

ESTABLISHED JUNE 19, 1871.

OMAHA, MONDAY MORNING, NOVEMBER 13, 1905.

SINGLE COPY THREE CENTS.

TO TEST ELKINS LAW

Important Suit Will Be Filed at Milwaukee This Week.

INVOLVES EVASION OF PUBLISHED RATES

Several Railroads and Pabst Brewery Company Are Defendants.

BREWERS OWN REFRIGERATOR CAR LINE

This Company Has Contract for Shipment of Quai of Pabst Plant.

ROADS PAY COMMISSION FOR BUSINESS

Attorney General Holds that This In Effect Results in Rebate to the Shipper.

WASHINGTON, Nov. 12.—Attorney General Moody today made a statement with regard to the petition which will be filed by his direction in the circuit court for the eastern district of Wisconsin, brought under the Elkins law, to test the legality of certain commissions paid by railroads for the shipment of freight, and to a private car transit company controlled by stockholders of the corporation shipping freight in those cars over the railroad lines.

Mr. Moody's statement.

The statement follows: The petition against the Milwaukee Refrigerator Transit company, Pere Marquette railroad company, Missouri, Kansas and Texas railroad company, Chicago and North Western railroad company, Chicago, Rock Island and Pacific railroad company, St. Louis and San Francisco railroad company, Wisconsin Central railroad company, the Chicago and Alton railroad company and Pabst Brewing company.

This case arises out of the following state of facts, which have been investigated by the attorney general, and by private interests adversely affected, brought to the attention of the attorney general and by him carefully considered.

Conferees have been held between the attorney general and District Attorney Butterfield of the eastern district of Wisconsin at Chicago and Milwaukee, and on Friday last a conference between the attorney general, the assistant to the attorney general, Mr. Purdy, special assistant, Attorney General Pagan, the district attorney, and Special Counsel Charles Quierles of the Milwaukee bar, the form of the petition was determined upon.

Pabst's Own Refrigerator Line.

It appears that the Pabst Brewing company are large producers of beer, and various railroads running from Milwaukee. Some of the principal stockholders of that corporation are Milwaukee, the Milwaukee Refrigerator Transit company, a corporation operating private cars. To the latter corporation the Pabst Brewing company have given an agreement entered into between the two corporations. The various railroads mentioned as defendants, which receive freight money, the open and published rates for the transportation of commodities have paid to the transit company, in whole or in part, a commission of 12 per cent upon the amount of the freight money collected by the railroads, and that the net amount received for transportation by the railroads companies is so much less than the published rates.

Will Test Elkins Law.

This petition is designed to test the legality of such payments and is brought under the provision of the so-called Elkins law, which provides that a failure to observe the published rates shall be a misdemeanor and further provides that "it shall be unlawful for any individual, firm or corporation to offer, grant or give or so solicit, accept or receive any rebate, concession or discrimination in respect to the transportation of any property in interstate or foreign commerce, whereby any such property shall be transported at a less rate than that provided by the published rates and filed by the carrier."

The case is regarded as of great general importance by the attorney general, and is just regarded as an speedy hearing as a just regard for the interests of the defendants. With District Attorney Butterfield Mr. Charles Quierles of the Milwaukee bar has been associated.

Quierles Explains Suit.

MILWAUKEE, Nov. 12.—Charles Quierles, who returned from a conference with Attorney General Moody at Washington, at which time the proposed rebate case against the Pabst Brewing company and a railroad was considered, in discussing the proposed action in which he is to assist the government, said:

"The purpose of this suit, which is instituted by the government, is to determine whether the private car lines, refrigerator line companies, the companies owned and controlled by the packers, like the Armour line, have a right under the Elkins act to hold on to the money they have received, a cent to a cent a mile for the use of cars in addition to service, a device through which discriminations are practiced and concessions given."

"Take the case of the Milwaukee Refrigerator Transit company as an illustration. This company has been sued by the defendants, Gustav Pabst and his brother, Fred Pabst, Jr., are president and vice president of the company, the majority of the stock being held by them.

