

RAILROAD CASE IS REOPENED

Court Wants Further Argument on the Validity of the Law.

MUNGER'S DECISION GETS PROMPT VETO

State House Combination Wants to Know How Far the Veto Will Go Which Are in Danger of Being Extinguished.

LINCOLN, July 30.—(Special.)—At a conference of the three judges of the supreme court today it was decided to reopen the case of the State of Nebraska against the Burlington and Elkhorn railroads for the purpose of allowing litigants to offer additional argument as to the constitutionality of the law creating the State Board of Transportation. When these two cases were submitted at the last term of court it was announced from the bench that if it became necessary to go more deeply into the constitutional question, the attorneys would be given an opportunity to appear in court for submission of argument. In the eyes of the court such a contingency has arisen, all because of the decision of Judge Munger of the federal court in declaring the transportation act void.

The attorneys in the Burlington and Elkhorn cases will be notified by Clerk Herdman of the action of the supreme court conference. They will be permitted to file their briefs for consideration by the court at the first sitting in the September term, at which time oral arguments will also be heard.

In reopening the case and calling for additional argument on the constitutional question the supreme court has responded to the expressed wish of Governor Poynter and the majority of the poplar state officials and officeholders who do not wish to see the salaries of the poplar state officials of the railroad commission so summarily cut off.

According to the terms of the order entered on the court record briefs of the state must be filed not later than August 20 and those of the defendants not later than September 10.

Protest "Silver" Republicans. Another protest against officially recording certificates of nomination was filed with the secretary of state this afternoon. The nominees are the candidates named by the free silver republicans at the recent fusion convention in this city. As with the protest against filing the certificates of the populist nominees the object of the instrument is to keep the name of the party of the official ballot.

Second.—That the populist party of the state of Nebraska has existed in the past as a state party and that the free silver republican party adopted as a part of its official name and title the name of the said populist party.

Third.—That the nominees of said silver republican party are the nominees of the said populist party and that the said populist party has been in existence long prior to the organization of said silver republican party.

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POWERS IN HIS OWN BEHALF

Defendant in Celebrated Goebel Murder Trial Tells His Story.

SENSATIONAL CHARGES ARE DISPROVED

Former Secretary of State Had But Brief Acquaintance With Youtsey and Never Gave Keys of His Office to Him.

GEORGETOWN, Ky., July 30.—(Special Telegram.)—State Chief Powers took the stand in his own behalf today, but did not complete his testimony on direct examination. He will be on the stand tomorrow. His defense is an admission that he organized the Goebel murder trial, that he was in Frankfort on several occasions last winter to protect the legislature, but not to intimidate it. He denied the charges made against him by Witnesses Culton, Golden, Noakes and others. On the stand this afternoon he denied that Henry Youtsey had the keys to his office on the day of the assassination, but said that there were two keys to the office, one of which was in the possession of former Assistant Secretary of State W. J. Davidson and another in possession of Ben Rowe, Governor Taylor's secretary. Powers says neither of these keys were ever in his possession and that he had his own key in his pocket in Louisville the day of the assassination.

Davidson is in the far west, supposed to be in the state of Washington, and Rowe, he says, is in somewhere in Indiana, probably at Anderson. Commonwealth's Attorney Franklin said tonight that it is shown that Robert Weaver, the witness who claimed to be from Colorado and who gave sensational testimony, swore falsely by the oath administered to him. Weaver is being held here and the commonwealth's attorney has instructed the police to shadow him and prevent him from leaving pending an investigation.

The trial was resumed at 9 o'clock. The jury was polled and the verdict returned during which ex-Governor Brown for the defense made a motion for peremptory instructions for a verdict of acquittal. The motion was submitted without argument and was promptly overruled by the court.

The defense attorneys had a customary seat among the attorneys for the defense and seemed to direct for the most part the movements of his counsel. A large number of witnesses for the defense, including Governor W. O. Bradley, arrived this morning.

Outline of Defense. Lawyer Faulkner of Barbourville stated the case, giving the line of evidence for the defense. He reviewed the political events for the last nine months and said the defense would show that the trial was conducted in a partisan bias, and that politics was responsible for the present prosecutions. He intimated that the prosecution knew the identity of the assassin, but was covering it up. He would admit that Calhoun, Powers and Charles Finley organized and brought to Frankfort the crowd of mountain men who arrived there January 25, but that this was only to petition the legislature and not to intimidate it. He claimed it would be shown that the men who composed the mountain army were not bad characters, as charged by the other side, and he charged also that the democrats at that time had large bodies of men in Frankfort to back up the constitution.

