accordance with the dignity of the position which he occupies—the greatest executive on the face of the earth, but Mr. President, I have the president "skinned a city block" in the matter of family. I have eight children, and it doesn't take $113,000 for my living expenses. No, sir, the greatest president that ever lived upon this earth, that was ever inaugurated in this capital, in my judgment, was "Old Blue Jeans, Old Hickory Jackson," who rode his horse to the White House dressed in a suit of blue jeans.

He denounced stock gambling and said he would do away with gambling in cotton, grain and the necessities of life.

HIBBARD'S OFFICIAL FAMILY

Mayor-Elect of Boston Will Have Democratic Council and Board of Aldermen.

BOSTON, Mass., Dec. 11.—Mayor-elect George A. Hibbard, republican, will have in office with him during his two years' tenure a board of aldermen composed of seven democrats and six republicans and a common council with forty-six democratic members and twenty-nine republicans. The complexion of the board of aldermen is the same as that of the last two years, while the democrats lost two members in the common council.

The tabulation of the liquor license vote, completed today, shows yesterday's vote was: Yes, 44,030; no, 27,634. The vote in 1906 was: Yes, 43,222; no, 18,640.

The increase of 9,614 votes for no license materially increases the total prohibition vote of the state.

TESTIMONY OF PRIZE FIGHT

Governor Cummins Will Testify Tomorrow Concerning Case of Captain Kulp.

DES MOINES, Dec. 11.—In the court-martial of Captain Kulp for disobedience of orders today witnesses were examined with a view to prove that a prize fight and not a boxing exhibition took place at Davenport on the night of November 21. Captain Kulp's defense is that he had orders to prevent a prize fight and htat the exhibition, which took place on the date mentioned was not a prize fight, but an exhibition clearly within the confines of the law. Witnesses testified as to gate receipts and also to the filing and delivery of messages from Adjutant General Thrift to Captain Kulp. Governor Cummins will probably testify today or tomorrow.

MORE FELICITATIONS PASSED

Oriental Association Dinner at Tokio Means for Renewed Assurances of Friendship.

TOKIO, Dec. 11.—The annual meeting of the Oriental association, a Japanese organization, was held here last night. The American ambassador, Thomas J. O'Brien, M. Gerard and Count Okuma, leader of the progressive party, were the guests of honor. M. Kuroka presided and toasted "America." Ambassador O'Brien, in responding, said that the cordiality shown to the ambassador from America, together with the chairman's expression of the fraternal relations existing between Japan and America, "would do much to satisfy that peculiar element on both sides of the ocean which for some reason would prefer discord and disagreement between the two nations."

Count Okuma followed with a speech in which he voiced in the friendliest terms expressions of gratitude for the benefits received from America and his conviction that the hitherto unbroken friendship of the two countries would continue.

Prince Ito wired his regrets that he could not be present at the meeting, more especially because of the presence of Mr. O'Brien, the American ambassador.

WIRELESS FIELD GROWS WIDER

Kiev Station in Russia Picks Up Messages Send Across Atlantic.

ST. PETERSBURG, Dec. 11.—The Kiev station of the wireless telegraphy line which the government is constructing to connect Sebastopol with St. Petersburg, has succeeded in picking up Marconi transatlantic messages, including a number of press dispatches sent from the American side. Messages transmitted from Paris and Casablanca also have been picked up.

The wireless system used has given excellent results. Mr. Taft, the American secretary of war, was approached while in this city for permission to install wireless communication between Shanghai and Manila.

The distance to Kiev from Glace bay, the point at which the Marconi wireless messages are started for Ireland, is approximately 3,750 miles. Stray wireless messages have previously been picked up at a distance of 3,500 miles from their point of origin.

SHIPOFF INTERVIEWS MIKADO

Emperor of Japan Receives in Audience Representative of Russian Interests.

TOKIO, Dec. 11.—M. Shipoff, former minister of finance of Russia, who has spent several days in Japan promoting Russian trade relations, was received in audience by the emperor today. The emperor expressed a desire for the most friendly relations between Japan and Russia. Later M. Shipoff left for China.

In an interview with the Associated Press M. Shipoff said that there was absolutely no foundation for the report that he is to be the future Russian ambassador at Tokio. In all probability, he thought, Minister Balhamsteff would continue to act as Russian representative when the legation was raised.

FURTHER NEED FOR STEVENS

American Who Had Advised Japanese Abroad Will Come to Washington.

