GRAND JURY IS STILL BUSY

Six More Witnesses Examined in San Francisco Telephone Scandal.

SEVENTEEN SUPERVISORS HAVE CONFESSED

All Members of Board Save One Acknowledge Accepting Bribes—Detwiler Located Near Toledo.

SAN FRANCISCO, March 28.—No indictments were returned today for graft or bribery by the grand jury, and only six witnesses were examined: A. B. Cass, president of the Home Telephone company of Los Angeles, who was subjected to further inquiries as to the accounts of that corporation and the fund of $200,000, said to have been sent to San Francisco by certain of its officers for use in bribing the supervisors to grant the Home company the competitive telephone franchise in this city, which was finally awarded, after, as claimed by the prosecution, approximately $75,000 in bribes had been paid to the supervisors by the rival company to insure their voting against the award; J. N. Martin of the Adams-Phillips company of Los Angeles, who with J. S. Torrence, it is said, brought to San Francisco in an automobile the $100,000 which, it is alleged, was paid by the Home Telephone company for its franchise, $25,000 to the city and $75,000 to the relief fund. George Beanston of the bookkeeping department of the Pacific States Telephone company, who was further questioned as to his familiarity with the accounts of that corporation insofar as they were affected by the bribes alleged to have been paid. John A. Mallon, statistician of the Pacific States Telephone company; J. S. Torrence of Los Angeles, one of the brokers who handled the bonds and securities of the Home company of that city and, Percy C. Morgan of the California Mine Producers association, who was a member of the executive committee of the Pacific States company at the time of the supervisorial bribes are alleged to have been paid.

When questioned at the close of the grand jury session as to testimony adduced, Assistant District Attorney Heney said that subpoenas to appear before the grand jury on Saturday were served today on officials of the Western Bank and the United States National Bank of this city. He would not say to what they would be expected to testify.

"We hope," he said, "to clean up both the Pacific states and Home bribery matters on Saturday and turn to the investigation of other felonies next week."

He added that all five members of the Pacific States Telephone company executive board have been subpoenaed to come before the inquisitorial body.

Seventeen Supervisors Confess.

Supervisors Charles Boxton, M. W. Coffey, D. G. Coleman, Sam Davis, J. J. Furey, J. L. Gallagher, C. J. Harrigan, J. F. Kelly, T. F. Lonergan, Max Mamlock, P. M. Gushin, F. P. Nicholas, J. J. Phillips, L. A. Rea, W. W. Sanderson, E. I. Walsh and A. M. Wilson—seventeen of the total eighteen comprising the Supervisors' board, it is said, have confessed to the grand jury what they know about bribes. It is also said that the only supervisor who has not confessed in exchange for promise of immunity is George F. Duffy. Indictments charging Vice President Louis Glass of the Pacific States Telephone company with bribery of nine of the supervisors in the sum of $5,000 each already have been returned, and the statement may be authoritatively made that the grand jury is now prepared to indict Glass for the bribery also of Supervisors Duffy, Furey and Sanderson.

Detwiler is Located.

Detective Burns, who, with Assistant District Attorney Heney has worked up practically all of the evidence in the graft bribery investigation, stated tonight that Abraham K. Detwiler, whom the grand jury has indicted on thirteen counts for bribery of administration officials in behalf of the Home Telephone company, is neither in the east nor in the west, but is secreted within a few miles of Toledo, conferring with friends as to the advisability of giving himself up.

"My men know where Detwiler is," said Burns, "and are prepared to produce him as soon as the prosecution is ready to attend to his case. That will not be for a week or ten days, I think. In the meantime there is no chance for the indicted man to get away if he should desire to do so."

Superior Judge Lawter today immediately after the arraignment of Glass on the nine bribery counts returned against him, issued thirteen fresh bench warrants for the arrest of Detwiler and fixed bail at $10,000 on each of them, a total required sum of $130,000. When the warrants were handed to the sheriff Judge Lawter said: "The sheriff will invoke the aid of the police department for the apprehension of defendant," and he continued the thirteen cases to April 4, for arraignment, the day set for Glass to plead.

Secret Box in Schmitz Home.

