OMAHA, SATURDAY MORNING, JULY 13, 1907—SIXTEEN PAGES.

Such Mail.

Americans and others have been sending

postal cards and post cards (private mail-

ing cards) with messages written on the

although in this country this privilege is

dented the users of postal cards. Some

months ago the United States postal laws

and regulations were amended so as to give

that privilege to buyers of postcards, but

conditions of the amended regulations.

The Hague Conference Adopts Article

Making This Action Precedent

to Hostilities.

THE HAGUE, July 12.- The French propo-

thereto were discussed by the subcommit-

gates gave the adhesion of their govern-

ments to the principle of the French pro-

posal, which was to the effect that there

Senor Quesada (Cuba) in the name of the

powers of congress that of declaring war,

There were five absentations from voting.

abstained from voting.

to the conference.

States to the French proposition.

conditions of a declaration of war.

the mails

SINGLE COPY TWO CENTS.

Defendant Says He Did Not Plan Steunenberg Murder.

HAD NO KNOWLEDGE OF PLOT Did Not Think of Governor After

Leaving Idaho.

Miners' Federation Retained Lawyer

to Defend Orchard. GUILT WAS NOT CONSIDERED

Says When Members of Union Were

Arrested They Were Generally Victims of Conspiracy and Innocent.

BOISE, Idaho, July 12.—Testifying in his spiracy that resulted in former Governor own behalf this morning William D. Haywood denied that he planned, conspired in or directed the murder of former Governor Steunenberg. The prisoner-witness emphastzed his declaration of innocence when extremely meager. in well measured words and even tone he said: "I do not believe I ever thought of Bteunenberg after I left Idaho."

The direct examination of the defendant took up the first hour and a half of the morning fession. Clarence Darrow led his client carefully over the ground covered by Drehard and at every charge that Haywood had any connection with was denied again and again by the witness in the most posilive terms.

Senator Borah took Haywood in hand for cross-examination for the last half hour of the session. The witness changed his position in the witness chair and faced the prosecution table. He gave no sign of nervousness. Leaning back with one arm flung over the back of his chair, after the first question he looked up at Judge Wood and said: "Your honor, may I have the shutters of that window closed; the glare is strong and I cannot see the senator's

Explained Federation Policy. Haywood gave careful explanations of the

workings of the Western Federation of Miners, its policy and attitude towards employes of labor. At the conclusion of the morning sesssion Senator Borah announced that he would conclude his cross-examination this afternoon.

Haywood said that Orchard had been at his house three or four times. Most of the members of the union when they were in Denver called at his home, the witness declared.

"Did you ever call on Orchard?" asked Mr. Darrow. "No, str; never."

"Did you ever have anything to do with buying a horse and buggy for Orchard to go out on killing expeditions with him?"

"No, sir; never." Haywood said Orchard came one day to chandquarters in a buggy with a colored know if he could trade the rig for a gray mare which the federation owned, one of the nineteen horses which had been used in distributing relief in the Cripple Creek district. Pettibone was anxious to get the mare for one of his delivery wagons.

Had Never Planned Murders.

Bell, Governor Pesbody, James Hearn, David Moffatt, or Judges Goddard and on the witness stand was the first he had heard of the matter. Haywood first met Steve Adams in 1902.

He said the \$75 he sent to Adams at Ogden when the latter wired he was in jail there was his (Haywood's) own money. Adams had been out prospecting and had stated on leaving Denver that if he struck anything he would locate Haywood on it.

During 1904 Steve Adams was at headquarters several times. He said he had been to the "tall timber." Adams and his wife were both drawing strike relief at this

"Did you ever give or send him any money other than the \$75 you have testifled to?" "No, sir."

"Did you get your \$75 back!"

'No. sir. At Cripple Creek, Adams and Minster, who went with him, said they would settle up as soon as the strike was Adams and his wife left Colorado in the

spring of 1905. Haywood said that some time later he received a letter from Mrs Adams saying she and Steve had located a nestend in Oregon. They expected to do well, but needed a little temporary relief, promising to pay it back in butter and Thirty dollars was sent to them. next he heard of Steve Adams was when the latter was arrested.

Explains Letters to Mrs. Orchard. As to the letter he wrote to Harry Orch. ard's wife November 18, 1906, Haywood said his note was in reply to one from Mrs. Orchard inquiring as to her husband's whereabouts. He told her what he knew about Orchard. He had no way of knowing where Orchard was except as the latter had told him his plans for going to Alaska. Haywood said he did not care to tell Mrs. Orchard what her husband had said as to his determination not to return to her Haywood declared he knew absolutely nothing of the plot against Governor Steunen-

berg. "I don't know that I had thought of him after I left the state of Idaho." "Had Governor Steunenberg ever tried to get back into politica?"