TOKIO, Dec. 11.—It is stated that in all probability D. W. Stevens will go to Washington as the advisor of the Japanese ambassador. Mr. Stevens came to Japan thirty years ago as junior attache of the American legation. He afterward entered the service of the Japanese government and has since received the highest recognition of his services. He was recently foreign advisor to Prince Ito in the Corean undertakings. Mr. Stevens is well known at Washington and he has a thorough knowledge of the people and affairs of both countries.

JAPANESE CHANGE DIPLOMATS

Retirement of Viscount Aoki Calls for Rearrangement of Staff of Ministers.

TOKIO, Dec. 11.—It is authoritatively stated that Baron Ishii will be appointed vice minister of the Foreign office to succeed Baron Chinda, who will probably represent Japan in Austria, Baron Uchida going to Berlin and Keiroku Tsuzuki to Rome, where he will succeed Baron Takahira, while Yamaza, the head of the political bureau of the Foreign office, will be consul general at London. The program of diplomatic changes will not be officially announced until the arrival of Prince Ito.

CHINESE TROOPS SUCCESSFUL

Win Back Strongholds Recently Captured by Insurgents in Kiang Si.

CANTON, China, Dec. 11.—The three strongholds between Lungchow and Langson, in the province of Kiang Si, which were taken recently by insurgents from Yung Chow, have been recaptured by the imperial troops after sanguinary engagements lasting two days and nights. There were heavy losses on both sides.

QUEEN SOPHIA IS TAKEN ILL

Strain Incident to Death of King Oscar Severe Upon Her Majesty.

STOCKHOLM, Dec. 11.—The condition of Dowager Queen Sophia is occasioning anxiety. The strain upon the queen incident to the illness and death of King Oscar was very severe and since his death she has been almost constantly confined to her bed.

Prince Pulun Entertained.

TOKIO, Dec. 11.—Prince Pulun, the special envoy from China, who is now returning the recent visit of Prince Fushimi to China, was magnificently entertained by Baron Goto at the leading theater tonight. Over 1,000 people were present, including the diplomatic corps, making a most brilliant audience. Court dress was worn by those present.

Duty on Sugar Reduced.

VIENNA, Dec. 11.—The budget committee of the Reichsrath today approved the bill reducing the duty on sugar by 8 kronen.

Standard Evading Execution.

PENSACOLA, Fla., Dec. 11.—Fearing that the vessels might be seized on the judgment secured against the company by the state of Texas the Standard Oil company today ordered the steamer, Captain A. P. Lucas, and bark No. 95 to proceed from this port to sea and not to come within three miles of shore until further orders were received. The vessels, both of which are among the largest of the oil carrying fleet of the company, had just returned from London, where they carried an immense quantity of oil from Port Arthur. The vessels are now anchored off Pensacola bar awaiting wireless orders.

PACIFIC ROADS GO CLEAR

Prosecution Under Anti-Trust Law is to Be Abandoned.

FIGHT OVER OMAHA POSTMASTER

Department for Reappointment of Palmer, but Both of Senators Are for B. F. Thomas---Gamble and Kittredge Lock Horns.

(From a Staff Correspondent.)

WASHINGTON, Dec. 11.—(Special Telegram.)—Prosecutions against the Union Pacific and Southern Pacific railroads, growing out of anti-trust laws, are likely to be stopped by the Department of Justice, according to a rumor current tonight. The combination between the Union Pacific and Southern Pacific, alleged to be in restraint of trade and which prompted the Department of Justice to begin an action against the Harriman interests, seems in a fair way to be compromised, representations having been made to Attorney General Bonaparte by Mr. Harriman or by those representing him that action will be taken by the president of the Pacific railroads looking to the termination of their interests in order that they may become independent of one another within the meaning of the anti-trust law.

Attorney General Bonaparte believes that if Mr. Harriman should bring about a dissolution of the close connections between the Union Pacific and Southern Pacific and become independent factors in the railroad situation the prosecution would be inadvisable and that there would be nothing to prosecute.

Postmastership Bothers Senators.

Senators Burkett and Brown of Nebraska were advised yesterday that the commission of Postmaster H. L. Palmer of Omaha would expire January 23 and that so far as the Postoffice department was concerned and unless there were special reasons why Captain Palmer should not be reappointed the department will recommend his continuance in office. This official notice from the first assistant postmaster general compelled the senators to "sit up and take notice." After a conference they decided "to beard the lion in his den, the Douglas in his hall," and they moved down upon Mr. Frank Hitchcock with a statement that they were for B. F. Thomas, who had the support not only of the business interests of Omaha, but that of the republican organization as well. Then the first assistant postmaster general unburdened himself to the extent of saying that the policy of the Postoffice department had been settled in favor of a man whose record was good and against whom charges had not been made. Mr. Hitchcock stated that Captain Palmer's record as postmaster was first-class and that so far as the department was concerned it saw no reason why he should not be reappointed.

