

ANTICIPATE ROADS

STATE OF NEBRASKA FILES SUIT
IN SUPREME COURT.

ASKS RESTRAINING ORDER

Attorney General Thompson Takes
Steps to Restrain Railroads from
Violating Two-Cent Passenger
and Freight-Rate Laws.

In behalf of the state of Nebraska, Attorney-General William T. Thompson filed suit in the supreme court of Nebraska asking for an order restraining the railroads in Nebraska from putting into effect any other than the two-cent passenger rate and the minimum freight-rate laws passed by the last legislature.

The action of the attorney-general comes as a surprise to the roads, so they say, and they regard it as a confession of weakness on the part of the state, but admit they were not prepared for such action.

John N. Baldwin, general solicitor for the Union Pacific railroad, in speaking of the action, said: "The suits brought by the state against certain of the railroads are novel and unheard of in judicial procedure. It is a confession of weakness upon the part of the state. These statutes in question are clear and mandatory. If they are valid and constitutional they are easily enforced. Would the state ask a mandatory injunction against an individual requiring him not to commit murder? I have no fear of the state's action so far as the Union Pacific is concerned. If these laws are constitutional and valid the Union Pacific will obey them. If they are not the state should not ask for the enforcement of their provisions."

"In my judgment there is a serious question presented as to the relative powers and duties of the state and federal government. There has grown up such an intimate and necessary relation between interstate and local traffic that the carriers have had to make these rates, state and interstate, by a consideration of all the conditions of both and have never acted upon the consideration of one of these classes taken by itself."

"It may be said that in this sense and because of the great and pressing exigencies of the business of the carriers in this country that in this one particular at least the jurisdiction and control of carriers will ultimately find lodgement in the federal court."

"Our road and all others have had the 2-cent passenger fare in effect since the law became operative," said John P. Stout, attorney for the Missouri Pacific railroad. "The only object I can conceive of the state is to anticipate action by certain railroads to contest the new laws. I do not mean to speak with full and final authority, but I can say so far as my advice goes, the Missouri Pacific never intended to join in an attack upon these laws."

TWO YOUNG MEN DROWNED.

Lyle Boyd of Hastings Met Death at Nelson.

Lyle Boyd of Hastings, Neb., was drowned at Nelson, Neb., and LaVerne Arthur, his companion, who made an effort to rescue Boyd, lost his life in the attempt. Lyle Boyd was well known in Hastings, where news of his death was received as a severe shock.

The tragedy occurred in a little lake about two miles from Nelson, where the young men, with other boys, had gone in swimming. Boyd waded out to where some boys were swimming. He got beyond his depth. He could not swim and cried for help. La Verne Arthur went to his assistance and both were drowned. Both young men worked in a drug store at Nelson, and were about eighteen years of age.

Lyle Boyd was a son of Mrs. Kate Boyd of Hastings.

NOT AN EMERGENCY.

Telegraphers' Strike Passed Up by the President.

President Roosevelt has referred to Charles P. Neill, commissioner of labor, without comment, the various appeals which have been made to him by wire and mail to intervene to prevent the threatened telegraphers' strike.

The position is taken that no emergency exists such as obtained at the time the president intervened in the anthracite coal strike, but on the contrary, the situation presented is one where action by the government, if taken at all, may properly be initiated and directed by the bureau of labor, of which Mr. Neill is the head.

MAYOR SCHMITZ CONVICTED.

Jury Returns Verdict Against San Francisco Mayor on a Charge of Extortion.

San Francisco.—A jury of twelve of his peers has declared Mayor Eugene E. Schmitz, guilty of the crime of extortion as charged against him by the Oliver grand jury.

The jury was out just one hour and 35 minutes. They elected Charles E. Capp, foreman and at once proceeded to an informal ballot.

This was cast verbally and stood eleven for conviction, one for acquittal, juror Burns, a shoemaker, cast the dissenting vote.

Then the twelve men began a discussion of the evidence which lasted for nearly an hour. At the end of that time the first formal ballot was cast. It was a written ballot and was unanimous for conviction.

Judge Dunne took the bench at once. "Let the jury be polled," he said quietly.

"Poll the jury," repeated Bailiff Moore to the clerk.

That official tolled over the names of the twelve.

"All present, your honor," he reported. Then turning and addressing them he said: "Gentlemen of the jury, have you agreed on a verdict?"

Foreman Capp, white haired and seamed of face, rose very slowly in his seat at the far end of the lower tier.

"We have," he said boldly. "What is your verdict? Is the defendant guilty or not guilty?"

Foreman Capp said quietly "guilty" very slowly and very low.

Then there was another wait of five minutes. The mayor came presently in his touring car, Metson and Fairall and Barrett and Drew accompanying him. They pressed down the aisle and quietly took their accustomed seats at that end of the counsel table farthest from the jury.

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" cried a voice in the far corner. And "Good, good" echoed another spectator farther front.

Believes Negro Innocent.