Abraham Ruef was today removed from his prison chamber in the fashionable St. Francis hotel to the residence formerly owned and occupied by Mayor Schmitz.

A somewhat sensational incident in connection with this former home of Schmitz's came to light today through an announcement by Burns that while minutely examining the premises for possible loopholes of escape, he found, by turning back the carpet in the chamber once occupied by the mayor as his bedroom, a secret plush lined chest, fitted securely with a lock. The roof of the recess was a section of the floor and upon prying this up the plush lined box was disclosed, set in between two sills of the floor.

"It was about 2½ by 3 feet and nearly one foot deep," said Burns, "and probably was used to conceal valuable or papers of a secret nature. It was empty."

The grand jury adjourned until Saturday afternoon.

THERE'S no need of being alarmed about the delivery of your Easter suit—it's ready. Get it today or tomorrow at your clothes dealer. It's a great convenience, this ready-to-put-on clothes service and it has taken a good many years to perfect it. We've been at it 42 years and we've not only perfected patterns for Schwab Clothes so most men can be perfectly fitted on a moment's notice, but by the enormous business we've established we are enabled to give you excellent grades of garments at $10 to $25.

You'll find Schwab Clothes on sale at good clothing dealers everywhere. Go to the dealer that advertises Schwab's $15 Special—our original hand-made suits with the retail price "on the sleeve" and you'll have no difficulty in getting properly fitted for Easter. Write for our new booklet, "The Plant Behind the Suit." It's Free. It tells all about our model tailoring plant.

Look for this Trade-mark:

Schwab's $15. Special

"It's On The Sleeve"

Schwab Clothing Co.
Makers of Honest Clothes
ST. LOUIS, MO.

BANKING COMPANY ASSIGNS

House Founded by Austin Corbin, Unable to Meet Demands, Closes Doors.

NEW YORK, March 28.—The Corbin Banking company today assigned for the benefit of creditors to George C. Austin. The two members of the company are George S. Edgell and Austin Corbin. Mr. Edgell is president and Mr. Corbin vice president of the Manhattan Beach hotel and Land company.

At the office of the company this statement was given out:

The Corbin Banking company is a firm of private bankers consisting of George S. Edgell and Austin Corbin. The assets exceed the liabilities by over $1,000,000. The principal assets consist of valuable real estate, which could not be sold, except at a sacrifice, in time to meet maturing obligations. The members of the firm deemed it best for the creditors, therefore, that they should make an assignment. The creditors will undoubtedly be paid in full.

The Corbin Banking company was established by the late Austin Corbin, sr., who was for many years the controlling influence in the Long Island Railroad company.

A petition praying that Austin Corbin and George S. Edgell be declared bankrupts was filed in the United States court today.

The petitioners are Isabelle H. Knott of Denver, Alice Hill of Los Angeles and Alexander J. Shamburg of New York, depositors in the bank. Their petition is based on the ground that the making of an assignment was in violation of the bankruptcy act.

MINNEAPOLIS BOOM BREAKS

Five Million Feet of Logs Lost When Ice Goes Out of Mississippi River.

MINNEAPOLIS, Minn., March 28.—Fully five million feet of logs have been lost as a result of last night's rise in the Mississippi river, according to estimates made today. Ice broke above the boom of the Minneapolis boom company and sent thousands of logs racing down the river. The water rose rapidly, flooding some of the houses along the stream.

REWARD FOR MARVIN CHILD

Father of Kidnaped Boy Will Pay $1,000 in Gold for His Return.

DOVER, Del., March 28.—Dr. Marvin, father of Horace Marvin, aged 4 years, who has been missing from his home near here for more than two weeks, today deposited $1,000 in gold with the cashier of a local bank, which will be paid for the return of the boy.

First Game is Tomorrow.

