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OMAHA, SATURDAY MORNING, JUNE 15, 1907—TWENTY PAGES.

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COURTS IN CONFLICT

Rate Law Fight in Missouri Enters Complicated Stage.

APPEAL TO STATE TRIBUNAL

Order is Issued to Bonds to Obey New Statutes.

FEDERAL CASE IS CONTINUED

Judge McPherson Postpones Hearing After Move of State Officers.

HADLEY STATES HIS POSITION

Law is a Criminal One and Will Be Enforced by County Prosecutors—Judge McPherson Reviews Case.

JEANAS CITY, Mo., June 14.—The conflict between the state and federal courts that arose here today over the enforcement of the Missouri maximum freight and two-cent fare acts, which went into effect at midnight last night, caused great confusion, and the end is not yet in sight.

While Judge Smith McPherson was in the United States district court awaiting the arrival of the attorneys for the principal railroads of Missouri, who had brought a joint suit asking him to enjoin the enforcement of these new laws, the attorneys were holding a conference over a new turn in affairs. During the morning the circuit court, both in Kansas City and St. Louis, had, upon petition of Attorney General Hadley, issued an injunction against the railroads, compelling them to obey the law. The suits were filed in Kansas City by James C. Kennish, assistant attorney general, and in St. Louis by Mr. Hadley.

Federal Suit Postponed.

When the railway attorneys finally came to the federal court their suit was postponed by Judge McPherson until tomorrow. The railway attorneys urged a postponement of the case for ten days or two weeks but this Judge McPherson refused. Yesterday the judge had issued an order, upon request of the railroads, restraining the complainants from carrying out the injunction and complying with the law and today, when the complainants in the circuit court's action arose, he continued his order in effect. This, the court said, he did "as great harm might be done and such confusion arise if the status quo should be changed."

Much confusion did result during the day, in the minds of the railway agents, and as to what rates they should charge, and among the railway counsel as to which court had the proper jurisdiction, and which should be respected. The railroads ultimately respected the order of Judge McPherson, and did not comply with the new laws.

Assistant Attorney General Kennish declared that the injunction asked by the railroads was most remarkable.

The railroads said they had the right to enjoin the officers from putting into effect the new law. The state will hold that because of this fact the state and its people are not enjoined by the federal court and that the state court has jurisdiction.

Attorney General Hadley is expected here tomorrow to argue the state's side.

McPherson Reviews Case.

In reviewing his temporary order this afternoon and postponing the case until tomorrow Judge McPherson gave an interesting review of the situation. He said in part:

"There are eighteen cases, in which all the railroads of the state ask to be enjoined from carrying out the injunction against the officers, brought two years ago against the state officers to enjoin the enforcement of statutes of 1906 fixing rates. The charge was made that the rates were not remunerative but confiscatory and therefore void by reason of the United States constitution.

"As to whether these supplemental bills may be filed was set down for argument this morning at the opening of court. These rate statutes presumptively are valid, and if valid went into effect at midnight last night. Seeing the gravity of the situation this court on yesterday, on its own motion, on inspecting the proposed supplemental bills entered a restraining order, restraining the railroads from carrying out the recent statute until the matters could be heard, as if filing a temporary injunction should issue."

The court spoke of today's action in the circuit court and continuing, said:

"All courts, state or federal, recognize the delivery of real or seeming copies between the courts. All courts recognize that other courts are in good faith. And this court appreciates the situation.

"When the foregoing situation was disclosed today counsel for the railroads moved for a continuance for two or three days to the effect that the situation might be looked into. These delays cannot be allowed. The interests of the public and the railroads alike demand the speedy determination of all questions connected with the foregoing statements as well as all questions connected with the validity or invalidity of the rate statute recently enacted by the state legislature of Missouri."

ST. LOUIS, Mo., June 14.—A temporary restraining order operative against seven railroads centering in St. Louis was obtained today from Circuit Judge Reynolds by Attorney General Hadley as part of a movement instituted by him to compel the railroads of Missouri to obey the 3-cent rate passenger fare law and the maximum freight rate statute, both of which went into effect last night.