Washington.—The examination of Major Penrose in command of the negro troops stationed at Brownsville, Tex., on August 13, when that town was "shot up," and Captain Macklin of Company C, 25th infantry, consumed nearly the entire time of the senate committee on military affairs Tuesday. Major Penrose reasserted his opinion that the negro troops were innocent and that citizens had done the shooting. He believed the shells of Springfield cartridges were scattered in the streets in order to place the blame upon the soldiers.

Will Not Reduce Rates Voluntarily.

Chicago, Ill.—Western railroads Thursday decided not to apply any two-cent passenger rates to interstate traffic unless compelled by the interstate commerce commission or the courts. The railroads have assumed the attitude because of a desire not to be placed in the light of accepting any reduction in rates voluntarily. In some western states the two-cent fares have been put into effect locally, but if the roads extend the rate to interstate traffic they declare it would be a voluntary act and might affect their standing in court.

May Attack Harriman Deals.

Washington, D. C.—Developments since the cabinet conference at the White house last Friday evening make it probable that the government will begin proceedings under the anti-trust act against E. H. Harriman and his associates for violations of the law in connection with the so-called Chicago & Alton deal. The Union and Southern Pacific transactions and perhaps in connection with the Southern Pacific and the San Pedro traffic agreement.

Gov. Folk Pardons Boodlers.

Jefferson City.—Julius Lehmann and Emil Hartman, former St. Louis councilmen, convicted of boodling and sentenced to the penitentiary over three years ago, were pardoned by Governor Folk Friday and released, after having served about half their sentence. They are the last of the convicted St. Louis boodlers to leave the penitentiary.

Uncle Sam Company Overruled.

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

A Two Cent Measure Killed.

Madison, Wis.—The senate by a vote of 21 to 6 killed the two cent fare railway bill after the measure had been under debate for an hour and a half.

POSING UNDER DIFFICULTIES.



A Slight Delay in Securing the Negative for That Great Picture, "Friendship."

AT HOME AT SAGAMORE HILL

President and Family Take up Their
Summer Residence There.

Executive Offices At Oyster Bay
Opened With Additional Equip-
ment—An Automobile Service.

Oyster Bay, N. Y.—President Roosevelt and his family are at home at Sagamore Hill. The trip from Washington, which was begun Wednesday morning in drizzling rain, ended in sunshine at 5 o'clock Wednesday afternoon. A Jersey City and Long Island City crowds surrounded his car shouting greetings and when the train drew in here the station platform was thronged with neighbors who extended Oyster Bay's usual demonstrative welcome.

Before dark Wednesday night the executive offices were completely equipped with all necessary paraphernalia including telegraphic and telephonic connections, and the summer capitol may be said to be fully established. The facilities of the executive offices and the secret service agency have been added to this year in the shape of two steam touring cars of the largest type. One car is at the disposal of Secretary Loeb and the other for the use of the secret service men. Twelve minutes has been established as the speed limit from the executive offices to Sagamore Hill three miles away. Heretofore automobiles have not been permitted to enter the grounds of the president's country place.

Still Undecided in Oklahoma.

Guthrie, Okla.—Official returns from 42 counties in Oklahoma and Indian territory Wednesday night give C. N. Haskell a plurality of 3,552 over Lee Cruce in the race for governor and Hoffman, candidate for United States Senator from the Oklahoma side, a plurality of 200 over Gre. R. L. Owen in senatorial candidate from Indian territory. There is no material change in the balance of the ticket. Unofficial returns from 55 counties give Cruce slightly the better of Haskell.

Light Sentence for Anarchists.

Madrid.—The court Wednesday handed down its judgement in the cases of Senor Ferrer, director of the Modern school of Barcelona, Jose Nakens, editor of the El Motin, Mato Iaria, and others charged with complicity in the attempt to assassinate King Alfonso and Queen Victoria on their wedding day, May 31, 1906. Nakens and Mato Iaria were sentenced to nine years imprisonment, while Ferrer and the others were acquitted.

Kansas Jointists Punished.

Cherokee, Kansas.—One of the most drastic moves ever made to enforce the Kansas prohibitory law was taken here Wednesday when four saloon keepers, who Tuesday pleaded guilty to violating the laws, were fined \$100 each, ordered to pay the cost of the suit and sentenced to 30 days on the rock pile, effective at once. The men sentenced were W. A. Does, George Sheward, Adolph Ahrens and E. C. Johnson. They say they will appeal.

Gov. Little's Condition Worse.

Fort Smith, Ark.—Governor John S. Little, is again near death, according to a bulletin issued at 10 o'clock Wednesday night.

CONTEST TWO-CENT FARES

Railroad Presidents Meeting at Chicago
Decide to Resist New Laws
in At Least Five States.

Chicago.—Western railroad presidents at a conference here Tuesday decided to contest the two-cent passenger laws in at least five states—Illinois, Nebraska, Missouri, Iowa and Arkansas. Following this decision the passenger representatives of all western road agreed not to grant any reduced rate for any occasion until the two-cent fight shall have been concluded. The passenger men were presented with a letter written by Secretary Moseley of the Interstate Commerce Commission to the Central Passenger Association stating that the proposed plan for putting National Educational Association rates into effect is illegal and cannot be tolerated. Officers of the association will endeavor to have the ruling changed, as they declare that the life of the organization depends upon it.

