

THE OMAHA BEE Best in the West

THOMAS IS GUILTY

New York Freight Broker and Clerk Found Guilty of Conspiracy.

JURY IS OUT BUT HALF AN HOUR

Argument for Motion for New Trial Will Be Heard Today.

GEORGE H. CROSBY IS RELEASED

Judge McPherson Sustains Demurrer to Evidence in Rebate Trial.

HOLDS GOVERNMENT FAILS TO MAKE CASE

In Opinion of Judge Sufficient Evidence Was Not Introduced to Convict Former Burlington Traffic Manager.

KANSAS CITY, May 24.—George L. Thomas, a freight broker, and L. B. Taggart, a clerk working for Thomas, in the United States district court here late today were found guilty of a conspiracy to illegally give rebates to shippers. The jury, considered the case only thirty minutes before arriving at a verdict. Attorneys for the defendants will file a motion for a new trial and the motion will be argued tomorrow. The court will not pronounce sentence against Thomas and Taggart until the motion for a new trial is disposed of. Thomas and Taggart live in New York, and Taggart, who has been in court only in the person of his counsel, is said to be very ill in that city. He and Thomas have been under bonds of \$100,000 each, and the court allowed the bonds to continue in force until sentence is imposed. The section of the revised statutes under which Thomas and Taggart are convicted provides that their punishment shall be a fine of not less than \$10,000 and not more than \$50,000, or both fine and imprisonment at the discretion of the court. Crosby is Released. George H. Crosby, general freight traffic manager for the Burlington railway, was discharged by Judge McPherson today in the United States district court. The court sustained the demurrer of Crosby's counsel holding that no evidence had been presented to connect Crosby with a conspiracy as charged in the indictment returned last December by the grand jury. This indictment charged that Crosby had conspired with George L. Thomas, a freight broker, and L. B. Taggart, his clerk, to pay rebates to certain persons. Then the two cases against Thomas and Taggart were considered. In the first case, in which the defendants were charged with conspiring with Crosby to pay rebates, the demurrer of the defense was granted. In this case Judge McPherson said, in effect, that the evidence showed that if a crime had been committed it was committed in New York or Chicago, outside the jurisdiction of this court. The conspiracy made by shippers with Thomas could not be considered overt acts, the court said, because on their face they were legitimate contracts. In the second case against Thomas and Taggart, in which they are charged with conspiring with shippers to obtain and pay rebates, Judge McPherson overruled the demurrer. In this case, the court said, the government contended there was an addenda to the contracts, and that addenda contemplated a crime by conspiracy. The court would not say that there was not sufficient evidence; that it was not done in Missouri and in this jurisdiction. The case, therefore, must go to the jury. The defense offered no evidence and the arguments were immediately begun, continuing for three hours, the case going to the jury late in the day. In the case against Crosby, Mr. Crosby's name has seldom been heard in the proceedings, which were begun here on Tuesday last. The first testimony offered by the government to show Crosby's alleged part in the conspiracy was that of Frank Barry of Washington, D. C., former agent of the Interstate Commerce commission. Barry said that Crosby told him in 1905 that the Burlington railway was paying George L. Thomas a "generous salary" because of the money he controlled. Judge McPherson said: "Such evidence cannot be used to deprive any man, high or low, of his liberty. Nor can evidence be used that creates a cloud upon any man's name by reason of a criminal prosecution in any court, state or federal." Rebates Paid by Dead Man. Judge McPherson said there was nothing in evidence to indicate that Crosby ever received the payment of "commissions" or to Thomas, or that Crosby had any knowledge of the transactions, but that, in a country, it had been testified that Thomas Miller, now dead, had always used such orders to the claim department. Mr. Miller died a year ago. In sustaining the demurrer to Crosby, Judge McPherson said: "Illustrate the conspiracy with which it was sought to connect the defendant: 'Suppose \$100 a month, or 3 per cent on the business obtained, is deemed a fair remuneration. If the parties are agreed, it is no concern to others. But suppose that the defendant is to receive \$100 a month, or 3 per cent commissions, is fair compensation, the company pretends to give, or the agents pretend to receive \$100 a month, or 3 per cent commissions, with the secret understanding that the agent shall pay over to commission of such freight he may contract the one-half of which is paid to him under the guise of compensation. What is and what can that be but the payment of rebates? And how can it be said that such merchants who receive money in that way and the company paying it in that way, are not all guilty of crime against the United States?'

KING MEETS FUTURE QUEEN

Formal Reception Takes Place at Irun, with Previous Meeting at Angouleme.