"Under the passage of the Elkins law relates and control of the money, the Milwaukee Refrigerator Transit company was organized with a capital of \$100,000 and a bonded debt of a like amount. The company bought and leased 50 refrigerator cars. The entire stock, with the exception of blocks of twenty-five shares, is held by three or four parties, being owned by the parties named, and this was done to make up the board of directors."

"As officers of the Pabst Brewing company Gustav and Fred Pabst, with their mothers and sisters control the Pabst Brewing company, and as such make contracts whereby the shipment, routing and all matters pertaining to the railroad transportation of their product passed to the Milwaukee Refrigerator Transit company."

"In actual operation of the plan they go to the various railroad lines as managers of the Transit company with a proposition to divert the traffic of the brewing company unless the roads accept their terms."

"In fact, they go to the railroads and say that if they are to get the business of the Milwaukee Refrigerator company they must pay them from 1/2 of a cent to 1 cent per mile for each car going and returning and in addition they demand a commission of from 10 to 12 per cent on the business they carry on the basis of a charge for soliciting the business."

"This action is the opening wedge of the litigation instituted in behalf of the Interstate Commerce commission to secure a strict enforcement of the Elkins act against rebating and discriminations. What we propose to ascertain is whether the Elkins act can be enforced so as to prevent discrimination in any form or whether it is possible to evade the purposes for which it is intended by the organization of what is known as a private car line company. The preparation of this case has been going on for many months. The testimony has been

TAMMANY HALL WILL FIGHT

Committee Takes Position that State Law Says Ballot Boxes Must Not Be Opened.

NEW YORK, Nov. 12.—Charles H. Knox, chairman of the Tammany hall law committee, announced today that every step taken by Hearst and the Municipal Ownership league for a recount of the votes cast at the recent election would be bitterly opposed. Mr. Knox says that the basis for the opposition would be the decision of the court of appeals in 1901, written by Judge A. B. Parker, now Mayor McClellan's senior counsel. This decision was against the opening of the ballot boxes, and in accord with the language of the state constitution which was drafted with great care and deliberation.

The campaign committee of the Municipal Ownership league, which is preparing the contest to the board of county canvassers that on the majority election committee held its quarters open in the city hall, received affidavits in alleged fraud. Twelve of the successful candidates for aldermen, who were elected either on the municipal league ticket, or republicans who had received the endorsement of the league met at the Hoffman house for a conference. It was decided by them to act as a unit in the election, and to fight with the straight republican aldermen the league hopes to control the board.

It was also decided at this conference to permanently keep up the organization of the league, and plans and policies for future political action were discussed. Mr. Hearst gave out a statement tonight advising against the further holding of mass meetings of protest "in the present excited state of the public mind."

German Chair in Columbia.

The German government, in return, will establish at Columbia university a professorship of German history and institutions, to the incumbent the same general conditions will apply as to the incumbent of the Theodore Roosevelt professorship. The appointee to the chair in Columbia university will lecture in English.

President Roosevelt assented to the request of Mr. Speyer to attach his name to the chair and the German emperor promptly gave approval to the suggestion. The trustees of Columbia university have named as the first incumbent of the chair John William Burgess, Ph.D., L.L.D., Dr. Burgess, professor of political science and constitutional law in Columbia university, and it is expected that his appointment will shortly be made by the Prussian ministry of education. Prof. Burgess will enter upon his duties at the University of Berlin in the winter of 1906-7 and will give instruction in American constitutional history.

In making the announcement President Butler said in behalf of the trustees: Mr. Speyer's gift seems to us both striking in its originality and splendid in its possibilities. We are not without hope that before long Columbia university will be in position to make such a contribution to the University of Paris and with an English university, possibly the University of London.

AMERICANS WIN AT LIEGE

Exhibitors from This Side of Atlantic Capture Many Prizes, Diplomas and Medals.