Then it was that the senators from Nebraska realized that unless they could bring stronger pressure to bear than the support of the organization a change would be frowned upon by the Postoffice department. Realizing that they were against a proposition that has a "kick" to it the senators retired to take an account of stock and decide upon their future action.

Feel They Have Been Slighted.

So far as the senators are concerned they do not know that Captain Palmer is a candidate for reappointment, except as he has so stated to them individually, all his testimonials being addressed to "The president of the United States," instead of to either Senator Brown or Senator Burkett or both combined. While the senators probably would spurn the idea that they resent the manner in which Captain Palmer has proceeded in securing endorsements for his reappointment there is a senatorial courtesy uppermost which cannot be disregarded, and in consequence there is some feeling on the part of the senators over the appeal to the president rather than through themselves. With this condition confronting them it is safe to assume that the Nebraska senators will take a much more pronounced stand on the postmastership for Omaha than they did in their interview with Assistant Postmaster General Hitchcock yesterday, and they may even go so far as to say that Captain Palmer's nomination will be tantamount to a rejection by the senate should his name be sent in. Then again, the president may fail to send in any name for postmaster at Omaha, which will permit Captain Palmer to continue in office until his successor is confirmed.

St. Louis is going through a somewhat similar fight over its postmaster. In the St. Louis case the present postmaster has the indorsement of the postoffice department, but theer republican congressmen from that city and Senator Warner have recommended another man for the place. It is understood that the president takes the position that the appointment of another than the present postmaster would be an admission that the postmaster is incompetent and would be a triumph for his enemies, who include a well known publisher in that city, and he is loath to take that stand.

The Omaha and St. Louis cases are types of difficulties presenting themselves to the Postoffice department and show how the legislative branch of the government is becoming involved over methods of procedure with the executive branch. In the Omaha case all signs point to a long drawn out contest unless the two senators can persuade the president that the order of the Postoffice department regarding reappointments is injudicious.

Senators Gamble and Kittridge locked horns today in the senate committee on public lands relative to the appointments of registers and receivers for land offices in South Dakota. Senator Kittridge filed a statement with the committee, according to an interview he had tonight with The Bee correspondent, that he had no objection to the confirmation of any land officers appointed by the president and sent to the senate for confirmation.

Senator Gamble asked that the nominations go over for a time upon the theory that if one set of officers was to be confirmed other officers of the federal government should also be included in the general confirmation, hoping thereby to secure the confirmation of Mr. Waggoner, present United States district attorney, who is being bitterly fought by Kittridge. Complicated as the South Dakota situation was before, it is still more complicated now and the chances are that there will be no confirmations of any of these nominations for some time to come, those in office holding onto their jobs indefinitely. Senator Gamble has an advantage over Senator Kittridge, being a member of the public lands committee of the senate, and under that vague thing known as "senatorial courtesy" he can command the land offices. But Senator Kittridge ha salso an advantage, being a member of the committee on judiciary to which United States District Attorney Waggoner's nomination must go for report. Both sena-

(Continued on Second Page.)

MITCHELL CONVENTION CITY

Coming Winter Will Be Fully Occupied Entertaining Various State Associations.

MITCHELL, S. D., Dec. 11.—(Special.)—During the winter season Mitchell will be busy in entertaining the various conventions which will assemble before the opening of spring. The first convention scheduled for the winter months is the South Dakota Corn Show and Breeders' association, which will be held commencing Tuesday of next week, lasting three days. This is held under the direction of expert corn growers and the one that was held a year ago was so successful that the officers decided to make it a permanent affair, and this year have offered larger cash premiums to bring out the exhibits. Following this comes the South Dakota Telephone association, which is scheduled for a two days' meeting, commencing January 8. The telephone industry has developed in all parts of the state to a wonderful degree in the last five years, and from every little village rural telephone lines have been run and are today on a paying basis. The manufacturers of telephone supplies will be largely represented at the convention and half of the city hall auditorium will be used to make a display of their goods. Following the telephone men come the Improved Live Stock Breeders' association for the latter part of January and continuing over one day in February. When the stockmen assemble in Mitchell for the next meeting they will be greeted by an enlarged building, which was built last summer, and about $3,000 was expended in making the sale pavilion larger. Ever since the building was first erected the sale pavilion did not anywhere near accommodate the number of buyers who were present, but it is figured at this time that there will be nearly room enough. It is expected that next year the room for the cattle, hogs and sheep will have to be enlarged, should the high standard now required for stock be lowered a trifle. During the same week of the stock show the South Dakota poultry show will be held in the city hall building, the success of which as the years have gone by has been something remarkable. W. S. Snyder of Ethan was elected presoident of the association, to fill the place made vacant by the resignation of J. E. Redding.

