

FINES MUST BE PAID

Rate Decision Against Burlington and Packers is Affirmed.

SUPREME COURT IS DIVIDED

Chief Justice and Justices Brewer and Peckham Dissent.

CASE AFFECTS RATES ON EXPORTS

Railroad Carried Meat at Ten Cents Under Published Tariff.

CONTRACT RATES NOT LEGAL

Majority of Court Holds that All Contracts Must Be Carried at the Same Rate—Opinion of the Majority.

WASHINGTON, March 16.—By a division of five to three the supreme court of the United States today affirmed its decision of the United States circuit court of appeals for the eighth circuit sitting in St. Louis on the Burlington railroad's protesting and the packers of Kansas, Kan., for seeking relief on ships of packing products intended for export. The decision was announced by Justice Day and his announcement was met by Chief Justice and Justices Brewer and Peckham dissenting.

Justice Brewer's Opinion

In the course of his opinion Justice Brewer said: "It has been one of the boasts of our jurisprudence that it upholds the sacredness of contracts. By constitutional provision a state is estopped from passing a law impairing the obligation of a contract and again here the state is estopped from passing legislation having such effect. While there is no such restriction upon the power of congress, yet congress has in this case broken no contract. It has simply, as held by the court, given permission to a carrier to arbitrarily and without any inquiry regulate its contract."

Justice Day's Opinion

In his opinion Justice Day discussed the various points of the controversy involved in the case. Taking up first the question as to what constitutes a contract in the matter of granting rebates, he said: "Had it been the intention of congress to limit the obtaining of such preferences to transient rebates or rebates, or in other words only by disbursed, undeposited methods it would have been made to have so provided in words that would be unmistakable in their meaning. A device need not necessarily be fraudulent, the term includes everything that is a plan or contrivance."

House Puts Old Motto Back

Under Amendment, at Rules "In God We Trust" Bill is Favored.

FARMERS IN NEED OF HELP

Appeal Sent to Bureau of Labor at Washington for Employment to Work.

STARR IS LEADER OF GANG

Well Known Southwestern Character Held to Be Head of Oklahoma Bandits.

Accused of Taking Money

Daniel LeRoy Drosser Charged with Embezzling Four Thousand Dollars.

TRIAL OF GENERAL HORNE ON

Missouri Editorial Writer Answers in Court for Killing H. J. Groves.

GRAIN MEN MAKE REQUEST

Resolutions Passed Asking Congress to Appoint Commission to Look Into Trade.

HUGHES TO FIGHT FOR IOWA

Representatives of New York's Governor Will Wage Fight Against Taft.

EMPERIA LEADER DECLINES THAT HE WILL BE THEIR CHOICE FOR PRESIDENT.

EMPERIA, Kan., March 16.—E. S. Waterbury of Emporia, populist national committeeman from Kansas and delegate to the party's national convention at St. Louis, is quoted as saying today, in the course of an interview here, that United States Senator Robert M. La Follette of Wisconsin would be nominated on the first ballot for president by the populists. He stated further that Mr. La Follette would not be given a chance to accept or refuse the nomination until after the regular national convention is held.

SUMMARY OF THE BEE

Tuesday, March 17, 1908.

Table with columns for dates from 1908 to 1908, listing various events and prices.

THE WEATHER

For Omaha, Council Bluffs and vicinity: Partly cloudy Tuesday; heavy rain or snow Tuesday; clear Wednesday.

Table showing weather conditions for various locations including Omaha, Council Bluffs, and other nearby areas.

DOCKETED

Supreme court postpones for day hearing of case of state of Nebraska to remand railroad case to the state court.

Rivers of Oregon overflow causing heavy loss of property.

Further developments of the death of the two Iowa men in Rochester prove a case of suicide.

United States supreme court decides the packers' fight for accepting rebates at Kansas City must pay the fine.

E. S. Waterbury of Emporia declares the populists will nominate LaFollette for president.

Governor Hughes will make a fight to secure an endorsement in Iowa.

