

RATE CASE TAKEN UP

Attorney General Thompson Files Petition With Supreme Court.

ASKS MANDAMUS AGAINST JUDGES

Request That Burlington Suit Be Remanded to State Court.

RULING OF MUNGERS' ATTACKED

Allegation That Contention That State is Not Plaintiff Denied.

CHARGES IN THE PETITION

Railroad in Accused of Extortion and of Defying Nebraska Officers in the Discharge of Their Legal Duties.

WASHINGTON, Dec. 14.—Attorney General Thompson of Nebraska today filed in the supreme court of the United States a petition for a writ of mandamus compelling United States Circuit Judges William H. Munger and Thomas C. Munger to remand to the Nebraska supreme court the case of the state of Nebraska against the Chicago, Burlington & Quincy Railroad company, which was originally brought in the state supreme court.

The case was originally instituted in the supreme court of the state on June 18, last, and in the following July was removed to the United States circuit court on the petition of the railroad company under the law of 1882, authorizing the removal of cases jurisdiction in the state between the citizens of different states, which involve over \$2,000. The state immediately made an effort to have the federal courts remand the case on the ground that the state itself was not a citizen in the sense that word was used in its law, but Judges Munger and Munger, sitting as a circuit court, denied the petition on the ground that the state was not a real party to the case. The state then decided to present the matter to the federal supreme court, as it did today in the shape of petition for an order compelling the United States circuit court to send the case back to the state courts.

New Rate Law Invalid. The law involved in this case is the statute enacted by the last legislature of Nebraska, establishing a passenger rate of 2 cents per mile, prohibiting the issuance of passes and reducing certain freight rates to the extent of 15 per cent of the other rates on intrastate business.

In his petition to the supreme court of the United States, Mr. Thompson says: "After such state had gone into effect and when it was the duty of all common carriers in Nebraska to obey said laws, the Chicago, Burlington & Quincy Railroad company disobeyed or threatened to violate them and defied the authority of the Nebraska state railway commission in the enforcement of such laws.

Prior to the enactment of such statutes, the interstate traffic of the railroad company was practically without restraint or control and its influence was therefore as now so great. Its capacity for extortion and its power of oppression, discrimination and extortion so varied and far-reaching that individual citizens of the state were and are wholly unable to cope or litigate with it or protect themselves in controversies arising from unreasonable and extortionate charges.

Hence the contention that only the state itself was strong enough to stand against the company in a suit.

WRECKER INJURES FOUR MEN

Accident to Northwestern Machine at Work at South Belle Plaine.

BOONE, Ia., Dec. 16.—(Special Telegram.) A Northwestern machine was putting a car on the tracks at South Belle Plaine this morning lipped over. Four Boone men were seriously injured. All were brought to Boone and one taken to a hospital. The injured, Charles Brannberg, badly scalded; William Carter, bruised and scalded, able to walk on car; Perry Stout, burned on face and hands; Leighton Haller, bruised. It is thought all will recover.

BIGELOW'S TER MINDEFINITE

Colorado Youth Who Sent Dynamite Bombs in Mail Sent to Reformatory.

DENVER, Colo., Dec. 16.—Kemp Y. Bigelow, the clerk from Bryan, O., who last week pleaded guilty to charges of murderous assault upon Governor Henry A. Buchtel, Lawrence A. Phipps and Charles R. Kountze, to whom with others he mailed dynamite bombs, was today sentenced to the state reformatory for an indefinite period.

DEATH RECORD.

Alexander H. Baker. GRAND ISLAND, Neb., Dec. 15.—(Special Telegram.) Alexander H. Baker died this morning, aged 62 years. He was pre-empted a homestead on what is now Pleasant Hill, in Omaha, in 1857, selling to H. H. Clarke. He once represented Douglas county in the general assembly. He was interested in Omaha and Salt Lake freight transportation from 1884 to 1886. The body will be taken to Omaha tomorrow, where it will be interred beside his wife.

