President of Santa Fe Testifies in Harriman Inquiry in Chicago.

GETS HIS NEWS FROM THE PRESS

He Becently Read that Union Facific Held Stock in His Road.

ROGERS AND FRICK REPRESENT IT

Harriman Lines Compete with Santa Fe at

Come Points.

TESTIMONY ON RATES ON LIVE STOCK

Burlington Agent Says Charges Were Advanced Because of Heavy Damage Claims that Had to Be Paid.

CHICAGO, Jan. 8.-The inquiry of the be made navigable. Interstate Commerce commission into the management and methods of the Herriman to decide on who shall have federal ofrailroads begun in New York, was resumed | fices in that state. here today.

The commission was occupied most of the day with evidence relating to rates appropriation bill. on cattle from Texas points, and it was not until late in the afternoon that the right of president to discharge troops Harriman lines were brought before the board. Only one witness was examined. President Ripley of the Santa Fe railway. Mr. Ripley's testimony did not bring out rights. any startling information. He declared he not know until he had read it last week in the papers that the Union Pacific was the holder of nearly \$16 000,000 of Santa stock. He asserted that when approached by representatives of this stock for the right to name members of the Santa Fe directory, he refused to consider the proposition until it was distinctly understood that the directors to be named were not officers of the Union Pacific or of any other line competitive with the Santa Fe. The directors named were H. H. Rogers and Henry C. Frick, both of whom were directors of the Union Pacific at the time of their election to the Sahts Fe directorate. President Ripley testified that their connection with the Union Pacific had in no way impaired their usefulness to the Santa Pe.

President Ripley was examined and crossexamined at considerable length, as to whether the Union Pacific and the Southern Pacific were competitors of each other and of the Santa Fe. The substance of his testimony in this respect was that while competitors in some things, they were not so on all classes of traffic nor from all parts of the country.

President Ripley's Testimony. The inquiry into the management of the Harriman lines was taken up shortly before 4 o'clock this afternoon by the Interstate Commerce commission. President E. P. Ripley of the Santa Fe road was

the first witness. Mr. Ripley was questioned by F. B. Kellogg acting for the commission: "Did you know, Mr. Ripley, that the Union Pacific owns \$10,000,000 of stock portion of Council Bluffs. Santa Fer

"When did you hear of a desire part of the Union Pacific people to be represented in the directory of the Santa

"Some time ago. Certain parties in New York intimated a desire to represent certain holdings of stock in our directory and I said that it would be agreeable to allow them two directors provided they were not officers of competing lines." "Who did they ask to have elected?"

"H. H. Rogers and Henry C. Frick." "You understood they were directors of the Union Pacific?"

"Certainly I did." The witness said that he had no per onal knowledge whatever of the acquist-

tion of Santa Fe stock by the Union Pa-No Pool on Rates.

"Hes the Santa Fe any agreement with either the Union or Southern Pacific for maintaining certain rates, or is there any pooling between them?" There is no pool and no agreement re-

Mr. Kellogg by a series of questions brought from the witness that the Southern Pacific and Union Pacific were natural competitors for much traffic between the east and the Pacific orast. He asked President Ripley if these two lines did not maintain equal rates and the witness

"I am not prepared to say." President Ripley was cross-examined by John D. Milburn, attorney for the Union Pacific. He asked first if Messrs. Rogers and Frick had ever, while acting as directors of the Santa Fe, discovered any de sire to injure it in favor of the Union Pacific.

"Not at all," replied President Ripley "They are as good directors as we have." Says Pacifics Are Competitors.

"Before the combination of the Southern and Union Pacific were those roads competitors of the Santa Fey' asked Commissioner Prouty.

"You said you would admit a repre

sentative of Mr. Harriman as a director, but not an officer of the Union Pacific. What is the difference?" "I did not say that," replied President

Ripley. "I said we objected to the alection as a director of an officer of the Union Pacific as a personal representative of Mr. Harriman-because we did not end. desire an officer of another road in our directory,"

The examination of President Ripley concluded with a series of questions put alernately by Attorneys Kellogg and Milburn regarding the through traffic to the Pacific coast, Mr. Kellogg desiring to show the Santa Fe, the Southern Pacific and the Union Pacific are competitors and Mr. Milburn to show the reverse. At the conclusion of the testimony of Mr.

Ripley the hearing was adjourned until man elements there." The Diet will be son that no houses were put on the soldiers' emorrow morning at 10 o'clock. Cattle Rate Inquiry.

