A BODY BLOW TO RAILROADS.

The Supreme Court Gives Grand Juries the Control.

The Decision Is Most Important and Is Considered a New Safegnard of Public Rights.

Washington, D. C.—(Special.)—Not in years has the supreme court handed down a more important opinion, especially one that so completely safeguards the rights of the citizens, as in the so-called Louisville & Nashville cases rendered early in January, wherein the court, by an opinion of Chief Justice Fuller, upholds the constitutionality of a recent act passed by the general assembly of the commonwealth of Kentucky outlining the powers and duties of the railroad commission of the state. This act, which was designed to prevent railroad companies and corporations owning and operating a line or lines of railroads, and its officers, agents or employes, from extortionate, collecting or receiving extortionate freight or passenger rates in Kentucky; provides also for the manner in which railroad companies operating in the state should be brought to an acount by the railroad commission.

While these provisions do not differ materially from maximum rate laws as adopted by other states, notably Nebraska and Minnesota, the act, whose constitutionality is now upheld by the highest tribunal of the land, contains one striking clause which may be engrafted upon the statute books of other states. This clause is as follows:

"The circuit court of any county into or through which the line or lines of road carrying such passenger or freight, owned or operated by said road, and the Franklin circuit court, shall have jurisdiction of the offense against the railroad company or corporation offending, and the circuit court of the county where such offense may be committed by said officer, or agent or employe, shall have jurisdiction in all prosecutions against said officer, agent or employe."

Further on the act defines the powers and duties of the railroad commission and provides that if after careful investigation "the commission fails to exonerate the railroad or carrier from the provisions of the long and short haul sections, an order in writing to that effect shall be made by [illegible] commission and a copy thereof de- [illegible] the complainant, and the [illegible] published as a part of [illegible] the commission; and [illegible] shall be the duty [illegible] furnish a state- [illegible] together with a [illegible] the grand jury [illegible] circuit court of [illegible] in order that [illegible] or carrier may [illegible] fense, and the [illegible] proper efforts to [illegible] or carrier is [illegible]

[illegible] down to the rail- [illegible] on to the public, [illegible] be prosecuted [illegible] of any county, [illegible] has decided they [illegible] to be redress its [illegible] that have [illegible] the hands of the [illegible] of unjust discrim-

ON'S COMMENT.

[illegible] as there been such [illegible] said ex-Senator [illegible] general solicitor of [illegible] Missouri River rail- [illegible] in Nebr[illegible]a, who has been in [illegible] Washington for the last week, "nor [illegible] the railroads received such a set- [illegible] as given in this decision."

[illegible] a well known fact that the [illegible] in many states have dom- [illegible] legislation looking to their con- [illegible] particularly in the matter of the [illegible] rates, but the supreme court [illegible] opinion given a new and [illegible] simple method of redress [illegible] before been devised, at [illegible] laying down the rule [illegible] company may be tried [illegible] jury for extor- [illegible] of the state so [illegible]

[illegible] at the time [illegible] in a most un- [illegible] court permit- [illegible] of Minne- [illegible] of a num- [illegible] into [illegible] Northern securities company, to file [illegible] that said merger was in restraint [illegible] trade. From these rulings it appears [illegible] that the most eminent bench in the world is standing once more for the masses as against the corporations.

A bill to prohibit the importation of opium for smoking purposes has been introduced in the senate by Senator Mason.

Ex-Congressman A. J. Holmes of Boone, Ia., died in the Clarinda hospital for the insane.

Statue of Peace To Vienna.

Cleveland, O.—(Special.)—Senator M. A. Hanna was today presented with a magnificent full sized marble statue emblematic of peace by a number of his friends in this city. The movement to present Mr. Hanna with the statue was inaugurated shortly after the conference of the representatives of capital and labor in New York. The statue is in full length, of the finest marble and is the work of an Italian sculptor. It stands four and one-half feet on a pedestal two and one-half high.

FINISHES UP AN ANTI-ANARCHY BILL.

