that by holding the stock it had the authority to control it.

He took sharp exception to the decision of the district court, that the possession of the power which the Securities company had was a violation of the law, and contended that such holding was not in accordance with the decisions of the supreme court, which were uniformly to the effect that it is the use of power, and not the possession of it, that constitutes the offense.

The first is that there was no agreement, contract, communication or conspiracy to restrain competition between the two railroad companies, nor to restrain traffic. Whatever contract or understanding there was in the case was to enlarge, to create and to in every way possible improve trade commerce.

The second proposition is that if two railway companies, somewhat in competition with themselves, decide it necessary, in order to sustain their competition against a third company, which otherwise could destroy them or greatly interfere with their usefulness to the public, combine in any way for their protection against destruction, and in order, by means of that protection, to make a greater competition with a greater rival or a greater scale for their advantage and for the public, the court must look to the matter as one of the facts to determine whether the real purpose was to destroy or to lead to the destruction in order to promote trade by the establishment of the greater competition.

The third proposition is that if the holding of the Northern Securities company of the majority of the shares of the two companies was a violation of the Sherman act of course an agreement amongst any number of persons would be a violation of that act.

The fourth proposition is that the first section of the Sherman act does not in any way condemn as illegal the acquisition or ownership of the shares of the two competing companies.

The fifth proposition is that the second section of the Sherman act does not in any way condemn the acquisition and holding of sub-ownership of shares.

The sixth proposition is that the Sherman act does condemn as illegal the ownership of a controlling interest in the shares of the competing railway companies, that it is unconstitutional.

Claims Competition Not Restricted.

Taking up the proposition Mr. Johnson contended that there had been no thought of restraining competition in uniting the ownership of the two railroad companies, but, on the contrary, the purpose had been to enlarge and promote trade. He admitted that if there had been an agreement to restrain interstate commerce that would constitute a direct violation of the interstate commerce law, and also conceded that it was immaterial what the intent had been. He knew well enough, he said, that the decision of the court would be based upon the acts performed and not upon the statement of motives.

Mr. Johnson then outlined at some length the organization of the two railroad companies and said as they had been in existence for some years it was found difficult to get sufficiently low rates on westbound freight. There was a demand in the east for the lumber of the northwest, but the problem was to get return freight to avoid paying practically double for carrying the western lumber. The railroad managers set out to solve this problem and began work to cultivate an oriental demand for the coal and steel of the east and the cotton of the south feeling that if this demand could be sufficiently stimulated the return freight problem would be solved. Neither the Northern Pacific nor the Great Northern reached the centers of these interests, but the Burlington road did, and it was decided that, if they could get control of the line, they could make such rates on the Burlington and on their own lines as would insure the permanency of the trade which might be developed in the orient. This plan was put into execution, the price paid being $200,000,000.

Burlington Not Parallel Line.

This Mr. Johnson characterised as "one of those bold enterprises by which at the beginning of the present century and the close of the last Americans carried American trade to the farthest corners of the world."

The Burlington was not a parallel, nor a competing line, but a supplier, and certainly it could not be contended that this act was contrary to the law.

He then reviewed the raised fund paid on the Northern Pacific stock. The Union Pacific had, he said, proposed that it should be allowed to have interest in the purchase. This could not be allowed, he said, and it was naturally declined because it would destroy the purpose for which the Burlington had been secured. When the Union Pacific got control of the majority of the Northern Pacific stock it was, he said, a staggering blow, because it carried with it the ownership of a half interest in the Burlington. "What was to be done? Remain quiet and allow these people to have the prize, or to protect that alliance? They determined to form a corporation to which they could turn over the Northern Pacific shares. This corporation was formed by them with no concern for the 1,800 or 2,000 other stockholders. They sold their shares outright to this company and did not employ any of those devices of "now you see and now you don't see the ownership."

Mr. Johnson declared that the results were most beneficent. "Instead of being a combination for the restraint of trade," he said, "the whole purpose is to protect and develope trade."

Takes Up Third Question.

