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REBATE LAW IS GOOD

COURT SAYS HEPBURN ACT DOES NOT REPEAL IT.

MUCH HINGES UPON DECISION

Federal Tribunal Decides Great Northern Must Pay in Hotly Contested Minnesota Case.

Washington—The question whether the railroad rate law known as the Hepburn act repeals section one of the Elkins act prohibiting rebates on railroads, was involved in the case of the Great Northern Railway company against the United States which was decided by the supreme court of the United States against the railroad company and against the contention of such appeal.

The case was instituted in the United States district court for the District of Minnesota, which court fined the railroad \$1,000 each for fifteen violations of the first section of the Elkins law.

The alleged offenses against the law were committed during the summer of 1905 and consisted of granting concessions to the W. P. Deveraux company on its shipments of oats and corn from Minneapolis to points in Washington. The company admitted the concessions and fought the prosecution on the ground that by amending the Elkins act so as to provide for punishment by imprisonment rather than by fines the Hepburn act had so modified the original law as to accomplish its repeal and render punishment under it impracticable. The decision was announced by Justice White and affirmed the finding of the district court and the United States circuit court of appeals.

Justice White said that the effect of the Hepburn law in repealing the Elkins act must be considered in the light of section 13 of the revised statutes, which provides that the repeal of any statute shall not have the effect of releasing any party of the liability incurred under the statute repealed. He said it was clear that the mere repeal of conflicting laws is in no way repugnant to that statute and there could be no contention that standing alone the act had the result of destroying the effect of section 13.

Big Feather for Judge Landis.
Chicago—The decision that the Hepburn act does not repeal section one of the Elkins act takes away one of the big points on which the Standard Oil company is basing its appeal from the fine imposed by Judge Landis, said District Attorney Sims in Chicago. "Incidentally, it is a big feather in Judge Landis' cap. He was the first jurist to decide this point."

MOTIVE FOR HIS DEED.

Assassin of the Priest Tells Why He Murdered.

Colorado Springs—Guiseppe Guarnaccio, the anarchist, who shot and killed Father Leo Heinrichs at Denver, and who is being held in jail here, says that he was moved to kill the priest by the ringing of the church bells, which reminded him of his home in Sicily, which home, he says, was wrested from him by the church.

It appeared from statements made by the murderer in answer to questions that when living in Italy he was expelled from the church in consequence of his anarchistic teachings, and his wife left him. Her desertion, it seems, further enraged him against the church and priests, and when he heard the church bells ringing Sunday morning he determined to go and kill one priest at least, and more if he could accomplish his design.

Operators and Miners to Meet.

Pittsburg, Pa.—For the purpose of discussing the proposed renewal of the interstate agreement the general committee of the Pittsburg district coal operators left for Indianapolis, where a joint meeting of the operators and miners will be held. The outcome of the conference depends largely upon the demands of the Pittsburg operators and is anxiously awaited by operators, miners and manufacturers. Should the agreement be renewed arrangements will be made immediately for a joint wage scale.

Protest Against Big Navy.

Washington—A petition against the proposed increase of the navy by the proposed expenditures of over \$60,000,000 for four new battleships was laid before the senate by Senator Hale, chairman of the committee on naval affairs.

Pention for Judges.

Washington—The retirement on full pay of any judge of a United States court who has held his commission for at least ten years and reached the age of 70 is provided in a bill introduced by Senator Knox which was reported favorably.

FOWLER MEASURE APPROVED.

House Committee Acts Favorably Upon the Same.

Washington—By a vote of 11 to 5, three members being present and not voting, the house committee on banking and currency authorized its chairman, Representative Fowler of New Jersey, to report to the house the Fowler currency bill with the recommendation that it pass.

The vote cast was as follows: Aye—Fowler of New Jersey, Prince of Illinois, Powers of Maine, McMoran of Michigan, Weems of Ohio, McCleary of Pennsylvania, Waldo of New York, Hayes of California, Weeks of Massachusetts, Durey of New York, Gillespie of Texas.

Noes—Burton of Ohio, Ollie James of Kentucky, McKinley of Illinois, Lewis of Georgia, Crawford of North Carolina.

Present and Not Voting—McHenry of Pennsylvania, Pujo of Louisiana, Glass of Virginia.