Mrs. Nancy L. Hinckman. GLENWOOD, Ia., Dec. 15.—(Special Telegram.) Nancy L. Hinckman, wife of Joseph V. Hinckman, who died in Glenwood in 1897, and who was Glenwood's most prominent banker, died at her home in Glenwood yesterday, after an illness lasting several years. Mrs. Hinckman was in her seventy-fifth year. Her funeral will be held in Glenwood at 2 p. m. Tuesday, December 17.

Rev. Thomas E. Judge. CHICAGO, Dec. 15.—Rev. Thomas E. Judge, editor of the New World, died yesterday of heart failure, brought on by bronchial troubles. He was professor of philosophy at Marquette, Ireland, and later was one of the faculty of St. Paul's seminary, St. Paul, Minn. The University of Chicago conferred on him the degree of doctor of philosophy.

F. L. Parker. ST. LOUIS, Dec. 15.—F. L. Parker, general solicitor of the St. Louis & San Francisco road, was found dead today in his bath tub at his home. Death resulted from heart disease.

SUMMARY OF THE BEE

Tuesday, December 17, 1907.

Table with columns for days of the week and numbers 1 through 30.

Table with columns for weather conditions (Sun, Moon, Wind, etc.) and temperatures for various locations.

DOMESTIC.

Great fleet of sixteen battleships begins its voyage from the Atlantic to the Pacific coast. Reviewed by President Roosevelt in Chesapeake bay.

Special agent of the Interstate Commerce commission takes testimony in the coal rate hearing on complaint of the Nebraska Railroad commission against the Union Pacific road.

Senator Tillman says he fears Mayor Dahlman of Omaha is a candidate for the Annapolis club in a speech before the senate.

Union Avenue bank of Kansas City re-opens for business.

Senator Tillman admits he sent for Mrs. Dahlman at Yolande, Ala., kills seventy-five men.

Director of the Chicago National bank testifies he knew nothing of the negotiations of Walsh which caused the wreck of the institution.

Chicago National bank files its report of the condition of national banks and favors the establishment of a central bank with note credit system.

Claim made that members of the Western Federation of Miners are returning work in Colorado territory.

National senate and house agree to adjourn Saturday over until January 8.

Blind senator of Oklahoma draws 1,500-year term in the national body.

Calif. Forestry admits he sent for Mrs. Dahlman from the mountains, but denies he had anything to do with the plot to murder Goebel.

President Roosevelt's declaration against a third term is said to have been made at the suggestion of the manager of Secretary Taft's campaign.

James J. Hill in testimony before the lumber rate hearing at Washington declares the return of empty lumber cars to the Pacific coast is the main thing against low lumber rates.

Pop Plus X creates four new cardinals and takes opportunity again to censure the modernists in the Catholic church.

Fight in the Austrian Chamber of Deputies results in severe injuries to several deputies.

NEBRASKA. Woodmen from various towns converge at Fremont and claim of 400 is initiated.

Railway Commissioner Winnett puts in a good campaign for Governor Shuman as a republican candidate for vice president.

COMMERCIAL AND INDUSTRIAL. Live stock markets. Grain markets. Stocks and bonds.

MOVEMENTS OF OCEAN STEAMSHIPS. BREITENBURG, Bremen. NEW YORK, Philadelphia, etc.

NEW YORK, Philadelphia, etc. NEW YORK, Philadelphia, etc.

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POPE CREATES CARDINALS

Holds Secret Consistory in Vatican for Purpose.

MODERNISTS AGAIN CENSURED

Severest Criticism for Men Who Pose as Catholics and Still Are Enemies to True Faith.

ROME, Dec. 16.—Pope X today held a secret consistory in the Vatican, in which he created four new cardinals and promoted several bishops. The new cardinals are Monsignor Pietro Gasparri, secretary of the congregation of extraordinary ecclesiastical affairs; Monsignor De Lodi, secretary of the congregation of the council; Monsignor Ludovico Henry Luciani, archbishop of Rheims, and Monsignor Paul Pierre Andrieu, archbishop of Marseille.