Mr. Johnson did not discuss at any length his second proposition, but soon passed to the third. He admitted in the beginning that if there was a combination for the restraint of trade, that must end the case. "If the ownership of the controlling interest was in restraint of trade, then that was the end of the appellant's case. If ownership itself was in restraint of trade then it matters not what the ownership was for, whether for monopoly or other purposes."

He then took up the questions whether:

First—The combination of the two railroad companies in the Securities company is a violation of the Sherman act, and, second, if it is, is that act constitutional?

Discussing the first question he admitted that the decisions of this court are to the effect that the Sherman law has reference to the restraint of trade by conspiracy along all lines, but he contended that in the present case there had been no such combination. This contention he based on the fact that in this case there had been a sale to a third party, and added:

"You therefore are confronted not with a proposition where persons conducting trade agree with one another for restraint of trade, but by a case where persons sell their property to another. Where has that ever been decided in a federal court? Where is there a case in which it was ever held that bona fide acquisition of ownership of a property is a contract, combination or conspiracy in restraint of trade?"

He urged that the owner of shares of stock have the property right to transfer their shares, and it would be an absurdity to speak of such a transfer between individuals as a crime.

Corporations Have Individual Rights.

"Aren't we," he asked, "stretching the English language beyond precedent in putting a criminal construction on this transaction?"

He contended that corporations should have the same right as individuals. To contend otherwise, he declared, would lead to untold mischief.

Justice White interrupted Mr. Johnson to observe that as he understood the point it would be unlawful for a corporation to do what an individual might do. "In which case," continued Justice White, "you leave the power to compete only in the hands of a very wealthy individual. Is not the answer to this that the facility with which corporations can be formed renders much more feasible to existence of competition than would exist in case only a very rich man could exercise that power?" Mr. Johnson admitted in reply that that was a common-sense view, and then reverted to the decision of the circuit court against the securities company because it has the power to restrain trade. Mr. Johnson declared that this decision was something new in jurisprudence.

"Few of us have a desire to commit murder," he said, "but many of us use a razor, which gives us the power to murder."

After the recess Mr. Johnson resumed his argument, taking up his fifth proposition, relating to monopoly. He said that congress had failed to give an adequate definition of the word. Originally it meant an exclusive grant, but did the acquisition of one railroad or of two prevent others from building other roads?

Discusses Sixth Proposition.

Coming to his sixth proposition Mr. Johnson argued that if the purport of the law was as claimed it would be equal to a complete prohibition of commerce.

Mr. Johnson closed his argument with a plea to the court to demand of the attorney general the citation of some law as authority to strike down the Northern Securities company.

"You may strike down this corporation," he said, "and undoubtedly you will strike it down if you find that its existence is in violation of the law, even though in so doing you destroy a commerce of magnitude; but I respectfully submit that you ask of the attorney general, when he demands that you strike it down, the presentation to you of some law that clearly and unmistakably pronounces as a crime that which he asks you to condemn."

Mr. Johnson was followed by C. W. Bunn, who spoke especially for the Northern Pacific. He confined his discussion largely to the decision of the circuit court in the case. Like Mr. Johnson he conceded that the Sherman act covers all combinations in restraint of trade. He contended, however, that some latitude must be allowed in defining what is a restraint of trade, and he said it was rather startling to apply the law to, and make criminal, the consolidation of two lines of railroads like the Great Northern and the Northern Pacific, as was done in their purchase by the Northern Securities company.

Question of State Control.

Discussing the question of state control he contended that the question is one not confined to the anti-trust act, but pertains to all legislation affecting interstate commerce. He contended that congress had no control of the transfer of stock. In this connection he laid down the general proposition that the acquisition of the stock of two railroad companies by any company was not an act in restraint of commerce. The court below held, and he said the attorney general will urge, that the acquisition of this stock for the Northern Securities company makes it so, for plaintiff's self-interest is to restrain commerce. Such a conclusion, he said, must be drawn, per se, that an actual restraint is either taking place or immediately about to take place. Such a position, Mr. Bunn maintained, was contrary to the fundamental principle of law. It also was contrary to common sense practice and experience. To say that because a man owns the stock of two parallel roads he is going to restrain commerce was contrary to fact and might just as well be said for a man who owns one road.