Actor Raymond Hitchcock has been acquitted on order of judge of the charge against him. Sensational evidence involving an agent of a children's society was given.

Former doctor J. R. Cooke asks that he be allowed to earn his living in peace. He says his wife married him for money.

Grain men ask for a commission to investigate the present methods of marketing grain.

Farmers of Lancaster, Pennsylvania are short of help and would like the assistance of some of the unemployed of this city.

House passes bill replacing the old motto "In God We Trust" upon the coins.

Well known southwestern character is said to be leader of the gang that held up the bank at 323 a. m. Tuesday.

China agrees to make apology to Japan for the Tatsu Maru incident and the boat is released.

General Alexis Nord orders aliens in Hayti shot and trouble breaks out anew.

German re-licensing committee has incorporated a stringent stock jobbing clause in a government bill.

Cities of the Pacific coast apply for visit of at least portions of Admiral Evans' fleet.

Express companies all file showing they would lose money if rates are reduced in Nebraska. State accountant criticizes way cash fund is handled at Hastings asylum.

Live stock markets. Grain markets. Stocks and bonds.

MOVEMENTS OF OCEAN STEAMERS.

Port of arrival. Port of departure.

Sable Island—Furthest 27 miles east of Sandy Hook at 3:30 a. m. Will dock 11:30 a. m. Tuesday.

HOUSE PUTS OLD MOTTO BACK

Under Amendment, at Rules "In God We Trust" Bill is Favored.

WASHINGTON, March 16.—Under suspension of the rules the house passed the bill providing for the restoration of the motto "In God We Trust" on gold and silver coins of the United States.

The bill was passed by a vote of 351 to 1.

The debate on the subject excited the liveliest interest of members. Mr. Curtis of Virginia said that in the language of the constitution the motto "In God We Trust" was not only a religious motto but also a political motto.

Mr. O'Connell of Kentucky declared that in the judgment of the Christian people of the United States the president had made a great mistake.

In reply to the bill Mr. Kustermann of Wisconsin said that the motto stamped on currency which went dangerously close to sacrilege.

"It is a piece of farcical hypocrisy," declared Mr. Gordon of Georgia.

FARMERS IN NEED OF HELP

Appeal Sent to Bureau of Labor at Washington for Employment to Work.

LANCASTER, Pa., March 16.—So badly do the farmers of this county require help on the farm that the Farmers' Home Loan association has appealed to the unemployed of this city and town to go to the country for work and an appeal has been sent to the bureau of labor and immigration at Washington asking that able-bodied immigrants be directed to this county.

STARR IS LEADER OF GANG

Well Known Southwestern Character Held to Be Head of Oklahoma Bandits.

BARTLESVILLE, Okla., March 16.—The trio of Tyro (Kan.) bank robbers are said to be, evidently safe in the hills along Honey Creek, twenty miles southwest of Bartlesville. Posses are continuing the hunt. The men who were captured by the posse yesterday returned here today and declared that the leader of the gang is Henry Starr, a well known southwestern character for whom the authorities have been looking for months.

Cowboy Killed by Sheriff.

SHARPSBURG, N. D., March 15.—Joseph Bassard, one of the cowboys who escaped from the penitentiary here recently, was killed last night by Sheriff Beck of Minnegan county in a pistol duel. A few hours earlier Alfred Woodson, the other escaped convict, was captured by a posse.

ALEXIS ORDERS REBELS SHOT

More Than Ten Aliens Meet Death for Deeds in Hayti.

LITTLE REPUBLIC IN AN UPROAR

Society of Consulates Threatened and Germans and French Have Ordered Warships to the Island.

PARIS, March 16.—The latest part of last week's M. Borne, the Haytian minister of state, assured M. Carteron that Hayti would agree to allow the refugees who had taken asylum at the French consulates at Gonaives and St. Marc to leave the island. This morning came the news of the execution at Port Au Prince on Sunday of between ten and twelve prominent persons on the charge of conspiracy against the government, together with a cablegram from M. Carteron announcing that General Nord Alexis, the president of Hayti, had not only refused to confirm the assurances given by M. Borne, but had finally decided to permit the refugees in the consulates to depart. Eleven additional persons have taken asylum at the French legation.