The pope delivered an address in which he made reference to the persecution of the Redeemer and said that his church had been attacked from all sides in a warfare open or disguised. The rights of the church had been trampled on by those who should safeguard them and the triumph and vulgar press had fought it even to the extent of disturbing the public quiet.

The pontiff cited the recent disorders in Italy. To this must be added, he continued, the disastrous propaganda in the bosom of Catholicism itself which is being carried on by modernists who disdain the pontifical authority and desire themselves authoritatively to sanction a new faith and a new conscience. If the modernists would, enlist themselves frankly among the enemies of the church this evil would be less; as it is, they proclaim themselves Catholics, partake of the sacrament and celebrate mass. Fulfilling his chosen duty, the pope said, he had adopted against the modernists such measures as were necessary, striving particularly to save young clerics from perversion.

In conclusion the pontiff reads: "The episcopacy has accepted the papal directions with eagerness and has applied them with zeal, but the modernists persevere in their rebellion and in their proof of their attitude even in the press. May God enlighten these misled ones. The pope made official announcement during the consistory of the appointment of Monsignor Kennedy, rector of the American college here, to be titular bishop of Adrianople and the appointment of Monsignor Dennis O'Connell, rector of the Catholic university at Washington, to be titular bishop of Sebaste.

JAPAN IN NO NEED OF MONEY. Ambassador to France Denies Report That Orientals Are in Need of Money.

PARIS, Dec. 16.—Baron Kurino, the Japanese ambassador to France, has authorized the Associated Press to deny the rumor that a new Japanese loan is about to be floated here in London. He explained that the Japanese budget for 1908 is expected to balance, there probably will be no occasion to appeal to foreign money markets next year. He was telegraphed to believe that the rumors have been circulated for the purpose of creating a false impression in the United States.

FIGHT IN AUSTRIAN CHAMBER. Ruthenian Deputy Throws Piece of Wood at President Starting General Row.

VIENNA, Dec. 16.—Members of the Ruthenian party interrupted the proceedings in the Chamber of Deputies this afternoon. A Ruthenian deputy threw a piece of wood at the president of the house. The Christian socialists retaliated by attacking the Ruthenians, using chairs as weapons. Several deputies sustained serious injuries.

POISON IN OATMEAL FATAL. Mrs. Kemmel of Miller, S. D., Dead and Her Son Ill, but Will Recover.

MILLER, S. D., Dec. 16.—Poison in the oatmeal caused the death yesterday of Mrs. Kemmel, who lived northwest of Miller. The woman's son was also poisoned but will recover. The authorities believe that they were victims of foul play and the investigation being made by the coroner's jury.

Black Hills Denary Organized. STURGIS, S. D., Dec. 15.—(Special.) After the ordination services of Edward B. Brown at St. Thomas' Episcopal church of this city had concluded, the priest of the Episcopal church in the Black Hills met and organized a denary, which will be separate and distinct from the denary of the eastern part of the state. Rev. Mr. Sparling of Rapid City, rural dean, will preside at the meetings, call them and attend to the other duties of the presiding officer. The membership at the present time of the denary consists of Rev. Mr. Montgomery of Lead and Deadwood, Rev. Mr. Cross of Sturgis, Rev. Mr. North-Tunmon of Spearfish, and Rev. Mr. Sparling of Rapid City. The denary will meet on special time of meeting, but will assemble at the call of the rural dean or at the request of its members for the discussion of church affairs and for the transaction of such business as its organization calls for.

Gold to Pay Soldiers. LANDER, Wyo., Dec. 15.—(Special.) Captain W. F. Flynn, with a squad of troopers from Troop M of the Eighth United States cavalry, from Fort Washakie, was here yesterday to receive a shipment of gold coin sent direct from the subtreasury to pay off the soldiers stationed at the fort, a most unusual proceeding, the soldiers having heretofore received their pay in checks. A number of employees of the reclamation service at work on the big Indian canal system, have not had their pay for more than two months and it is expected that a similar course will be pursued in making their payment. This will put a greater amount of gold coin in circulation here than ever before.