Cattle raths and the terminal charges at Chicago on shipments of stock occupied the opening session. Chreter M. Dawes of the Burlington road.

asserted that it was not possible for him to furnish certain statistics regarding shipments, which had been requested by Attorney Cowan, representing the Texas Tangier telegraphs that the shelk of the Cattle Growers' association. Cowan declared that other roads had

furnished these figures and it should be Moroccan war minister with the view of sible for the Burlington road to do the shrvendering to the government with his bank at Rushville followed A. R. Modisett matter was dropped after some de-

bate. It is expected that the inquiry into

(Continued on Second Page.)

Wednesday, January 9, 1907.

THE WEATHER. FORECAST FOR NEBRASKA—Fair Vednesday, Thursday, warmer. FORECAST FOR IOWA—Fair Wednessy and colder in central and east por-ons; Thursday, warmer.

Temperature at Omaha yesterday p. m.

DOMESTIC.

of traffic.

WASHINGTON. Nebraska delegation having trouble to

Iowa delegation to have a meeting soon Representative Hull makes a comprehensive explanation of provisions of army Page 2

Page 2 Senator Overman opposes proposed law against child labor as violation of state's Page 2

Senator Daniel makes speech upholding

NEBRASKA.

B. F. Good of Wahoo, judge of the district court, cites recent pardons as reason for creation of board of pardons. Page 3 August Mueller, convicted of murder, declines to leave Stanton jail when fellow Page 3 prisoner makes his escape. Both branches of legislature complete

organization by the naming of the com-Page 3 Members of both houses present bills along the line of redeeming party pledges, among them terminal taxation, primary and Railroad commission measures. Page1

LOCAL. A. M. Modisett released on charge of been member of firm for three years.

charges at Omaha.

the creamery combine. county board for the ensuing year. Page 7 the flesh is heir to. Weak and erring are lined up for cor-Page 7 rection in the police court.

SPORTS. American and National league base ball Page 8 seasons will open April 11.

COUNCIL BLUFFS AND IOWA Council in committee of the whole votes in favor of creating a new ward in south Owing to house being unorganized sen-"I did not know it until I saw it in the ate committee has entire charge of ar-

GREAT BRITAIN FOR PEACE

W. T. Stead Says Premier Will Have Two Important Suggestions for Peace Conference

PARIS, Jan. 8.-William T. Stead of London, who arrived here yesterday, says he is on his way around the world in the interest of peace. He declares he is authorized by the British premier, Sir Henry Campbell-Bannerman, to say that Great Britain, if no other country does so, would at the approaching second peace conference at The Hague raise the question of taking steps to provide for the maintenance of international peace. This. Mr. Stead says, will be done in the form of two propositions, as follows;

First—That each country participating in the conference appropriate a sum of money to be used in the propagation of the idea of maintaining international peace.

Second—That each country participating in the conference render obligatory the observance of article vili of the peace conference act of 1836 permitting a third power to tender mediation, without giving offense, between two disputing powers, and also that the participating powers extend the scope of article vili so as to bind the signatories in a case of a declaration of war not to begin hostilities for a fortnight, in which interim friendly powers would have the right to intervene in an attempt to adjust the quarrel. First-That each country participating in

SHAH OF PERSIA IS DEAD Announcement of His Death Will Not

Be Made in Teheran Until

LONDON, Jan. 2.- The Daily Mail's correspondent at Teheran in a telegram sent blank. hast night at 11:50 o'clock says: The shah way. I was at Alliance, Neb., on June 28, of Persia died this evening, though no pub-

until tomorrow (Wednesday). It was evident yesterday (Monday) that the end was rapidly approaching and the women of the palace also began preparations for mourning.

were closed. This was the sign that all

The news of the shah's death reached the foreign ministers late this evening, but the public is still unaware of his majesty's

Prassian Diet Opens.

BERLIN, Jan. &-Chancellor von Buelow read the speech of the emperor-king at the opening of the Prussian Diet today. After referring to the excellent financial condition of Prussia the speech announced the government's intention to propose fresh the \$800 improvements must have been put legislation to meet the difficulties en- on the land before final proof is made countered in Poland "in carrying out the The improvements we placed on the land blatorical tack of strengthening the Gerengaged until Saturday with the first read- widows claims was that they were not ing of the budget, after which it will ad- under the law expected to reside on the journ until the Reichstag elections have land. We didn't put houses on the Indian taken place, as many members of the claims because they never showed up after Diet are also candidates for election to the filing and never asked that we should Reichsing.