The French cruiser D'Estrees is expected very soon at Gonaives, where it will act in co-operation with the British and German ships of war now on their way to Hayti. It is understood here that France, Germany and Great Britain are acting in accord in this situation.

General Antenor Firmin, who led the last revolt in Hayti, is among the refugees under the French flag. The foreign officers recognize that the general and his followers are revolutionists, but it declined to hand them over to the Haytian government.

The Times this afternoon publishes a special dispatch from Port Au Prince saying that the local situation is grave. General Nord Alexis claims that the plot against him was hatched in the French legation and an attack upon the legation is feared, the correspondent says, because M. Carteron, the French minister, declines to deliver the refugees under the French flag to the Haytian authorities.

Germany and France Act. BERLIN, March 16.—The German admiralty has ordered the cruiser Bremen, at present at Curacao, to go to Port Au Prince, Hayti, to be at the disposition of the German minister for the protection of German subjects or other foreigners.

The foreign office has been in correspondence with the French government with regard to the political arrests made recently in Hayti and the general situation of unrest on the island. A French cruiser, it was learned here today, has been ordered to Port Au Prince. A telegram received here by the German cable company from Port Au Prince, March 16, says that the safety of foreigners was seriously threatened and that the arrival of a cruiser was awaited anxiously. It is believed here that the Haytian government is mediating forcible measures against the right of asylum afforded by foreign consulates in Hayti to Haytian revolutionists.

The situation in the Haytian republic, which for several weeks past has been the scene of revolutionary activities against the administration of General Nord Alexis, is reported to have taken a serious turn yesterday. Eleven prominent politicians, it is said, were by executive order, summarily shot to death at Port Au Prince.

NEW YORK, March 16.—Raymond Hitchcock, the comedian, today was acquitted by direction of Justice Blanchard in the supreme court of charges brought by several young girls after one of the girls had testified that the allegations she had made against the actor was untrue.

The acquittal of the defendant took place in the grand jury. In reply to questions by Assistant District Attorney Garvan the jurist declared that Hitchcock never had harmed her and that she had told the story to the grand jury as he had been directed to do by an agent of the Children's society. It was partly upon the testimony of Flora Whitson that the grand jury's indictment against Hitchcock was based.

Mr. Garvan had read to the jury Miss Whitson's testimony as given before the grand jury. When he had finished, Mr. Garvan asked her if it were true.

"It was not," said the witness. "Mr. Hitchcock never harmed me. I told to the grand jury the story the Gerry agent told me to tell."

"Didn't you repeat some of that statement to me in my office?" asked Mr. Garvan. Miss Whitson's answer was audible.

Flora Whitson swore on the witness stand that an agent of the Gerry society had frightened her into making the charges against Hitchcock. "He threatened to take me away from my mother. I didn't tell the story," she said in a sobbing voice when asked why she had made the charges against Hitchcock before the grand jury.

The girl said the only person to whom she had told the truth concerning her relations with Hitchcock was her stepfather. It was after the stepfather had been called to the witness stand and testified that the girl had assured him that Hitchcock never had ill-treated her that Mr. Garvan moved for the dismissal of the case.

In directing the jury to return a verdict acquitting Hitchcock on the Von Hagen indictment, Justice Blanchard said he regarded the testimony of the Whitson girl as the most startling nature. He suggested that it be made the subject of thorough investigation by the district attorney's office.

Flora Whitson was arrested on a charge of perjury as she was leaving the court room. It has not yet been determined what action will be taken on the remaining indictments against Hitchcock.

ACCUSED OF TAKING MONEY

Daniel LeRoy Drosser Charged with Embezzling Four Thousand Dollars.

NEW YORK, March 16.—Daniel LeRoy Drosser, who was president of the Trust Company of the Republic which went into liquidation several years ago, was arrested today on a warrant charging him with misappropriation of \$4,000. He was arraigned in court and paroled in the custody of his cousin.

