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OMAHA, TUESDAY MORNING, JUNE 18, 1907-TWELVE PAGES.

SINGLE COPY TWO CENTS.

San Francisco Executive Finally Removed from Office.

BOARD OF SUPERVISORS ACTS James Gallagher is Appointed Acting

Mayor.

All Departments of Government to Be

Reorganized.

SCHMITZ WANTS NEW TRIAL

Attorneys for Former Mayor Say if it is Refused Case Will Be Taken to Court of Last Resort.

BULLETIN.

SAN FRANCISCO, Cal., June 17 .- Mayor Schmitz was formally removed from office by the supervisors at their meeting this afternoon. Supervisor James Gallagher was named as acting mayor in his place. BAN FRANCISCO, June 17 .- When the supervisors meet today it is expected that the preliminary steps will be taken to reorganise the city government. While it may not be deemed advisable to read Mayor Schmits out of his office today, action will that the federal court be taken, should no legal obstacles intervene in the meantime which will lay the foundation for such a step. It is recognised by the graft prosecutors that if the mayor is permitted to transact official business at the county jail he will be able to make the claim that he is well able to perform the duties of his office in prison as any other place. For this reason the prosecutors will endeavor to have the supervisors act as soon as it can legally be

With the obedient supervisors in control one of the first steps will be the reorganisation of the police department and this will be followed by changes in the board of public works. It will be impossible, howover, to affect such reorganization without wholesale dismissals. In order to oust Chief of Police Dinan it will be necessary. it is said, to remove the present police seion and the present members of the board of public works may have to go. Office Holders Are Disturbed.

Since the conviction of Schmitz, there has been considerable alarm among these of-ficials who hold their jobs by grace of the mayor's favor. While it may be necessary to sweep out of office a large number of Schmitz appointees no one will be disturbed, it is said, who has attended to his duties. The attorneys for Mayor Schmitz, now in jail awaiting sentence for extortion of which he has been convicted, announce their determination to take his case to the United States supreme court if Judge Dunne overrules their motion for a new trial on June 27 and the appellate court

makes a similar denial. J. C. Campbell of counsel for Schmitz,

"To se hardly to be expected that Judge Dunne will grant our motion for a new trial, but his refusal will not put an end to our activities. We will appeal to the ne court of the state and to the hteher tribunal at Washington if neces-BRITY.

The cases against President Calhoun, General Manager Mullaly, Chief Coupsel Ford and Assistant Counsel Abbott of the United Railroads for bribery of supervisors were called before Judge Lawlor today for hearing of motion to set saids the indict-

WESTERN MATTERS AT CAPITAL

Number of Postmosters Appointed for Nebraska and Iowa

(From a Staff Correspondent.) WASHINGTON, June 17 .- (Special Telegram.) - Postmasters appointed: Neraska - Leshara, Saunders county, Thomas O. Finson, vice R. S. Esty, removed; Princeon, Lancaster county, Noah Egger, jr., vice W. F. Ulrich, resigned; Williams, Thayer county, Albert O. Boggs, vice J. C. Lamb, resigned. Iowa-Rutland, Humboldt county, C. L. Johnson, vice M. E. Johnson, deceased.

Fred Schwery has been appointed reguand Dessa Schwery substitute free selivery carriers for routs 1 at Panamp. In.

The Firt National bank of Belmond, Ia. has been authorized to begin business with \$20,000 capital. G. H. Richardson, presisent; T. B. Kaufman, vice president; W I. Rosecrans, cashier.

Bids were opened today for the con struction of the public building at Webster City, Ia. The lowest bidder was C. E. Atkinson of Webster City, Ia., at \$51 .-

About 1,280 acres under temporary withdrawal for forestry purposes adjoining the Big Horn national forest reserve in Wyoming will become subject to settlement on September 30 next and to entry filing of selection October 30 at the land office at Buffalo, Wyo.

J. J. Donahue, chief of police of Omaha was in Washington today enroute to Jamestown, Va., to attend the annual meeting o fine International Association of Chiefs of Police.

WOMAN MAY DIE OF BURNS Mrs. A. S. James of North Platte Severely Injured in Fire in

NORTH PLATTE, Neb., June 11 .- (Spestall)-A fire this mornie; in the cottage of A. S. James and wife was caused by the explosion of a gasoline stove. Mrs. James was confined to her bed by sickness. The are reached her and burned her severely from head to foot. Mr. James, who is an employe of the Union Pacific railway. working at nights, was also asleep and was badly burned. Both were carried to lhe nearby home of a physician and cared lor. Mrs. James' injuries may prove fatal. Although the house was not entirely burned, it will be a total long.