Shiek May Surrender Raisouli. PARIS, Jan. 8.-The French minister at Wadrass tribe, with which Ratsouli has sought refuge, is negotiating with the

whole tribe The French and Spanish governments believe that the success of the Moroccan war the management of the Harriman lines will minister in the vicinity of Tangler will the government out of title to lands or be in connection with the traffic arrange. enable them to install the international poenable them to install the international po- of any attempt to suborn perjury. His lice and recall their squadrons from Moroccan waters in about a fortnight.

Eliminated from Land Trial, as He Proves His Lack of Connection.

R. Modisett, Hornee C. Dale ad William C. Smoot Are Left as Defendants of the Charges.

Ai Marie Modisett has been eliminated Coe I. Crawford inaugura d governor Tuesday morning decided there was no get the senatorship without a fight. Page 8 frauds for which his brother, Albert R. Negro troops at Fort Reno conspire to Modisett, Horace C. Date and William C. nurder all white officers at post. Page 2 Smoot are being tried. The charge was President Ripley of Santa Fe railroad dismissed in his case when it was shown his line at some points and on some kinds with the firm of Modisett Bros., but that Page 1 A. R. Modisett constituted that firm him-

A the opening of the United States disopnvince congress the Missouri river can trict court Tuesday morning A. R. Modi-Page 1 sett, one of the principal defendants in the big land trial, was put on the stand. It was shown at the outset of his examina-Page 1 tion that since early in 1904 he had been the sole member of the cattle and ranch firm of Modisett Bros., and that Marin Modisett had nothing to do with the ranch and cattle business of the firm. On this matter Judge Munger said:

"No evidence has thus far been produced in this case by the government that connects A. M. Modisett with this case, and the court may so direct the jury."

Statement of A. R. Modisett. The examination of A. R. Modisett was conducted by Mr. Gurley, principal attorney for the defense. Mr. Modisett said: "I have been in the cattle and ranch business near Rushville for about twenty years, coming there from Montana. At the time the Kinkaid act went into effect I was anxious, with other cattle and ranch men, to secure what filings we could under that law within our range in order that we might secure the grazing leases during the time required for the entrymen and women to prove up. The matter of securing Indians to make filings was first suggested to me by Mr. Margrave, a fellow ranchman, in a conversation I had with crooked work in land matters, not having him at Reserve, Kan. He asked me to secure some Indians to file for him. I did Page 1 do so, as well as securing a number for Railroad men to meet and try to solve myself. The transactions were perfectly the grain rate question and switching bonorable and legitimate and without the Page 3 slightest intention of wrongdoing or any Company organized along co-operative thought or purpose to defraud the governlines to take over Harding plant and fight ment out of title to the lands. We figured Page 7 that we could afford to pay \$100 for the Solomon chosen as president of the grass lease for the five years, and so to assist the entrymen in filing and complying Colored man has a remedy for two ills with the law as regarding improvements Page 7 | we agreed to pay the necessary filing expenses and put on the necessary improve-

ments for the use of the grass on the land for the five years. These expenses and improvements would about absorb the \$100. Case of Indians. "In the case of the Indians, as they were not required to make any improvements on the land, we agreed to pay them \$75 each in addition to their expenses and filing fees. Page 11 I secured several of these Indian filings for road to prevent the proposed issue of 160.— fifth he called attention to an occurrence issed senMargrave and was reimbursed therefore by 000,000 additional stock.

At Fort Niobrara when the regiment was him. I secured these Indian filings for press dispatches from New York last rangements for inauguration. Page 11 Margrave as a matter of accommodation paid Dale or Smoot, nor did I contract or agree to pay them for securing filings for ne. I did tell Dale to pay the Indians \$25 each for me and their botel bills as a consideration for the grass contracts on their

filings. I did have a talk with Mrs. Sarah M. Allen at Defiance, Ia., to induce her to file on the three additional quarters of land within our range that I might secure the grass lease. I never made any proposition to her nor to Mrs. Copeland relative to buying the land, as I knew that would be against the law, and I said to Mrs. Copeand, 'We must not talk about that, as it is unlawful to make any such a proposition. I entered into no conspiracy with A. M. Modisett, H. C. Dale or William C. Smoot to defraud the government out of title to lands, nor did I enter into any agreement

with any person to suborn perjury. No one was interested in this business but myself and my brother. Neither did I enter into any conspiracy or agreement with anyone to defraud the government in any way. Fifty Sections of Land. "Our ranch or range occupies about fifty sections of land. There are other filings in the range saids from those mentioned in this complaint. About twenty-five, I think.