Washington, D. C.—(Special.)—The details of a bill restricting anarchy and anarchists was practically determined on today by the special committee of members of the house judiciary committee appointed to consider this subject. The language of some of the provisions is yet to be settled, but all of the essential features of the forthcoming measure are determined upon.

The measure will provide the death penalty for an attempt to kill or assault the president or anyone in line of succession for the presidency. An accessory before the fact is to be treated as a principal, and an accessory after the fact is punished in a less degree than a principal. Any person who counsels, advises or advocates the assaulting or killing of any officer of the United States shall be fined or imprisoned. No alien who advocates an overthrow of organized government, or who is affiliated with an organization holding such views, is to be admitted to this country.

Provision is also made for the punishment of those conspiring in this country against a foreign ruler.

The special committee probably will report to the judiciary committee in the next few days and a report to the house is expected soon thereafter.

Secretary Root appeared before the house insular affairs committee to urge the enactment of a homestead law for the Philippines. He said there should be legislation to enable the Filipino to acquire title to property and that denial of that right was, in his opinion, the cause of much of the present disturbed conditions.

He cited the anti-rent riots in New York and the riots in Ireland as evidence of what followed such denial. He thought a homestead law should be passed to permit the natives to make entry of 160 acres of land as the maximum, the local government to fix the minimum. He also urged the repeal of the Spooner amendment prohibiting the cutting of timber and the granting of franchises. He said that industry in the islands should be promoted, not prevented. The islands needed railroads to develop their abundant resources of timber, coal and other minerals.

The hearings on admitting Oklahoma to statehood began today before the house committee on territories and will continue tomorrow. Delegate Flynn made the opening presentation. He was supported in his views by Sydney Clark and others.

Another view was presented by a delegate favoring the inclusion of the Indian Territory with Oklahoma in any plan of statehood.

FOR NATIONAL CONTROL OF TRUSTS.

Washington, D. C.—(Special.)—The industrial commission, after several years spent in investigating the industrial condition of the country with the view of making recommendations calculated to assist in the solution of the problems of the times, has completed and sent to the printer its final report. It is expected that this report will be presented to congress, as required by law, within the next few days. The final document will be a volume of about 1,000 pages and will be a review of the evidence contained in the previously published eighteen volumes.

In this last volume the various questions which been considered in the course of the inquiry are discussed under separate headings and recommendations are made. On the subject of trusts the commission follows closely the lines of recommendations laid down by the president in his annual message. Supervision by the national government is recommended. The most radical specific step suggested in that direction by the report is that the books of all corporations be subject at all times to inspection, as are the books of national banks.

The commission discusses government ownership of railroads and telegraph lines, but does not recommend such a departure from present methods.

AID TO VICTIMS OF EARTHQUAKE.

City of Mexico.—(Special.)—Subscriptions are being taken here among the American and British residents for the victims of the earthquake at Chilpancingo. Three women were crushed to death in the church of San Jose at Chilapa while engaged in their devotions. One woman, at the first tremor, ran to the door, hoping to escape, but was caught beneath the tower as it fell. Fortunately a large portion of the population were in the main plaza at the time of the shock watching a tight-rope performance.

Advices from Chilpancingo represent that Governor Mora and family are using a stable as a temporary dwelling. He offers $50,000 as a personal contribution toward rebuilding the city. Many people are reported to have gone insane as a result of the horrors of the catastrophe and from loss of relatives and friends. It is now proposed to rebuild the city on another site.

The Presbyterian missionaries, Geo. Johnson and Walter H. Semple, both of Philadelphia, whose headquarters are at Chilpancingo, were away at the time of the disaster.

Botha Again Eludes British.

London.—(Special.)—Lord Kitchener in a dispatch from Johannesburg says: General Bruce Hamilton made a night march against General Botha, near Withbank, January 18, but the Boer commander had left the camp when the British reached the spot. The latter, however, captured twenty-seven prisoners. General Methuen overtook a Boer commando near Beechport January 20, and after a running fight of eight miles captured twenty-four Boers and all their wagons and cattle.