Pa Rourke's new team of Western league stars will be in action for the first time tomorrow afternoon at Vinton Street park, when it meets the Lee-Glass-Andreesen Originals, the champion semi-professionals of Omaha. The men on both teams are preparing for a victory. Pa's men have been working out all week and are rounding to. They will be new to each other tomorrow and if the amateurs should get the game no feelings will be hurt, but Pa does not intend they shall get it. These same teams will also play Sunday. The game each day will be called at 3:30. The lineup in complete form is:

OMAHA.		L.-G.-A.
Dolan, Ury	First	E. Clair
White	Second	Mullin
Austin, Graham	Third	Minikus
Franck	Short	Lawler
Autrey	Left	Casey
Welch	Center	Robin
Belden	Right	Gibson
Gonding	Catch	E. Clair
Townsend	Catch	Creighton
Thompson	Pitch	Scully
Sanders	Pitch	Adams
McNeeley	Pitch	Williams
Hall	Pitch	
Metz	Pitch	
Hagan	Pitch	

BEHOLD, AUTREY ARRIVES

Omaha Sleeps in Peace After Excitement Over the Distinguished Event.

MEXICO TO NEBRASKA IN TEN DAYS

All But Three Members of the Rourke Family Are Now Here Ready for that New Pennant.

"Autrey has arrived, Autrey has arrived!"

Omaha slept in peace last night, but it was peace purchased at a dear price—the price of long, patient waiting and of lung power seldom ever expended in a city of equal size.

"Autrey has arrived."

On every lip, in every ear was that sententious proclamation fraught with such tremendous significance. Mayor Jim's dog muzzle edict wasn't a circumstance. The town rung and reverberated. "Autrey has arrived," shouted the leather-lunged newsboy. "Autrey has arrived," yelled the office boy; "Autrey has arrived," exclaimed the man of affairs and the demure miss gently passed it on, kept up until it sounded like one vast choir chanting some sacred line—"Autrey has arrived."

But the solemnity and the sonorousness of the occasion was broken in a Farnam street car when a rotund form rolled into the pack of excited passengers worming and squirming for a place to set a foot on the way home.

"Autrey has arrived," blatted out a wide-mouthed fan, reaching his neck half-way along the car to impart this precious information to a friend. The rotund man was standing between them.

"Who the h— is Autrey? Is he the president of the United States? What's the matter, has this whole d— town gone crazy? I've heard nothing for the last half hour but this confounded yelp about 'Autrey has arrived.' What's it all about? What if he has arrived, who cares? Don't drive a man crazy with your infernal yelping."

Not another word was said about Mr. Autrey in that car. But down at Pa Rourke's Smoke House in the evening many words were said. There was Autrey, the long-legged fielder who had walked from Mexico City to Omaha in ten days, defied sentinels, crossed dead lines, run the gauntlet of international collectors and the gamut of human experience in order to be here for the first game Saturday.

It was one of the events of the year, the arrival of Autrey. The Tennesseean was in good form, showing no effects of his long journey save a few stone bruises on his feet. He says they will soon disappear.

"I'll be out at the park tomorrow afternoon," he said, "and there when the gong rings Saturday. I am in good form and feel like a 2-year-old."

This makes Pa's family nearly complete. Only War Sanders, Bender and Belden are yet to come. They will be in in a few days.

Pa Enthused Over His Team.

St. Louis Thompson arrived Wednesday and immediately jumped into the harness to condition himself for the championship race which is soon to start at Vinton street park. While he has had little work this spring, he is in fine form. Thompson pitched some good ball for the St. Louis Nationals last year, winning a fair proportion of his games, when it is considered he had a tail-end team to back him up.

Buck Franck arrived Tuesday night and when he had had a confab with Pa, who told him to take complete charge of the work of the men, he knew he was to be full captain of the team and that it was up to him to get some work out of the new men.

Going to the park Wednesday morning, Franck took charge of the players and put them through their stunts with a vim which showed the skilled Italian touch of a born leader. He is a hard worker himself and believes in the men working hard.

"Wait till the fans get a good look at that new infield," said Pa to a bunch at the Smoke House. "There is nothing to it. They are certainly the goods. Never has Omaha had three such speedy men for short, second and third as Franck, White and Austin. Each has a whip that is a corker and all are fast on their feet. They will cover the territory as it has never been covered before."