LIEGE, Belgium, Nov. 12.—Many Americans have secured high awards at the international exposition which has just been brought to a successful close. John R. Sargent, the artist, receives a gold medal of honor; W. Maceman, Carl May and Eugene Van, first medals for paintings; and P. W. Bartlett a first medal for sculpture. American manufacturers received 20 gold, silver and bronze medals, as well as diplomas. The following individuals and societies receive awards for public philanthropic work: Miss Helen Gould, a grand prize; the American Institute for Social Service, a grand prize; the Philadelphia Society for the Young Women's Christian association and the Household Research society, a silver medal; the New York Nurse's Settlement, the New York Music Teachers' association, the Five Points House of Industry, the Boy's Vegetable Garden, the Philadelphia Vacant Lot association, each a diploma and a gold medal, and the New York City and the Philadelphia Vacant Lot association, each a diploma and a gold medal. The exhibition had 6,000,000 paid admissions and sixty important congresses were held. The demolition of the buildings has begun. Many American exhibitors shipping their exhibits to the Milan exposition.

ROBBERS RIDE IN COACH

New York Thieves Travel to Jewelry Store in Style and Take \$10,000 Worth of Silverware.

NEW YORK, Nov. 12.—During the absence of the private watchman on guard at Schumann's Sons jewelry store at Broadway and Twenty-second street, thieves entered the place today and carried off \$10,000 worth of silverware. The robbers drove to the store in a handsome carriage with a coachman in livery, and having noted the departure of the watchman entered the front door with false keys. The presence of the carriage attracted no attention and in half an hour the robbers came out, placed their plunder in the carriage and drove away. The robbery was discovered a few moments later when the watchman returned and found the door open. All the silverware was taken from showcases in the store in a basement containing several hundred thousand dollars worth of jewelry, was unsuccessful.

LABOR MEN AT PITTSBURGH

Convention of American Federation Opens at Smoky City This Morning.

PITTSBURGH, Nov. 12.—All the plans for the opening of the twenty-fifth annual convention of the American Federation of Labor have been completed and this morning the delegates gathered in the hotel of the city will convene at the Colonial hotel, from which point, headed by a special band of 15 members, composed of union musicians, they will march to old city hall, where the formal ceremonies will take place.

The credentials committee practically completed its work, and little delay in opening the convention tomorrow is expected.

The list of delegates was completed tonight by the arrival of William H. Moses from Leeds, England; David Gilman, general secretary of the Miners' union of Scotland, and William V. Todd of Toronto, Canada, representing the building trades of the Dominion.

NO MORE LISTS OF PENSIONERS

Secretary Hitchcock Directs that No Further Names Be Furnished to Political Managers.

WASHINGTON, Nov. 12.—Secretary Hitchcock has given directions to the officials of the pension office to hereafter refuse applications for lists of persons drawing pensions from the government, on the ground that the practice may lead to the disclosure of confidential informants.

The secretary has repeatedly declined to furnish such lists to persons applying for them, but no direct orders refusing such applications have been issued. If any exceptions to this rule are made, it is stated they will be only to furnish such lists to members of both political parties at the same time.

The order on this subject grew out of reports affecting the alleged misuse of such lists in the recent campaign in Ohio.

EXCHANGE OF PROFESSORS

Speyer Endows Chair of American History in University of Berlin.

KNOWN AS ROOSEVELT PROFESSORSHIP

German Teachers in Return to Headle at Columbia University and Give Lectures on History of Germany.

NEW YORK, Nov. 12.—Announcement was made today that the Speyer of New York has given to the trustees of Columbia university, New York, the sum of \$50,000 to endow the Theodore Roosevelt professorship of American history and institutions in the University of Berlin, in accordance with a plan proposed by the German emperor, who received President Butler in audience at Wilhelmshofe in August last. Incumbents of the professorship will be appointed by the Prussian ministry of education, with the emperor's sanction, upon the nomination of the trustees of Columbia university. The term of each incumbent will be one year and incumbents will be so chosen that in successive years the fields of American history, American constitutional and administrative law, American economic and sociological problems and movements, American education and American contributions to science, technology, the arts and literature, will be the subject of instruction. It is proposed in this way to present in a series of years to German university students an outline of American history and institutions. Nominations will not be confined to the faculty of Columbia university, but professors in any American institution of learning or scholars unattached to any university will be eligible for nomination.