KILLS WIFE AND HIMSELF Detroit Man, After Family Quarrel, Murders Woman Who Had

Applied for Divorce. DETROIT, June 17,-William Roule. carpenter, cut his wife's throat last night and slashed his own with the same razor. Both died where they fell, in a bed room

MAYOR SCHMITZ OUT SUMMARY OF THE BEE STOLYPIN IS RESPONSIBLE ITO AND AOKI IN CONFLICT TAFT IN OMAHA TONICHT

Russian Premier Object of Bitter Reactionary Intrigue.

SITUATION IS NOW WELL IN HAND

Press Everywhere Mussled and Troops Holding Control-Feeling Government Has Made Mistake.

a strong current of opposition is known to tion. prevail, not only on the part of the mod- The text of a resolution which has been ents of the radical majority. A faction of follows:

cuntary loss. the members of the lower house who have general such incidents as are reported to but who, according to original plans, did not been addressed probably will content have occurred must not be taken as exitself with issuing a series of proclama- pressions of their will. It is believed, tions addressed to the peasantry, the army therefore, that the question, if properly and navy, and the workmen, accusing the handled, is capable of a just and intelligovernment of violating faith with the gent solution. country by altering the election law in defiance of the imperial pledges, and appealing to the masses to continue the fight to of the people and thus injuring the naoverthrow the existing regime.

The social revolutionists at a conference held last night, declared the proposed strike peaceful diplomacy." and appointed a committee to draft an address to the peasantry, the army and navy, and the workmen. The national socialist and group of toll members are also in contemplating the issuance of manifestos to their constituents.

News Received Quietly. Telegrams from practically every city in the empire announced that the news of the of this city, national secretary of the dissolution of Parliament was received American Federation of Catholic Societies. quietly and with almost an entire absence announced today that the program for the of demonstration. Even at Odessa and sixth national convention of the American Klev no disturbances occurred. The pre- Federation of Catholic Societies, to be held fect of police of Kiev issued orders that no. in Indianapolis July 14 to 17, has been comdemonstrations on the part of the reac- pleted. The convention, Secretary Matre

of Parilament be permitted.

States. Fully 1,500,000: Catholics will be represented. The delegates will represent fect of police of St. Petersburg, in prohibit- such national bodies as the Catholic Order ing hostile criticism of the government was of Foresters with 130,000 membership, the followed almost universally by the govern- Ancient Order of Hibernians with 200,000 ors general throughout Russia, completely members, the German Central verein with muzzling the liberal press. The few news- 100,000 members, the Knights of St. John, papers appearing here today made ex- The Catholic Knights of America, the tremely guarded comments on the situa- Young Men's Institute, the Catholic tion, the radical Russ contenting itself with Knights and Ladies of America, the Cathexpressing the hope that two election cam- olic Mutual Benefit association, the paigns in one year will widen the political Women's Catholic Order of Foresters, the horizon of the people and make them firm Western Catholic union, the Irish Catholic adherents of the idea of parliamentarism. The Novoe Vremya, which has aligned legion, the Bohemian and Slavonic na-

itself with the reactionists, attacks the tional bodies, besides many state federanew election law as a half way measure tions, confederations, Catholic parishes and affording the possibility that the revolutinstitutions. Ten thousand Catholic tionary elements will again be able to dians, as well as the Porto Rico and Hawaii able to enter Parliament. Government Has Failed.

A close study of the n pleads not guilty of murder and will be so bulky document of eighty pages of complicated phraseology, has somewhat Paxton & Gallagher start placing the dispelled the feeling of gloom in liberal circles. The idea is gaining ground that calssons for foundation to their new jobthe government has falled in its intentions Page 7 and that there is a possibility there will be and poorer categories of urban voters.

> would be exclusively conservative. According to the opinion of a foreign law sufficiently to produce the desired re-

sults. Bitter Against Stolypin.

The feeling in court circles against Premier Stolypin, who has undertaken full present basis of suffrage, is said to be bitter and he is alleged to be the object of a strong reactionary intrigue.

The grant of seven parliamentary reprewas decided upon at the last moment. The Moyer and Pettibone at Bolse are disoriginal plan was to disfranchise the posed of. Caucuses entirely, but this was abandoned owing to the representations of Count SEEK TO END DIFFICULTIES Verontzeoff-Dashkoff. viceroy save his political head. The holy synod has ordered the imperial manifesto to be read in all the churches next Sunday.