He said Powers had in his pocket at the time of the killing the keys to his office, which the prosecution alleges had been given to Youtsey, that Powers never even conferred with Youtsey, Berry, Howard, Jim Howard, Green Golden or Dick Combs, and that Jim Howard and Dick Combs, three of the defendants, prior to the assassination, had only known Youtsey since January 1.

In regard to the bringing of the mountain men to Frankfort, he said that there were three crowds of men brought to Frankfort and he had something to do with the organization of each. The purpose was to show the interest of these people in the matters at issue at that time and not to intimidate the legislature. He said that he had no objection to the bringing of the mountain men to Frankfort and he had something to do with the organization of each. The purpose was to show the interest of these people in the matters at issue at that time and not to intimidate the legislature.

Witness continued: "The last crowd of men were brought for a double purpose. We expected to use them as a bridge before the contest, and also to show by their presence the interest they felt in the contest. We also had heard rumors that we were to be forcibly ejected from the offices. These rumors, I based on newspaper reports and we intended to resist violence."

Mr. Bradley of the prosecution objected to this statement, asking that it be excluded on the ground that newspaper reports could not be given in evidence. The court ruled that it was incompetent for the witness to detail newspaper reports or talk of apprehensions which he based on common rumor.

Continuing, the witness said he had received information that Mr. Hill, the contestant for secretary of state, would not wait until the trial to advise the attorney, but would undertake to take forcible possession as soon as the contest board acted.

"If that sort of thing," he said, "had been attempted we intended to hold the offices. I had a conference with Governor Taylor and he advised me to advise the attorney of a large body of men to show their interest in political affairs. He also advised that they be brought armed and promised to pay the expenses. I acted on this. The plans were kept secret," he said, "to prevent dropping us through a bridge or detaining our train. I told these in the conference the utmost secrecy must be observed in getting them there before the news got out."

Did Not Organize Mob. At the afternoon session the defendant resumed the trial and advised the jury of receipts from various parties which he said were formerly paid by him for board for some of the mountain men brought by him to the state capital. He then told of the Barbourville conference, at which Finley, Powers and others discussed the arrangements with the Black, who arranged the movement. The witness said he assured Black that he and Finley would use their best endeavors to keep the crowd from degenerating into a mob, but denied that he told Black he was going to organize a mob. He said he had no recollection of having said in the presence of W. H. Culton that the legislature would be given thirty minutes to act and if it did not do it in that time the republicans would kill the democrats' legislators. Afterwards he said positively that he had never made such a statement and added: "The time came and we did nothing of the kind. We could have cleaned them up, as Culton put it, if we had desired."

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About Imperialism. Upon the much discussed question of imperialism which Bryan says in his platform is the paramount issue, Secretary Meadleigh said: "The people of the west cannot be deluded into the belief that expansion means imperialism. They know better. They are expansionists. Nebraska belongs to agricultural states, its people naturally want to extend their markets to the farthest extent. They know consumption means good prices and they want consumers in the Orient. They pay no attention to the cry of imperialism. It is not an issue with them at all."

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THE MINISTER'S BUSY WIFE.

Peruna a Prompt and Permanent Cure for Nervousness.



Mrs. Anna B. Fiehart, Galesburg, Ill.

Mrs. Anna B. Fiehart, recent superintendent of the W. C. T. U. headquarters at Galesburg, Ill., was for ten years one of the leading women there. For four years she was chairman of the Hope Cottage Home for children at Harvey, Ill. Her husband, when living, was first president of the Nebraska Wesleyan University at Lincoln, Neb., and for twenty years was a member of the Central Illinois conference and was the conference secretary.

In a letter written from 607 Sixty-seventh street, W. Chicago, Ill., Mrs. Fiehart says the following in regard to Peruna: "Having lived a very active life as wife and working partner of a busy minister, my health failed me a few years ago. I lost my husband about the same time and gradually I seemed to lose health and

time and energy for a period of three months.

Messrs. Orear and Roberts reported to me, Mrs. Fiehart, who at once said would retire from the office. It is understood that D. E. Collier, the former adjutant general of Kentucky, may be pension agent if he desires.

DECIDES TO KEEP HANDS OFF. Chairman Jones of Democratic National Committee Will Leave New York to itself.