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NEW YORK HORSE SHOW OPENS

Gotham Society Will Inaugurate the Winter Season at Madison Square Garden Today.

NEW YORK, Nov. 12.—With the opening of the horse show at Madison Square Garden tomorrow New York society will inaugurate the winter season in a fashion to which extraordinary brilliancy will be lent by the presence of Prince Louis of Battenberg and the officers of his squadron. The show, which is the twenty-second annual exhibition of the National Horse Show association, promises to eclipse all previous exhibitions of the kind in the city. The number and quality of the animals exhibited.

The entries number 1,500, more than 250 in excess of last year, which has necessitated the opening of an annex at Fourth avenue and Thirty-third street, in order to provide for the overflow.

Little change has been made in the classes from those of last year. Trotters will be better represented than in any previous show, and there will be a very notable increase in the number of road horses. The greatest increase in the number of entries is in the classes for harness horses.

ELECTRICAL SHOW IN CHICAGO

Large Demand from Exhibitions and Educational Institutions for Space.

CHICAGO, Nov. 12.—From the present outlook the electrical exposition to be held here in January promises to surpass any of the kind ever held in this country. The exhibition will be held in the Coliseum, where 38,000 square feet are available for the display of the various exhibits. Even at this early date it is evident that this vast space will be inadequate to accommodate the varied interests that wish to make the most of the exhibition, as applications have already been received by the management calling for more room than the building affords. Many of the leading schools and colleges throughout the country will make educational exhibits upon technical lines. Among these institutions of learning which will participate are the Universities of Illinois, Wisconsin, Purdue, Cornell, Columbia, Massachusetts, Institute of Technology and Armour and Lewis institutes.

DETROIT MAN SHOOTS WIFE

Guns Discharged While He Was Teaching Her How to Use it as Protection Against Burglars.

DETROIT, Nov. 12.—James T. Thornburn, president of the William H. Elliott company of this city, today accidentally shot and killed his wife at their home on Second avenue. The Thornburn home was robbed recently and with his wife's request Mr. Thornburn only last night brought home a new revolver to be kept in the house for her protection. Soon after they rose today Mr. Thornburn carefully explained to his wife how the weapon worked and then reloaded it. He noticed a spot of oil on the revolver as he was about to put it away and undertook to wipe it off. In some manner the cloth caught the trigger and exploded a cartridge, the bullet striking Mrs. Thornburn in the temple and instantly killing her. A 6-year-old daughter lay in her bed in the same room when the tragedy occurred. Mr. Thornburn is nearly crazed over the accident.

NAVY NEEDS PAYMASTERS

Secretary Bonaparte Arranges to Secure Them by Competitive Examinations.

WASHINGTON, Nov. 12.—Announcement was made by the secretary of the navy that a competitive examination will be held at the navy yard in this city, beginning January 1 next, to fill twelve vacancies in the grade of assistant paymaster in the navy. Applications for position to take this examination will be received by the assistant secretary of the navy up to and including December 31, 1905.

The new system recently inaugurated has been found so successful. The Navy department announces, "In securing the best material for navy pay officers that the competitive examination will be held at the navy yard in this city, beginning January 1 next, to fill twelve vacancies in the grade of assistant paymaster in the navy. Applications for position to take this examination will be received by the assistant secretary of the navy up to and including December 31, 1905."

The money will be sent at once to Jacob H. Schiff of New York, treasurer of the national relief committee. A committee of the city was appointed to make a canvass of the city for money. The committee intends to send out thousands of circulars.

More than \$200 was collected at the Columbia theater, where Russian Jews met and were addressed by several rabbis. Just about the same amount was contributed at three other meetings held in the Jewish quarters of the city.