IRUN, Spain, May 25.—King Alfonso greeted his bride, Princess Ena of Battenberg, as she entered Spain in the early hours of the morning, amidst an enthusiastic popular welcome and the honours of the Spanish ministry. The special train bearing the princess reached the frontier shortly after sunrise. The morning mists still hung over the river Bidassoa, separating France from Spain, as the train reached the center of the bridge, the Spanish fortresses, belching a welcoming salute of twenty-one guns from the heights of Pena de Aya, commanding the frontier. At the same time regiments of carabiniers and ancient Sicilian guards were massed on the footways of the pier and with trumpets and banners saluted the bride's entry into the kingdom, while the bands played alternately the British and Spanish national hymns. In the meantime King Alfonso, in uniform of a field marshal and accompanied by the ministers of the crown, the Spanish chamberlains and the military attaché, awaited the princess at the railroad station, which was sumptuously decorated with a floral arch, carpeted with red velvet and hung with the royal banners and other insignia. Scores of noble ladies in chamberlains' and military uniforms, in white, black and gaudy, bore bouquets and garlands for the princess. Premier Moret directed the governor general to admit the public to the platform and to give the people every facility to see their future queen. The meeting of the king and princess, although a ceremonious state function, was none the less marked by the unaffected joy and cordiality of the royal monarch. The king welcomed his ministers, who officially welcomed the bride to Spanish soil, and she graciously acknowledged the king's and the spontaneous enthusiasm of the people seemed to give greater satisfaction to the king, who conducted the party to the royal train, where the princess was installed in a luxurious coach, which had been transformed into a veritable bower of red and white roses. At 5:15 a. m. amid continued salvoes from the fort and the cheers of the people, the train left Irun for Madrid. The passenger lined the tracks and packed the stations along the line, giving the young couple a continuous ovation.

ALL MEAT TO BE INSPECTED

Important Rider to Agricultural Bill Tacked on by the Senate.

PACKERS AND PRODUCERS INTERESTED

Products Not Inspected and Bearing Brand to Be Barred from Interstate Commerce.

(From a Staff Correspondent.)

WASHINGTON, May 25.—(Special Telegram.)—The senate today attached to the agricultural appropriation bill Senator Beveridge's measure providing for an inspection and supervision of live and food products thereof which are subjects of interstate and foreign commerce. This bill is in the nature of a rider to the bill for the Department of Agriculture and the Department of Commerce and Labor and is vitally interesting to packers and stock growers. The unsanitary condition of some packing houses has not only been the subject of a novel report issued, which has raised a storm of inquiry, but has been the subject of official investigation on the part of the president, who has appointed a commission to investigate conditions in the packing houses throughout the country. Senator Beveridge introduced the bill on May 23 to provide for the inspection of live stock, with a view of having the same branded as sound, healthy and fit for human food, and those unfit condemned, but the present bill went further than that. It provided that slaughtering, canning and packing of cattle, sheep and swine should be performed in a sanitary manner and in a sanitary place, under rules prescribed by the secretary of agriculture, and it further provided that the inspectors provided for under the bill should report upon the sanitary conditions of every establishment. According to the reading of the bill, both the stock growing and packing interests will be affected by this measure, and it is safe to predict that the house of representatives will be face to face with a situation when the agricultural bill is sent to congress that it never anticipated when it passed the big money bill for the Department of Agriculture. Cattle Interests Awake. Today Senators Millard and Burdett and Congressman Kennedy saw the president in relation to this measure, because they did not anticipate it would so hastily pass one branch of congress, but on the general proposition which seemed to them most reasonable, that the stock growing interests and packing interests were entitled to a hearing in the matter. The conference had between the president and the representatives from Nebraska is necessarily confidential. Sufficient, however, was learned to show that the president, while believing that Senator Beveridge was useful, was inclined to await a report from the commission now investigating conditions in the Chicago packing houses and they were led to believe that nothing would be done until a comprehensive report could be made. Yesterday representatives of cattle growing interests of Colorado saw the president along similar lines. Now that the senate has adopted the Beveridge bill and put it up to the house to accept or disagree with the bill it will be interesting to watch the committee of the house in the next few weeks. When it is realized that the Beveridge bill was attached to the agricultural appropriation bill when a point of order would have ruled it out it naturally suggests the question, what did the senate have in mind when it attached this important measure to a money bill as a rider? Desired to Go on Record. Of twenty-five republicans who voted "no" on a rule brought in by the committee on rules in the house today, three came from Nebraska, Kennedy, McCarthy and Norris. Their votes were not against sending the railroad rate bill to conference, but were in favor of certain amendments passed by the senate. All three members from Nebraska voted in favor of including the express companies within the limits of the Hepburn rate bill, and as the senate passed such an amendment, they desired to express their individual opinion that the express companies should be included within the provisions of the bill. On three or four other amendments they desired to have an individual voice to concur in senate amendments, and fearful lest many of the conferees would be cast in favor of instructing the conferees directly instead of being compelled to instruct them, as in all probability will be the case, by indirectness. Instruction in Agriculture. Congressman Pollard appeared before the committee on public lands today and made an argument in favor of his bill appropriating \$500,000 for instruction in agriculture in the state normal schools of the United States. Mr. Pollard contended that the subject of agriculture is one subject that is of the greatest importance to the people of the country and a subject most neglected in the curriculum of our public schools. He urged that agriculture should be taught in every district school. In order to do it, it should be taught in the normal schools of the country, in order that teachers may be qualified to teach this important subject. It was his idea that the United States could well afford to furnish part of the funds for carrying through this important work. Minor Matters at Capital. Congressman Kennedy was notified today that Thomas H. Platt, Omaha, had been granted a pension of \$8. Representative Kinkaid today advised that the Postoffice department had signed a lease with the First National bank at Greeley for a portion of their bank building as a postoffice. Senator Burkett was today advised that a pension of \$24 had been granted D. H. Fernan of Wilber. Representative McCarthy today secured the appointment of James M. Beaver, a postmaster at Scriber, Dodge county. M. H. Horisky of O'Neill, H. E. Jones of Octavia and A. L. Lockwood of Martinsburg, Neb., have been appointed railway mail clerks. Applications to organize national banks approved: First National bank of Thornton, Ia., with \$25,000 capital, by C. H. McMiller, W. H. Bagley, C. A. Parker, O. T. Denison and E. D. Allen; The First National bank of White Lake, S. D., with \$25,000 capital, by H. W. Hinrichs, John Parker, Mathias Gilbert, August Bentzer, John Geers and others. Postmasters appointed—Iowa: Hansell, Franklin county; Frank P. Fowler, vice H. O. Horner, resigned; South Dakota: Englewood, Lawrence county; Ernest S. Wirth, vice William Fagan, removed.