The committee of the lower house of cided to issue its report posthumously. pension of any of the accused deputies. Even moderates like Prof. Kuzmin-Kar wored the surrender of any of the culprits against whom there was definite grounds for suspicion, acquisced to this finding.

MEN OBEY FAKE MEASURE Telegraph Operators on Alton Lines Stop Work on Receipt of

Same.

KANSAS CITY, June 17 .- "To All Telegraphers: Quit work at once. You are liable to a fine of \$1,000 for violation of

The foregoing message went over PARIS, June 17.—The government has telegraph wires of the Chicago & Alton railway lines yesterday. It bore the date line of Ryder, Mo., a station near Kansas City, that has been closed for several to the local authorities at Argelliers to months, and was not signed. Six operators, arrest Marcellin Albert, the leader of the two from each of the stations of Watmovement, but Albert, anticipating the son, Booth and Curryville, obeyed the order and quit work. The law referred to in the message went into effect last Frito a fine of \$1,000 for compelling or permitting operators at block signal stations to work longer than eight hours a day

The operators are not held liable,

Ambassador to United States

—Ministers Meet.

WASHINGTON, June 17.—A private cablegram was received here today stating that the Marquis Ito and the elder statesmen of Japan held a conference with Foreign Minister Hayashi in Tokio last Wednesday, when, at the urgent request of the marquis, it was decided to recall Viscount Aoki, the ambassader to this country. The statement was made in an authoritative quarter that the Marquis Ito and Ambassador Aoki have not been on friendly terms for many years.

ST. PETERSBURG, June 17.-The chances TOKIO, June 17.-Leading members of the of the proclamation of a general strike in constitutional party held a meeting this apswer to the government's coup d etat are afternoon and passed a resolution on the steadily lessening. The question is now American question, recommending, in view under discussion at a secret conference of of its importance, calmness and prudence the central committee of the social demo- and also the advisability of trusting to crats, which is being held in Finland, but both governments for a satisfactory solu-

erate leaders, but also among the adher- adopted by the constitutional party is as

the moderates urge that the government is "The persecution of our compariots is now so strongly intrenched that a strike deeply to be regretted for the sake of both Tatt is accompanied by his confidential would be futile and only weaken the pres- America and Japan, but we must not fortige of the party and involve the rank and get that there exists between the two na- has been received at army headquarters file and the industrial proletariat generally tions the closest friendship, which might in a series of reprisals and immense pe- almost be called an alliance. In the face of the professions of the government at The conference which is attended by all Washington and the American people in

"We must refrain from becoming excited over unlawful conduct on the part tional cause. We espect that a proper settlement will soon be reached through

GREAT CATHOLIC GATHERING

Program for Sixth National Convention Prepared-To Be Largest Gathering Held.

ST. LOUIS, Mo., June 17 .- Anthony Matre tionists or revolutionists be allowed and says, will be the greatest representative that no open discussion of the dissolution Catholic guthering ever held in the United States. Pully 1,500,000: Catholics will be Benevolent union, the Catholic Benevolent federations, will also be represented.

ORCHARD'S TRIAL POSTPONED Self-Confessed Murderer of Nineteen Persons Brought Before

Judge Wood.

CALDWELL, Idaho, June II .- Harry an oppositional majority in the third Orchard, the confessed murderer of For-Parliament as in the case of its predeces- mer Governor Steunenberg and eighteen sors. Even under the new law it is other men, was brought to the scene of the thought that the constitutional democrats crime which finally landed him within the Page 7 will retain control of the cities or perhaps clutches of the law and taken before Judge they will be swamped by the democratic Wood at the county court house. The Hayday to enable Judge Wood to come to Cald-The constitutional democrats also hope well and enter an order formally adjourn-Governor Sheldon and the boosters on to return whom the government believed ing Orchard's trial for the present term of court.

The proceedings began at II a. m. Judge diplomat, who is in close touch with the Wood arrived in an automobile at that court, the government has done either too hour. Orchard was brought over on an much or too little. It has violated the early train in custody of Warden Whitney fundamental laws, or constitution, and laid of the state penitentiary and several depfundamental laws, or construction, uties and detectives. The local itself open to the charge of accomplishing Mr. Cox, who has been the attorney of record for Orchard in this county, was re-Beyed from further duty by Judge Wood this morning and with the consent of the prisoner Frank T. Wyman, a Boise attorney, was appointed in his place.

"I presume you desire a continuance responsibility before his majesty for a counsel?" said Judge Wood to the prisoner, speedy convocation of Parliament on the "Yes, sir, if it please your honor," replied Orchard, who until the formal appointment of Mr. Wyman was without a legal adviser in the court room. The date of Orchard's trial will not be sentatives to the Armenians and Tartans made until the cases against Haywood,

Caucusus, who is now here fighting to Effort Made at Denver to Close Dispute with Industrial Workers of the World.

