

MAXIMUM FREIGHT TARIFFS

Progress of the Debate Touching Their Legality and Validity.

ARGUMENTS MADE IN FEDERAL COURT

Judge Woolworth's Contentions that Law's Enforcement Would Destroy Railroads in Nebraska—Extended Reply Being Made by Mr. Webster.

Judge Woolworth resumed his argument for the maximum freight rate case yesterday and concluded at noon. He was followed by John L. Webster in behalf of the State Board of Transportation, who will probably talk today and Monday on his side of the question.

Judge Woolworth took up the question of the validity of the Newberry freight law and cited decisions from Texas statutes showing that the higher courts had a right to render null and void legislative acts which are arbitrary and unjust to corporations as well as the common people.

He argued that if this rule was to apply here a mandamus would have to be issued against the state.

Justice Brewer held that the Texas decision was to the effect that the court could eliminate the good from the bad by striking out the unconstitutional parts or any clause in such an act. Mr. Webster contended that this could not be done as the constitutional parts were so intermingled as to render the whole act unconstitutional. He then called attention to the fact of construction of railroads and moved that the testimony introduced against certain roads alleged extravagance and corruption be struck out. He said the attack on the part of its construction was verified and reliable conclusions, because at that time, the same was the contract between the government, people and contractors were in a hurry—and under such circumstances time is money, and in these days gold was worth a heavy premium. He said that there was no doubt that the same amount of trackage could easily be reproduced at a much less outlay of money and time.

He quoted evidence showing statements from the Union Pacific and B. & O. accounts to the effect that there was an enormous amount of money expended in the construction of the Omaha road, so that the investment or alleged capital yielded no return for the amount expended in operating the road. He contended that the money taken from the government, as it was unworthy of consideration, as it was not verified.

He asserted that this bill made a reduction of 25 per cent in the revenues of these roads and added to the cost of operating the Omaha road of 62.24 per cent leaves only 42 per cent to meet the interest on the amount of money expended.

FIGURES FROM THE FREIGHT AUDITOR

He took up the statements of Auditor Taylor and Freight Auditor Rankin that the local freight business in Nebraska for the year ending December 31, 1892, was \$1,838,036.59. Dillworth says the reductions caused by the bill are 25.50 per cent of the earnings, which is \$466,649.23. The interest on the amount of the interest which local freight business should bear. The interest for this state is \$2,224,171.37 for all business. Taylor says the expenses of the business are \$1,838,036.59. Operating expenses are \$1,221,742.94. Deduction by the bill is \$466,649.23. Interest is \$1,838,036.59.

Leaves a deficiency of \$1,221,742.94. Supposing that an estimate is made on Taylor's statement that the Burlington proposed a rate of \$4.50 per ton, the result is \$1,700,000. This reduced to the freight and passenger percentage of the total sum yielded by local freight traffic.

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After the first and second reading of the bill and when it was in the hands of those whose duty it was to examine it, a comparison was made of the bill with the laws in effect and it was found that words and explanations were omitted which would render the bill ineffective. These omissions were corrected during the enacting, changing its meaning and intent. He designated this action as a forgery of public records and urged that the other side to make their arguments.

MR. WEBSTER'S REPLY.

John L. Webster took up the defense and said that it was quite likely that he would be followed by Judge Woolworth. He took up the last argument of Judge Woolworth and said that the courts of four states had decided that parole testimony was not admissible in evidence. It had not been legally passed by a legislature. He said that he would show that any interferences made on the bill were duly authorized, and the enacting committee saw to it that the bill was corrected before being placed on its third and final reading and passage. He would introduce evidence to show that its passage was regular and authorized by the proper officers of the senate and house. He showed that on January 14, 1893, house bill 123, a bill for an act to regulate and fix maximum freight rates on all Nebraska railroads, was read the first time. At the second reading of the bill the proper amendments were made by Representatives. He further contended that there was nothing in the bill of which the house did not have full knowledge, and fully explained the entire bill at the general assembly through both houses of the general assembly.

HOW THE BILL WAS PASSED.