The railroad representatives are cited to appear before Judge Reynolds on June 18 to show cause why the injunction issued should not be made permanent.

Notwithstanding the injunction, tickets were sold today at the usual 4-cent rate at Union station as the day after yesterday. Ticket agents said they had no instructions to deviate from the usual 4-cent fare rate. Many purchasers of tickets demanded receipts, hoping they might obtain rebates if the 3-cent rate law is eventually upheld by the courts and made operative.

Hadley Dismisses Case.

When Attorney General Hadley learned today that the railroads, through Attorney Frank Hagaman, obtained an injunction

SUMMARY OF THE BEE

Saturday, June 15, 1907.

1907		JUNE		1907	
SUN	MON	TUE	WED	THU	FRI
2	3	4	5	6	7
9	10	11	12	13	14
16	17	18	19	20	21
23	24	25	26	27	28
29					

THE WEATHER

Forecast for Nebraska—Showers, temperatures at Omaha yesterday.

Hour	Temp.	Hour	Temp.
6 A. M.	63	6 P. M.	83
7 A. M.	64	7 P. M.	82
8 A. M.	65	8 P. M.	81
9 A. M.	66	9 P. M.	80
10 A. M.	67	10 P. M.	79
11 A. M.	68	11 P. M.	78
12 M.	69		
1 P. M.	70		
2 P. M.	71		
3 P. M.	72		
4 P. M.	73		
5 P. M.	74		

DOMESTIC

Corroborative testimony given in the Haywood murder trial at Denver to show that the story of Harry Orchard was true.

Mayor Schmitz of San Francisco ordered to jail without bail after his application for a writ of habeas corpus was denied.

Attorney General Hadley of Missouri plays a shrewd scheme on railroads that were attacking 3-cent fare law by enjoining them from fighting law in state courts.

Secretary of War W. H. Taft said he becomes ill as he was leaving Fort Snelling in an automobile, physicians ascribing attack case of acute indigestion.

Secretary Cortelyou decides not to issue the patent canal bonds and is confident that the resources of the treasury will meet all expenditures for the present.

Brigadier General A. S. Burt testifies before the senate committee that the Twenty-fifth regiment was a loyal body and did not go guilty of the acts attributed to him by law.

Report from Mobile that there is plot to assassinate Vice President Fairbanks and Senator Foraker at the funeral of Senator Morgan.

Report of crop experts in Iowa report that general condition is 18 per cent less favorable than at this time a year ago.

Emery Mosher at Huntington, Ind., kills himself rather than testify in court in case where his father and sister killed child of the latter.

FOREIGN

Premier Stolypin of Russia demands the arrest and surrender of social democrat members of the lower house of Parliament, claiming they are about to spring a plot for a republic.

Gains day at The Hague preceding the opening of the peace conference today. Many nations represented.

Japanese papers refer to incidents occurring in America in more capacious manner.

NEBRASKA

Heavy rains in the Black Hills and northwest Nebraska knock out traffic on the Northwestern. One train lost for two days.

National Guard officials worried for fear some companies cannot come up to the federal requirements. Union Pacific asked to furnish list of editors who ride on transportation paid for in advertising.

LOCAL

Newspapers of the Pacific northwest indicate the continuous erosion that has been showered upon Omaha boosters all along the line.

System of telephones will be established in the new quarters of the Omaha Exchange to facilitate connections with outside connections.

Herman Keutze personal property is appraised at \$768,081.75 for the purposes of taxation under the inheritance law.

J. L. Paxton, W. S. King and Lee Sprales are mentioned in gossip as possible successors to W. J. Kraybill as general manager of the Union Stock yards.

Western Fruit Jobbers' association charges railroads practice discrimination in making rates on grapes from New York and Michigan to west.

Big Springs are arrested on charge of appropriating money taken from registered mail.

Society is playing bridge for sweet charity's sake.

SCHMITZ DEPRIVED OF POWER

Mayor of San Francisco So in Name Only Since Conviction.

STATUTE MAKES SUCH PROVISION

Supervisor Gallagher, as Chairman of Finance Committee, Becomes Acting Executive-Proprietors in Control.