He also contended that even though the stockholder desired to restrain trade it must be borne in mind that the railroad companies have boards of directors without whose co-operation the stockholders can do nothing.

Mr. Bunn cited the Transmissouri case and in that connection was questioned by Justices Harlan and White as to the extent of the agreement, if any, in that case. He contended that the restraint imposed in that case was only upon individuals.

No Duality of Control.

This case must stand, he said, as if two roads had been bought by a common owner under state control. It could not be controlled both by the state and the federal governments. There could be no duality of control.

Justice White interrupted Mr. Bunn to inquire if he was to understand his argument to maintain that the drawing of articles of consolidation was not in itself a violation of the anti-trust law.

"That is it precisely," answered Mr. Bunn.

Attorney General Outlines Case.

Mr. Bunn was followed by Attorney General Knox for the United States. The court was within three quarters of an hour of the time for adjournment when Mr. Knox began his address and he was able to deliver only a portion of his argument. He had in fact, scarcely more than completed his statement of the facts when the day's sitting came to a close. In beginning Mr. Knox outlined the attitude of the government towards the case saying that it was "one of grave concern, based upon its conviction that a mischievous evasion of the law has been attempted as well as upon its special interest and relations to one of the properties effected."

In order that the court might understand the reasons for this concern he related the principal facts connected with the organization and the subsequent history of the Northern Pacific, its relations to the Great Northern railroad and other facts out of which the questions in this case arise, but without extended comment. His statement of facts in this connection was as follows:

First—That the Northern Pacific railroad was built under the authority of the United States, and with the main capital furnished by the United States, and that the United States intended and attached the condition to its contribution, that the railroad should be a great independent national highway, and specifies that the object of its construction was "to promote the public interests."

Second—That by different devices employed during the past ten years, the defendants or some of them have endeavored to destroy the independence of the Northern Pacific company and bring it under the domination of the Great Northern company.

Scheme to Destroy Competition.

Third—That the Northern Securities company is an instrumentality devised by defendants to acquire, hold and exercise control over these two parallel and competing lines of railroad, to destroy competition between them, to constitute a monopoly of transportation in the section served by them and to defeat the condition attached by the United States to the franchise and land grants of the Northern Pacific company.

Upon statement the attorney general based the following propositions:

First—That the arrangement effected by defendants is a combination in restraint of interstate commerce and is illegal under the first section of the act of July, 1890, (the Sherman anti-trust law.)

Second—That it constitutes a monopoly under the second section of that act.

Third—That the court has the power to prevent, restrain, or otherwise prohibit it.

The attorney general was able before adjournment to announce only one proposition by way of argument, and that was contained in the following sentence:

This merger of interest was a combination in restraint of commerce, and was intended so to be and with or without a proven intention it is illegal as by virtue of the combination it is guilty of the mischief which the law is designed to prevent, namely, it brings transportation and trade throughout a vast section of country under the controlling influence of a single body and destroys any possible advantages the public might have through any competition between the two lines.

The court adjourned until tomorrow when Mr. Knox will continue.

BOODLERS' CASES GO OVER

Twenty Are Continued for Trial at Grand Rapids Until Next Week.

GRAND RAPIDS, Mich., Dec. 14.—Twenty cases growing out of the Lake Michigan water deal boodle scandal were on call in the superior court today, this being the opening of the December term. They went over until December 21.

Lant K. Salsbury, former city attorney and the man whose confession is responsible for the arrests for complicity in the water scandal, was then called for sentence for accepting a bribe, of which charge he has already been convicted. Assistant Prosecutor Ward asked that sentence be deferred until the first day of the next term of court, because of the necessity of keeping Salsbury in the city to act as a witness in the new cases. A formal order was made in accordance with this request.

POLICEMAN IS ELECTROCUTED

William Ennis of Brooklyn Executed at Sing Sing for Murder of His Wife.

NEW YORK, Dec. 14.—William H. Ennis, a former Brooklyn policeman, convicted of having murdered his wife, was put to death this morning in the electric chair in Sing Sing prison. Two applications of the current were made.