DENVER, June 17 .- An effort was made Parliament, consisting of twenty-two mem- in the convention of the Western Federa-Wirein, in command of the Black sea fleet, hers appointed to investigate the charges tion of Miners today to bring about an end of the controversy which has arisen between the miners and the Industrial Whiteheads in the inner bay. When the dence was too weak to justify the sus- introduced and referred to the committee on resolutions endorsing the principles of industrial unionism as outlined in the first constitutional convention of the Industrial Workers of the World as being the only logical and effective method of organizing the workers in the industrial field. The resolution provides that this convention ignore all factional fights and elect dele-Industrial Workers of the World.

SILVER SERVICE FOR KANSAS

Governor Hoch and Wife Reach Philadelphia for Ceremonies of Presentation.

PHILADELPHIA, Pa., June 17 .- Gov. ernor Hoch of Kansas and wife arrived nor Sheldon and his hundred co-boosters here today and joined the party of prominent Kansans who are to participate in the presentation by the state of Kansas this afternoon of a silver service to the battleship Kanaas at the League Island the others went abroad and enjoyed the July 31, which is during the Creston channavy yard. The party came direct from praise and entertainment which the cor- tanqua, the management of which has arthe Jamestown exposition with the exception of Mr. and Mrs. Hoch, who spent Bun- and they propose to knock the cover off est on the program. Creston has made wonday in Washington.

Former Congressman for United States Senatorship.

BIRMINGHAM, Ala., June 17 .- Governor Comer has appointed John Bankhead to the vacancy in the United States senate from Alabams caused by the death of Senhold until the legislature meets, July 19. Bankhead is a former congressman.

Secretary of War Speaks at Y. M. C. A. Reception.

GUEST AT DINNER OF BEE EDITOR

Comes from Fort Meade and Will Reach Omaha This Evening, When Much Entertainment is Planned.

5:05 p. m.-Taft arrives at Union station. 5:00 p. m.—Dinner at Omaha clab.

5:15 p. m.—Reception at Young Men's
Christian association.

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Christian association.

5:00 p. m.—Address at Young Men's
Christian Association.

II:15 p. m.—Departs for Fort Leaven
The correspondent of the Associated Press

honor Omaha with his presence today for six hours. Secretary Taft is due to arrive over the Northwestern at 5:05 in the afternoon and to leave for Fort Leaven worth at 11:15 the same night. Secretary stenographer, Wendell W. Muschler. Word also that the party will include Major General J. F. Bell, chief of staff, U. S. A., and Captain W. M. Wright, who are also making an inspection of western military posts not expect to join the secretary of war until he reached Fort Leavenworth. Major General Bell is also accompanied by Mrs.

In all probability Secretary Taft will be Omaha by a goodly representation of ally. The program for the secretary of war includes a dinner at the Omaha club, tendered by Victor Rosewater, editor of The Bee, and a reception at the Young Men's Christian association later in the evening. President Carpenter of the Young Men's Christian association will be at the

This note will satisfy a general and lively demand to hear Secretary onk: To the Public: In responsible many requests, the directors of the Young Men's quests, the directors of the Young Men's Christian association have decided to ask Secretary of War Taft to make a short speech to the general public from the halcony over the front entrance to the association building just previous to the program inside on Thursday evening. If the secretary grants their request he will be presented for this speech at 9 o'cleck.

I. W. CARPENTER, President Young Men's Christian Association.

ALL WANT TO HEAR ADDRESS Ministerial Union Will Ask to Have I'lgh School Baccalaureate

at Auditorium.

The Omaha Ministerial union held its final meeting for the summer Monday morning and adjourned until the thirl Monday in September.

The interesting features of Monday morn ing's meeting were the addresses by E. C. Knapp, of the Hartford, Connecticuit School of Pedagogy as relating to Sunday schools exclusively, who talked along the lines of Sunday school work. An interesting address by M. A. Hudson, of Syracuse, N. Y., the founder of the Baraca movement and one of the most prominent Baptist laymen in the country. Mr. Knapp tional church in the evening, giving a history of the Baraca movement.

The only other business transacted at the meeting was the appointment of committee to confer with the Board of of Omaha delivered hereafter in the Auditorium, in order that members of all the churches and public generally can hear the of Rev. E. H. Jenks, Rev. L. O. Baird, Rev. J. F. Paucher, Rev. E. R. Currie, Rev. J. E. Hummon, Rev. Andrew Mc Bride and Rev. S. D. Dutcher.