"Had he shown any disposition to become active in mining matters?"

"No. str. The first Haywood heard of the assassination was in the papers, which claimed the crime was a culmination of the troubles in the Coeur d'Alenes. The papers also reported that a union card had been found in the effects of Thomas Hogan, who had been arrested on suspicion. At the miners' headquarters there was considerable question as to who Hogan was, the consensus of opinion being that it was Orchard, who had used that name in leaving Cripple

Creek to seek employment elsewhere. Settle Identity of Hogan. The first definite information came in eipher telegram from Simpkins, which was translated at first, "Can I get counsel for Hogan?" but which afterwards corrected read "Cannot get counsel for Hogan." Haywood's explanation of sending \$100 draft to Jack Simpkins on December II, 1905, was as follows:

Simplina came to Denver early in De comber to attend a meeting of the executive board. He drew \$231.50 per dlem and traveling expenses while there.

Cashing a check for this amount, he gave

Saturday, July 13, 1907. 1907 JULY 1907 THE WED THU FRI SAT MON TAKE STAND ON SALARY PROBLEM 3 4 5 6

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 CROSS-EXAMINED BY BORAH 28 29 30 31 @ 2 2 5

> THE WEATHER. FORECAST FOR NEBRASKA-FAIR. Temperature at Omalia yorterday: Hour. Deg. Hour. Deg 1 p. m 2 p. m 3 p. m 4 p. m 5 p. m 7 p. m

DOMESTIC.

package" plan of purchasing live stock. President Roosevelt announces that sented its report. thorough understanding exists between Japan and the United States over recent

developments on the Pacific coast.

POREIGN. French diplomacy is severely criticised by Russian reactionary paper at St. Pe-Page 1

tively that he had talked to Orchard or cific has 212,000 tons of coal stored for planned with him the killing of Sherman possible fuel famine next winter. Page 8 Deputy County Attorney Magney takes back his first opinion on rotated ballot Gabbert. He declared that Orchard's story and now believes rotation will be roquired in Douglas county. Country clubs are drawing largely on

midsummer social events of Omaha.

THE CASE OF THE PARTY OF THE PA		
1		Page 8
	MOVEMBERTS OF O	CEAN STEAMSHIPS.
	Port. Arrive	d. Sailed.
	NEW YORK Adriatio	terror. Italia.
1	NEW YORK	Baltic.
	NEW YORK	Victoria.
	NEW YORK	La Provence.
	NEW YORK	Barbarouss.
	SOUTHAMPTON Oceanic	******
	MONTREAL Cortuth!	an Mongolian.
	MONTREAL	Montrose,
	HAVRE St. Lau	rent
	PALERMO	Eugenia.
	QUEENSTOWN Republic	
	CARTERIOR DIAGONO CARROLL	Paulanta

... Parisian ...... No nireal.

### CHICAGO PACKERS GIVE UP Agree to "Sealed Package" Plan of Assuming Risk After In-

specting Cuttle. CHICAGO, July 14.-The "sealed package" system of buying cattle at the Chicago stock yards was adopted as a compromise at a meeting between representatives of the Chicago Live Stock exchange and the packers yesterday. Negotiations have been pending for several weeks between the commission men and the packers and no agreement could be reached on any other

The packers held out for a system of purchasing cattle at the yards whereby stock found to be infected with certain diseases could be rejected after the pur chase. The commission men maintained that such a system was unfair and gave the packers an undue advantage over the cattle owners and commission men. Under the agreement the packing house buyers will make purchases at their own risk. They will be given the right to examination, but once selections have been made and prices agreed upon the sale will be regarded as completed and any subsequent loases will fall upon the purchasers.

### FIREMAN FALLS FROM ENGINE W. A. Wadick of Aurora Leans Too Far Out of Cob to Es-

cape Steam. GRAND ISLAND, Neb., July 12.-(Spe cial Telegram.)-W. A. Wadick, aged 29. a fireman on the Burlington, died while being taken to St. Francis hospital in this city, as a result of injuries

received in falling from his engine A plug in a flue blow out letting steam escape and Wadick evidently leaned out of the engine to escape the steam and fell The train was making thrity miles an hour and Wadick struck some ties, fracturing his skull. He leaves a wife and two children, residing at Aurora, whither the body

will be sent for interment.