The murder occurred January 14, 1902, at the home of Mrs. Ennis Memper, in Canarsie. The policeman first attacked his mother-in-law. Then he shot down his wife, despite the pleading of her sister.

CHARGES AGAINST WOOD

Witness Testifies that Cubans Say Money Given to General Was Withheld.

ACCUSES HIM OF INSUBORDINATION

Such Charge Brought by General Brooke, and Newspaper Men Tell of Intimacy with Former Convict.

WASHINGTON, Dec. 14.—When the senate commission on military affairs today resumed its investigation of charges against General Leonard Wood four witnesses were waiting to be heard. These were Dr. C. E. Fisher of Chicago and J. O. Lafontisee, city editor of the Jacksonville (Fla.) Times-Union, managing editor and city editor respectively of the Havana Post, published during American occupation; L. H. Morrison of New York and General John R. Brooke.

Mr. Fisher was called first. He told the story of General Wood's intimacy with Bellairs and attempted to show he went with General Wood on a trip to the Isle of Pines and there told him of an article which he had ordered printed in the Havana Post exposing Bellairs. The witness said that General Wood told him he did not want the story printed and it had not been used.

Dr. Fisher testified that he told General Wood all he had learned of the character of Bellairs and that he had offered to General Wood to produce witnesses who could prove Bellairs' indecent immorality. He said that General Wood told him he did not care to know anything about the stories, that all he asked was that they not be printed in Havana.

Corroborates Dr. Fisher.

Mr. Lafontisee was called at the afternoon session and corroborated the testimony given by Fisher. He said that before General Wood and Dr. Fisher started on their trip to the Isle of Pines the latter instructed him (Lafontisee) to write the article concerning Bellairs. Mr. Lafontisee said he took the question under consideration and decided that as the matter would be highly sensational and in case of libel suit it would be necessary to summon witnesses from the United States to prove the charges, he would not print the article. He said that when Dr. Fisher returned he was greatly agitated and asked: "You did not print that article, I hope." When Dr. Fisher learned that the article was not printed he was greatly relieved and said General Wood did not want it used.

In addition to his corroboration of Mr. Fisher's testimony, Mr. Lafontisee told of the manner in which he had learned of Bellair's character and swore also that General Wood knew all about it. He said he learned from persons who went to Havana from Florida that Bellairs had served five years in Florida convict camps—three years in one and two years in another. The crime of which he had been convicted was forgery on a branch of the Bank of England.

Would Protect Bellairs.

Mr. Lafontisee said that in May, 1900, a convict from Florida, named Johnson, came to him and said that he had seen Bellairs and General Wood together at the races in Havana and that he recognized and spoke to Bellairs, who motioned to him to keep silent.

According to Johnson's story as told by Mr. Lafontisee, Bellairs excused himself and met Johnson, asking him to remain quiet concerning his criminal record. After this incident, testified Mr. Lafontisee, General Wood sent for him and asked what he knew of Bellairs' record. Mr. Lafontisee said he told General Wood of his talk with Johnson and also what he had learned from other persons from Florida.

That was in June, 1900, and according to Mr. Lafontisee, General Wood then asked him to see Johnson and ascertain whether he would leave Cuba and remain away if his passage were paid to New York and money given.

Johnson answered: "Why do I want to leave? I have too good a thing here bleeding Bellairs."

Mr. Lafontisee returned to General Wood and gave him Johnson's answer. Mr. Lafontisee said that later Bellairs and General Wood went to New York.

When General Brooke was before the committee two weeks ago he referred to two orders, one issued by the War department and the other by himself, to carry the first in effect, which he was unable at that time to furnish. He went on the stand today to present the orders and undergo an examination concerning them.

Brooke Charges Insubordination.

The order issued by the War department directed that all funds collected in the provinces of Cuba should be sent to the military auditor at Havana. The charge was made that the order had been issued by direction of General Brooke for the purpose of getting hold of the funds collected at Santiago and to deprive that province of its own revenues. The newspapers at Santiago were particularly bitter. General Brooke told the military affairs committee today that the order was issued at a time when he was sick in bed and that he had no previous knowledge concerning it.