MORE BANKS ARE RESUMING

Three Small Institutions in Missouri and Kansas Open Doors Again.

KANSAS CITY, Dec. 11.—Three additional small banks in Missouri and Kansas that suspended following the closing last week of the National Bank of Commerce are to resume. They are the Union Avenue Bank of Commerce of Kansas City, a branch of the National Bank of Commerce; the private bank of D. A. Becker at Stotesbury, Mo., deposits about $30,000, and the State Bank of Admire, at Admire, Kan., with deposits of $100,000.

The Union Avenue bank when it closed had $120,000 upon deposit in the National Bank of Commerce. The stock holders and patrons are to make up this amount, and the bank may resume this afternoon or tomorrow. R. M. Cook, Missouri state bank examiner, who is here, says:

"There is nothing whatever to prevent the resumption of the Union Avenue bank." Mr. Cook also said that the private bank at Stotesbury would reopen within a few days.

The State Bank of Admire when it closed had $28,000 on deposit in the National bank of Commerce. This amount has been covered by stock holders in the institution and Bank Commissioner Royce of Kansas, says it will reopen some time today.

With the reopening of these three banks all of the small banks in this part of the country affected by the National Bank of Commerce failure will have resumed.

CHICAGO, Dec. 11.—A member of the Chicago Clearing House committee stated last night that Chicago banks are not a party to any plan for rehabilitating the National Bank of Commerce of Kansas City. James B. Forgan, chairman of the committee, said:

"So far as Chicago banks are concerned, they have nothing to do with any attempt which may be made to reopen the bank."

President John J. Mitchell of the Illinois Trust and Savings bank, who is a member of the Clearing House committee, was also positive that the scheme to reopen the Kansas City bank did not include aid from Chicago institutions.

ORCHARD TELLS STORY AGAIN

Appears Little Changed in Court and Gives Testimony in Pettibone Case.

BOISE, Idaho, Dec. 11.—The announcement that Harry Orchard would be called as a witness in the Pettibone trial this morning caused the presence of many spectators, a large number of women being present. Orchard was called as the first witness and he promptly entered, accompanied by two penitentiary guards. He was dressed in a neat business suit and in general appearance showed little change since the Haywood trial. The witness was perfectly composed as he answered the questions put by James H. Hawley of the prosecution.

The early life of Orchard in Canada was touched only briefly. The witness stated his true name as Alfred E. Horsley and his age as 40 years. As he testified Pettibone and Moyer watched him closely, but he merely glanced in their direction. He told of driving a milk wagon in the Couer D'Alene country, of being in the wood business and of finally going to work in the mines and joining the union.

In a very precise manner he narrated the events leading up to the tragedy of April 29, 1899, when the Bunker Hill & Sullivan mill was blown up by the members of the miners union at Burke, Gem and Wallace. Pettibone's name was brought into the testimony for the first time when Orchard said that the defendant told him in 1904 that the guns in the 1899 riot were shipped by him in piano boxes from Denver.

Orchard said he was one of the 1,200 men who took possession of a train and went to Wardner, and that he touched off one of the boxes of dynamite, which blew the mill to pieces. He then told of the calling of troops and the exodus of miners from the district, the witness going to Butte, thence to Utah, where he remained until 1902, when he went to Cripple Creek, took up mining again and joined the free coinage union. When the strike was called August 10, 1903, he walked out with the rest and said he engaged in "high grading," at the Vindicator mine. Orchard then testified that W. F. Davis, a member of the strike committee, asked him to blow up the mine, while nonunion men were at work in it, and he consented to do so.

First Electrocution in New Jersey.

TRENTON, N. J., Dec. 11.—The first official electrocution in New Jersey occurred in the state prison here a few minutes before 6 a. m. today, when Serverio Di Giovanni, an Italian, paid the death penalty for the murder of Joseph Sanson, a fellow countryman at Raritan last September. The electrocution was pronounced a success in every way.

AGAINST THIRD TERM

President Roosevelt Restates Position on Presidency.

FIRST ANNOUNCEMENT REPEATED

Executive Adheres to Declaration Made Three Years Ago.