Mr. Drosser was prominent in the dry goods trade of this city and the Trust Company of the Republic, which was connected, had a large share in the liquidation of the United States Shipbuilding company.

TRIAL OF GENERAL HORNE ON

Missouri Editorial Writer Answers in Court for Killing H. J. Groves.

KANSAS CITY, March 16.—The trial of General H. J. Groves, charged with the killing of H. J. Groves, managing editor of the Kansas City Post, began in the criminal court here today.

November 18 last General Horne, who was vice president of the Post Publishing company, shot Groves, managing editor, and wounded G. D. Woodward, a part owner. Groves died three days later, but his recovery in the papers, asserted his belief in Groves' innocence.

WIFE AFTER SOCIAL SUCCESS

Jere K. Cooke Says This is What Impelled Him to Leave Home.

SAN FRANCISCO, March 16.—Jere Knede Cooke, the well-known pastor of St. George's church, Hempen, L. I., who slept about a year ago with Floretta Whaley, and who, under the name of "Baldwin" is now occupying the rooming of this city with the girl and her baby, said the following story of his life today: "My parents died when I was very young. But young as I was, I remember distinctly my mother making me promise to enter the ministry. As I grew older the calling appealed to me more and more and I decided to enter the church. I was adopted by a man named Cooke, whom I look upon as an uncle, and attended the public schools. When I was 16 years old, I was apprenticed to a painter and decorator, and there I learned the trade which I am now following. The little I earned I saved and eventually had enough to allow me to enter Yale. Life was an uphill struggle then. I had to work my way through college and graduating was appointed curate of a church in Baltimore.

"While there I met and married the woman the law calls my wife. There I made my first big mistake. When three days after our wedding, she coldly informed me that she had married me simply as a stepping stone to social success and that she saw in me the man who was going to rise, I received the blow which my life has been a struggle to forget. From Baltimore I was appointed pastor of St. George's church in Hempen, L. I. The position was a good one and one that highly pleased my wife. She had there an opportunity to further her social aims and it was pleasing to me also, inasmuch as it was in accord with my personal ambition to succeed.

"I was a pastor of St. George's I met Floretta Whaley. She was a more ideal girl than I had ever known. I was drawn to her as a child and one day I awoke to the fact that she was a woman and that I loved her. At this stage I might say that, though 16 years old, Floretta Whaley was one of the type that matures early. Her' upland life and surroundings made her remarkably precocious even as a child, and at 16 she was in her womanhood. I say this in the face of the criticism heaped on me in regard to the eloping with one so young.

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"I wish it to be remembered that at this time I was at the height of my success. The near future promised for me all the success of the world. I had a wife and a child and every one was proud of me. I knew exactly what the future would be. I knew the storm that would follow. I knew I became a criminal. I knew it all, and I did it.

"Here in San Francisco I learned the difference between the east and west. In the east I would have been stoned and put in jail. In the west people came to my aid and I was able to escape. I was only one course to pursue and that was to stick to the mother of my child. I expected a bounding and instead I received nothing but kindness and offers.

"And now all I ask is to be allowed to live my life not as Jere Knede Cooke, the well-known pastor of St. George's church, but as Jere Knede, painter and decorator who draws a week's wages for a week's work."

HITCHCOCK FREE OF CHARGE

New York Actor Acquitted on Direction of Court When One Witness Fails.

NEW YORK, March 16.—Raymond Hitchcock, the comedian, today was acquitted by direction of Justice Blanchard in the supreme court of charges brought by several young girls after one of the girls had testified that the allegations she had made against the actor was untrue.

The acquittal of the defendant took place in the grand jury. In reply to questions by Assistant District Attorney Garvan the jurist declared that Hitchcock never had harmed her and that she had told the story to the grand jury as he had been directed to do by an agent of the Children's society. It was partly upon the testimony of Flora Whitson that the grand jury's indictment against Hitchcock was based.

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ORCHARD TO BE SENTENCED

Slayer of Frank Stuenkelberg Will Appear Before Judge Wood Wednesday Morning.