SAN FRANCISCO, June 14.—According to a statement made today by Acting District Attorney Heney, Eugene E. Schmitz, being convicted, becomes mayor in name only. Though unable to perform the duties of his office under the law of California, Schmitz is still, until the expiration of a few years ago a law was passed, the statute books of the state in which convicted person could not be ousted from office until such conviction had been upheld by a higher court. As cases move slowly on appeal, it is considered likely that the higher court would not pass upon this matter until after the mayor's term of office has expired.

Under the charter, however, Schmitz, by reason of his confinement in prison, should be sent there, would be unable to perform the duties of his office. Under the provisions of the statute, the supervisors have the power to oust him, but must select some one of their number to act as mayor during Schmitz's disability. As chairman of the finance committee of the board, Gallagher would become acting mayor, leaving the government practically in the hands of the prosecutors, who, while they may not be empowered to install new officers, may succeed in effecting extensive reforms in the civil government.

Judge Orders Him to Jail.

Mayor Eugene E. Schmitz asked Judge Dunne today to release him on bail until sentence is pronounced on Thursday, June 27. The request was neither granted nor denied, but the court intimated that the mayor, like any convicted criminal, should be locked up in jail.

Formal application for bail was made by Schmitz's attorney, Mr. Campbell. Judge Dunne denied the application and directed that Schmitz be taken to jail.

Schmitz Found Guilty.

SAN FRANCISCO, Cal., June 14.—A jury of twelve of his peers has declared Mayor Eugene E. Schmitz guilty of the crime of forgery as charged against him by the Oliver grand jury.

The jury returned a verdict at 1:30 last night after being out just one hour and thirty-five minutes. They elected Charles E. Capp foreman, and at once proceeded to an informal ballot. This was cast verbally and the good election of Capp was announced.

Then the twelve men began a discussion of the evidence which was heard in the court. At that time the first formal ballot was cast. It was a written ballot and was unanimous for conviction.

Even before Judge Dunne reached the synagogue hurried thither by an automobile, nearly 1,000 men had gathered in Bush street and were clamoring at the door to get in. They remained until the twelve men had been brought in and seated. Judge Dunne took the bench at once.

After the jury had been polled and all had answered present, announced that the defendant had been found guilty.

Verdict is Popular.

The silence was broken in a hundred places at once, like a wave draining from the rocks. A long-drawn "Ah!" ran through the crowd. Then "good," "good," "good" and "good" were heard in a voice in a low tone, and "good" was heard in a voice in a low tone, and "good" was heard in a voice in a low tone.

The sheriff will take the defendant into custody pending the further order of the court, said the judge, who arose abruptly and quit the bench.

Mayor Schmitz at first declined to make any statement, but later, by the advice of his attorneys, he dictated the following statement to the Associated Press:

"No matter what the decision of the jury, which was given under most adverse circumstances, I remain a man who is innocent of the crime charged and I am sure that the jury will find me innocent of the crime charged. I am sure that the jury will find me innocent of the crime charged. I am sure that the jury will find me innocent of the crime charged."

BRYCE GUEST OF RAILROADS

British Ambassador Has Begun Trip Through Indian Territory and Oklahoma.

VINITA, I. T., June 14.—James Bryce, the American ambassador today began a trip of investigation through Indian Territory and Oklahoma, arriving here this morning from St. Louis with a party of railway officials and others. Later in the day they went to Muskogee, where they will be the private car of A. J. Davidson, president of the Frisco system.

COLONEL WREFOED IS KILLED

Prominent Brownsville Business Man Murdered Because of Circular.

HOUSTON, Tex., June 14.—Colonel E. H. Wrefoed, a prominent business man, was shot dead today at Brownsville as the result of a circular he issued yesterday, in which he bitterly denounced Captain William Kelly because of Kelly's testimony before the senate committee which is investigating the Brownsville affair in Washington. Jesse Thornton, a stepson of Captain Kelly, is charged with the killing.

Work of Red Cross Society.