procured most of these filings and put

improvements on a god many of them

did not put any improvements on the Indian filings, though I did know that \$800 improvements were required under the Kinkaid law before final proof. I did not put any improve ments on the Sarah Allen claim. I put a small house on some of the claims, and a fence on some of them. I know that the law required \$300 worth of improvements. or \$1.25 per acre. Have been using the Cloud claim for about twelve years. No improvements were put on it. The amount of money in the grass contract was left to the Nicaraguan frontier to suppress the The Margrave contract the same revolutionary movement. 1904, but not in the land office. This was made. In my talk with Margrave at Re- Rica, declined to ratify it. serve, Kan., we discussed about getting Indians to file on the lands. He was figuring on getting Indians from Kansas to file on the land. I suggested that we could duras. Soon after sunset the doors of the harem get Indians from Pine Ridge to file, as the expense would be less. It was finally agreed that I would get him some Pine Ridge Indians to file. I went from Reserve, Kan., to Defiance, Ia., to see about other filings, that of Mrs. Allen and others. I used the Alien land for grazing up to 1906, when the fences were taken down.

> use it. We were not supposed to build any houses on the claims of soldiers widows and Indians. His View of the Law. "My understanding of the law was that were only initial improvements. The rea-Horace C. Dale, cashier of the Stockmen's bank of Rushville, told briefly of his part

Now it is public range and anybody can

interesting character. This examination will be resumed Tuesday afternoon Dale Makes His Denial. Horace C. Dale, cashler of the Stockmen's on the witness stand Tuesday afternoon His testimony was a general denial of any participation in any conspiracy to defraud

in the transaction relating to the filings

which were of a perfunctory and un

(Continued on Eighth Page.)

Prominent New York Physician Robbed and Murdered at Portland, Ore.

PORTLAND, Ore., Jan. 8.-There were no developments today in the mysterious death NO MONEY UNLESS THEY ARE SHOWN last night of Dr. Phillip E. Johnson, the New York physician whose dead body was found under the Ford street bridge at 7:50 p. m. The coroner's jury, after a brief inquiry this afternoon, came to the conclusion that with robbery as the motive, Dr. Johnson was murdered and his body thrown off the bridge.

Dr. Johnson came to Portland with his from the defense in the land trial in the newly wedded wife to establish his home United States district court. Judge Munger and practice his profession. The couple bought a site for a beautiful home in a of South Dakotn. Indications Gamble will evidence to connect him with the alleged fashionable section. Mrs. Johnson, before her marriage last fall, was a Mrs. Scarborough. She is a daughter of former Governor Hoadley of Ohio. Dr. Johnson is a testifies that Harriman lines compete with that since 1906 he had not been connected Staten Island and a graduate of Columbia wife last night Dr. Johnson announced his of his wife, who feared highwaymen. On a local bank.

.The stience of Mrs. Johnson and William to have seen Dr. Johnson, hardly more tee and who probably could secure as large than ten minutes before his mangled body was found under the Ford street bridge, was broken today. Alvord is firm in his belief that Dr. Johnson was attacked by thugs and that his body was thrown over the bridge to hide the crime from passers by on the bridge. Alvord says he conducted Dr. Johnson to his door and saw him walk up King street toward the car line.

Mrs. Johnson declared to reporters today that her husband had no enemies and that he was a happy and prosperous man and had no incentive whatsoever for taking his own life. She says that her husband had only a few dollars in his pocket and a silver watch when he left the Norton hotel to go to Dr. Panton's home.

Dr. Philip Edwards Johnson, who was mysteriously killed at Portland, Ore., was the son of the late Rev. George D. Johnson, formerly rector of Christ's church at Newbrighten, Staten Island. He lived at Newbrighton until three or four years ago, when he removed to the west, but returned a few months ago to marry Mrs. Scarborough. His mother still lives at Newbrighton. Samuel Ivens, formerly an assistant corporation counsel, living at Newbrighton, is a brother-in-law of Dr. Johnson. He said today that he had not been informed of the death of Johnson until a reporter told him of it, and that he would make inquiries of the Portland authorities.

GREAT NORTHERN STOCK CASE Railroad Claims Right to Issue Secu-

rities Under Charter Issued Another Company.