Pa is right, for this new trio has jumped right into the game and when the fans see them in action Saturday and Sunday they will decide the same way for themselves. Without making the task too hard for Austin, the fans will have a chance to compare his work with that of Perring, and it is said by some who have watched the practice that Perring will soon be forgotten. But it is not necessary to minimize the wonderful work of Perring in order to do justice to the new man. It's simply this: If Austin beats Perring he beats one of the fastest and most promising men in the country. And the fans will not complain if he only equals Perring.

The other day down in St. Louis, Sandow Mertes and Billy Abstein picked a couple of teams and played a game of ball. The line-up shows Bill Schipke, second base and leading off at the bat for the Abstein's and Frank Genins, second base and leading off for the Mertes'. Both Schipke and Genins live in St. Louis and had not yet left home for their summer's work. Schipke, it is supposed, will be with Des Moines again and it is not known where Frank will go, probably back to Hutchinson.

"I seriously doubt the report that George Hackenschmidt has decided to come over the waters and meet Frank Gotch," says Jimmy Parr, the English champion wrestler, who meets Farmer Burns at the Auditorium Friday night. "I have not seen Gotch for a couple of months and cannot, therefore, speak authoritatively, but it is my impression the report is unfounded. I do not believe Hack is confident enough of himself to be willing to go against Gotch just now. Sometime ago he was quoted as saying he had not learned enough about the toe hold to meet Gotch and he could not have learned a great deal since.

"Speaking of that toe or foot hold, I think that is the greatest of all holds."

"Yes," put in Cy Perkins, "if a fellow gets the foot and a hammerlock on you, you might as well quit."

"A perfect foot hold is fatal without the hammerlock," said Parr.

Parr thinks a good deal of Oscar Wasem as a candidate for the top-notch wrestling ring.

"He's a mighty clever fellow, I think," says Parr. "He is young, strong, active and resourceful and is bound to come."

Asked his opinion of Prof. Dwyer, the White House trainer whom Fred Beel recently threw at Denver, he said:

"He's a good man; just about such a man as Wasem at present. He and Wasem ought to make a swift match."

Wasem's victory over big Duncan McMillan at Lincoln strengthens faith in the St. Louis boy.

Parr is putting in good licks for his match Friday night. He is working out with various ones at Morgan's. Thursday evening Pete Loch went on the mat with him and stayed seven minutes.

"He's as swift as a cyclone," said Pete.

Farmer Burns is expected in today. He was looked for yesterday. Interest is at the white heat point over the contest.

Some people say base ball is not profitable and that a ball player never saves a cent. Consider these facts below and then consider they could be enlarged on to a vast extent:

Frank Chance, a professional for only about nine seasons, owns $10,000 of stock in the Chicago Nationals, practically will control the Los Angeles team this year, owns real estate in Chicago and at his home, Fresno, Cal., and is just now 30 years of age.

Roger Connor has houses and lots in Waterbury that put him in the $100,000 class without the least doubt.

John M. Ward has recently purchased a fine home on Long Island, has a trout preserve and other conveniences that only a fortune of $75,000 can allow of. Mr. Ward also has an extensive law practice that brings him in a lucrative income.

John J. McGraw has a fortune of at least $100,000. McGraw makes a success at anything he undertakes.

Dan Brouthers, although he has left Wappinger Falls for the metropolis, is worth close on to $50,000.

Danny Richardson has the biggest dry goods store in the southern tier of counties in New York state, and six figures will about name his wealth.

Jim White has a livery stable in Buffalo and a farm of 100 acres, and Jim does not have to worry about a hard winter. Jim is worth $50,000 if a cent.

Frank Bowerman owns pretty near all of northern Michigan—in spots—and $50,000 about figures his bank roll.

Chesbro has several farms in the Berkshires, and Griffith owns a Montana ranch. Their wealth cannot be far away from the $50,000 mark for each.

And as for Willie Keeler, he is the capitalist of the eastern district. Wee Willie is worth $100,000 if he is worth a cent.

Hanlon is another old player who can reach the six-figure combination when he cuts coupons.

Joe Kelley is another lucky ball player, but Joe "filled in" right in having a rich father-in-law.

Jim McGuire owns about all of Albion, Mich., besides flour mills, hotels and dogs galore. Jim is worth $50,000.