WASHINGTON, June 14.—The delegates to the International Red Cross conference opened today's session in the discussion of papers on the peace work of the various societies, especially their struggles against tuberculosis. The conference passed a resolution favoring the participation of the Red Cross societies in the battle against tuberculosis, with particular attention to recruits refused admission to the army and soldiers discharged owing to their being victims of the disease.

TELEGRAPHERS MAY STRIKE

Commercial Operators' Committee Orders a General Assessment on Members.

NEW YORK, June 14.—The general executive committee of the Commercial Telegraphers' union at a meeting in this city today agreed to levy a general assessment on the members. After the meeting the committee announced the president of the organization had sent the following telegram to the presidents of 130 local unions:

Situation may bring trouble with one or both companies. Get ready to meet a general assessment. Put local in touch immediately with labor men and others who would be under merely and gradually.

IOWA CROPS ARE BACKWARD

Director Sage of Weather Bureau Finds Them Much Behind Last Year.

	Stand	Stand
	Average, this year,	last year.
Wheat	100	85
Corn	100	85
Oats	100	85
Rye	100	85
Barley	100	85
Peas	100	85
Hay	100	85

WEST DES MOINES, June 14.—(Special.)—The crops in Iowa are all the way from 10 to 20 per cent behind their condition a year ago at this time, Director J. B. Sage said today. He was speaking at the annual meeting of the weather and crop bureau, who at the optimistic side of crop conditions always, he is a little discouraged this year. The acreage as originally planted this year has every prospect of giving Iowa an increased yield. Many farmers, because of the apparent failure of small grain, converted old fields into corn, with the result that the total acreage was 105 per cent of normal. Then came the drenching and continuing showers of rain, which has upset every calculation except that crops this year are below standard. However, there is yet hope, for with normal weather conditions from now on, as seems likely, the crops may be considered better off in a month than at present.

RUMOR OF PLOT IS SPREAD

Newspaper Report at Mobile of Plan to Assassinate Fairbanks and Foraker.

MOBILE, Ala., June 14.—A special from Selma, Ala., to the item says that a man who arrived here today from Montgomery reported to the police that while at the Montgomery (Ala.) station he overheard two men of foreign descent saying that there was a plot on foot to assassinate Vice President Fairbanks and Senator Foraker during the funeral of Senator Morgan at Selma tomorrow. The assassins, according to this story, were coming to Selma from New Orleans.

SEMA, Ala., June 14.—The report that an attempt would be made to assassinate Vice President Fairbanks and Senator Foraker at the funeral of Senator Morgan at Selma tomorrow, is regarded here as absurd.

MONTGOMERY, Ala., June 14.—Chief of Police Taylor said this afternoon that he believed the rumor of the attempt on Vice President Fairbanks and Senator Foraker. The men were due to arrive in Montgomery tonight and remain here until 2 p. m., when they will proceed to Selma.

STRIKERS TAKE REVENGE

Lay in Wait for Strikers at Steamers Docks and Broken Heads Result.

NEW YORK, June 14.—Disorders more serious than any during the progress of the strike marked the end today of the peaceful part of the transatlantic voyage of the officers of the Transatlantic line, by whom they had just been re-employed. When the strikers appeared at the piers today to resume work many strikers were informed that their services were no longer required. About 100 of them, however, had been told by the strikers that they had marched out into West street, when a hundred or more strikers armed with clubs rushed for them. Clubs, knives and stones were used freely in the series of fights which continued for nearly an hour of the party.

Several of the strikers were treated by ambulance surgeons and scores of others received minor wounds and bruises.

ADMITS VARYING CHARGES

Adams Express Company Appears at Hearing of Interstate Commerce Commission.

COLUMBUS, O., June 14.—Attorneys for the Adams Express company admitted today at a hearing of the Interstate Commerce commission that the company has various rates for the shipment of property from New York to Kansas City and St. Paul, based upon the route, and that these rates discriminate against Columbus in favor of Chicago and St. Louis. McLaughlin Bros. have imported through Adams express, stated that the express company has been charging them \$30 a car for shipments to Columbus and an additional \$30 for the shipment of each car to Kansas City or St. Paul.

ANOTHER TERROIST VICTIM

Colonel Kotliareff, Deputy Commandant of St. Petersburg, Murdered.

