

ENFORCE THE ACT

ORDERS REGARDING THE ELKINS ENACTMENT.

ISSUED BY ATTORNEY GENERAL

A Circular Letter to All United States District Attorneys—Eighty-five of Them Directed to at Once Get Busy Doing Their Duty.

WASHINGTON—Attorney General Moody sent a circular letter to all the United States district attorneys, eighty-five in number, directing them vigilantly to enforce the provisions of the Elkins act against rebates and discriminations of all kinds by carriers. The letter follows:

To United States Attorneys: An Act entitled "To further regulate commerce among foreign nations and among the states," approved February 19, 1905, (32 Stats. 847), commonly known as the Elkins act, is directed against the rebates and other discriminatory practices by common carriers. It makes such practices misdemeanors and provides for their punishment by fines. It further provides for their prohibition by the injunctive process of the courts. There is no provision that criminal prosecution shall be by the special direction of the attorney general, but in section III, it is provided that proceedings for injunction shall be begun "whenever the attorney general shall direct." You are directed diligently to investigate all complaints which may come to you from any source, of violations of this law and upon your own initiative to make investigations if there appears to you to be reasonable ground for suspecting violations of this law. In every case in which you can secure sufficient evidence, you will submit that evidence to the grand jury, with a view of securing indictment. Whenever it is practicable it is desirable that indictments shall be returned both against shipper and the carrier. In some cases, however, it may be impossible to obtain sufficient evidence without the aid of the testimony of one of the guilty parties to the transaction. In such a case it would be wise to use such testimony, of course, affording to the witness or witnesses, immunity from prosecution.

Under the Elkins law the only penalty for its violation is a fine. I suggest to you, in all cases where the evidence would warrant it, that an indictment for conspiracy to commit an offense against the United States, based upon section 540 of the Revised Statutes, be obtained. The supreme court has held in *Clune* against United States (159 U. S., 590, 595) that a conspiracy to commit a crime itself punishable only by fine may be punished by imprisonment. In the event of obtaining a conviction upon a charge of conspiracy of this kind you are directed to present to the court the desirability of inflicting the penalty of imprisonment to the end that these unlawful practices, which have received almost universal condemnation, may be discouraged and prevented as far as existing laws will accomplish that result.

Your attention is especially directed to that part of the act which renders unlawful rebate, concession or discrimination in the transportation of any property in interstate or foreign commerce. . . . whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed.

I desire to impress upon you the importance of using every effort to execute these directions. You will report to the department from time to time any action which you may take upon this subject. Very respectfully,

WILLIAM H. MOODY,

Attorney General.

BUFFALO BILL'S HORSES KILLED IN FRANCE

MARSEILLE, France—All the horses belonging to the wild west show of Col. William F. Cody were killed here. Although the government veterinarians had certified that glanders had been entirely eradicated from the stud, Colonel Cody and his partner, James A. Bailey decided on this radical measure in order to allay the fears of the farmers regarding the spread of the disease. The saddles, bridles and other articles of equipment, as well as the clothing of the stablemen, were burned and the railroad cars belonging to the Cody show disinfected.

Tawney Holds the Purse.

WASHINGTON—The addition of a republican member to all the important committees of the house has enabled Speaker Cannon to solve the problem of committee assignments in a manner most satisfactory to both parties in the house. Only two important chairmanships were vacant, appropriations and public buildings and grounds. In filling the former the speaker followed precedent and looked to the whole house for the available material. Tawney of Minnesota was chosen chairman of appropriations.

Smallpox Aboard the Sybil.

WASHINGTON—By the breaking out of smallpox on the naval yacht Sybil, assigned for the use of President Roosevelt and his family, the vessel is practically quarantined and the crew put under close observation by the health authorities. Only one case has developed, that of Clarence Marlow, a negro sailor. He was removed to the hospital. It has been a month or more since the president or any member of his family has been aboard the vessel and no alarm is felt on that score.

THE COMMITTEES.

Nebraska Fares Well in the Assignment.

WASHINGTON—Nebraska fares well in committee assignments of the first or important class, as committees have now come to be classed in contrast to those of less or least importance.

Western Committee Places.

Following are the committee assignments for Nebraska:

Hinshaw—Indian affairs, merchant marine and fisheries, patents.

Kinkaid—Insular affairs, Pacific railroads.

McCarthy—Public lands, expenditure Department of Justice.

Norris—Public buildings and grounds, labor, election of president, vice-president and members of congress.