The other order, filed with the committee today, was one the witness issued after his recovery. It directed General Wood, in command of the province of Santiago, not to make expenditures for public purposes in excess of $10,000 a month without first submitting the question to the military governor.

General Brooke said today that General Wood had ignored that order and had gone on spending public money without authority from the military governor. General Brooke was asked whether he had withdrawn the revenues from Santiago for expenses elsewhere. He answered that Santiago had received all its own revenues and more than $200,000 additional.

Mr. Morrison, a lawyer at 44 Broadway, New York, testified that he was interested in the Electrophone company of Havana and that his company received contracts of General Wood for disinfecting the city. He said that there is still due to his company the sum of $8,000 on contracts and that Cuban officials in Havana swear the money was paid to General Wood to discharge the indebtedness. Mr. Morrison said he believed that General Wood received that money.

During the hearings today Senator Hanna made a formal request of the committee that General Wood be subpoenaed to come home from the Philippines in order that he may answer the charges against him and that he may be questioned concerning his actions in Cuba.

General Bliss Denies Report.

Secretary Root has addressed the following letter to Senator Proctor, acting chairman of the committee on military affairs:

Sir: I enclose a letter from Brigadier General Tasker H. Bliss, calling attention to the report of his recent testimony before your commission as a witness regarding certain objections to the confirmation of General Wood. It appears that the press reports of General Bliss' testimony are the precise contrary of what he in fact testified. He wishes to set this right for his own reputation and I shall take the liberty of doing so as far as practicable by giving his letter to the press.

At the same time I wish to call the attention of the committee to the fact that some persons seem to be persistently furnishing to the press false statements of the testimony taken before you, the perversion of the evidence being in every case to the prejudice of General Wood. It cannot be doubted that the newspapers publishing these reports believe them to be true and that the reports are sent to them by the representatives of the press in good faith under the same belief.

Someone Tries to Injure Wood.

It is evident that some person is undertaking to convey to the press representatives information of what goes on in the committee and is taking advantage of the fact that the evidence is not published to state it falsely for the purpose of injuring General Wood in the public estimation, so that while your committee will act upon the evidence actually before it, the public judgment as to how you ought to act, will be based on an entirely different and erroneous idea of what the evidence is. If the evidence actually given called for General Wood's presence, I should, of course, bring him back from the Philippines, but I do not feel justified in withdrawing him from the important duties which he is performing on account of false reports of evidence which has never in fact been given. It hardly seems fair that an officer who is not here to protect himself, but is serving his country faithfully, under orders from the other side of the world, would have his reputation stabbed in this way. I earnestly request your committee's attention to this subject. Very respectfully,

ELIHU ROOT,
Secretary of War.

What Bliss Did Say.

General Bliss in his letter contradicts the report that he strongly opposed the admission, without payment of duty, of the silver service purchased in New York by the Jai Alai and that he received mandatory instructions from General Wood to admit said silver service free of duty. He says he testified most positively under oath that neither directly nor indirectly, verbally nor in writing, personally from him or through any subordinate, nor from any person whatsoever, "had I received an intimation as to the remission of duties upon these articles; that I ordered the remission of duty because I believed then, and I believe now, that it was in accordance with the law, and that if any mistake was made I was solely responsible for it.

"I further testified that during the two and a half years that I served directly under the orders of General Wood as military governor of Cuba, I know of no action of his that was inconsistent with the character of an honorable officer and a man of integrity."

SIGN OF TREMENDOUS GROWTH

Record Breaking Building in Omaha Takes to Mean Great Things for City.

December has been a banner month in many things, not the least of which is the matter of building permits. The number of permits for the first half of the month exceed those of the whole month of December of last year. And the number of instruments filed in the office of the recorder of deeds—223—is also a record breaker. All of which is very gratifying to the citizens of Omaha.

A prominent citizen in speaking of the growth of the city said:

"If this matter of breaking records is maintained Omaha will have a population of 250,000 inside of five years. At present the value of real estate is being enhanced daily and people are just coming to realize the opportunities which this city affords for good investments and the many desirable locations which it offers for fine homes. The present prices on real estate will not be maintained for any length of time, for with the increasing demand for desirable properties and locations, as evidenced by the large number of building permits, prices are sure to advance."