Nebraska Company Proposes to Land the Private System

Contract.

of the Omaha Grain exchange, but the be ready to serve on June 25. stated the independent telephone people ing. were figuring to put the telephones there. Guy H. Pratt, head of the contract department of the Nebraska company, will of use here. The method adopted probably will be to

place a long distance telephone in the office of each member of the exchange and then run an extension to the floor of the

OMAHA GIVES LAST WELCOME gates to the next annual convention of the Home Folks Will Receive Governor enne yesterday invested Rev. Father Hugh Sheldon and Boosters in Royal Fashion.

Now for the conquering heroes! climax of the Omaha Boosters' around the circle with the best of all receptions-if that be possible. When Goverarrive at Union station at 4 o'clock this af-BANKHEAD SUCCEEDS MORGAN fact that while the splendid cities west get a large number of former citizens have shown him a most delightful time, he here for at least that one day to see how Governor Comer of Alabama Names has at last in his travels come upon the the city has grown and to meet old friends real metropolis, the Gate City of the west. and acquaintances.

DEATH RECORD.

J. W. Frank.

WEBSTER CITY, Ia., June 17.—(Special Samuel G. Reed and Mrs. Mary Craig.

Telegram.)—J. W. Frank, aged H. who has both of Omaha, were married Saturday been married sixty-four years and who has resided on the same farm, south of this office in the Barker block. The city, fifty-four years, died last night.

Reed-Craig.

Samuel G. Reed and Mrs. Mary Craig. Shall be put and kept in force for three months without prejudice to the rights of either party for the purpose of ascertaining more definitely the extent that experience will show that the rates under said act reduce or increase earnings of compositions. ator John T. Morgan, the appointment to been married sixty-four years and who has afternoon by Justice of the Peace Eastman

DELEGATES ARE DISPLEASED

Dissolution of Duma at Opening Leaves Little Chance of Accomplishment.

THE HAGUE, June 17 .- The last chance of any government coming forward to propose openly discussion of limitation of armaments disappeared with the knowledge VIRTUAL VICTORY FOR STATE that the government of the United States considered that the initiative belonged to Europe and not to America. M. Nelldoff's depressing utterances at the opening of the conference, coupled with the unfor tunate dissolution of the duma at the very moment the conference had assembled, has SUIT MAY BE RENEWED THEN produced many expressions of regret that

has heard discussions of delegates specu-Secretary of War William H. Taft will lating on the differences in effect which FREIGHT CASE IN FEDERAL COURT would have been produced had the key note been sounded by a country inspired by democratic tendencies. As matters now Nearly All Testimony is Already on stand, neither England nor any of its continental friends are ready to move lest the mere suggestion of debating the question of the limitation of armaments inject a spirit of discord which would endanger the useful work achievable.

Conferences between the leaders repre senting the larger powers this afternoon into effect at 6 a. m. on Wednesday next resulted in a decision to recommend the and be given a three months' trial. If, at appointment of only four committees to the end of that time, it is found to be consider the subjects enumerated under the four heads in the Russian circular of be fought in the courts by the railroads.

greeted when he steps from the train at NEW HEAD OF NEW YORK LIFE Omaha business men and admirers gener. D. P. Kinsley Elected President to Succeed Alexander E. Orr-May Leave Texas.

NEW YORK, June 17 .- Darwin P. Kinsley, first vice president of the New York above facts, which had been agreed to by Life Insurance company, was elected presi- the attorneys for the state and the eightdent of the company, to succeed Alexan- een Masourt vallroads involved. The dinner and take Mr. Taft in charge at its der E. Orr. Mr. Orr became the head of court in its decision had suggested that the company soon after the legislative in- the 2-cent fare should be first given a surance investigation, with the understand- practical trial before injunction proceeding that a practical insurance man be ings preventing its enforcement be considnamed as his successor at the earliest op- ered. portunity.

fronted with laws in Texas so objection- said this afternoon regarding the 3-cent able that authority has been given to the bill:

ROADS MUST POST TARIFFS

Interstate Commerce Commission Makes Rule for Complete Publicity of Schedules.

spicuous places in every railroad station made is both a moral and a substantial in order that they may be inspected con- victory for the state." veniently by the public. The law authorises the commission to modify these rements and the commission, realizing is enroute to Denver to attend the Colorado | the impracticability of compliance with the