ST. PAUL, Jan. 8.-Arguments were begun today in the injunction proceedings brought against the Great Northern rail-000,000 additional stock.

state could not prevent the issue because wanton and cold-blooded murder comthe railroad had the right under the original charter of the Minneapolis & St. Cloud railway to issue it. They further claim. that at the time one previous issue was made an opinion had been given by the attorney general that the issue conformed with the state law; also that the state railroad commission is purely a legislative and not a judicial body, and could not determine the necessity of the proposed

the state, said the right of the commission to give authority for the stock issue went to the vitals of the situation in respect to the protection which the state wished to grant the people. The defendant had of this community, but a woman of their issued \$25,000,000 worth of stock a year ago and absolutely nothing had been heard of special interest, and the trial could have what had been done with the proceeds. He said it was not for the railroads to say because the law had been violated in one instance it might be disregarded in an- as silent in the former as in the latter other. The law, he said, shad never been instance." repealed and the records of the attorney general's office did not show any such opinion as was said to have been given. Even if it had, such an opinion would not be binding and the railroad was playing the baby act.

NICARAGUA MAKES TROUBLE Honduras Faces Revolution Alleged to Be Fomented by Central

WASHINGTON, Jan. 8 .- That the revolution in Honduras is being aided by the president of Nicaragua is the advice received at the State department today. The president of Honduras has notified Costa Rica of his intention to send troops

American Republic.

The department further is advised that Nicaragus, which was a party to the treaty lic announcement of the fact will be made the day the Kinkaid filings were to be of peace and amity of San Jose, Costa

The treaty of San Jose was the outcom of the Marblehead agreement, which was confined to Guatemala, Salvador and Hon-

The Marblehead agreement, however, provided for negotiations looking to a further treaty at San Jose. This latter treaty Nicaragua now repudiates.

DOUBLE TRAGEDY IN DENVER Man Commits Suicide and Woma Who Eloped with Him Dies of

Heart Disease.

DENVER, Colo., Jan. &-Eimer J. Bean and Lilia Mullen Bean were found today dead when he arrived.

DIXON WILL SUCCEED CLARK Congressman Nominated for United States Senator by Caucus of

Montana Republicana. HELENA, Mont., Jan. &-The election of Congressman Joseph M. Dixon to the United States senate to succeed Senator Clark was assured this evening, a caucus ture giving him 49 votes to 23 for former or agricultural and publish lists thereof, Senator Lee Mantle of Butte. Federal Judge William H. Hunt was given one vote.

RIPLEY ON THE STAND SUMMARY OF THE BEE A. MARIE MODISETT GETS OUT DOCTOR THROWN FROM BRIDGE CONFERENCE OVER RIVER EHLER CONVICTED OF MURDER START ON PLEDGES Congressmen Unwilling to Believe the

Missouri is Navigable Stream.

Iowa Delegation in Congress to Have a Caucus to Decide on Who Shall Have the Federal Appointive Offices.

(From a Staff Correspondent.) WASHINGTON, Jan. 8 .- (Special Telegram.)-Representative Kennedy was respensible today for bringing about a conference of Senator Millard, Representative Pollard and himself with Congressman Davidson of the subcommittee on rivers and son of Episcopal Archdeacon Johnson of harbors having charge of the Missouri river. Judge Smith of lowa also would university. Shortly after dining with his have participated in the conference had not his duties as a member of the appropriaintention of visiting a Dr. Panton, one of tions committee held him elsewhere. The the examining board by which he was to three members of the Nebraska delegation have been examined for admission to prac- went over with Mr. Davidson the needs of tice in this state, against the protestations the people living on the Missouri river from Kansas City to Omaha and insisted that his way Dr. Johnson called upon his they should have as much money for imcousin. W. C. Alvord, assistant cashier in provements of the Missouri river above Kansas City as is given it below. Con- ing. and in a few minutes Ehler called gressman Ellis of Kansas City, who is a C. Alvord, who was the last person known member of the rivers and harbors commithouse for revetment work and snagging. does not expect more than \$150,000 for snagging and clearing the channel below Kansas City. It developed at the conference Attorney Right in Telling Men to today that the committee generally be lieves the Missouri river is not navigable from Kansas City to Omaha and that to secure any considerable appropriation a demonstration must be made that the river is navigable, which the Nebraska delegation hopes to do through the corperation now being formed in Omaha to operate steam barges on the river. The delegation from Nebraska will ask for at least \$300,000 to be used on the upper reaches of the Missouri for snagging and clearing of the channel.

> Slayden Reviews History. Congressman Slayden, one of the leading democratic representatives from Texas, today exploited the Brownsville affray and shooting up of that town by colored troops dent for his courage in dismissing the battalion of the Twenty-fifth without honor, he he called the "bloody Twenty-fifth."