BERNHARDT BLOCKS THE WAY

Omaha Commercial Club Train Stalled at Mankato by Accident to Actress' Car.

PACKERS AND PRODUCERS INTERESTED

Products Not Inspected and Bearing Brand to Be Barred from Interstate Commerce.

(From a Staff Correspondent.)

MANKATO, Kan., May 25.—(Special Telegram.)—Excursionists are meeting with regular home-like treatment from all to the eastward. At Mankato they were met at the station by Mayor G. R. Kramer and the Mankato Commercial club, with carriages for the entire party. They were taken to the feast prepared by the Presbyterian Ladies' Co-operative society. The dinner was so elaborate that when the charge of 30 cents was made they each dropped in \$1 instead. On leaving Mankato the party proceeded only about two miles when they overtook Sarah Bernhardt's special, which had met with an accident, one truck having come out from under her private car. No one was injured. They are all held here indefinitely. Madame Bernhardt, being nervous over the accident having occurred, refused to go further without changing engines. The track was torn up for half a mile and the party proceeded to Mankato, Kan., where they were met by the Mankato Commercial club and arrangements were rapidly made for the trains to proceed. Madame Bernhardt is scheduled for St. Joe tonight and the excursionists are all delayed, but will probably reach home before morning. Madame Bernhardt refused to be seen by press reporters and sent very specific instructions to the Rock Island officials on the subject. Later she yielded to persuasion of the Omaha excursionists and bowed to the party from the train, and she was seen in a photograph by the excursion photographer. Bernhardt's special left at 2:35 p. m. and the excursion followed two hours later. FAIRBURY, Neb., May 25.—(Special Telegram.)—While the track was being repaired at Mankato the following note was sent to Madame Bernhardt: "The Omaha Commercial club extends sincere congratulations on your safety from accident." The following reply was received: "I thank you very much for your congratulations. I hope you will make a happy trip. I am taking my bath and I cannot see." After leaving Mankato the next important point was Formosa, Kan. There the citizens and several close-by farmers had gathered at the station with their band to greet the excursionists. A hearty reception was accorded at Courtland and Scandia. At the latter place the gent banker, H. S. Cooper, with his wife, sent to the train a buttonhole bouquet of beautiful roses for each person in the party. At Bellevue, Minden, Narka and Malaksa the citizens, when they were in attendance, greeted their welcome to the Omaha jobbers. When Fairbury was reached, though the day had really been the most enjoyed of any, the party was glad they were nearing the end. Here they were met by a committee of the local Commercial club, which consisted of the First Methodist Episcopal church, where the women had prepared a sumptuous meal. After supper they were taken to the large Odd Fellows hall, where the meeting was called to order by the president of the Fairbury Commercial club, Mr. Vase Pease, who introduced Mayor Uhl. Speeches were made by Charles M. Wilhelm, W. S. Wright and S. A. Searle of Omaha and Colonel George Jenkins and Attorney Barnes of Fairbury, after which a smoker was indulged in and punch was served. It was certainly a fitting event for the closing of such a successful excursion, and the party was shown all along the journey of the past few days. W. L. Yetter, chairman of the trade excursion, expressed himself as being very highly pleased with the trade boosters he had with him on this trip. He said "a better crowd of trade boosters has never been shown all along the journey of the past few days. The only Omaha papers received during the entire trip were The Omaha Morning News, the Omaha Journal and Reporter. These reached us regular and were read and thoroughly enjoyed by all. The expressed opinion of all was that the enterprise shown by the publisher of The Omaha Bee, Mr. Edward Rosewater, was appreciated and surely added to his popularity. Mr. E. Uhl, general agent of Excursionists, and commercial agent of Omaha, David Burleigh, trainmaster of Fairbury, Neb., and E. P. Stran, division freight agent of Topeka, Kan., were the Rock Island officials who accompanied the excursion party. The run from Fairbury to Lincoln—sixty-one miles—was made in sixty-six minutes with one stop. Good time was continued on to Omaha, arriving at Union station at 12:30 a. m.