Mr. Weeks, in voting for the favorable report of the bill, reserved the right to oppose on the floor the clause providing for a federal guaranty of national bank deposits.

Though the decision to report the bill favorably was reached as the result of weeks of hearings and exhaustive discussion of its various provisions in executive session, the decision does not commit the banking and currency committee to its support on the floor of the house.

Ten of the eleven members who voted for the favorable report reserved the individual right to oppose any section of it and to offer and urge any amendment when the bill is called up. A majority of the committee felt the necessity of getting the bill before the house without further delay, so that its provisions as reviser in committee may become a subject of open debate both in the house of representatives and in the press of the country. The committee amended the bill in six of its salient features.

Chairman Fowler made public a synopsis of the committee report which he will make up and submit to the house.

The synopsis contains, among others, the following paragraph: "Your committee is of the opinion that there should be no further patchwork, no temporary device, no political expedient, but that there should now be a genuine and complete reform of our financial and currency practices. The business interests of the country and the danger to our national credit unite in demanding that we now adopt a scientific, sound and wise financial and currency system. The bill which your committee now has the honor to report to the house is comprehensive in character, scientific in principle, practical in its application."

DEADLOCK IS BROKEN.

Former Governor Bradley Elected Senator from Kentucky.

Frankfort, Ky.—Amid scenes of wildest excitement on the floor of the house of representatives former Governor William O'Connor Bradley, republican candidate, was on Friday elected to succeed James B. McCreary in the United States senate for a term of six years, beginning March 4, 1909. He received sixty-four votes, barely enough to win. He was enabled to gain victory through the assistance of four anti-Peckham democrats, Senators H. S. McNutt and Albert Charlton and Representatives Chris Muller of Louisville and E. W. Lillard of Boyle county.

INCREASE FOR MEN RESTORED.

House Puts Back Provision in Army Appropriation Bill.

Washington—The house of representatives adopted a special rule restoring to the army appropriation bill the provision for an increase of pay for enlisted men and non-commissioned officers in the army.

Preservatives to Be Used.

Washington—The use in small quantities of benzoate of soda and sulphur as food preservatives will be permitted pending the formal action of the referee board of consulting scientific experts, according to an order issued by the department of agriculture.

Nebraska Roads Meeting.

Chicago—Representatives of several railroads having lines in Nebraska met here and appointed a committee to present to the Nebraska railroad commission statistics in an effort to demonstrate the net revenues of the roads will be endangered by enforcement of a maximum distance tariff.

Mexican Railroad Merger.

Mexico.—The papers in the merger of the Mexican Central and National lines were signed this afternoon after a conference between B. W. Palmer, representing New York financial interests, and Minister Limantour, for the Mexican government. This culminated the long-drawn-out negotiations and caused the greater part of the railway mileage of the country to pass to the federal government.

OUR EVER OPEN DOOR.



MR. JEROME IS IN TROUBLE AS TO WATER AND POWER

PETITION FOR HIS REMOVAL AS DISTRICT ATTORNEY.

Many Charges for him to Face, Some of Them of a Very Serious Character.

New York—Twenty-two specific charges are made in a petition praying for the removal of William T. Jerome as district attorney of the county of New York which was sent to Governor Hughes at Albany by a committee of stockholders of the Metropolitan Street railway, by its chairman, William F. King.

The petition alleges that Jerome failed properly to prosecute charges of alleged "jury fixing" and the giving of false testimony in street railway cases; that the prosecution of violations of the criminal law by the life insurance companies of New York, as disclosed by the Armstrong committee, had been delayed; that an alleged criminal conspiracy to divert the property of the Metropolitan Street railway of New York into the hands of a few men was allowed by Mr. Jerome to go on and hundreds of stockholders robbed of their money and that no attempt was made to punish men alleged to have committed other frauds in connection with New York City traction deals. Mr. Jerome's statements as to judges are alleged to have been not only improper, but scandalous in their nature and to have tended to destroy the confidence of the people in the integrity of the courts. The committee also charges that the district attorney misconducted himself in failing to indict and seek to convict some one of the officials of the New York Central Railroad company in connection with the collision in that company's tunnel in 1902 when seventeen persons were killed. Various other cases of alleged failure of the district attorney to perform his duty are cited in the complaint.