Pollard—Industrial arts; expenditures and accounts.

For South Dakota:

Burke—Interstate and foreign commerce, Indian affairs.

Martin—Public lands, public buildings and grounds, expenditure in Department of Justice.

For Iowa:

Connor—Library, labor, public buildings and grounds.

Cousins—Expenditure in Treasury department, chairman; foreign affairs, naval affairs.

Dawson—Pacific railroads, naval affairs.

Birdsall—Judiciary, merchant marine and fisheries.

Hedge—Coinage weights and measures, postoffice and post roads, levees and improvement of Mississippi river.

Hepburn—Interstate and foreign commerce, chairman.

Hull—Military affairs, chairman.

Hubbard—Insular affairs.

Lacey—Public lands, chairman; Indian affairs, reform in civil service.

Haugen—Agriculture, war claims.

Walter L. Smith—Appropriations.

For Wyoming:

Mondell—Irrigation of arid lands, chairman; military affairs.

Nebraskans Satisfied.

Most generally the Nebraskans members are quite satisfied with the judgment of Speaker Cannon. There are a few little heartburnings in the delegation, but "by and large the delegation has come off the committee field with honor. Two extremely interesting fights were made for major committees—Hinshaw for appropriations and Pollard for agriculture. Pollard lost out because the president had a candidate in the person of William H. Cooke, who comes from the president's own district on Long Island. Pollard put up a game fight and would probably have won, but Mr. Cooke had a letter of recommendation from the White House on file and Pollard lost. In some particulars Pollard is better situated than older members. He gets accounts and industrial arts and expositions.

WAS WORTH MILLIONS BUT WAS DESPONDENT

NEWARK, N. J.—R. D. Ballantine shot himself, dying instantly, at his mother's home here. The cause of the suicide was despondency. He was thirty-five years old and unmarried. His grandfather, Peter Ballantine, founded the firm of P. Ballantine & Sons, brewers. His father, John Ballantine, with the latter's brother, Robert, succeeded the founder and after the death of John H. his interest in the business, estimated to be worth at least \$5,000,000, reverted to his widow.

Alice Gets Her Presents.

WASHINGTON—The valuable presents and relics of Miss Alice Roosevelt's trip to the orient were placed in her possession on Friday. They arrived about five weeks ago, but were given their turn in examination and appraisement, which was concluded yesterday. A messenger from the White house paid the duty and today a big express van brought the twenty-seven boxes to the White house. The unpacking began immediately.

Shot Father and Mother.

ALHAMBRA, Ill.—Henry Linneman, aged seventeen years, shot both his father and mother, with a shot gun, wounding each seriously, as the outcome of his efforts to protect his mother from the alleged attack of his father.

MATHEWS LOSES JOB.

United States Marshal for Nebraska is Summarily Removed.

WASHINGTON—The president has summarily removed from office United States Marshal T. L. Mathews of the district of Nebraska for alleged misconduct in connection with the case of Richards and Comstock, who were recently convicted in that state of illegally fencing the public domain. The sentence of the court was that the defendants should remain in the custody of their counsel.

Message Meets Approval.

LONDON—President Roosevelt's message to congress met with approval today on the stock exchange. Americans opened active at prices varying up to a point above parity. Other markets participated in the general strength and cheerfulness. Russians were the feature, reaching 82 7-8.

MEXICO—The official statement of the physicians in attendance upon Vice President Corral, pronounce him out of danger and entered upon the period of convalescence.

ABOUT THE CANAL

SENATORS NOT SATISFIED AS MATTERS STAND.

ARE SPENDING TOO MUCH MONEY

On Salaries and Things Not Needed—None, However, Are in Favor of Stopping Work on the Great Project.

Washington—The railroad company and the two ex-officers are included in an indictment, in which there are ten counts against the company, and against each of the two men. The general charge is that the railroad company, with the sanction of the two offices paid illegal rebates to the packing house firm of Schwarzbach & Sulzberger, for the purpose of procuring shipments from the concern, and also with the same object, gave free transportation to the employees of the railroad.

The railroad company spent four hours Thursday in discussing the Panama canal emergency appropriation bill and when it adjourned the bill was still under consideration. There were set speeches by Messrs. Teller, Scott and Morgan and they were followed by a general debate in which all phases of the controversy were exploited, including the question of salaried rebates to the packing house firm of Schwarzbach & Sulzberger, for the purpose of procuring shipments from the concern, and also with the same object, gave free transportation to the employees of the railroad.

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