Decision as to Shipping from State to State

LEAVENWORTH, Kan., June 17,-Judgo J. C. Pollock, in the United States district Education with a view to having the bac- court here today in the case of the Kancalaureate address to the public schools sas City Brewing company asking an injunction to prevent C. W. Trickett, assistant attorney general of Kansas, from seizing liquors in transft from Missouri addresses. This committee will consist to Kansas, held that where the sale of liquor is made in good faith in a foreign state, the seller had the privilege under the federal laws regulating interstate commerce to deliver same in Kansas and either collect in Kansas at the time of RACE FOR EXCHANGE 'PHONES delivery or in Missouri at the place of

Governor Names Commission CHEYENNE, Wyo., June 17 .- (Special.)-Governor Brooks has appointed a commis-Other companies may figure if they wish sion of five to investigate the Wyoming on putting the new telephones on the floor university and asking each appointee to Nebraska Telephone company expects to The full membership of the commission

land the contract for putting them in This is as follows: J. E. Cosgriff, Rawlins, is the statement of that company. The news Carbon county, Wyoming; Charles F. of the project for placing private telephones | Maurer, Douglas, Converse county, Wyomon the floor of the exchange for use of its ing; R. H. Walsh, Sheridan, Sheridan members in taiking to their subscribers county, Wyoming; L. G. Phelpa, Big Horn, throughout the surrounding country was Big Horn county, Wyoming; M. R. Johnpublished in The Bee last Friday. It was ston, Wheatland, Laramie county, Wyom-Frontier Day Program.

CHEYENNE, Wyo., June 17 .- (Special.)leave Thursday for Atlantic City to attend The official program for the race events the convention of contract agents for the and wild western sports of the coming Bell properties in the United States. He frontier days' celebration, July 25, 26 and will take advantage of being in the east 27, has been completed, and guarantees to study the systems used by the exchanges that this year's show will be the best ever in a number of large cities. He will adapt given in the west. There will be twelve this to the needs of the Omaha concern events on each of the first two days of Workers of the World. A resolution was and try to add improvements that may be the celebration and thirteen on the third. The prize in the world's championship bucking and pitching contest is a \$500 purse and a \$500 saddle.

> Honors for Wyoming Priest. LARAMIE, Wyo., June 17 .- (Special.)-In the presence of a large audience and of priests from neighboring parishes, Bishop J. J. Keane of the diocese of Chey-Cummiskey of the Laramie parish with The Commercial club proposes to cap the Knight," was performed at the opera swing house.

Creston is to have a homecoming day this termoon they are going to hear and see summer when all the former Crestonites things, at any rate. The business men who will be urged to return and pay a visit have been good and stayed at home while to the city. The date has been fixed for dial far west had to give, will be at but ranged to make the day one of the strongthe ball before their inning is over. They derful advancement in the last few years as follows: propose to impress on Governor Sheldon the and a strenuous effort is to be made to

HYMENEAL Reed-Craig.

couple will continue residence in Omaha.

TRIAL FOR NEW LAW

Compromise Reached in Two-Cent Litigation in Missouri.

New Act Will Become Effective Wednesday for Three Months.

Railroads May Revive Case if Rate is Unremunerative.

File and it Will Be Adjudiented There-McPherson Suggested Compromise.

KANSAS CITY, Mo., June 17 .- The Missouri 2-cent passenger fare act will go unremunerative its enforcement can then The state officials are temporarily enfoined from enforcing the maximum freight rate law and this case will be ar-

gued inter in the federal court. Judge Smith McPherson in the United States district court here this afternoon, after handing down an opinion maintaining the court's jurisdiction in the premises, ordered the promulgation of the above

Hadley Discusses Case. Mr. Kinsley said: "We are now con- Horbert S. Hadley, attorney general,

officers of the company in their discretion | "If at the end of three months the rallnot to ask for a renewal of our Texas il- roads want to litigate the reasonableness cense in 1998 and to cease doing new busi- of these rates the question of the jurisdicness there whenever, in their judgment, tion of the state and federal courts to the situation demands it. I believe this determine the question will be fought out action is absolutely sound and entirely and the state has lost none of its rights or advantages.

"The injunction suits which I have brought against the companies on the passenger rates in the state court will stand. "As the reasonableness of the freight rate law can be more speedily heard and determined by the federal court on account of the fact that practically all the testi-WASHINGTON, June 17 .- An important mony necessary to the determination has order has been issued by the Interstate been already taken there, it will be heard Commerce commission regarding the post- and decided in that court. The state is ing of the tariff of railroads. Under the in the better position to win the case unnew rate law it is required that copies der the act of 1907 than it was under the of the tariffs shall be posted in two con- the law of 1905. I feel that the order

The Court's Opinion.