In pursuance of the decision of the railroads to fight the two-cent laws and not to grant reduced rates, the Chicago Commercial Association and the St. Louis Merchant's Association and similar organizations will be told that rates for merchants' meetings are no longer available. This decision will also cut off clergymen, charity workers, state conventions, sisters of charity and all who have enjoyed cheap rate privileges for years will be placed upon a strict two-cent basis.

AT THE HAGUE.

Delegates from Various Countries
Are Arriving—America to Play
a Leading Role This Time.

The Hague.—The delegates of various countries to the second Hague peace conference which will be formally opened June 15 accompanied by a host of secretaries, technical experts and attaches, together with a small army of newspaper correspondents are arriving here by every train and the lazy old dutch capital is beginning to buzz with an animation such as has not been witnessed since the conference of 1899.

Already a feeling is prevalent among the arriving diplomats that the United States is destined to play a great role in the coming conference. Under her auspices the countries of South and Central America will be introduced to Europe on a footing of equality. The European delegates entertain no doubt that all the representatives of America will present a practically united front at this conference and henceforth they will be an immense factor in such world conventions. Some surprises are expected from the other side of the Atlantic.

The delegates are assembling in a spirit hopeful of furthering the unfinished work of 1899, but upon the main question the limitation of armaments, much skepticism is displayed.

No Tax on "Futures" Now.

Kansas City.—Judge McPherson in the United States circuit court Wednesday issued a temporary restraining order to prevent the state auditor of Missouri from selling any stamps under the new stamp tax law which provides for a tax of 2 cents on every sale of grain or stocks where no actual delivery is made.

Carrie Nation Arrested in Washington

Washington.—Carrie Nation, after haranguing a crowd in front of a downtown saloon was arrested on the charge of disorderly conduct. She was released on \$20 collateral.

THE COURTS IN CONFLICT

Railroads Get Federal Injunction
Against Missouri Officials.

Hadley Secures Restraining Order in
State Courts to Compel Roads to
Obey Two-cent Fare Law.

St. Louis.—A temporary restraining order operative against seven railroads centering in St. Louis was obtained Friday from Circuit Judge Reynolds by Attorney General Hadley as part of a movement instituted by him to compel the railroads of Missouri to obey two-cent passenger rate law and the maximum freight rate statute both of which went into effect Friday. The action in St. Louis was simultaneous with a similar action in Kansas City where Assistant Attorney General Kennish obtained a temporary restraining order against other roads of Missouri. Eighteen roads are concerned in the matter.

When Attorney General Hadley, learned Friday that the railroads, through Attorney Frank Hagerman, obtained an injunction from Federal Judge McPherson at Kansas City, prohibiting the state officials from enforcing the two-cent rate and maximum freight laws he declared they had violated an agreement with him not to file an application for an injunction until Friday. He stated that he had no official knowledge of what action the railroad companies took before Judge McPherson.

"If the railroads did obtain an injunction from Judge McPherson Thursday, then I intend to go into court and charge them with fraud in their representations to the attorney general's office, he said. "I understand the railroad injunction is directed against myself and the board of railroad commissioners. We can in no sense be made defendants. These are criminal statutes and must be enforced by the prosecuting officials."

"In every county of this state the railroads can be indicted if they fail to comply with the provisions of the two-cent law. They will also be in contempt of the state courts."

"I realize that this is a pretty big fight, but the state is prepared to contest it to the finish."

THE LAUNCH LOCATED.

The Little Craft in Which Eleven Men
Went Down in Hampton Roads
Found on Bottom.

Newport News, Va.—With canopy frame crushed, but canvass still tightly fastened down, the missing launch of the battleship Minnesota was located in 27 feet of water about 1,600 yards west by south of Fort Wool Friday afternoon about 5 o'clock. Across the little craft was a tail-tale piece of towing line serving to convince the naval officers that they are right in their theory that the launch was run down by a float of some kind in tow of a tug. The diver who went down to examine the launch reported that the heads and arms of three men were protruding from beneath the canvass covering; the men having made a desperate fight for life when they were carried down like rats in a trap.

It will be 5 o'clock Saturday morning before the launch can be raised and no one knows how many bodies will be found.

Central American Wars.

Washington, D. C.—A sanguinary war—perhaps two wars or more with as many revolutions added for good measure—is what the state department officials now expect to mark the summer of 1907 in Central America. They were much cast down over the sudden and unexpected failure of the joint efforts of the governments of Mexico and America to bring about a condition of permanent peace between the turbulent republics in Central America.

Americans Helped Horse Show.

London, England.—The horse show closed Thursday night. It has been witnessed by over 200,000 persons and it has been a remarkable success, exceeding all expectations. Never before has any horse show scheduled in England had the interest as has this one, due largely to the energy and enthusiasm of the American supporters and the fine exhibit of American animals. The success of Americans in the competitions are considered well deserved.

Chinese Must Go Home.

Petoria, Transvaal.—Premier Botha announced in parliament Friday that the government intended to send home all Chinese miners as their contracts expired. Sixteen thousand will go this year. In their places the government proposes to secure native workers.