EVENTS ON RUNNING TRACKS

Ingleside Sees the Racers for the First Time This Season.

SAN FRANCISCO, Dec. 14.—Racing commenced at Ingleside today in the presence of a large crowd. Betting was lively and as favorites and well played horses were successful the bookmakers did not have a profitable session. The track was in fair condition, it being somewhat muddy near the rail. Results:

First race, seven furlongs, selling: Bill Massie won, El Piloto second, Telephone third. Time 1:28½.

Second race, five furlongs: Effervescence won, Gottlieben second, Caroburn third. Time 1:02¼.

Third race, one mile and seventy yards: Achilles won, I. O. U. second, Cougar third. Time 1:45½.

Fourth race, seven furlongs, selling: Lord Melbourne won, Reeves second, Diderot third. Time 1:29.

Fifth race, thirteenth-sixteenths of a mile, purse: F. E. Shaw won, Miss Betty second, Padua third. Time 1:22.

Sixth race, one mile and seventy yards, selling: Rey Dare won, Greenock second, Prestolus third. Time 1:45¾.

NEW ORLEANS, Dec. 14.—Results:

First race, five furlongs: Bronx won, Ditaphtanous second, Duncan third. Time 1:04¾.

Second race, one mile and one-sixteenth: De Reezeka won, Mrs. Frank Foster second, Captain Arnold third. Time 1:52¾.

Third race, one mile: Big Ben won, Wittful second, Bon Mot third. Time 1:44¾.

Fourth race, one mile, Highweight handicap: Safetylight won, Aladdin second, Potheen third. Time 1:45¾.

Fifth race, seven furlongs, selling: Annie Max won, W. J. Deboe second, Barbara Freitschie third. Time 1:30¾.

Sixth race, one mile and seventy yards: Ethics won, Little Scout second, Homestead third. Time 1:46¾.

TOD SLOAN AGAIN A WINNER

Finishes Well Ahead of French Jockey Club in Litigating Contest.

PARIS, Dec. 14.—The court which has been hearing the arguments in the case of "Tod" Sloan, the American jockey, against the French Jockey club for $40,000 damages for being warned off the turf in connection with Rose DeMai's winning the Prix de Diane at Chantilly in May, found in favor of Sloan and condemned the jockey club to pay the costs.

The court while holding that Sloan's complaint was justified pointed out that as he had not showed that the course of the club caused him serious prejudice, limited the damage to the expenses of the action.

The French Jockey club May 20, issued a notification to the effect that "Tod" Sloan had been excluded from further entrance to the weighing enclosure or training grounds of the race course under the jurisdiction of the Jockey club for having exercised Count De Saint-Paulles' Rose DeMai at Chantilly about two weeks previously without having permission from proper turf authorities. It was publicly stated at the time that the exclusion of the American jockey was the result of his "spreading turf rumors," rather than for breach of the rules in galloping Rose DeMai. The case involved the Jockey club's sole control of the French turf.

SIOUX CITY NOT BALL HUNGRY

Dr. Wood Falls Down on Raising Western League Guarantee Fund.

SIOUX CITY, Ia., Dec. 14.—(Special Telegram.)—Dr. George B. Wood, leader of the triumvirate, which was given the option on a Western league franchise for Sioux City, announced this afternoon that there was little likelihood of Sioux City getting a berth in the league. The promoters had hoped to raise $2,500 for the base ball fund, but met with a chilly reception from the business men of the city. Dr. Wood said Sioux City would not be represented as far as he was concerned at the league meeting which was called at Lincoln tomorrow.

ST. LOUIS BOODLERS IN LUCK

Missouri Supreme Court Renders Decision Which May Set All Free.

ARRESTED ON ILLEGAL INFORMATIONS

After 2,000 Convictions Are Secured Court Holds That Prosecuting Witness, Not Attorney, Must Sign Information.

ST. LOUIS, Dec. 14.—Notification of a decision of the Missouri supreme court, which brings into question the legality of hundreds of arrests and convictions recently made on informations in St. Louis, and which, according to Circuit Attorney Folk, opens the doors of the penitentiary, through writs of habeas corpus, to many others, was received here today by that official.