THE WESTERN IRRIGATION.

The Representativns of the West Agree on Measure.

Congressmen Will Get Together and Push a Bill For Irrigation Through Congress.

Washington, D. C.—(Special.)—The subcommittee of seventeen appointed by the senators and representatives from the arid and semi-arid states to frame an irrigation bill, reported to the full membership the results of its labors. The bill presented provides that all moneys received from the sale and disposal of public lands in Arizona, California, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington and Wyoming, beginning with the fiscal year June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, excepting 5 per cent set aside for educational purposes, shall be set aside in the treasury department as a special fund for the reclamation of the arid and semi-arid lands. The money shall be used in the examination and survey and for construction and maintenance of irrigation works for the storage, diversion and development of waters for the said reclamation. In the event that there is not sufficient money received from the sale of government lands to support both the irrigation project and the agricultural colleges, the bill directs that the treasury department shall supply the deficiency for the agricultural colleges out of any moneys not otherwise appropriated.

The bill gives the secretary of the interior the right to locate and construct works for the storage, diversion and development of waters, including artesian wells, and to report his action to congress at each regular session. It also gives him authority to withdraw from public entry the lands required for irrigation works, and that the public lands which it is proposed to irrigate shall be subject to entry only under the provisions of the homestead laws on tracts of not less than forty acres nor more than 160 acres, and that the commutation provisions of the homestead laws shall not apply to the entries under the act.

In addition to these features, which have long been under discussion by the subcommittee, the bill further provides that entrymen upon the lands to be irrigated must reclaim the lands for agricultural purposes; that the secretary of the interior may proceed by purchase or condemnation to acquire the desired property upon which to erect irrigation works, and that the laws of the states and territories in the arid and semi-arid regions shall govern and control the appropriation and use of the waters rendered available by the works constructed.

A day of labor is fixed at eight hours. The bill prohibits the employment of Asiatic labor. No right to use the water for land in private ownership shall be sold for a tract exceeding 160 acres to any one person and no right shall permanently attach until all payments therefor are made.

The bill will probably be introduced by Warren in the senate and by Newlands in the house.

THE NEBRASKA SAND HILL FORESTRY.

Washington, D. C.—(Special.)—A letter was circulated among the Nebraska congressmen today for their signatures, addressed to the president, recommending the establishment of three forest reserves in as many localities in the sandhill districts of Nebraska. These reserves as contemplated include an aggregate of 558,720 acres with but 1 per cent held under private claims. It is designed to make the experiment of raising timber in these forest reserves, should the president follow the suggestion of the Nebraska delegation. It is sought to include the so-called Niobrara district, which lies largely in Cherry county, and in the vicinity of the Niobrara river; Dismal reserve, which is situated in Blaine and Loup counties, and the North Platte reserve. It is thought by those who have the matter in charge that the delegation will be a unit in having the land set aside.

Henry B. Ward, secretary of the Association for the Advancement of Science, and connected with the University of Nebraska, has written a letter to Senator Millard, protesting against the merging of the fish commission, as contemplated, with the new department of commerce. He says if it is done, it will seriously impair the fish commission's work and handicap it in its scientific investigations. The letter was referred to Senator Frye, chairman of the committee on commerce and president pro tem of the senate, who has written a characteristic reply, stating that he will do nothing to interfere with the efficiency of the commission, nor hinder it in any way in its scientific investigations.

Gold Under Denver City Hall.

Denver, Colo.—(Special.)—Men employed in the basement of the new city hall discovered what may prove to be a gold bonanza. Profuse colors in a sediment of black sand which appeared after washing in the old-fashioned way, caused commotion among city officials. The men were digging in the sand to place the machinery pit of a new elevator, about fourteen feet below the level of Fourteenth street, when the peculiar nature of the soil, unmistakably that of gold

CLEVELAND ON THE CUBAN PROBLEM.