Judge McPherson said in part: Baptist laymen in the country. Mr. Knapp is enroute to Denver to attend the Colorado Sunday School convention, and Mr. Hudson goes to Hastings to attend the Nebraska Sunday School convention to be held there this week. Mr. Hudson will return to Omaha next Sunday and will address a meeting at the First Congregation. The contract of the impracticability of compilance with the impracticability of compilanc That the fixing must be ascertained and this ascertainment can only be by judicial proceedings and to be determined only by the courts and ultimately by the supreme court of the United States. No skill of the draftsman by the use of words or phrasing can take that from the courts to the town meeting. It cannot be changed by declamation, either sophomoric or by invective. It It cannot be changed by declamation, either sophomoric or by invective. It can never be settled in a criminal case by arresting ticket agents or conductors. The supreme court in the end must have the sevidence, with the right to make the ultimate findings of fact. No local tribunal, federal or state, can foreclose the fact as would be done if the case goes to the supreme court on writ of error to the state courts, and from the state courts there is no method of review but by writ of error.

there is no method of review but by writ of error.

There is but one orderly and seemly way and that is in equity, with the right of appeal to the supreme court, as has been said by that court over and over again. The argument that the courts of the state can decide as to the validity of the laws of the state, as well as can the United States courts, will not be argued by any federal judge, but will be conceded. Those courts are as high minded and as learned as are the federal courts, but that is not the question. It is a question of jurisdiction. And this court has jurisdiction and will maintain its jurisdiction.

Not Final Decision

It is urged with much plausibility that because penalties are affixed to the statutes of 1907 that the criminal courts of the state only take jurisdictions. I do not stop in only take jurisdictions. I do not stop in review the various Missouri statutes upon the subject of both passengers and freight, all of which must be construed as in part materia. But it is sufficient to show that some of the inflicting penalties is not the only remedy. The attorney general and railroad commissioners have much to do with the enforcement of these statutes, which the railways contend are void in part. In the original cases the question was whether all the earnings in the aggregate were remunerative. That question is still present under the statutes of 1907. Whether these laws by raising the freight rates and lowering the passenger fares are remunerative in the aggregate must be considered by the court. The state is not in effect a party, I ecause the charge is that these officials are seeking to enforce void statutes, in more ways than by inflicting

statutes, in more ways than by inflicting pensities.

The orders heretofore made will stand until vacated or modified. The cases will be sent down for hearing as to whether a temporary injunction shall issue, and if issued what shall be the scope? Shall they not the recent the second of the recent cases. such what shall be the scope? Shall they restrain the enforcement of the recent freight rate statute? Shall they restrain the enforcement of the recent 2-cent passenger rate rate statute? Tentatively, subject to argument, and subject to change of opinion, if I should hear the cases my present view is that the 2-cent passenger rate statute should be put in force and kept in force for some months at least with the statute should months at least with force for some months at least with right of the railroads to renew their moright of the enjoin the enforcement of the to enjoin the enforcement of the property of the results of t the title of mensigour and domestic prelate of the pope's household. Following the ceremony the operata. "The Spectre Knight," was performed at the operation to enjoin the enforcement of the statute. One class of people claim that with a 2-cent passenger fare travel will so increase as to make it remunerative. Others house.

Creston Homecoming Day.

Creston Homecoming Day.

13 (Special.) by a recent veto message so declared in the populous state of New York. How is this question to be determined? Is it not all speculation and guess work? Of what e will be the testimony of an ordinary ness man? And of what value will be testimony of rahway experts? After Judge McPnerson had rendered his

decision this afternoon the rallways and the state agreed to a statement of facts, That the rallways' application for a temporary injunction as to the maximum freight laws of 1907 is sustained and until further order of court herein the state officials are enjoined from attempting to recover any penalty or seeking to enforce that law.

law. to the 2-cent rate act, the order heretofore entered by the court enjoining railways from obeying that law shall main in effect until June 19 next at 6 a.

Monday, June 17, 1907. 1907 JUNE 1907 THE WED THE 5 6 7 8 9 11 12 13 14 15 10 16 17 18 19 20 21 22

OTHER CHANGES ARE COMING 13/60 24 25 26 27 28 29 THE WEATHER Porecast for Nebraska-Fair and con-Temperatures at Omaha

DOMESTIC. Eastbound Santa Fe limited train wrecked at Earl, Colo., one man being Page 1 Interstate Commerce commission issues new order that rate tariffs shall be posted

killed and a score injured. publicly in every tion. Page 1 Harry Orche 1 to Caldwell, Idaho, trial postponed. Former Conga been appointed se Bankhead has place of Sena tor Morgan of Alab. Fage 1 Judge Smith McPhe Cansas City in the United States dh & rt, decides =ladiction

over the rate injunction a order on stipulation of atte state and roads placing 2-cent aw in operation for three months f. in June 19 Page 1 Governor Hock presents silver service to battleship Kansas as gift of Sunflower state. Page 1 D. P. Kinsley elected new president of

New York Life Insurance company. Mayor Schmitz of San Francisco was formally removed from office by the board of Supervisors and James Gallagher was appointed acting mayor. FOREIGH.