While stationed at Fort Meade in the summer of 1885 a corporal of the Twentyfifth regiment murdered a citizen. The holding as improper the defense's line of people of the community lynched the murderer. About three weeks after the lynching fifteen or twenty negro soldiers raided and shot up the town of Sturgis, which is fired into dwellings and business houses and killed one man. "According to the testimony," said Congressman Slayden, "taken by the coroner the raiding, shooting and killing was done in a thoroughly

military manner." After describing other acts of the Twen at Fort Niobrara when the regiment was Counsel for the railroad argued that the stationed there, leaving a description of a republican congressional committee of the Sixth Nebraska district.

Mr. Cornell, in commenting a few days cording to Mr. Slayden: "Although the murdered one was of their own color and without character, the act was no less a crime than a like one which followed it in Brownsville, and only emphasizes the necessity of some form of salutary punishment. While the soldiers might justify silence in the latter case on account of fear lest a fair trial could not be had in Texas, no such excuse could prevail here, since the murdered one was not a citizen own race in whom no one would have any been purely on its merits without prejudice against the prisoners. Yet those who possessed the necessary information were

"I want to assure Mr. Cornell," said Mr. Slayden, "that there was no more need for a conspiracy of silence at Brownsville, Tex., than at Valentine, Neb.

No One to Take Office Congressman Pollard was today advised of the discontinuance of the postoffice at Backen, Pawnee county, on account of the inability to get anyone to take office. The postmaster at that place was also railroad agent, and as the railroad office has been discontinued and the agent transferred, the only thing left was to close

the postoffice. Cutting the Iowa Pie The Iowa delegation, now that Senator Alligon has arrived, will hold a caucus shortly to parcel out the ple in the north and south federal districts in that state Ed Knott of Waverly, marshal for the northern district, it is understood, will be reappointed. For the place now held by H. R. McMillan of Cedar Rapids, United States attorney, there are two candidates, Tobin from Cousins' district and Chase from Conner's district. A. C. Smith of Storm Lake, present collector, will be reappointed. In the southern district Major Lacey has a candidate for marshal to succeed George Christian, but the major refuses to divulge his name, fearful lest a swarm of citizens will descend upon him

in favor of someone else. H. O. Weaver of Wapello, the present colector, will be reappointed. Congressman Hepburn has a candidate

for United States attorney in Mr. Temple. to succeed Louis Miles of Corydon. The present pension agent at Des Moines will be reappointed. Burkett Has Grazing Bill.

Senator Burkett today introduced a bill providing for control of grazing on public dead in a rooming house in this city. The lands in the arid states and territories. man had committed suicide by cutting his In reality the bill is practically a duplicate throat and the woman, the coroner de- of one he introduced last April, but meetcided, had died of heart disease. She was ing the suggestions made by the president the wife of J. O. Bean, a locomotive en- in a special message to congress last Degineer of Pueblo, and had eloped with her cember. Burkett's bill provides that the husband's cousts, Elmer J. Bean. The president, with the consent of the governor from Colorado Springs that he was coming thorised to establish, by proclamation, to Denver to see her. The couple were grazing districts upon public lands of the their administration and protection. and all local officers shall be appointed from qualified electors of the states or terpurposes, restore and improve their grazing value and issue permits to graze live stock

(Continued on Eighth Page.)

Shot and Killed Sheep Shearer at Bruce, Wyo., in Quarrel

LANDER, Wyo., Jan &-(Special Telegram.)-W. W. Ehler was today found guilty of murder in the second degree.

Over Par.

Ehler was charged with the murder of H. J. Storms at Bruce, Wyo., on June 11. last year. The case was commenced Wednesday morning. The taking of testimony began Thursday afternoon. Ehler owned shearing pens at Bruce, Wyo., where sheep were taken from the surrounding country to be sheared. He also owned a saloon at that place and on the above date the shearers had completed their work and had gathered in the saloon to receive their pay. When it came Sterms' turn to receive his check there was a dispute over difference of accounts, Ehler claiming that Storms owed him money, which Storms denied. After a wordy wrangle Storms sat down by a table and Ehler went towards his desk behind the ber and suddenly turned and began shooting at Storms, who tried to escape by running into a side room. Ehler followed and kept up a continual fire at him. One or two men tried to stop Ehler, but he brushed them aside and followed Storms into the side room, from which there was no esthem back and finished settling with them, while Storms was lying dead in the side

MILLER SUSTAINED BY COURT troduced were the following: For the tax-Ignore Subpoens in Shea Case.

Shea trial renewed its efforts today to providing that a freight train carrying bring before the jury admissions from va- passengers should not run more than an rious State street merchants that they were members of the Employers' association, telephone companies to connect their This line of inquiry, however, again proved lines; a resolution to request the attorney ineffective. As each witness came to the general to bring suit to enforce the prostand Assistant District Attorney Miller visions of the maximum freight rate law; objected to his producing or testifying to a resolution by Harrison to request the any books or records.