York, Pa.—(Special.)—A. B. Ferquhar of this city, the head of the Farkuhar Agricultural Works and prominent in democratic national affairs, has received the following letter from former President Cleveland, dated at Princeton, in reply to one sent him by Mr. Farquhar, relative to the relations of the United States with Cuba:

"I only have sufficiently recovered from my illness to be about a little and ride out in a limited way. Tomorrow I hope to start on a trip to the south in the expectation that my health will be largely reinstated by the outing.

"I received your letter yesterday, and was much impressed by the manner in which you discuss our relations and our duty to Cuba. The arguments used in opposition to the tariff concessions she implores, based upon our material interests, are fallacious, mistaken and misleading, while their source and the agencies of their propagation and spread cannot fail to be recognized by every honest, patriotic citizen with shame and humiliation.

"It seems to me, however, that this subject involves considerations of morality and conscience higher and more commanding than all others. The obligations arising from these considerations cannot be better or more forcibly defined than was done by President Roosevelt in his message to congress, nor better emphasized than has been done by Secretary Root; and yet congress waits, while we occasionally hear of concessions which rich sugar interests might approve in behalf of trembling Cuba.

"I do not believe that nations any more than individuals can safely violate the rules of honesty and fair dealing. Until there is no escape, therefore, I do not believe that, with all our fine words and lofty professions, our embrace of Cuba means the contagion of deadly disease."

SHAW CLINGS TO HIS OLD IOWA HOME.

Denison, Ia.—(Special.)—More than 1,000 people flocked to the Denison opera house to attend the farewell reception to Governor L. M. Shaw, newly chosen secretary of the treasury. People from all the surrounding counties were in attendance, and every town in Crawford county was represented. Oldtime farmer friends, democrats as well as republicans, drove twenty miles over the rough roads to bid the governor godspeed. Colonel Sears McHenry presided over the program. Short speeches were made by Carl F. Kuehnle, J. B. Romans, P. E. C. Lally and F. W. Myers.

Secretary Shaw received a tremendous ovation when he arose to speak. He announced that he had no intention of giving up his Denison home, and this statement was received with great applause. The reception was a magnificent tribute to the affection in which Secretary Shaw is held by those who know him best.

FILIPINOS TO HAVE AN EXHIBIT.

St. Louis, Mo.—(Special.)—It was officially announced at the world's fair quarters that the civil government of the Philippine islands had made an appropriation of $250,000 for a Philippine exhibit at the exposition in 1903. The appropriation is made from the funds of the Philippine government and has been approved by President Roosevelt. The announcement here is made on the authoritative advice of John Barrett, world's fair commissioner general to Asia, who has for some time been in consultation with the Washington authorities. The Philippine government has all facilities at its disposal, including the United States transport service, which will be available for bringing the exhibit over without expense, and it is considered that the appropriation is ample for a creditable and highly interesting and valuable display of the islands' resources. The Chinese government has already signified its intention of participating in the exposition, and it is expected that favorable action in the same direction will soon be taken by other countries of Asia.

Must Trust to the Brigands.

Constantinople.—(Special.)—It is understood that the American negotiators for the release of Miss Ellen M. Stone and her companion, Mme. Tsilka, to whom the money subscribed for the captive missionaries was sent, may have to entrust the funds to the brigands for some days before the latter release the captives, in accordance with the precedent adopted in the case of former brigandages. The bandits are said to insist on this point, in order to enable them to dispose of the cash before retaliative measures can be organized.

Sympathizes With Boers.

Washington, D. C.—(Special.)—Representative Clark (dem., Mo.), today introduced a joint resolution in the house, declaring that the people of the United States feel a strong sympathy with the people of the South African republic and the Orange Free State; that they are pained at the reports of the present suffering of these Christian people, and unite in the hope that this declaration, which the house and senate feel it their duty to make, will be favorably considered by the government of Great Britain.

Says the Stories are False.

Washington, D. C.—(Special.)—Colonel Metcalf of Kansas with with the president today with Mr. Mulvane, the national committeeman of Kansas. Colonel Metcalf says the charges against him of ordering a Filipino killed are based on the affidavit of a man who afterward withdrew it. He said that the stories are not true and that there will be no difficulty in showing this fact to the senate, where his nomination as pension agent of Kansas is now pending.