# SIX BODIES ARE RECOVERED

Victims of White Damp Explosion Taken from Coal Slope at Honey Brook.

HAZELTON, Pa., July 12.-The bodies of the abandoned coal mine slope at Honey plause from his colleagues: Brook were discovered last night, The known number of doud is now seven

# Postmaster General Will Permit Writ-

ing on Portion of Face of National Teachers' Association Com-WASHINGTON, July 12. - For years

mends Board.

Regret that Boards Should Evade Consequence of Low Wages-Notes Signs of Advancement.

association convened in Temple auditorium this afternoon. Prof. John Adams of University college, London, England, ad-Look of Educational Teremonology," and Benjamin lde Wheeler, president of the card may be divided by a vertical line usked; University of California, spoke on the subject of, "Call Nothing Common.

President Wheeler spoke in part; DOMESTIC.

William D. Haywood positively asserts that he had nothing to do with the conspiracy that resulted in former Governor Steunenberg's death. He is cross-examined at length.

Facilities of the American nayy for docking big ships on the Pacific coast are extremely meager.

Attorneys for the state and for the filligated in state or federal courts. Jear-ing had in federal court at Lincoln.

National Educational association closes and commendatory of the Simplified Spelling board's action.

Page 1

President Wheeler spoke in part:

The public schools must be made and expt the school for all without recogn of classes or conditions and it must work and none so to lose the school for all without recogn of classes or conditions and it must work and part of the school for all without recogn of classes or conditions and to make and extensive and the school for all without recogn of classes or conditions and timus work and plan so as to close the school set and courses is wondended and for the school set and courses is wondended and in federal court at Lincoln.

Page 1

National Educational association closes and commendatory of the Simplified Spelling board's action.

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Chicago packers agree to the "sealed package" plan of purchasing live stock.

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Chicago packers agree to the "sealed package" plan of purchasing live s The public schools must be made and tept he school for all without recogn of

The committee on resolutions, Charles Page 1 Van Liew of Chico, Cal., chairman, pre-

### The Resolutions. The following is an extract of the com-

mittee's report:

The following is an extraction association, mittee's report:

The National Education association, now holding its forty-fifth annual convention in Los Angeles and representing teachers and friends or education in every state of the union makes the following declaration of principles and aims:

The National Education association, now holding its forty-fifth annual convention in Los Angeles and representing teachers and friends or education in every state of the union makes the following declaration of principles and aims:

The National Education association notes with approval that the qualifications demanded of teachers in public schools, and especially in city schools, are increasing annually, and particularly that in many localities special preparation is demanded of teachers. We regret the attempt that is being made in some quarters to evade the consequence of low salaries. We believe that constant effort should be made by all persons interested for their work that both teacher and public will recognize teaching as a profession. We wish heartly to indorse the action of those legislatures that have fixed a minimum salary at a living wage. ary at a living wage.

The establishment of township and rural high schools is one of the most gratifying evidences of the progress of education. We believe that this movement should be en-

Mrs. Mary O'Gorman wins out over Building Inspector Withnell by carrying case of condemned building to the city council.

Member of county board declare court house bond proposition will be submitted to voters this fall.

Page 15

Railroad officials say they have plenty of cars to handle the fall grain shipments.

General Manager Mohler says Union Pacific has 212,000 tons of coal stored for the simplified spelling board and containing the twelve simplified forms now used

this association, and directs that those pler forms be used in the publications the association instead of the rule now force. The National Education association be Heves that the forces of this world should be organized and operated in the interests of peace and not of war. We further bee that the fear of war and the

billty of war would alike decline if governments were to rely more upon the sentiment of the people and less upon the strength of their armies and navies. The departments of manual training, school and school administration and li brary, held its final sessions this morning Other sections have already completed

Minnesota Not Precedent

to Follow.

construction which was not contemplated

the fact that the decision did not apply to

a commutation case, but to a case in

which the applicant had held the land for

four or five years required by law. They

point out that the decision was not final

and that it dealt with the rights of the

Premier Clemenceau Bends Decree

Closing Session for the

Summer.

mutation feature added.