WILL FOLLOW WISE CUSTOM

Unwritten Law Limiting President to Two Terms to Be Observed.

SUBSTANCE AND NOT LETTER

Executive Says That Under No Circumstances Will He Be a Candidate or Accept Another Nomination.

WASHINGTON, D. C., Dec. 11.—President Roosevelt will not be a candidate for a third term. All doubt on this point was tonight dispelled by the authoritative statement from the White House that Mr. Roosevelt still adheres to the declaration of renunciation made on the night of the election three years ago. In the statement issued tonight, President Roosevelt says he has not changed and shall not change the decision communicated to the American people in 1904.

It appears that President Roosevelt had been awaiting the call for the republican national convention to afford the proper opportunity for making his position clear and unmistakable, thus leaving the field clear for Taft, Fairbanks, Cannon, Knox, Foraker and other declared or receptive candidates for the republican nomination. The president's statement follows:

"On the night after election I made the following announcement: I am deeply sensible of the honor done me by the American people in thus expressing their confidence in what I have done and have tried to do. I appreciate to the full the solemn responsibility this confidence imposes upon me, and I shall do all that in my power lies not to forfeit it. On the fourth of March next I shall have served three and a half years, and this three and a half years constitute my first term. The wise custom which limits the president to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination."

"I have not changed and shall not change the decision thus announced."

FISH FOILS PLOT FOR DELAY

Rushes for Train to Escape Process Server Who Wanted Him as Witness.

NEW YORK, Dec. 11.—The World states that Stuyvesant Fish's sudden departure for Chicago last night was due to his discovery of a plot to hold him in New York until after the election of directors of the Illinois Central railroad, which takes place December 18 in Chicago. According to this story, Mr. Fish discovered that a process server was looking for him with a subpoena to appear as a witness in a case now on trial at White Plains. This case, it is stated, will require several weeks to try and attendance there would prevent Mr. Fish going to Chicago and voting the many proxies which are in his name and which he must vote personally. The fact that the subpoena had been issued, the story says, became known by accident to one of Mr. Fish's friends, who at once telephoned him. Thereupon Mr. Fish and his secretary were rushed to the Jersey City ferry and caught a train to Chicago. It is said they went without baggage. It had been announced that Mr. Fish would not go to Chicago until a day or two before the meeting.

CHICAGO, Dec. 11.—Attorneys for Stuyvesant Fish appeared today before Judge Ball in the superior court and asked for a construction of an order granted October 15 on the prayer of Mr. Fish, restraining 281,521 shares of Illinois Central railroad stock from being counted at the annual election in any vote where they would prove decisive throughout the meeting.

Henry W. Leman, counsel for Mr. Fish, asked that the order be construed for the benefit of all concerned. He intimated that this action was necessary because of an alleged erroneous belief on the part of the defendants, the Harriman faction that the election on December 18 no longer hangs on the injunctional proceedings. Mr. Leman said that he desired to give the defendants ample time to bring before the court the question of their right to vote all stock outstanding in their name.

HIS NOMINATION WITHDRAWN

Conduct of Nominee for District Attorney in Oregon Unsatisfactory.

WASHINGTON, Dec. 11.—It was announced at the Department of Justice today that the nomination of William C. Bristol, United States attorney for Oregon, which had been sent to the senate, would be withdrawn, in accordance with the department's recommendation to the president.

The department's announcement says:

Mr. Bristol's course with reference to the land fraud prosecutions in Oregon has been unsatisfactory to the department, and the action of the department is due to this fact and to the attitude taken by Mr. Bristol in some recent telegraphic correspondence with the department.

In addition to the official announcement of reasons which prompted the withdrawal of the nomination, it was learned that in the opinion of the attorney general, Mr. Bristol did not exhibit the application and alacrity in disposing of the land fraud cases that had been expected of him, and that therefore his services should be discontinued. The impression was given that a successor to Mr. Bristol would be appointed without delay, but there was no intimation as to whom it would be.

EXPRESS CUT IS ENJOINED

Judge McPherson Issues Restraining Order Affecting Rates in Missouri.

KANSAS CITY, Dec. 11.—Judge Smith McPherson, in the United States district court here today, issued an order temporarily restraining the Missouri state board of warehouse and railway commission and Attorney General Hadley from putting into effect the new law reducing express rates.

The order was granted upon petition of six express companies, the Pacific, American, Wells-Fargo, Adams, United States and Southern. The law goes into effect January 15 next, and reduces express rates on an average of 21 per cent. A motion to make the injunction permanent will be argued at Kansas City, December 23.