GREENE OUT OF THE RACE

Well Known Omaha Lawyer Will Not Fight for Senatorial Nomination.

CONDITIONS UNFAVORABLE TO CANDIDACY

Admits Edward Rosewater is Logical Candidate for Those with Rooseveltian Ideas—Significance in Local Situation.

(From a Staff Correspondent.)

The senatorial situation has taken another step toward simplification by the statement of Charles J. Greene of this city, who had previously announced his intention to be an avowed candidate for the republican endorsement, that he will not ask for a delegation. In all the preliminary estimates Mr. Greene was figured as a factor and was urged as a possible candidate upon whom the opposition to Edward Rosewater might center. Following closely upon the announcement by G. W. Watties that he would not enter the senatorial race, the withdrawal of Mr. Greene was added significance. Mr. Greene was interviewed in his law offices in the New York Life building and answering a direct question said: "I shall not undertake to put up a delegation or go to any fight for the nomination. It is too expensive a luxury. Mr. Rosewater the Logical Candidate. "In coming to this decision I do not ignore the fact that Edward Rosewater is the logical candidate for the senate. He has advocated for a generation the policies and principles that are now being invoked by President Roosevelt in the battle with corporate interests. In this respect he has been consistent in all these years and while he has brought about and to him many personal animosities through his antagonisms, there is a conviction that he has been consistent. It must also be recognized that there is a feeling of complacency in Douglas county and Omaha and this being so here it may be assumed to be so out in the state. I do not regard Mr. Rosewater as belonging to the radical school of La Follette and Cummins, but from his careful study of corporate questions and discussion of his busy lifetime he has more nearly approached the Rooseveltian idea. He is a man of wider influence than the state and ought to take his place in the event of his nomination and election to the senate as a leader and advocate of the rights of the common people. "In coming to this decision I do not ignore the fact that Edward Rosewater is the logical candidate for the senate. He has advocated for a generation the policies and principles that are now being invoked by President Roosevelt in the battle with corporate interests. In this respect he has been consistent in all these years and while he has brought about and to him many personal animosities through his antagonisms, there is a conviction that he has been consistent. It must also be recognized that there is a feeling of complacency in Douglas county and Omaha and this being so here it may be assumed to be so out in the state. I do not regard Mr. Rosewater as belonging to the radical school of La Follette and Cummins, but from his careful study of corporate questions and discussion of his busy lifetime he has more nearly approached the Rooseveltian idea. He is a man of wider influence than the state and ought to take his place in the event of his nomination and election to the senate as a leader and advocate of the rights of the common people. "In coming to this decision I do not ignore the fact that Edward Rosewater is the logical candidate for the senate. He has advocated for a generation the policies and principles that are now being invoked by President Roosevelt in the battle with corporate interests. In this respect he has been consistent in all these years and while he has brought about and to him many personal animosities through his antagonisms, there is a conviction that he has been consistent. It must also be recognized that there is a feeling of complacency in Douglas county and Omaha and this being so here it may be assumed to be so out in the state. I do not regard Mr. Rosewater as belonging to the radical school of La Follette and Cummins, but from his careful study of corporate questions and discussion of his busy lifetime he has more nearly approached the Rooseveltian idea. He is a man of wider influence than the state and ought to take his place in the event of his nomination and election to the senate as a leader and advocate of the rights of the common people."