FRENCH

### M. Shepard Gives His Idea of Altering Existing Conditions their programs and taken final adjournof Capital.

TEACHERS HAD FALSE HOPES GALESBURG, Ill., July 12.-The abolition of the purely nominal money capital of Announcement Made of Terms of husiness corporations as a cure for the evils Decision in Homestead Entry Case in of overcapitalization, was set forth by Ed ward M. Shepard in an address before the Illinois State Bar association today. The removal of the dollar mark from capital WASHINGTON, July 12.- The Interior department is receiving a flood of inquiries stock will, he believes, go far toward solv- war and the representatives of the Catholic

regarding the effect of a recent decision ing the problem. of the department relative to the rights of "It is the falsity of the present plan of school teachers in the matter of taking up corporate capitalization which should conpublic lands under the homestead law demn it," he said. "For the very reason The decision was rendered in a contest that it facilitates deceit, the delusion of made against the entry of a woman teacher investors and insincere dealings, it should employed in Minnesota, and, while it was be ended if there be a better plan. I think shown that she had lived on the land only there is. I propose that the share of stock during her vacations, covering only about shall have no dollar mark; that its only fourteen weeks for each of the four years essential feature shall be the truthful cershe had held it, the department failed to tification that it is one of a given total sustain the contestant. This holding has number of equal shares into which the enbeen construed throughout the public land terprise is divided."

states as equivalent to a declaration that Mr. Shepard also spoke of the co teachers may be permitted to make home- idea that the profits of railroads and other stead entries and to make final proof with- public service corporations should be reout complying with the requirements made stricted to 6 per cent. This, in his opinion, of other applicants, and 'the large number is a fallacy, and if so restricted, would of letters received on the question promises prevent industrial advancement.

numerous entries under that construction. "Private capital will not go into new and Acting Secretary of the Interior Woodruff untried enterprises unless upon a promise and acting Commissioner Dennett of the that, in case of success, the profits shall general land office today united in a state- exceed the rate of interest which could be ment that the statement has received a earned upon assured investments," he said.

## by the department. They call attention to YOUNG BOY SHOOTS ANOTHER

Revolver Upon Himself and May Die. MILWAUKEE, July 12 -Arthur Sauter

contestant rather than those of the con- aged 17, whose home is in Appleton, Wis., testee, merely holding that the improve- and Daniel Kelly, aged 20, are at the ments were adequate, but not attempting Emergency hospital suffering from what say whether title will be granted at may prove to be fatal revolver wounds. The gram )-The supreme court handed down a the end of five years if the proof shows boys lived together at the home of Kelly's decision this afternoon in the case of the Kansas only fourteen weeks, occupancy for each mother, where the shooting was done. Kelly state against Jay O'Hearn, sentenced to year. They therefore warn teachers that was shot in the jaw and over the heart disappointment is liable to be the fate of and Sauter in the face and kidneys. those who may attempt to secure land Later this afternoon Sauter made a state- who was held up in his place, corner Twen

and especially of those who attempt to Keily shot him without any provocation, is not sent back to Douglas county for new secure it under such a plan with the com- later turning the revolver on himself. Both trial, but the sentence is reduced to life boys are said to be in a serious condition.

# Teller, Sentenced to Minnesota

today for the summer vacation. As Pre- state prison today. He pleaded suity to case of Herman Boche, slayer of two men was anticipated earlier. exceeded \$55,000,

# HAYWOOD DENIES ALL SUMMARY OF THE BEE FAVOR SIMPLIFIED SPELLING NEW POSTAL CARD ORDERS M'CREA OPPOSES LOW FARE SIOUX FALLS MEN COMPLAIN

President of Pennsylvania Lines

## Talks of Charges.

front as well as on the back of the cards, Not Good Business for Roads to Charge Uniform Fare-Two-Cent Fare Does Not Stimulate Traffic.

LOS ANGELES, Cal., July 12.—The clos- such concession was not made applicable to PHILADELPHIA, July 12.—The hearing ask to be made a basing point upon an ing session of the National Educational postal cards. In order to remedy this in- in the equity proceedings brought by the equality with Omaha, Sioux City, St. Joconsistency and to prevent any further Pennsylvania Railroad company against soph and Kaneas City with respect confusion and annoyance to the public the city and county of Philadelphia to re- shipments from Chicago, Milwaukee, Green Postmaster General Meyer today promul- strain the latter from enforcing the 2-cent Bay and other Lake alichigan points, from drassed the convention upon, "A Eignificant gated an order, effective August 1, 1907, rate law was resumed today. President which Missouri river rates are in effective providing that the face side of a postal McCrea was called to the stand and was The complainants further assert the rates placed approximately one-third of the dis- 'Do you think the 2-cent rate fare is fair as compared with rates from Chicago, tance from the left end of the card; the both to the raffroad and the public "" Milwaukee, Green Bay and other Lake Michigan points to Sloux City, and sub-

space to the left of the line to be used "I do not think it is," was the reply. for a message, etc., the portion to the "A uniform charge of 2 cents a mile for

right to be used for the address only. A all classes of passengers is unfair and invery thin sheet of paper may be attached practicable. With 2 cents as a maximum if it completely adheres to the card and you cannot make a sufficient difference besuch a paster may bear both writing and tween the short and frequent rider and printing. Advertisements, illustrations, or those who travel longer distances which writing may appear on the back of the will bring a fair profit to the company." "Can a uniform rate be properly charged card and on the left third of the front