The petition also charges that contributions to the campaign fund to elect Mr. Jerome were received by one of Mr. Jerome's assistants from men connected with large corporations seeking favors from the district attorney, and that the sum, the amount of which is unknown, was considerably upwards of \$50,000. Among these contributors, it is alleged, was the attorney for James H. Hyde, who contributed \$5,000. It is also alleged that the assistant who received these funds and who has since resigned and entered law practice, has undue influence with the district attorney.

M'KINLEY HEIRS OBSTINATE.

Refusal to Agree on Price for Home Spoils Memorial Plans.

Canton, O.—The plan of the trustees of the McKinley National Memorial association, to take over from Mrs. M. C. Barber, sister of the late Mrs. McKinley, the President McKinley home as a public memorial gift has been found impossible. Heirs to the William McKinley estate would not sell at the price, \$25,000, tentatively agreed upon some months ago, and the matter was finally taken into court, with the result that the property will be offered at public sale.

Why the Discrimination.

Lincoln, Neb.—The state railway commission will investigate the matter of the Union Pacific discontinuing trains on branch lines. The hearing will be held March 4, when the railroad will be asked the reason for its action.

STANDARD ELEVATING PRICES.

North Lima Oil Product Above Dollar for First Time in Year.
Lima, O.—The Seep purchasing agency (Standard Oil company) advanced the price of Lima and Indiana crude oils 5 cents a barrel, placing the North Lima product above the dollar mark for the first time in more than a year.

FOR THE BENEFIT OF FARMERS.

Agricultural Department Will Send Out Some Experts.

Washington—Representatives Norris and Boyd joined issues Tuesday in the interest of their constituents in the Fifth and Third districts and moved down upon the secretary of agriculture for the purpose of securing the attendance of practical lecturers connected with the Department of Agriculture who will go into the several counties of the Third and Fifth districts for the purpose of making practical demonstrations in soils, stock growing and in the broader field of grain raising. Secretary Wilson, who had given the question some consideration in conjunction with his experts of the department, appreciated the importance of the subject and the strength of the arguments advanced by the two members from Nebraska. They represented in detail the varied industries of their districts from both the farmers' and stock growers' point of view. They bore down upon the necessities of wider education for the farmer in soils, selection of seeds and choice of breeds of cattle, sheep and horses. They outlined their ideas to the secretary, who met the congressmen more than half way in their efforts to bring directly to the homes of the farmers a practical knowledge as represented by trained men of the Agricultural department who have specialized in the subjects most directly associated with farm work.

Secretary Wilson has had such a thing in mind for some time past and he was glad to give the two members of the Nebraska delegation not only encouragement but pledges of most earnest cooperation to bring to the doors of the husbandman, dairyman and agriculturist such first hand knowledge as is possessed by the scientists of the department. To the representatives Secretary Wilson stated that practical lecturers will be sent into their districts and to places which the farmers may select where practical talks will be given upon subjects in which the farmers are most directly interested, and that the men selected should remain in the field as long as there was any demand for their presence.

As to the time of year in which the experts of the department shall go into the Third and Fifth districts, the subjects to be discussed and the places where institutes shall be held are matters which the congressmen have decided shall be left to their constituents. Representatives Norris and Boyd invite correspondence with the farmers of their districts as to the presence of these experts, the subjects to be considered and the places where these practical talks shall be made.

Roosevelt Presses Button.
Washington—A handsome mounted button bearing a silver plate mounted on mahogany was placed in the east room of the White house and pushed at 3:40 o'clock Tuesday just as the president received the following telegram from President W. C. McAdoo of the Hudson & Manhattan Railroad company:

"To the President of the United States, Washington, D. C.—The first official train of the Hudson & Manhattan Railroad company under the Hudson awaits your signal and pleasure."

MANY ANARCHISTS IN PLOT.

Denver Police Find Evidence of Assassins' Accomplices.

Denver, Colo.—Most of the priests of the Catholic church in this city believe that Father Leo Heinrichs, who was murdered by Giuseppe Alio, an Italian anarchist, while giving communion in St. Elizabeth's church here Sunday morning last, was a marked man from the time he arrived in town last August or even before. The dead priest was stationed previously in Paterson, N. J., and it is believed that he may have incurred the enmity of the anarchists there, and that a plot was laid to kill him, perhaps prior to his leaving Paterson.