Indians Receive Lease Money. PIERRE, S. D., Dec. 15.—(Special.)—The Indians on the Cheyenne river reservation are being paid a portion of their lease money, amounting to \$146 per head, and all in silver, requiring a team to haul it out to the subsistence, where several thousand Indians are to be paid. The reds are taking advantage of the opportunity to get ready for Christmas, and the traders around and around the reservation are gathering in the shining metal.

Harmony Knitting Mills. TROY, N. Y., Dec. 15.—Fire early today destroyed the four-story building of the Harmony Knitting mills. Loss, \$100,000.

DAHLMAN VERSUS ROOSEVELT

Senator Tillman Belies Upon President's Reported Remarks to Omaha Mayor.

WASHINGTON, Dec. 16.—In the course of a speech in the senate today Senator Tillman commented characteristically on the reported remarks of President Roosevelt to Mayor Dahlman of Omaha, and that while he had been guilty of many indiscretions and said many things which in cooler moments he would have been willing to take out of print, he did not believe that the president felt any satisfaction whatever in having been instrumental in the present financial straits, as had been charged.

"If we are not in the midst of a panic we are in the midst of a chill produced by danger of a panic," declared Mr. Tillman. Speaking of a published interview with the president by Mayor Dahlman of Omaha in which the president is alleged to have said that if he was responsible for the panic he was glad of it, as it brought to view the rotten conditions of the country's finances, he said:

"I fear that Mr. Dahlman is in imminent danger of joining the Annapolis club. Perhaps somebody here will use the telephone and find out about that."

He spoke of the manner in which the financial stringency has operated.

"And," he added, "the president says he is raising money, but he would not accept a renomination at the hands of the republican party for a third term."

"There are those in and out of congress who still believe the president will have to listen to the voice of the people and again become their leader, but the politicians, however, true to their instincts, are loyal to his standards, and will now on line up for their chosen candidates. One thing Mr. Roosevelt's statement does do. It insures an old-time republican convention minus the cut and dried features which have marked the conventions of the party since the days of the Chicago convention of 1860."

The president's frank statement, it is thought, will help Secretary Taft's candidacy, its publication at this time being attributed to Mr. Vorhies, of Ohio, Secretary Taft's campaign manager, who told the president that the effort made by his friends to send Roosevelt delegates to the convention was seriously hurting Judge Harrison and that he owed it to the war secretary to once and for all nail down the coffin of a third term.

Rumors of the most startling kind are in circulation to the effect of an open break between Secretary Taft and Secretary Harrison growing out of the presidential campaign. It would not be at all surprising to see both men out of the cabinet long before national convention time comes around. It is an open secret that powerful influences are at work in New York state to secure the New York delegation for Cortelyou and that Postmaster General Hitchcock has been through the south drumming up delegates and creating a sentiment for the former postmaster general and now secretary of the treasury. The president has resented the activity of Mr. Hitchcock and it would not be at all surprising if he is ready to appoint the office of the first assistant postmaster general.

Working at Cross-Purposes. It requires no imagination to perceive that with two members of the president's official family working at cross purposes the confusion may be caused, not only to these men themselves, but to their colleagues, as well as to the president. Everybody knows that the president is for Mr. Taft and the latter's adherents believe that he will continue to be so to the end of the contest. Mr. Cortelyou is not holding up his hands, but is actively assisting his chief, although some of his friends expect that in the event Mr. Taft's canvass does not give promise of culminating successfully he will turn to the secretary of the treasury and there is good ground for this belief, for months ago it was reported that President Roosevelt had selected Mr. Cortelyou as his chief, although some of his friends expect that in the event Mr. Taft's canvass does not give promise of culminating successfully he will turn to the secretary of the treasury and there is good ground for this belief, for months ago it was reported that President Roosevelt had selected Mr. Cortelyou as his chief, although some of his friends expect that in the event Mr. Taft's canvass does not give promise of culminating successfully he will turn to the secretary of the treasury and there is good ground for this belief, for months ago it was reported that President Roosevelt had selected Mr. Cortelyou as his 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