The decision is that reversing the case of the State against William Bonner, which holds that an information issued by the circuit attorney's office must be sworn to by prosecuting witnesses in the case and that circuit attorneys or prosecuting attorneys could only swear to information from personal knowledge of the facts.

For two years, under a former decision of the supreme court and under the constitutional amendment of 1900 and the act of 1901, prosecuting attorneys and circuit attorneys have given informations under their official oaths. In St. Louis alone, it is stated, fully 2,000 cases have been tried on such information and convictions resulted.

In the list of cases which, under the ruling of the court, could be affected if the plea of illegal arrest were raised, are the majority of the Suburban railroad franchise boodle convictions.

Statute of Limitations Expired.

It was stated by a well known lawyer today that the statute of limitations in these cases expired last November and that if the present charges against the accused men should be found defective, it would be impossible to bring new indictments against them.

All of the cases are before the supreme court on appeal and the records show that each case was tried on information furnished by the circuit atorney on his official oaths. They follow:

Charles F. Kelly, former speaker of the house of delegates, convicted of perjury in connection with the Suburban franchise boodle deal, sentenced to two years in the penitentiary.

John H. Schnettler, bribery, Suburban franchise, four years.

Jere J. Hannigan, bribery, Suburban franchise, five years.

John A. Sheridan, bribery, Suburban franchise, five years.

T. Edward Albright, bribery, Suburban franchise, five years.

Charles A. Gutke, bribery, Suburban franchise, five years.

Edmund Bersch, bribery, Suburban franchise, five years.

Charles J. Denny, bribery, Suburban franchise, five years.

Louis Becker, perjury, Suburban franchise investigation, four years.

Harry A. Faulkner, perjury, Suburban franchise investigation, three years.

Mr. Folk notified Judge McDonald of the criminal division of the circuit court and proceedings were stopped in all cases affected. Nine cases were wiped off the docket and the witnesses sent to the grand jury room, there to give information upon which to base indictments to take the place of the invalid informations.

The informations against John J. Ryan, charged with grand larceny, was one of those affected. This case, which was called for Monday, will have to go over to the next term. Eight larceny, burglary and assault cases were similarly treated.

BOY LOSES LEG UNDER CARS

Member is Amputated, but Attending Surgeons Have Doubts of Recovery.

BLAIR, Neb., Dec. 14.—(Special Telegram.)—At 4:30 this afternoon as the southbound way freight No. 15 on the Chicago, St. Paul, Minneapolis & Omaha railway was leaving the station at DeSoto, five miles south of Blair, Gifford, the 12-year-old son of Mr. and Mrs. Freeman Tucker, ran out from behind the water tank and tried to jump on the train when he slipped under the wheels, which ran over the entire length of his right leg, cutting off the toes and part of the foot of his left leg. Doctors Bedal, Stewart, Palmer and Robinson were called by 'phone from Blair and amputated the right leg at 8 o'clock tonight, taking it off close up to the body. In company with other children the boy was returning home from school and stopped at the station until the train passed. His recovery is doubtful, as he is thought to be injured internally.

Accident May Result Fatally.

LEIGH, Neb., Dec. 14.—(Special.)—An accident occurred here which may terminate in the courts. Jacob Jundt, a prosperous farmer, was in town all day and together with a neighbor, drank freely. About 10:30 in the evening Jundt started home. About 11:30 his team was found on the outskirts of town with only the running gear of the wagon and no driver. Searching parties were at once started out and it was not until 9 o'clock the next day that he was found, and that was about a mile on the opposite side of town from where he lived. Tracks in the snow showed that he had driven several miles before he was thrown out or upset. The weather was very cold, the thermometer registered within a few degrees of zero. Mr. Jundt was sitting in the middle of the road in an unconscious condition, but no part of his body was frozen. He is still in an unconscious condition and the attending physician says that he is suffering from concussion of the brain. It is reported that his chances for recovery are poor. There is talk of action against the saloonkeepers who sold him the liquor.