At the afternoon session of Mr. Webster again took up the validity of the bill which was passed by the general assembly in Nebraska. He contended that in the federal courts the rule was that when an enrolled bill had not been signed by the president and has received the approval of the president and is deposited in the Department of State according to law, its authentication is complete and unimpeachable and that it is not competent to show from the journals of either house that the act was not passed. Mr. Webster said: "It is true that the senate testified that the bill was not read at large on three separate days, but was read the first and second time by title only. This did not, however, make any objection at the time of the first and second reading of the bill. They did not make any such objection when the journal was read and approved at each morning session. Aside from that, however, it would be a startling proposition if the parole testimony of members of the legislature could be re-

DOLPH GETS BACK AT HARRIS

Reminds Him of His Position on the Federal Elections Bill Debate.

IF YOU ARE TIRED, SIT DOWN

Amendments to the Wool Schedule Proposed and Promptly Voted Down, the Populists Generally Voting with the Democrats.

WASHINGTON, June 15.—In the senate today Mr. Stewart secured unanimous consent for the passage of his bill to amend the chapter of the revised statutes relating to mineral lands and mining resources. When the tariff bill was laid before the senate Mr. Dolph took the floor and resumed the speech he was making against free wool when the senate adjourned yesterday. He began with a sarcastic reference to the impatience of Mr. Harris, the general manager of the bill, because it was not rushed through with indecent haste and recalled the resentment shown by the Tennessee senator when others had displayed impatience at delay when other bills were being considered, notably the federal election bill and the bill to repeal the purchasing clause of the Sherman act. On the latter occasion when he (Dolph) had remarked that he was tired of the prolonged contest Mr. Harris had curtly told him to sit down if he was weary. With this preliminary shot at Mr. Harris the Oregon senator proceeded with his argument. Some observations about the tariff bill were made by Mr. Stewart to his feet in regard to the tariff bill. He declared that if the two democratic senators (Messrs. Brice and Palmer) from sheep-raising states had been half as energetic in their demand for free wool as the two Louisiana senators in their fight for a duty on sugar the wool industry would have been saved. If even the two realists (Messrs. Stewart and George F. Mansfield) had fought a duty on wool would have been obtained.

RATES DISCUSSED.

He then took the stand that the rates established by the legislature in reading the bill twice by the title and then at large, such a reading was deemed a substantial compliance with the constitution. He cited authority to show that where the title is broader than the title it is only that part which is in excess of the title that can be declared void and not the whole. In declaring an act void on the charge that it was not passed by the legislature in the manner and form required by the constitution, the courts must affirmatively appear in the journals.

THE AMOUNT PAID FOR THE TRANSPORTATION OF FREIGHT IN THE UNITED STATES.

Mr. Webster said that the total sum paid for the transportation of freight during 1892 aggregated \$20,000,000. Mr. W. A. Dillworth, for the complainant, testified the amount of reduction on local freight rates would be \$2,224,171.37. The interest on the amount of the interest which local freight business should bear. The interest for this state is \$2,224,171.37 for all business. Taylor says the expenses of the business are \$1,838,036.59. Operating expenses are \$1,221,742.94. Deduction by the bill is \$466,649.23. Interest is \$1,838,036.59.

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SECURED AN APPROPRIATION.

Two Hundred Thousand Recommended for the Atlanta Exhibition.

WASHINGTON, June 15.—The senate committee on education and labor today mostly decided to appropriate \$200,000 a bill providing for the Atlanta exhibition.

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SENATORS' BOUNDLESS POSSIBILITIES.

Senator Peffer's Plan to Utilize Electricity and Gas for Farm-Motive Power.

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MET THEIR DEATH IN A MINE

Fatal Explosion of Fire Damp in an Austrian Mine.

TWO HUNDRED MINERS WERE KILLED

Rescue Party that Went Down Eleven Hours After the First Report All Perished—Fire Spreading in All Directions—An Awful Night.

TROPPAU, Austrian Silesia, June 15.—A terrible disaster, involving great loss of life, is reported from Karkin.

It is reported that 200 miners were killed in the explosion. The fire spread in all directions and the rescue party that went down eleven hours after the first report all perished.

PIESENTS BOUNDLESS POSSIBILITIES.

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PREMIER CRISPI MAKES CHARGES.

Drops Some Taxes from His Budget Bill but Insists on Strict Economy.

ROME, June 15.—Premier Crispi in the Chamber of Deputies announced the solution of the cabinet crisis. The government had restudied the financial problem and decided to propose modifications of the budget, and with this object in view would abandon the proposed increase of the land tax, maintaining the tax on rents and give a pledge of economy in all the public services, including the army, to the extent of 2,000,000.

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