Postsl cards bearing particles of glass, by a railroad?" cent territory; that the city of Sioux Palls "No, sir, it is not proper to charge a unimetal, mica, sand, tinsel or other such subhas become a distributing point for agristance are declared to be unmailable, ex- form rate. Passenger rates are largely decultural implements, groceries, trutts, hardcept when enclosed in envelopes, with pendent upon the density of population and ware, drugs and other commodities proper postage affixed, or when terated in the frequency with which the public rides. throughout the adjacent territory and that such a manner as will prevent the object In densely populated territory we can said city, be reason of its geographical sittionable materials from being rubbed off charge a lower rate than in districts thinly uation and under existing commercial and or injuring the hands of persons handling populated." industrial conditions, is now entitled to Missouri river rates and to be made a

"You have a considerable number of passengers who travel at the rate of more basing point. The contractor at Rumford Falls, Me., is now putting in new machinery for the than 2 cents a mile and a great number manufacture of postal cards, and the de- who pay under 2 cents; why not charge all classes a uniform rate of 2 cents?" asked partment will furnish plates for postal cards of a new design conforming to the Mr. Johnson.

"It would be unfair to the railroad and to the public. The general practice of all brasks City, one \$500 to \$600, two \$600 to \$600, railroads is to carry short riders at a COUNTRIES TO DECLARE WAR lower rate."

"Would you carry more passengers if the present law is put into effect?" "No, sir. My observation is that the stimulation of traffic is dependent largely upon the character of the service and the natural increase of population and busisition regarding regulations of war and the ness. The 2-cent fare does not affect the opening of hostilities and the amendments short riders, who now pay under that tee to which the questions were referred. figure, and longer distance riders, gen-The American, British and Japanese deleerally speaking, will not ride more frequently because the fare has been cheapened, but will continue to ride only as

### will be a declaration of war before the opening of hostilities. General Horace Por- WOMAN ACQUITTED OF MURDER ter observing that while in accordance with the constitution the right to declare war Unwritten Law Protection for Mother belonged to congress, he did not see any of Girl in Maryland obstacle to the adhesion of the United

their affairs demand it."

Court. LA PLATA, Md., July 12 .- In five minutes after retiring a verdict of acquital was re-Cuban delegation, declared that as the con- turned by the jury in the case of Mrs. stitution of Cuba enumerates among the Bowle and her son, who were tried for the murder of Hubert Posey. The case was the Cuban delegation could not subscribe to given to the jury at 12:25 p. m. and the any instrument not reserving to their con- court then took a recess.

gress the right to determine the form and States Attorney Wilmer's statement last evening that the presecution would be sat-Colonel Tinge (China) expressed the wish isfied with a verdict of manslanghter was that it be determined what constitutes war, a surprise and was met by the demand of as several European countries invaded and former State Senator Posey for the defense, fought China without admitting that they that the jury either acquit or find the ac- leg cut.

of war before the outbreak of hostilities disclaimed belief in the innocence of Mrs. water. was rejected by sixteen to fourteen votes. Bowle or her son, but he declared under SUPERIOR, Wis., July 12.-Two trains the circumstances they should not be held on the Great Northern railroad came to- States is involved. The first article of the French proposal, responsible for killing Posey, when he gether head-on about twelve miles from

nucleus and the nursery of the common- pected to live. The dead: The second article, regarding giving notice wealth. The protection of the sanctity of to neutral powers of an outbreak of war the family ties, the chastity of women, the also was approved and a special commis- | development and maintenance of a salu sion was appointed to draw up a definite tary and exalted respect for the honor proposition on the subject to be submitted of the mother, the sister and the daughter fractured becomes, therefore, a natural and essential feature in this trial. It is in this TO ELIMINATE DOLLAR MARK sense that I confidently claim the protection of what I have called the 'unwritten law' as an adequate defense for these