BOISE, Idaho, March 15.—On the morning of the 12th of this month, Harry Orchard, the self-confessed murderer of former Governor Stuenkelberg, who was killed by the explosion of a bomb at the gate to his residence in Caldwell on the evening of December 29, 1906, was before Judge Wood, prepared to hear the death sentence meted out to him. Harry Orchard of his own volition and against the urgent pleadings of his attorney and others, refused to arraigned March 15 to let his previous plea of "not guilty" stand. He also refused to plead to a lesser degree of murder than first degree. He said: "I am guilty and am ready to take my punishment. I have told the truth. I understand fully what must be the consequences.

Among some expressions are made that they believe Orchard has been guaranteed immunity of some sort. This is denied by those in authority and by Orchard himself. Those who have been in close communication with Orchard, prison authorities and those who have administered spiritual comfort to the man expressed the opinion that after being sentenced, should an effort be made to commute his sentence or pardon him, Orchard will refuse to accept it. It is the general belief that Orchard expects to die and that if wishes to receive the extreme penalty for his crime. Orchard refuses to be interviewed or to make any statement for publication. He is very quiet and spends much time with his books, the Bible and works of a religious nature.

It is earnestly wished his confession be believed is known, and it is thought that he believes his own punishment to fall for the crime he committed will tend to prove the truth of his confession.

POPS ARE FOR LA FOLLETTE

Empire Leader Declares that He Will Be Their Choice for President.

EMPERIA, Kan., March 16.—E. S. Waterbury of Emporia, populist national committeeman from Kansas and delegate to the party's national convention at St. Louis, is quoted as saying today, in the course of an interview here, that United States Senator Robert M. La Follette of Wisconsin would be nominated on the first ballot for president by the populists. He stated further that Mr. La Follette would not be given a chance to accept or refuse the nomination until after the regular national convention is held.

BIG STICK OF RAILROADS

Men Discharged Because of Disloyalty, Says Official Mouthpiece.

CIRCULARS SENT TO EMPLOYES

They Contain Matter Printed as an Editorial in Latest Issue of the Organ of Corporations.

Talk about your big stick! Railroad employes who have been discharged within the last ninety days have been given an official explanation and all others have received a warning from a newly printed circular letter, copies of which have arrived in Omaha. The letter is reprinted from an editorial in a railroad publication, which every week voices the sentiment of railroad managers. According to the official explanation disloyalty in the interests of the companies has been one of the most potent causes for the wholesale discharge of railroad men. It is not a lack of work, although there is a lack of business, but a desire to "line up" the men who receive their bread and butter from the railroad companies to the fact that in the future they will be expected to vote with the companies for which they work.

For several weeks the Minneapolis & St. Paul railroad has been holding meetings of employees. General A. W. Trenholm has appeared at most of the meetings. Superintendent F. E. Nichols of the Nebraska division has also attended meetings at Sioux City and St. James. The employes were told mildly but firmly that they must be "more loyal" to the interest of the company and not of the "editorial" of the "Herald" and "Central" gave the travelers a vacation in the west, but reports that the men are all going to work again.

The official explanation as given in the circular reprinted from a railroad publication, says: "The first things which should be done by operating officials is to carefully weed out the incompetent and disloyal. It is necessary for a superintendent, when he discharges a man, to answer for his act in a walking talk to the man discharged. Now a candid explanation of the discharge of an employe is the long string of idle locomotives and cars in the warehouses and on the tracks of every road.

It goes on to say: "While the work of wages has been rising rapidly, the work done has rapidly declined. The wages have been increased in quality. And meantime, the union employes did almost nothing to aid their employers. It is the opinion of the management and politicians were waiting everywhere for unwarranted reduction in rates.

The subject is an emergency opportunity to bring home to employes the fact that it is in their interest to give to their employers the best quality of work which they are capable of, and that their interests are bound up with the railroads. It is the opinion of the management and politicians were waiting everywhere for unwarranted reduction in rates.

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