THE BEE BULLETIN.

Forecast for Nebraska—Rain Saturday, Sunday Fair and Warm.

1 Find Thomas Guilty of Conspiracy.

All Meat Products to Be Inspected. Greene Out of Senatorial Race. Rate Bill is Issue to Conference.

2 Oil Inquiry is Hearing Fruit.

3 Presbyterians Ask Smoot's Removal. 4 News from All Parts of Nebraska. 5 Johnson Names Committees.

6 Single Value for Farm Products. 7 Union Pleas Local Presbyterians. 8 Colored Veterans on Land Deals. 9 Russian Anarchists Attack a Bank. 10 Financial Review of the Week. 11 Editorial. 12 John I. Martin Visits Dahlman. 13 Sporting Events of the Day. 14 Commercial and Financial. 15 Council Bluffs and Iowa News.

TEMPERATURE AT OMAHA YESTERDAY.

Table with 4 columns: Hour, Deg., Hour, Deg. (1 p.m. to 11 p.m.)

LOCOMOTIVE BLOWN TO PIECES

Dynamite Charge Placed on Track Leading to Coal Mine Near Tulsa, I. T.

TULSA, I. T., May 25.—The locomotive belonging to the Continental Coal company was blown into fragments this afternoon by dynamite, previously placed on the track by property owners adjoining the railway tracks, who are opposed to its operation. The mines of the company are located about two miles from Tulsa and are connected with the town by a single track of railway. Owners of property which is crossed by the track opposed its building, and there has been much dissatisfaction over it ever since. This afternoon as the locomotive belonging to the coal company was going out to the mines it was blown to pieces by a terrific explosion of dynamite, which had been placed on the track and which was exploded by the wheels of the engine. Although the engine was blown to fragments the crew was not injured. F. W. Kassner, cashier of the First National bank of Tulsa, has been placed under arrest on a charge of having participated in the affair. He is one of the owners of property which is crossed by the line of the track. Other arrests are expected to follow shortly. There is great excitement here and more trouble is expected. The people are all arming themselves.

NELSON-HERRERA FIGHT OFF

Counter Charges of Sharp Practice Follow Dispute Over Weighing In.

LOS ANGELES, Cal., May 25.—There was no fight between Battling Nelson, the lightweight champion, and Aurelio Herrera tonight, as scheduled. After an almost interminable wait of two and a half hours the crowd was dismissed at ten minutes to 11 o'clock because Herrera refused to weigh in. Before the crowd of 4,500 was finally dismissed there was a squabble between the fighters and their managers over the weight. Both sides made charges of sharp practice on the part of the other. As near as can be learned tonight the situation which led up to the calling off of the fight was as follows: The articles of agreement called for the weighing in at 8 o'clock this afternoon, both men to scale 135 pounds. The men were on hand at a half hour before. There were scales there, but Herrera claimed they were out of order and would not be adjusted. After half an hour's argument Jacobs sent Herrera to dinner. After that he refused to allow the Mexican to weigh in. Nelson offered to go to the baths to weigh in, but Jacobs declined.

FRANCHISE FIGHT IN DENVER

Suit Brought to Test Grants Based on Result of Recent Election.

DENVER, May 25.—District Attorney George A. Stidger today brought quo warranto proceedings in the district court against the Denver City Tramway company and the Denver Gas and Electric company to test the validity of the franchises granted these companies at the city election on May 15 on the face of the return. John T. Holbrook, secretary of the Colonial Securities company, is plaintiff of record in the cases. It is alleged in the complaint that hundreds of fraudulent votes were counted for the franchises and that they were defeated by at least 800 votes. Four other suits, two quo warranto and two injunctions, are being prepared by the Municipal Ownership league against the same two companies and will be served in the near future. The franchises granted these companies at the city election on May 15 on the face of the return. John T. Holbrook, secretary of the Colonial Securities company, is plaintiff of record in the cases. 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