ST. PETERSBURG, June 14.—Colonel Kotliareff, deputy commandant of the port of St. Petersburg, was murdered this morning by a workman in the admiralty section of the city. The colonel was recently sentenced to death by the revolutionary fighting organization because he recommended a reduction of the working hours of the admiralty workers. The assassin was captured, but it is believed he had accomplices, who escaped.

TUCKER CASE MUST PROCEED

Demurrer Filed to Evidence of Bankruptcy is Overruled by Court.

LEAVENWORTH, Kan., June 14.—The attorneys for the Uncle Sam Oil company here today filed a demurrer to the evidence introduced in support of the contention that the company should be declared bankrupt. District Judge Amidon overruled the motion and ordered the case to proceed.

FIRE RECORD.

Jumps from Second Story.

GRAND ISLAND, June 14.—(Special.)—Fire broke out in the "sultanoorium" of Mr. Jacob Wink from an explosion of oil kerosene and Mr. Wink and his assistant, Mr. Hurten, were compelled to jump from the second story window. Both were somewhat burned. The fire department soon had the flames under control, notwithstanding the lively start the fire had, and the loss will be covered by about \$50.

Hoffman Had Been in Omaha.

GRAND ISLAND, Neb., June 14.—(Special.)—Julius Hoffmann, who arrived here a few days ago to investigate the slaying of a body of a man in an old straw stack, took the body with him yesterday to Dea-ber, where funeral services will be held. Mr. Hoffmann positively identified the man in the note found on the man's person as that of his brother, showed it to be such from a letter written from the lodging house of John Martin, Tench and Howard, Omaha, on May 14. He learned from there that his brother had shipped wood of Grand Island on train No. 8 on May 14; that he had not turned up for the work on the block signal system as expected, and that he had drawn his pay on the night before he left. It is believed that the man was followed out from Omaha by some desperate character and after leaving the train west of Alda, he was slugged with the iron ball. His watch is missing. Not a cent was on his person and he always carried some money.

TAFT TAKEN SUDDENLY ILL

Fell While Returning from Review of Troops at Fort Snelling.

ST. PAUL, Minn., June 14.—Secretary Taft became suddenly ill at Fort Snelling this morning while riding out of the post in an automobile. He was brought to the home of J. S. Hill, Ptomaine poisoning is suspected, as he was very sick at his stomach.

Secretary Taft witnessed the review, mounted on horseback. Later he attended a reception at the officers' quarters without showing any signs of illness. But, en route through the reservation in an automobile, his lips became blue and he complained of severe pains in the stomach. The attending physician said later that the secretary was suffering only a severe attack of indigestion.

Secretary Wade of the Young Men's Christian association was greatly disturbed over the news of Secretary Taft's illness. Several other Omaha people who were anticipating the visit of the secretary of war next week when he was scheduled to make an address at the new Young Men's Christian association building.

ALL READY AT THE HAGUE

City Gay with Flags of Many Nations—American Delegates Hold Session.

THE HAGUE, June 14.—This city blossomed out with flags today, every civilized country on the globe, bustling its standard over the hotels and legations clustered about the two principal squares, while the hotels facing the sea at Scheveningen, with their multi-colored bays, formed a striking picture. It was like a vast camp of the world's nations. The British delegation, twenty-five strong, arrived early today, Joseph H. Choate, William P. Buchanan, U. M. Rose and Charles Henry Butler and other American delegates traveling on the same steamer. The latter held their press conference today under the presidency of Mr. Choate.

Following the precedent of 1906, the Dutch minister of foreign affairs will on opening of the peace conference tomorrow, propose a message of greeting and appreciation to Emperor Nicholas, and in return Mr. Nelldorf, head of the Russian delegation will move a message of thanks for the hospitality of Queen Wilhelmina and the government of the Netherlands. W. H. Beaufort, head of the Dutch delegation, will propose that M. Nelldorf be elected president of the conference. After the inaugural session the entire delegation will make a tour of the Hall of Knights.

REPORTS MUCH TONED DOWN

Japanese Papers Refer to Incidents in America in More Cautious Manner.