### defendants. FILIPINO DIFFERENCES END

Settlement with Catholic Church Fathers.

church in the Philippines regarding a number of important matters of controversy which will obviate the necessity of prolonged threatening vexatious litigations. Regarding the landed properties, the agreement provides that the Roman Catholic church through the archbishop of Manila, shall possess in absolute title the land and property pertaining to the hospital of San Jose, the hospital of San Juan de Dios, the College of Santa Isabella. These properties are valued at \$2,066,000. The church relinquishd to the government of the Philippines all claims and demands upon the estate of Santa Potenciana and upon the hospital and foundation of Santa Lazare, except that the archbishop is to retain possession of the block in which the present Santa Cruz cemetery is situated and of fifty hectares north of the hospital. The Span ish-Filipino bank dispute also was settled, by which all claims to the exclusive privileges and to note issues beyond the amount approved by the American government are abandoned; but on the other hand, the bank receives the confirmation without litigation and important privileges.

## After Committing Deed He Turns LIFE SENTENCE FOR O'HEARN Supreme Court Decides that Omaha

Murderer Need Not Suf-

fer Death.

(From a Staff Correspondent.) LINCOLN, Neb., July 12-(Special Teledeath from Douglas county for the murder of Nels Lausten, a saloon keeper of Omaha, Imprisonment.

### PARLIAMENT ENDS FOUR YEARS FOR DEFAULTER DISTRICT COURT MUST ACT Philip Kempten, Formerly St. Paul Herman Boche's Case Will Not Be Heard by Madison Insan-

ity Board. ST. PAUL, July 12.-Philip Kempten, for- NORFOLK, Neb., July 12.-(Special Teletetned the protest.

### that Pince Insist is Entitled to Missouri River Rates.

ett Bros. & Jewett, wholesale grocers of

Sloux Falls, S. D., complaining against

the rates charged them by the Milwaukee,

the Northwestern Minneapolis & Omaha

now charged are unreasonable and unjust

ects merchants of Sloux Falls and its lo

It is stated that numerous wholesaling

and jobbing establishments have located

at Sloux Falls and numerous transfer and

storage wasehouses have been constructed

for the purpose of handling Ireight trans-

ferred at Sioux Calls to locatities in adja-

Promotions of clerks in the following Ne

City, one \$400 to \$600, one \$600 to \$800; Kear-

ney, one \$500 to \$600, one \$700 to \$800; one

\$800 to \$900; McCook, two \$500 to \$600; Ne-

structs Line for Feight and

Many Are Injured.

one \$900 to \$1,000.

buildings at these posts.

rier in the postoffice service.

victims to a sanitarium here.

The more seriously injured are:

callty to unjust discrimination.

the State Courts. (From a Staff Correspondent.)

WASHINGTON, July 12-(Special Teleto the United States from foreign countries SHORT RIDERS GET LOWER RATES gram.)-The Interstate Commerce com

Illinois Central and Rock Island rathroads. The complainants allege the city of Sloux CONTENDS STATE PARTY IN CASE Falls is entitled to Missouri river rates and

Railroads Hold Citizens Are the Real

Delay in Arrival of Railroad Attorneys Causes Court to Convene Late-Great Array of

(From a Staff Correspondent.) LINCOLN, July 12 .- (Special Telegram.) The motion of the attorney general to nand to the state court the injunction

Owing to the delay of the lawyers from Omaha in getting here the case was not begun until after Il' o'clock. W. B. Rose opened for the state, reading the brief which had been prepared by the legal department of state. Mr. Rose made a brief statement of the case, saying an injunction suit had been started by the attorney general in the state supreme court to prevent the railroads from violating the 2 cent rate bill, the commodity rate bill, the orders of the railway commission and the antipass bill, all measures passed by the recent legislature. The corporations had transferred the case to the federal court. In the brief of the state filed by Attorney General Thompson, Deputy W. B. Rose and Assistant Grant Martin, it is contended that not only is the state the real party at interest, but that there exists no ground whatever for the removal of the case to the federal court, inasmuch as no federal questions are raised and it would have been impossible to have begun the case in federal court originally. Under the constitution of the state and under the common law and by reason of numerous state and

Thompson Combats Removal. Attorney General Thompson, after citing various decisions to support his contention,

leg cut.

B. Lovette, scalp wound, face, arm and Every ground of removal presented by

d that no question arising under the ustitution, laws or treaties of the United The first article of the French proposal, responsible for killing Possy, when he gether head-on about twelve miles from that a declaration of war should precede to marry Mrs. Bowie's the opening of hostilities, was then approved by 31 to 2 votes. Two delegates abstained from voting.