Cap Anson is city clerk of Chicago, and Anse can dig up $25,000 without any trouble.

Napoleon Lajoie should not be obliged to eat snowballs, and Tuck Turner, although not long in the business, together with John Anderson, has yet to spend the first dollar he has made in base ball.

John Tenney is president of a bank in Pennsylvania, grand treasurer of the Benevolent Protective Order of Elks, its next exalted ruler and a man of affairs.

Charley Comiskey can write out a check for $100,000, and Charley Jones can sign his for $50,000 if one is not looking.

There are plenty of the younger generation of players who have bank accounts, brick houses and such, and with a few more years will doubtless be able to show up some of the millionaire old-timers.

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For 50 years we have been making Good old GUCKENHEIMER Rye in the same old way, at the same old place.

It is the same *pure* whiskey with the same fine distinct flavor it has had each year

"Since 1857"

Bottled in Bond

A. Guckenheimer & Bros.
"Since 1857"
Distillers Pittsburgh, Pa.

"CHICK" STAHL ENDS HIS LIFE

Boston Base Ball Player Commits Suicide by Poison at West Baden.

WEST BADEN, Ind., March 28.—Charles S. Stahl, known in base ball circles as "Chick" Stahl, committed suicide today in his rooms at the West Baden Springs hotel by swallowing four ounces of carbolic acid. He was dead when found. No cause is known.

Stahl was captain of the American base ball team of Boston and formerly lived at Fort Wayne, Ind. Manager Taylor has abandoned the spring practice game of the team.

Stahl, near the close of last season, succeeded his friend, James Collins, as manager and captain of the team and had been given the combined position permanently for the season. He resigned as manager Tuesday last, saying the duties of center fielder, captain and manager were too arduous.

In Chicago yesterday President Taylor of the club was quoted as denying the rumor that Collins will succeed Stahl as captain and manager.

SCORES OF WOMEN BOWLERS

Brass Buttons of Doe Run, Mo., Win Five-Women Team Prize.

ST. LOUIS, March 28.—The competition for women under the auspices of the American Bowling congress took place tonight on the alleys of the Crescent rink. Five-women teams and individuals were the only classes for which entries were received. The Brass Buttons of Doe Run, Mo., with a score of 2,285, won the team championship. Following are the scores of the other teams:

Olympias, St. Louis	2,195
Visitors, St. Louis	2,074
South Sides, St. Louis	2,008
Union Sodas, St. Louis	1,947

The individuals were divided into two squads. Following are the scores made by the first:

Mrs. G. H. Strathman, St. Louis	552
Mrs. Bloom, St. Louis	472
Mrs. Marshall, St. Louis	442
Mrs. Anderson, St. Louis	425
Mrs. J. B. Graves, Doe Run, Mo.	418
Mrs. Kaufmann, St. Louis	411

DUNLEAVY WHIPS FRED BLAZEK

Omaha Man Makes Game Fight, but is Outclassed.

WILBER, Neb., March 28.—(Special.)—Sports of Wilber and surrounding towns witnessed a fast fight between Jack Dunleavy of Boston and Fred Blazek of Omaha. Dunleavy scored his third knockout in the opening of the eighth round. The men were evenly matched as to weight, but Blazek's blows seemed to lack force when he landed, which was seldom. Dunleavy forced the fighting from the start and kept Blazek on the defense most of the time. The main event was preceded by two preliminaries, a four-round go between Harry Stout and Dan Morford, both of De Witt, and a six-round exhibition between Kid Yanger and Tommy Campbell, both of Omaha.

M'GRAW FORFEITS THE GAME

Manager Takes Team from Field Because Kick is Not Allowed.

NEW ORLEANS, March 28.—The game between the New York Nationals and Philadelphia Americans here today was declared forfeited to Philadelphia at the end of the first half of the first inning. New York was at bat, with two out, men on second and third and no runs. Manager McGraw claimed Pitcher Plank of Philadelphia balked, but Umpire Zimmer of the Southern league refused to allow the balk.

A wrangle followed, during which Catcher Bresnahan of New York was escorted from the field by the police and McGraw was ordered by the umpire to leave the field.