TO ENJOIN THE BIG MERGER.

Action Is Begun By Stockholders Against Great Northern.

Petition States that Northern Securities Company is a Conspiracy and is Fraudulent.

Minneapolis, Minn.—(Special.)—The attorneys of Milton L. Bouden and Sophia Barth Chapman filed a petition for an injunction in the state district court against the Great Northern railway and its directors to prevent a transfer of its stock to the Northern Securities company.

Bouden holds 400 and Mrs. Chapman 100 shares of Great Northern stock. The attorneys are the same as those who, in behalf of Peter Power of New York, are seeking in the United States district court to have the retirement of the Northern Pacific preferred stock declared illegal.

The bill of complaint sets up the well known facts as to the attempted merger of the Great Northern, Northern Pacific and Burlington systems, alleges that it is contrary to the statutes of Minnesota, North Dakota, Montana and Washington, and intends to destroy all competition and charges that separate organizations maintained are merely nominal and intended to deceive the public, the real management and control being vested in the Northern Securities company.

It is claimed by this action that the Great Northern directors have rendered the charter of the road subject to forfeiture in the suit of the state of Minnesota and the license of operation in the other states traversed subject to revocation, and further that many such suits are imminent, whereby the company will lose valuable rights and privileges unless the directors are permanently enjoined from carrying out the merger.

Judgment is demanded on eleven points—that the merger is fraudulent and contrary to the laws of this state; that the Northern Securities company is a conspiracy; that the Great Northern directors and agents be enjoined during the pendency of the suit and permanently thereafter from registering any transfers of stock to the Northern Securities company; from recognizing or according any privileges to that company, or from receiving any votes in its meetings; from entering into any combination whatsoever with the Northern Pacific which shall disturb the independent integrity of the defendant company; that the defendant directors be enjoined from holding any office in or participating in any affairs of the Northern Securities company; and from paying any dividends on stock held by that company. The defendants have been given time in which to answer.

Chicago, Ill.—(Special.)—Members of the interstate commerce commission have arrived here and began making preparations for investigating the northwestern railway merger. Rumors to the effect that J. J. Hill and E. H. Harriman, who have been subpoenaed to testify before the commission at its opening session, would not appear owing to their absence in the east during the supreme court hearing of the Northern Securities case, were lightly set aside by the commissioners. Commissioner J. D. Yeomans today stated that the investigation into the result on the rate situation by reason of the consolidation would be begun tomorrow and that he had been assured personally of Mr. Hill's presence. Later the question of grain rates will be resumed, and he said it was probable the question on packing house rates would be gone into again. Mr. Yeomans said he had heard nothing of the agreement made between presidents of the western railways and the big packers to maintain legal rates.

TO CONSIDER LEASE OF PUBLIC LANDS.

Lincoln, Neb.—(Special.)—A meeting of the Nebraska Stock Growers' association will probably be called for some time in February, at Alliance, to consider the bill in congress, providing for leasing public lands.

The bill provides for leasing all vacant public lands west of the 100th meridian, under suitable regulations, for a period of ten years, special preference being given to stockmen who are in actual use of said lands during the past year; the revenue to be paid into the treasury and used for reclaiming the arid regions.

The bill was drawn by a committee of five members of the American Cattle Growers' association.

Several members of the Nebraska association met to discuss the bill, and while no action was taken it was generally conceded that it was a meritorious measure and should become a law.

Bryan Makes First Speech.

Madison, Wis.—(Special.)—William J. Bryan spoke before an audience of 2,000 in the gymnasium of the university under the auspices of the University Oratorical association. He was introduced by ex-Senator Vilas, who with other gold democrats sat on the platform. His theme was "A Conquering Nation." He arraigned the trusts and imperialism and said that morality was being lost sight of by nations in questions of government policy.

OPENLY VIOLATE LAW OF THE LAND.