STOESSEL ASKS FULL PARDON.

Russian General Petitions Czar to Reverse Findings of Court.

St. Petersburg—Lieutenant General Stoessel, who on February 20 was condemned to death for the surrender of the Port Arthur fortress to the Japanese, has petitioned Emperor Nicholas for a full pardon. The court recommended that the death sentence be commuted to ten years' imprisonment in a fortress and that the general be excluded from the service.

STILLINGS TO STAY OUT.

Substituted Public Printer Will Not Be Reinstated.

Washington—Charles A. Stillings will not be restored to duty as public printer. President Roosevelt let this fact be known to friends who talked with him concerning the tangle in the government establishment. The report of W. S. Rossiter will be made to the president within a week, it is expected.

READY FOR NEW LAW

RAILROADS WILL OBSERVE STATUTE REDUCING HOURS.

BASIS OF FIRST OBJECTIONS

Allegation is Set Forth That Decrease in Traffic Makes Enforcement a Burden.

Washington—American railroads have made arrangements to comply with the provisions of the "nine-hour law." The operation of the law will mean the employment by railroad companies of several thousand additional operators and the closing of a large number of small stations on the principal systems. Discontinuing of railway service at many points, it is thought, will induce at least temporary inconvenience to the traveling and shipping public in order to reduce operating expenses, which now seem necessary, the operating officials of the railroads believe that this is the only way that they possibly can meet the situation with which they are confronted.

During the hearing of applications for an extension of the nine-hour law by the Interstate Commerce commission some astonishing statements were made by the operating officials of important railroads. A good many lines, owing to a reduction in their revenues and to their inability to command the cash necessary to meet their pay rolls, have been forced, during the last four months, almost to the point of asking for receivers. In the opinion of railway officials, expressed at the hearing under oath and in private conversation, this condition does not seem to have been due to the enforcement of regulative laws or to the incapacity of railway management. Most of the railway officials attribute the difficulty to the unfortunate banking situation, which developed last September. The railroads did not feel that stringency in money until about the first of November. In fact, the month of October was one of the best in the history of the business of American railroading.

"Then, without the slightest warning," as H. U. Muldig, vice president and general manager of the Rock Island system expressed it, "we were plunged from prosperity to adversity. A year ago our system could not handle the traffic offered us. Today we have 11,000 idle cars. Five months ago we suffered from a congestion of freight, now we suffer from a congestion of empty cars."

What is true of the Rock Island is true also of scores of other railroads. One railway official ventured the statement that in the country today there were 300,000 idle freight cars, and one line which he instanced was declared to be hauling empty cars backward and forward because it had no yard room or sidings to accommodate them.

TAMPA, FLA., SUFFERS FIRE.

Fifty-five Acres of Tobacco Factories Burned.

Tampa, Fla.—The entire extreme northern section of this city was destroyed by fire, which broke out in a boarding house early Sunday and raged uninterrupted for three or four hours. The area burned covered fifty-five acres or eighteen and one-half city blocks and 208 buildings were destroyed with a total loss estimated at \$600,000 and one woman is dead from excitement.

The burned section included four large and one smaller factory and numerous restaurants, saloons and boarding houses, and over 200 dwellings occupied by cigarmakers. Insurance is estimated at about half the loss.

Gasoline Cars Approved.

St. Paul, Minn.—A special to the Pioneer Press from Madison, Wis., says that the Wisconsin Railroad commission has dismissed a complaint against the use of gasoline motor cars between Madison and Freepport, Ill., on the Illinois Central railroad. The complaint was made on the ground that the motor was "dangerous and inadequate as a means of locomotion." The commission in dismissing the complaint, held that the use of the motor cars marks an advance in railroading and will result beneficially.

Great Northern Makes Terms.

Spokane, Wash.—A satisfactory settlement of the difference between the Great Northern railway and its telegraph operators has been reached, according to a message sent to operators on the San Francisco and Northern division by S. T. Moore, delegate of that division to the conference held in St. Paul with Great Northern officials. According to advices received here the railroads had agreed to live up to the provisions of the nine-hour law and will proceed to arrange working hours.