The New York manager took his team with him and forfeited the game.

Frank Outpoints Deele.

NEWARK, N. J., March 28.—In the 125-pound class of the championship wrestling meeting of the Amateur Athletic union here tonight, Edgar A. Frank of the Multnomah Athletic club, Portland, Ore., was outpointed in the six minutes allowed by the rules by George S. Deele of the Yale Wrestling club of New Haven. Frank Vance of the Seattle Athletic club, Seattle, Wash., was thrown in forty-seven seconds by Fred Cooke of Newark in the 133-pound class.

AMES BASE BALL SQUAD BUSY

Team May Be Picked Next Week for State College.

AMES, Ia., March 28.—(Special.)—Base ball work at the Iowa State college is progressing very finely this favorable weather, and if the boys all remain at the college and train during the coming five days' vacation as they now intend to they will be in the best of trim for the games that are coming in a short time after the vacation closes. The team has not yet been picked, but will be selected the first or second day after the Easter vacation, a fact which tends to induce all of the men to stay at the college and train consistently during this short recess. It is said that Coach Williams will have the men doing steady work twice a day and have them all lined up for their various positions by the time the vacation ends. In case this plan is followed there will be little chance for the fellows that do not remain and train to get a position on the team, and so it is thought that all will report for duty daily.

Coach Williams called a meeting the other night and stated during a talk to the fellows that the squad that would begin the games for the college would probably be picked April 2. The usual talk of probable candidates is being put up, but as yet nothing definite can be said. In selecting a pitcher there are about seven men to choose from and few would be willing to risk a guess as to who will be the lucky men. About fifty men are out all told and the positions will all be decided after very sharp rivalry. A fact that gives the base ball enthusiasts about Ames very great confidence in the ability of the team that is chosen to defend the diamond record of the school. The first games will be with league teams, both the Marshalltown and Cedar Rapids leagues having been secured for games.

WITH THE BOWLERS.

The Onimods took a spurt last night and won three straight games from the Hamiltons. Forscutt was high man for both high game and total, with 246 and 635. Tonight's teams are the O. D. Ks. and Dreshers. Scores:

HAMILTONS.

	1.	2.	3.	Total.
Pickering	155	167	144	466
Rempke	180	131	145	456
Liggett	165	174	179	518
Nicoll	156	155	153	464
Frush	191	193	213	597
Totals	847	820	834	2,501

ONIMODS.

	1.	2.	3.	Total.
McCague	174	179	197	550
Tracy	212	174	148	534
Heaton	183	152	206	541
Forscutt	188	201	246	635
Francisco	130	192	191	513
Handicap	8	8	8	24
Totals	895	906	996	2,797

On the Metropolitan alleys last night the Falstaffs redeemed their past reputation by getting two out of three games from the strong Colt team. Voss, Drinkwater and Dudley did the heavy work for the Colts, while Berger and La Vigne had to pull the Falstaffs to Victory. Tonight, El Caudillos vs. Omaha Bicycles. Score:

CARMAN'S COLTS.

	1.	2.	3.	Total.
Hull	181	156	155	492
Carman	187	137	170	494
Voss	178	211	166	555
Drinkwater	168	200	168	536
Dudley	154	216	193	563
Totals	875	920	842	2,637

FALSTAFFS.

	1.	2.	3.	Total.
Berger	207	221	225	653
Klauck	168	191	139	498
Rudy	161	161	152	454
Boselin	132	180	154	466
La Vigne	158	180	189	527
Totals	816	933	859	2,598

Seven Prisoners Escape.

SOUTH McALESTER, I. T., March 28.—Seven prisoners overpowered their guards and escaped from the United States jail here today. One man was recaptured.

Made in New York

AVOID vulgarity expressed in "loud" clothing. Alfred Benjamin & Co. make clothes only for men of good taste—distinctive in character but never over-stepping the limits of correct form. The merchant in this city who sells clothing bearing the Alfred Benjamin & Co. label sells the very best clothing the most skilled tailormen can produce.

Alfred Benjamin & Co. MAKERS NEW YORK

Correct Clothes for Men

Exclusive Agent Here.