Washington, D. C.—(Special.)—The report of the interstate commerce commission urgently repeats former requests for such additional legislation as will give the commission power to reach the secret evils not touched by the present laws. On the subject of the recent investigation into the movement of packing house products, the report says:

"That leading traffic officials of many principal railway lines should deliberately violate the statute law of the land and, in many cases, agree with each other to do so; that it should be thought necessary to destroy vouchers, and to so manipulate bookkeeping as to obliterate evidence of the transactions; that hundreds of thousands of dollars should be paid in unlawful rebates to a few great packing houses; that the business of railroad transportation is the most important, but one, in the country today, paying the highest salaries and holding out to young men great inducement, should, to such an extent, be operated in open disregard of the law, must be surprising and offensive to all right-minded persons.

EAGER FOR GAIN.

"Equally startling, at least, is the fact that the owners of these packing houses, men whose names are known throughout the commercial world, should seemingly be eager to augment their gains with the enormous amounts of these rebates which they receive in plain defiance of the federal statutes. These facts carry their own comment and nothing said by us can add to their significance.

"We certainly believe that the existing laws should be so amended that railway managers who desire to observe them, can do so without the risk of sacrificing their property."

The commission vigorously comments on the fact that it has been judicially determined that a corporation is not liable for the violation of these laws, and that an agent alone can be punished.

In regard to the movement of grain, the commission observes:

"At present grain and grain products move from points of their origin to the seaboard, generally upon secret rates, in favor of the foreigner and excluding from business the small operator."

The total number of proceedings brought the commission during the year was 340. Of these, 149 informal complaints were settled through preliminary investigation by the commission.

"FIDDLER" MAYOR IS ACTIVE WITH AX.

San Francisco, Cal.—(Especial.)—Eugene E. Schmitz, the "fiddler" mayor of this city, who was selected as the avowed representative of the labor unionists, has struck terror to the heart of every holder of a position under the municipal government by the vigor with which he is carrying out his reform ideas. Although he has been in office barely two weeks, the mayor has caused an upheaval in several branches of the service by his removals and suspensions.

A few days ago County Clerk Mahony was suspended, but secured a writ of injunction temporarily preventing the mayor from proceeding further in the matter. This was for an alleged violation of the purity of elections law.

Then School Director J. B. Casserly was forced to resign, and today E. W. Williams, a justice's clerk, was forcibly ejected from his office by the police after having been suspended on the charge that he spent much of his official time at the race track instead of at his office. In this removal the mayor disobeyed a temporary injunction secured by Williams from the superior court.

The mayor's action follows an investigation begun by him as soon as he took office. It is said that he will seek the scalps of a number of other officeholders.

GIVES SOME STARTLING TESTIMONY.

Frankfort, Ky.—(Special.)—In the Howard trial William Sanderlin swore that Beverly White, one of Howard's friends, said to him early in the present month: "I got Jim Howard to go to Frankfort to kill Goebel, and he killed him. My brother John and I will spend all we have to get Howard out."

Several witnesses testified to Howard's having in his possession a false mustache shortly before the shooting. Some strong testimony was introduced to controvert the alibi set up by the defense.

The proprietor of the Board of Trade hotel and numerous other witnesses testified that Howard was not in the hotel at the time Goebel was shot and that neither of his alibi witnesses, Robertson or Moore, was there.

Howard's story as to his whereabout on the day of the shooting was also contradicted on several points.

The attempt of the defense to fasten the shooting on Henry Youtsey and Dr. W. R. Johnson was given a severe blow by several witnesses testifying that Dr. Johnson was at his home in Jackson county on the day of the shooting and for some days previous thereto.

Schwab Visits Emperor.

Vienna.—(Special.)—The mayor of Vienna presented Charles M. Schwab, president of the United States Steel corporation, to Emperor Francis Joseph at the citizens' ball. The emperor and Mr. Schwab conversed at some length on commercial matters. The emperor expressed his regret at the early departure of Mr. Schwab from Vienna as it would prevent his majesty from receiving him again. Mr. Schwab leaves here for Berlin tomorrow and will thence proceed to Paris