Will Mourn Thirty Days.

PITTSBURGH, Pa., Nov. 12.—The Jewish synagogue was filled to its capacity tonight by members of the congregation who were anxious to give expression in a substantial way to their sympathy for the Jews in Russia. Resolutions of protest were passed, and President Roosevelt was requested to find, if possible, some way to interfere on behalf of the Jewish race in the czar's dominion.

The subscriptions for the benefit fund collected at the meeting amounted to \$2,500 and \$3,500 in cash was collected. From smaller towns in the county \$1,000 in cash was reported. It is the intention to swell the fund to \$25,000 before December 1.

The big audience pledged itself to go into mourning for thirty days and to forego all luxuries and amusements and donate their savings to the relief of their brethren in Russia.

Carnegie Makes Subscription.

NEW YORK, Nov. 12.—It was announced tonight that Andrew Carnegie has contributed a check for \$10,000 for the relief of the Jews in Russia. The gift was attached to a letter sent to Isidor Straus of this city, in which Mr. Carnegie says: "I am only too glad to send you the enclosed as a contribution to the fund for the relief of your co-religionists in Russia. The terrible crimes being committed there are such as might lead one to lose faith in human nature had not the history of the past shown us scenes equally demonic."

"Do not be discouraged, however. Under the law of evolution we must steadily, though slowly, march on, and the day will reach the true conception of the brotherhood of man."

The clothing and merchant tailoring trade, it was announced tonight, has subscribed \$5,000 for the relief of Jews in Russia. The representatives of forty-five organizations of Jewish workmen today raised \$2,000 and resolved to make the subscription \$15,000, while at a mass meeting in East Broadway \$1,000 was subscribed, and it was voted to raise \$50,000 additional. In one meeting in Brooklyn \$4,000 was raised, and at other meetings smaller amounts were collected.

Two Meetings in St. Louis.

ST. LOUIS, Mo., Nov. 12.—In response to an appeal telegraphed by Jacob H. Schiff of New York, treasurer of the national committee for the relief of Jews in Russia, which appeal was widely advertised here by Moses Fraley, a general mass meeting was held this afternoon in the Shaare Emet temple, and in less than an hour \$125.00 was donated to the cause. At the same time another mass meeting of smaller proportions was held in the O'Connell temple, and \$1,000 was contributed for the same purpose, making a total of \$125,000, which will be sent to Treasurer Schiff in New York to be added at once to the British office for immediate use in securing the oppressed Jews of Russia.

Memorial Service at Cleveland.

CLEVELAND, O., Nov. 12.—At least 1,000 Jews of this city attended a mass meeting in Forest Street temple this evening in memory of their brethren who have been killed in Russia. Rabbi Margolies was the principal speaker. Rabbi Ravinsky made an address in Hebrew, and during most of his remarks the edifice was surrounded with the crying of the grief-stricken Jews. The sum of \$41 was collected at the meeting and will be forwarded to Jacob H. Schiff in New York. Tomorrow has been appointed a day of fasting and prayer by the Jews of this city.

Baltimore Contributes Liberally.

BALTIMORE, Md., Nov. 12.—At a largely attended meeting of the committee appointed for the purpose of raising funds for the Jews in Russia, held in Oheb Shalom temple today, over \$5,000 was subscribed.

The gathering was remarkable for the representative character of those who attended and made addresses. The amount named was subscribed in less than half an hour. Simultaneously a special meeting of the Baltimore section, Council of Jewish Women, was held at the residence of the president and a substantial addition to the fund was made.

Chicago Synagogues Crowded.

CHICAGO, Nov. 12.—Every synagogue in Chicago was crowded today by mourners who came to listen to speakers describe the horrors of the Jewish massacres in Russia. In all Jewish places of worship subscription sheets were circulated. In addition to the \$2,000 in cash was added to the fund of \$15,000 raised yesterday.

Subscription by B'nai B'rith.