Guarantee Clothing Co.

1519-1521 Douglas St.

$62.50 To California via Portland: Same tickets as next above, bearing additional privilege of going via Portland in one direction. Wider choice of routes.

$50.00 To California: Los Angeles and San Francisco. Round-trip, first-class, sold April 25 to May 18, also sold June 8 to 15, at same rate. Stopovers at any Rock Island point. Choice of routes.

$25.00 To North Pacific Coast: Portland, Tacoma, Seattle, Victoria, Vancouver. One-way tickets sold daily until April 30. The Rock Island offers choice of several routes.

$25.00 To California Points: Los Angeles, San Diego, San Francisco, etc. One-way tickets sold daily until April 30. Cool in tourist sleepers on payment of berth rate.

1907 Excursions to the Pacific Coast

Other excursions coming in June and July. Full particulars on request.

Rock Island

F. P. Rutherford, D. P. A., Rock Island Lines. 1323 Farnam St., Omaha, Neb.

HILL MAY SELL HIS STOCK

Great Northern Railway Not Compelled to Make Previous Showing.

MINNESOTA SUPREME COURT DECIDES

Act Under Which Suit Was Brought Declared to Be in Violation of Terms of State Constitution.

ST. PAUL, March 28.—The state supreme court upheld the Great Northern railroad in its contention that it had the right to issue the $60,000,000 of stock authorized by the board of directors some months ago and which was enjoined by Attorney General Young, who claimed that the company should first come before the state railroad and warehouse commission and submit to an examination to show the necessity and the purpose of the issue.

This contention of the state was upheld by Judge Hallam in the Ramsey county district court, who ordered an injunction to issue. The supreme court today reverses that decision.

The opinion of the court was unanimous. Chief Justice Start delivered the opinion of the court, the syllabus of which is as follows:

The terms and conditions upon which corporations may be created, the powers and capital stock they may have, the purposes for which they may increase the capital stock and the conditions and limitations of these are exclusively matters for legislative action, which cannot be delegated.

The state having created railway corporations for public purposes, the legislature has the right to enact statutes regulating the increase of their capital stock. Such regulations tend to prevent secrecy of operation and accounts by such public agencies and the issue and sale of fictitious or watered stock, which is a felony in this state.

In the exercise of this right the legislature may enact a statute providing generally for what purposes and upon what terms, conditions and limitations an increase of stock may be made and confer upon a commission the duty of supervising any proposed increase.

It may also delegate to the commission the duty of finding the facts in each particular case and authorize and require it, if it finds the existence of facts that bring the case within the statute, to allow the proposed increase; otherwise to refuse it.

Any statute, however, which attempts to authorize the commission, in its judgment, to allow an increase of capital stock for such purposes and on such terms as it may deem advisable or in its discretion to refuse it, would be unconstitutional as an attempt to delegate legislative power.

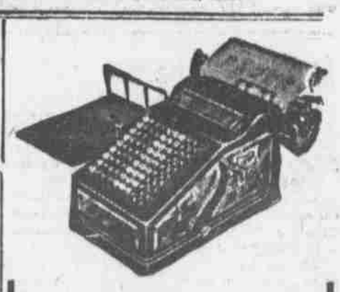
Section 2872, R. S., 1905, relating to increase of capital stock of railway corporations, does not violate article 1, section 2 of the state constitution, or article 1, section 10 of the constitution of the United States, which forbid the enactment of any law impairing the obligation of contracts. It does, however, violate section 1, article 10 of the state constitution, in that it delegates to the commission legislative power.

The order of the county court is, therefore, reversed.

Hill Expected Result.

NEW YORK, March 28.—"The decision of the Minnesota court was no more than we expected," said J. J. Hill, when informed that the supreme court had upheld the Great Northern stock issue. "For fifteen years we have been doing the same thing, with never any serious opposition from the authorities of that state."

The four deferred payments on installments on new Great Northern stock will amount to $34,000,000 by April 9 next. As the payment of so large a sum at this time might create some disturbance in the money market, it is believed that stockholders who may find it inconvenient to pay the full installments will be granted an extension of time.



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