Delegates to The Hague peace confer-

ence regret that the initiative for the

meeting did not come from President Roosevelt instead of Caar Nicholas, in view of the recent developments in Russta. Page 1 gremier Stolypin is held responsible to the czar for the successful accomplishment of the newly ordered elections. Intense hatred exists toward him in re-

Admiral Wirein had narrow escape from

death at Sebastopol, blank torpedo hitting

to Acki's recall, he being charged with

agreeing to the Japanese exclusion act

Page 1

launch in which he was cruising. Page 1 Russian admiral discovers mutiny in Black sea fleet in nick of time to prevent bombardment of Odessa and Caucasus Page 1 coast towns. Marquis Ito and Japanese Ministe. Aoki said to have differences which will lead

actionary circles.

passed by congress. Page 1 * BOOAT Papa-Cy, colored desperado from south-

bing house at Ninth and Jones streets. Secretary Taft arrives in Omaha at 5:05 this afternoon and will be the guest of the city for six hours, going from here after speaking at Young Men's Christian association to Leavenworth.

Society finds comfort and pleasure at the Country and Field clubs these summer proletariat in the elections of the second wood case at Boise was adjourned over to days. Page 5 Commercial club plans reception for their return at 4 o'clock this afternoon

that will make them think they have reached the real metropolis of the west

Results of the ball games: B-Lincoln vs. Denver-5. 2—Brocklyn vs. St. Louis—0. 2—Chicago vs. Boston—1. 7—Philadelphia vs. Pittsburg— 9—New York vs. Cincinnati—1

4—Philadelphia vs. Cleveland—1. 11-1—St. Louis vs. Boston—4-3. 5—Detroit vs. Washington—4. 4—New York vs. Chicago—3. -Kansas City vs. Toledo-4.

6—Minneapolis vs. Louisville— 8—Indianapolis vs. St. Paul—4. 2—Columbus vs. Milwaukee—1. COMMERCIAL AND INDUSTRIAL. Grain markets.

Live stock markets. Page 9 Stocks and bonds. Page 1 ADMIRAL HAS CLOSE CALL Blank Whitehead Torpedo Strikes

Cutter in Which Russian

Was Cruising.

SEBASTOPOL, June 17,-Rear Admira was cruising in a steam cutter yesterday, against the social democratic deputies, dewhile a torpedo boat, in command of Lieutenant Rushek, was practicing, firing It came to the conclusion that the evitorpedo boat suddenly changed its position and fired a blank Whitehead directly at avaieff, the decocratic reformer who fathe cutter, penetrating the latter's water The promptitude of the crew in beaching the cutter saved the admiral Lieutenant Ruzhek explained that the Whitehead was fired accidently, but he and three junior lieutenants, who were sullen and refused to salute the admiral, were degraded and, as the result of later evi-

dence, arrested on the charge of attempting to sink the outter.

WILL ARREST ALL LEADERS French Government Decides to Suppress Revolt of Wine Growers

tu South. decided to arrest and prosecute all leaders of the wine growers' revolt. Instructions were telegraphed this morning government's action, concealed himself.

MUTINY DISCOVERED IN TIME day and makes railway companies liable In Few More Hours Black Sea Fleet Would Have Bombarded Odeass.

Both died where they feil, in a bed room where their two children were alcepting. The pair had quarreied bitterly during the past six menths and Mrs. Roule had applied for a diverce. When the two ohlidren aged I and 8 years, wakened this morning that found the bodies on the floor and called the neighbors.

ODESSA. June 11.—It now appears that the mutiny here of the Black sea fleet, consisting of eight battleships, eight cruissers and a division of torpede boats, whose crews in all number 8,000 mien, was only discovered just in time to prevent the bombardment of Odessa and the Caucasus and Cultivision of the St Louis & San Francisco bombardment of Odessa and the Caucasus and Guthria. At Guthrie Mr. Bryce will be spiertained by Governor and Mrs. Francisco ODESSA. June 17.-It now appears that

Former Secures Latter's Recall as