The first article of the French proposal, responsible for killing Possy, when he gether head-on about twelve miles from that it is the duty of defendant to obey the statutes pleaded. Under plaintiff's petition in the state contrains about twelve miles from that it is the duty of defendant to obey the statutes pleaded. Under plaintiff's petition in the state contrains about twelve miles from that it is the duty of defendant to obey the statutes pleaded. Under plaintiff's petition in the state contrains about twelve miles from that it is the duty of defendant to obey the statutes pleaded. Under plaintiff's petition in the state contrains about twelve miles from that it is the duty of defendant to obey the statutes pleaded. Under plaintiff's petition in the state contrains about twelve miles from the state contrains and the state contrains and the state supreme court and the state supreme court are pleaded. Under plaintiff's petition in the state contrains and the state supreme court and the state supreme court and it is the duty of defendant to obey the statutes pleaded. Under plaintiff's petition in the state contrains and the state contrains a

J. B. LEONARD, brakeman. The injured: Victor Cline, brakeman, crushed internally, not expected to live. Edward F. Roach, engineer, left shoulder tured.

William Madsen, Allouez, fireman, scalded about face and hands.

L. Boston, fireman, both legs fractured.

MAY USE BENZOATE OF SODA

Department of Agriculture Will

Constitution of the United States. On the grounds that the state of Nebraska is the real party plaintiff in the state court and not a citizen within the meaning of the removal acts and that the petition filed in the state court presents no question arising under the constitution, laws or treaties of the United States, the motion should be sustained and the cause remanded. George D. Smith, engineer, left leg frac-

## Department of Agriculture Permit Small Amount to Be Placed in Food.

WASHINGTON, July 12.-The Department of Agriculture, it is understood, will within WASHINGTON, July 12 .- An agreement a day or two promulgate regulations govhas been reached between the secretary of erning the use of benzoate of soda and sulphur fumes as preservatives of fruits and other foods. These regulations have been signed by the secretaries of the treasury, commerce and labor and agriculture. Protests and memorials have been received from the National Food association and from California fruit packers against the reported purpose of the government to inhibit the use of these substances, and although provisions of the regulations have not been made public, it is understood that the use of a limited amount of benzoate of soda and sulphur fumes will be permitted. It is not thought that the provisions of the amended regulations will disturb the packing industry so far as these substances are concerned, at least for the remainder of the present calendar year.

### WRECK AT HATTIESBURG, MISS. Man Killed and Nine Injured in a Head-on Collision.

head-on collision between a Ship Island work train and an incoming passenger train had no monetary interest in the case and on the Mobile, Jackson & Kansas City railway, one man was killed and nine others injured. The dead:

HATTIESBURG, Miss., July 12 .- In

ENGINEER OSCAR HARNES, Mobile, ackson & Kansas City railway. The injured:
— Watts, hostler, Gulf & Ship Island

Georgia Carter. Two negro firemen.

### living on it only during vacation time, ment to the police in which he declared ty-second and Cuming streets. The case DEALERS LOOK FOR BIG CROP Grain Men Located on Missouri Paeific Expect to Handle Much Wheat.

NEBRASKA CITY, Neb., July 12 .- (Speclai.)—At a meeting of the Nebraska Grain declared that the state had no interest in Dealers' association, composed of those who own elevators on the Missouri Pa cific ratiroad in this vicinity, held in this merty paying teller at the Capital National gram.). The Madison county insanity board city yesterday, it developed that the yield PARIS. July II.—Parliament adjourned bank, was sentenced to four years in the will not act on the insanity petition in the of wheat promises to be much larger than The men dismier Clemenceau finished reading the de- misappropriation of funds. Kemplen was and awaiting trial for killing Frank Jurmer. cussed plans to accure cars, so there MPHUGH SPONESMAN FOR ALL cree closing the session. M. Sembat, united arrested in Scattle some weeks ago, after County Attorney Koenigstein protested that would not be the usual congestion and six of yesterday's victims of white damp in socialist, shouted, amid laughter and ap- he had left the employ of the hands of the district shouted. They also said that the corn Conference of Attorneys Decides on total amount of his defalcation has not court and that the insanity board has no prospects were exceptionally bright and the "This is the most welcome day of your been made public. It is known that they jurisdiction over him. The board sus- indications were that there would be a large yield this falls

State Moves to Remand the Case to

NO FEDERAL QUESTION INVOLVED mission today received a petition from Jew-

> Thompson Cites Northern Securities Case Decision.