WASHINGTON, Nov. 12.—Simon Wolf of this city, one of the members of the executive committee of the B'nai B'rith of Chicago, president of the B'nai B'rith, has consented to make a donation of \$1,000 out of the treasury of the society for the relief of the victims of the Russian atrocities. Mr. Wolf said that the relief fund is growing rapidly and that he has received a circular letter sent all Jewish congregations in the United States, asking that they raise money for the relief of the Russian Jews. Mr. Wolf added that Washington will do as

Circus Train Wrecked Near Memphis.

MEMPHIS, Tenn., Nov. 12.—A special to the Commercial-Appeal from Arkansas City, Ark., reports the wrecking of a circus train that place tonight. Several employees are reported missing and a number of animals killed. Many of the animals escaped.

MEMORIAL SERVICES IN OTHER CITIES

Four Mass Meetings in Philadelphia Where Large Subscriptions Are Made.

Pittsburgh Hebrews Resolve to Wear Mourning for Thirty Days for Their Slain Brethren.

PHILADELPHIA, Nov. 12.—There were five large meetings of Jews in this city tonight for the purpose of raising funds for the suffering Jews in Russia. The most important gathering of the day was that which met at Mercantile hall, where \$3,000 was raised in half an hour. Judge Mayer Sulzberger presided and Rabbi Joseph Krauskopf of Keneseth Israel synagogue made the principal address.

There was an immediate response when contributions were asked for, and when the amount was tallied it was found that \$3,000 had been subscribed.

The money will be sent at once to Jacob H. Schiff of New York, treasurer of the national relief committee. A committee of the city was appointed to make a canvass of the city for money. The committee intends to send out thousands of circulars.

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NEBRASKA WEATHER FORECAST

Fair Monday and Tuesday.

Temperature at Omaha Yesterday:

Hour. Deg. Hour. Deg.
5 a.m. 39 1 p.m. 57
6 a.m. 38 2 p.m. 58
7 a.m. 37 3 p.m. 61
8 a.m. 37 4 p.m. 63
9 a.m. 36 5 p.m. 62
10 a.m. 34 6 p.m. 60
11 a.m. 30 7 p.m. 59
12 m. 25 8 p.m. 57
9 p.m. 54

THOUSANDS VISIT THE DRAKE

Flagship of Prince Louis is the Center of Attraction in New York.

NEW YORK, Nov. 12.—Five thousand persons visited the armored cruiser Drake, the flagship of Rear Admiral Prince Louis of Battenberg, between the hours of 1 and 4 o'clock today. A crowd numbering half a million were waiting outside the Cunard pier where the Drake is berthed, with the hope of going on board when the squad of police at the entrance announced at 4 o'clock that the ship was closed to visitors for the day.

The prince went for an automobile ride in the afternoon, and was the guest of Mayor McClellan in the afternoon. A mistake about the time the morning service began prevented the prince from worshipping in old Trinity, as he had planned. Thinking service began at 11 o'clock, he made arrangements to leave the ship at 10:45. Just about the time he received a note from the British consular general informing him that 10:30 was the hour for service and asking the cause of his delay. The prince regretted the mistake and rather than put in an appearance when the service was half over, he decided to remain on board and spent the remainder of the morning answering many letters.

The visitors to the Drake today were much interested in the portable ball room, which had been put in place and extends far beyond the gun deck. It is enclosed in a fine red and white striped canvas and the interior is decorated with British and American flags. The first dance in the ball room will be given tomorrow evening, when the warrant officers of the Drake will entertain 500 warrant officers from the other American and British warships. The grand ball which the prince gives on Tuesday night will be a brilliant affair.

The prince and Admiral Evans, with their flag and commanding officers, will attend the dinner at Coney island which the American flagships will give to the British sailors. The commanding and junior officers of the British and American squadrons are being constantly entertained in New York by friends at luncheons, dinners and theater parties. The warrant officers of the American squadrons are also entertaining the British warrant officers extensively.