The defense asked that Mr. Miller be ceedings in the supreme court to test the adjudged in contempt of court, but Mr. constitutionality of the adoption of the Miller explained that he had advised mer- amendment to the constitution providing chants not to obey the subpoenas because for the state railroad commission. court.

sociation, called Levy Mayer, attorney for measure too drastic. the association, to testify. Judge Ball ordered Mayer from the stand, however, cross-examination. The court took this action when Attorney Leboskey, for the deshoot if necessary.

State Department Tells Men in Germany that It Wants a Report.

required to perfect it. sion, then it will be necessary to ask the cent of the total vote of his party in such German government to again extend the district. provisions of the present German law ad- | The primary election day has been moved mitting America to the privileges of the minimum tariff in Germany.

COAL FAMINE IS IMPENDING gust. Northern Pacific Bunkers Low and Much Fuel Required to Fight Snow.

BUTTE, Mont., Jan. &-A dispatch to the Miner from Missoula states that the Northern Pacific railroad at that point is confronted with a coal famine, the situation being aggravated by the extra demand for coal to maintain big rotary plows on the Coeur d'Alene line, where the snow in some places is said to be eight feet deep. cific through the mountain section is said to be practically snowbound. Coal has the bunkers of the company at this place contain only 10,000 tons, a little more than enough to last the balance of the week. WASHINGTON, Jan. 8.-The Interstate Commerce commission today received a dispatch from James J. Hill, president of the Great Northern, reciting briefly the efforts being made by the company toward sup-

The dispatch says: Yesterday 130 care coal west from Larimore, N. D. Today we are moving 125 care through the same territory. With three feet of loose, unpacked snow, it proves very difficult for the men to keep the trains moving.

plying coal to morthwestern points.

ERRORS IN WABASH ACCOUNTS Expert Who Testifies in Missouri Pinds 2,004 Mistakes in Record of Two Months' Business.

field, special master in chancery, was rewoman's husband last night telephoned her of the state or territory affected, is au- expert accountants employed by the state the polis are open from 12 o'clock noon United States. Thereupon the secretary of close inspection of the records of the com- primaries. agriculture shall have charge of such grag- pany's earnings and expenses for 1904 and ing districts, appoint all officers necessary 1905, and said that he found 1,263 cierical no one can vote at a primary who is not errors in the company's accounts for June registered, and although he may register and 1,251 cierical errors in the accounts for October, 1965. He also claimed that are im- a change of his party affiliation on the ritories in which such districts are sit. proper apportionment of the operating ex- primary day, but must vote with the party usted to regulate their use for grazing penses had been made in the records, and that he had previously affiliated with. This that while 3.58 per cent of the company's mileage was in Missouri, the Missouri lines thereon under rules and regulations pre- were charged with 26 per cent of the total scribed by the secretary of agriculture, expenses. The accountant was on the of the republican members of the legisla- classify all public lands therein as grazing stand at some length on the methods on which he proceeded to make his compututions. It is estimated that at least two weeks will be required to finish the hearing.

Members Give Evidence of Intention to Follow Cut the Party Platform.

BILLS ON THAT LINE IN BOTH HOUSES

Dodge Presents His Frimary Eill of Last Session Slightly Amended.

DUTIES OF THE RAILWAY COMMISSION

Two Measures on This Embject Introduced in the benate.

WILSEY OF FRONTIER AFTER LOBBYISTS

Resolution a Most Drastic One and Brings Joe Burns of Lancaster to His Feet with a Protest.

(From a Staff Correspondent.) LINCOLN, Jan, 8.-(Special.)-Members of the legislature started in this morning to redeem their piedges to the people by the introduction of measures covering the platform. In the senate, Root of Case introduced two bills defining the duties of the State Railway commission and fixing the salaries of the members, while in the house among the very important bills ination of railroad terminals for municipal purposes, by Clarke of Douglas; a bill for a state primary, by Dodge of Douglas; an anti-lobbyists bill fixing a penalty of a fine or jail sentence, by Jenison of Clay; an anti-lobbyists bill, by Shubert of Rich-CHICAGO, Jan. 8.—The defense in the ardson; a 2-cent passenger rate; a bill hour behind the schedule; a bill to compel attorney general to bring quo warranto pro-

no foundation had been laid by the defense. In the senate Joe Burns of Lancaster got of the Twenty-fifth infantry. Incident to for the production of the books and records a chance to orate when Wilsey of Frontier his speech, in which he praised the presi- called for. Mr. Miller was sustained by the introduced a resolution providing a penalty of a jail sentence for lobbying. Burns bit-The defense, falling to secure any admis- terly opposed the resolution and it went recited the history of this regiment, which sions from members of the Employers' as- over for one day. King of Polk thought the