Party Plaintiffs.

BOTH OF MUNGERS PRESIDE

Legal Talent.

suit against the ratiroads, which the latter recently transferred to the federal court, is being argued before Judges W. H. Munger and T. C. Munger. The state is represented by Attorney General Thompson and Deputy Attorney W. B. Rose, while the following ratiroad men are here: For the Union Pacific, John N. Baldwin and Edson Rich; for the Burlington, James Kelby: for the Northwestern, Ben White; for the Missouri Pacific, A. R. Talbot and Balley Waggoner, and for the Rock Island, braska, postoffices were made July 1: Falls W. D. McHugh and R. J. Greene of Lin-

Lieutenant Colonel George Rublen, dep uty quartermaster general, will proceed to Fort D. A. Russell, thence to Fort Omaha, for the purpose of inspecting construction work in progress and completed and of reporting upon subjects of sites for new Civil service examination will be held July 27 at Beatrice, Neb., for clerk and car-FAILED TO POST A FLAGMAN Work Train on Kentucky Road Ob-SOMERSET, Ky., July 12.-Six men were hurt in a wreck on the Queen & Crescent railroad yesterday when a local freight train crashed into a work train near the Tennessee line. A relief train brought the federal court decisions the state has a right Caleb Owens, bruised and scalded.
L. B. Mulkey, sprained wrist.
W. N. Angel, jaw bruised.
Frank Fitzpatrick, back and right arm to try cases to which it is a party in its own courts.

Robert Shepard, back and arm scalded. F. M. Ross, elbow bruised. Frank Lovell, scalp injured, left arm and unid:

fought China without admitting that they were engaged in war. The amendment introduced by The Netherlands, proposing twenty-four hours delay after a declaration of war before the outbreak of hostilities of war before the outbreak of hostilities. and that no question arising

> The petition in the state court also shows par it is the duty of defendant to obey case by subsequent allegations of defendant that the Nebraska statutes are void and that the attorney general and the mem-bers of the Nebraska State Railway com-mission, who are nominal plaintiffs only, are trespassers and are attempting to en-force yold statutes in violation of the force void statutes in violation of the constitution of the United States.

For the purpose of vindicating its own sovereignty and of protecting its people from the public injury of unlawful and extortionate transportation charges exacted by the defendant, the senate of may invoke the equity powers of its own courts, but the circuit courts of the United States are not vested with equity jurisdiction to vindicate the sovereignty of Nebraska or to compel defendant to obey its laws by exacting for services such compensations only as is allowed by law. The ate of Nebraska cannot bring its statute to this court on any such a mission this court has no jurisdiction in e-either by original suit or removal t tertain the action, and it could not

been brought originally in the circuit court of the United States.

This point was fully discussed by Judge Shiras in Dey against Chicago, M. & St. P. Ry. Co., 45 Fed. \$2. That was a suit brought originally in the district court of Dubuque county, Iowa, to enforce an order of the Iowa Board of Railroad commis-sioners made under authority of an Iowa sioners made under authority of an Iowa statute, and was subsequently removed to the United States circuit court. The circuit court held that it had no jurisdiaon over the subject matter and remanded case to the state court, though the de-Railroads Have Inning.

John N. Baldwin of the Union Pacific addressed the court at length. He insisted that the attorney general had quoted Are largely from English reports in his brief, because the American courts did not bear him out in his contention. Mr. Baldwin insisted that the state was not such a party in interest in the case as to prevent the removal to the federal court. The state could only have a general interest in the

W. D. McHugh of the Rock Island next addressed the court. He declared the state was not an indispensible party to the suit and concluded that the court might well accept jurisdiction because of that fact. railroad.

W. Myrick, car repairer.
Alexander Boyd, helper.
G. Bellman, conductor, Mobile, Jackson & state and the railroads. "If there is any violation of the laws regarding carriers it violation of the laws regarding carriers it action." he declared.

"Do you construe the raftway commission law to give the commission power to enforce every law regarding transportation companies?" asked Judge W. H. Munger. But Mr. McHugh did not desire to answer the question yes or no. He incisted that the commission had great power under the law over transportation companies.

Bailly Weggener of the Missouri Pacific the case save a governmental interest. He insisted this was not enough to make it the real party to interest so that the motion to remand to the state court would have to be sustained.

Him as Representative. At a meeting of the attorneys for the various roads interested in the litigation