TOKIO, June 14.—A consular report, dated May 21, which tells in a graphic but unscientific manner the facts connected with the recent assaults upon Japanese in San Francisco, will appear in all papers here and cause expression of public indignation is expected. It is likely, however, that the papers will conform with the official advice given them yesterday on refraining from the publication of any inflammatory matter, as any action in defiance thereof means punishment, provided for in the press law.

WAR IN CENTRAL AMERICA

Practical Declaration of Hostilities Between Nicaragua and Salvador Has Resulted.

WASHINGTON, June 14.—What amounts to an actual declaration of war between Nicaragua and Salvador is contained in a reply of President Zelaya to an inquiry from Washington as to his connection with the recent attack and capture of Amaluza.

The answer came to the State department today in the shape of the following cablegram from American Consul General Olivares at Managua, Nicaragua capital: "I am officially informed that in accordance with the Central American union plan President Zelaya dispatched munitions of war and troops in aid of General Alfaro, who is the popular nationalist candidate for the presidency of Salvador. President Alfaro opposes the union idea."

FEDERATION FOR PUBLICITY

Motion to Exclude Reporters from Sessions of Miners Met with Defeat.

DENVER, June 14.—At a session of the Western Federation of Miners today some of the delegates made complaint regarding the reports in local newspapers of yesterday's meeting and a motion was made to exclude reporters. This was defeated after a spirited debate.

John C. Quinn, editor of the miners magazine, the official organ of the federation, read his report in which he made an attack on the Industrial Workers of the World and that portion of the socialist labor party of New York headed by De Leon. This report will form the basis of the fight against the continuance of the alliance between the Western Federation of Miners and the Industrial Workers of the World.

PREFERRED TO KILL HIMSELF

Emery Mosher, at Huntington, Ind., Would Not Testify Against Father and Sister.

HUNTINGTON, Ind., June 14.—When his name was called in court yesterday Emery Mosher, aged 16, failed to respond. A deputy sheriff went out to find him, reported that he had committed suicide by shooting himself. Mosher was to have been a witness in a case charging his father and his sister Nora with murder, and rather than face the stanzas of the trial he took his life. The sister, Nora, became hysterical on hearing the news and its effect is feared on her mother, who is of feeble mind.

D. A. Mosher, the father, and his daughter Nora were charged with the murder of the latter's infant daughter.

Two New Banks Started.

PIERRE, S. D., June 14.—(Special.)—Articles of incorporation have been filed for the State bank of Leloux, with a capital of \$500,000; incorporators, John Dahlgren, Leloux, H. E. Hayes, Brentford, J. H. Holmes, Aberdeen, The Farmers State bank of Leloux, Walworth county, with a capital of \$500,000; incorporators, H. S. Hayes, Brentford; John Dahlgren Leloux; George Rakes, Lowry; Thomas A. Way, J. H. Holmes, Aberdeen. Both of these banks are located on the line of the Minneapolis & St. Louis railway out to the Margaret street.

INDICTMENT AGAINST KING

Grand Jury at Pierre Files Ninety-Five Different Counts Against Bank Wrecker.

PIERRE, S. D., June 14.—(Special Telegram.)—The United States grand jury this morning returned in United States court what is said to be the longest indictment ever returned in the state, in the charge against Charles C. King, former president of the First National Bank of Scotland. The document contains ninety-five different counts, of which five are for embezzlement, thirty for misappropriation of securities and funds, thirty-six for false entries on books and returns to comptroller, and the others for fraudulent issue and putting forth of certificates and drafts. Many of the false issues were to take up certificates of the defunct Bank of Scotland, of which King had also been president. The defendant was brought into court and through his attorney, F. D. Wickes of Scotland, asked for time to plead, and was given until 10 o'clock tomorrow. The attorney stating that his client was wholly without means to pay for a copy of the indictment the court ordered a copy to be made at government expense.

PTOMAINE POISONING IS FEARED

Taken Immediately to Home of J. S. Hill, Where He Became Very Sick—Occurred During Forenoon.

ST. PAUL, Minn., June 14