Committees were named in both houses

Dodge Introduces Primary Bill. What is considered one of the most important measures introduced is the state primary bill, by Dodge of Douglas. It is fense, asked Mayer if, as counsel for the the same measure introduced two years Employers association, he had advised the ago and later amended to apply to Douga short distance from the post. They strikebreakers to arm themselves and to las county alone and became what was known as the Dodge primary law. The bill contains the original provisions for a state-TARIFF EXPERTS MUST HURRY wide direct primary and does away with conventions of every sort, save when new parties are formed or when special elections are held. It also provides for the registration of voters on the primary date and the registration law will be amended to comply with this provision. Some WASHINGTON, Jan. 8.-The State de- changes have been made to comply with partment has intimated to the experts who the clauses that were criticised or held inwere sent to Germany to confer with Ger- valid by the supreme court, such as the man experts and compare notes relative matter of the filing fee, which instead of to complaints against the American tariff being a percentage of the emolument is schedules that it would like to have a re- now a flat sum for different offices. In adago on the outbreak at Brownsville, says, ac- port before the middle of February. This dition to the filing fee a candidate is rerequest was made necessary by the fact quired to circulate a petition in the elective that if any legislation is necessary to give district. Such petition must be signed by effect to the recommendations of the tariff at least 1 per cent of the voters of the experts, at least two weeks' time will be party in at least six countles in the state if a candidate for a state office. For a rep-While it is hoped by the department resentative in congress the petition must that, as the result of their conference with be signed by 2 per cent of the voters of the Germans, the American experts will be his party in at least one-tenth of the elecable to recommend some changes in ad- tion precincts in each of at least one-half ministration that could be effected by a of the counties of the congressional dismere amendment of the rules by the sec- trict and in the aggregate not less than 2 retary of the treasury, it is regarded as per cent of the total vote of his party in probable that the changes recommended such district; for an office other than the will be such as require legislation. In congressional district or state office by at this latter case if congressional action least 2 per cent of "he party vote in at upon the propositions cannot be expected least one-sixth of the election precincts before the adjournment of the present ses- and in the aggregate not less than 2 per

> forward from Tuesday seven weeks to Tuesday nine weeks preceding the general election in November, which will throw the primary election date into the last of Au-

> > Signers Must Be Verified.

Every signer of a nomination petition shall sign but one such paper for the same office and shall declare that he intends to support the candidate named therein, and an affidavit has to be made by the man circulating the petition stating that he is personally acquainted with all persons who have signed the same and that he knows them to be electors of that district. Such affidavit cannot be made by the candidate himself. Any political party is entitled to a place or lie official As it is that branch of the Northern Pa- primary ballot that has polled 1 per cent of the total vote cast at the last preceding general election in the ceased coming from the Roslyn mines and state. Nomination papers may be also filed for non-partisan candidates, but such papers shall contain at least 2 per cent of the total votes cast at the last preceding general election in the state or subdivision thereof in which the person is a candidate All names of candidates for elective offices are rotated on the ballot as in the Dodge primary law, but delegations to conventions are not rotated, doing away with the inconvenient and expensive rotating of the names as occurred under the old law. Inasmuch, however, as there will

ceptional cases, this amendment to the law is not so important. The filing fees are as follows: Candidates for United States senators, \$100; candidates for state offices, \$50; candidates for representatives in congress and judges of the district court. \$35; candidates for the state legislature and all county officers, 210. At all primary elections held for the November election in cities where registration is re-ST. LOUIS, Mo., Jan. 8 .- The maximum quired the polls are to be opened from \$ freight rate hearing before JJudge Scho- o'clock in the morning until 9 in the evening, but in all other cases and in the case sumed today. A. B. Taliafero, one of the of an Omaha primary for municipal offices to examine the records of the Wabash until 8 o'clock in the evening. The old law Railroad company, stated that he made a had lorger hours for the Omaha city

no longer be any convention save in ex-

on the day of the primary he cannot make prevents sudden and numerous changes from one party to another in order to take part in that immediate primary election.

in cities where registration is required

Provision for Party Machinery, The party committees are provided for as follows: The members of the county com-

(Continued on Third Page.)