Leaders to Coalition Formed by Von Buelow.

applyersary of the first coronation of a

several of the leading radical members of

Missouri Statute Forbidding Transfer of Suits to Federal Courts Void.

OPINION BY JUDGE M'PHERSON

He Holds That it Denies Property Equal Protection.

BAILBOADS FILE THE COMPLAINT

Scretary of State is Enjoined From Enforcing Act.

STATE

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trict co.

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IL TAKE APPEAL

He fubmitted to Su-

cenl Hadley Says the

Court of the nited States. PY. Mo., Jan. 36 Judge on, in the United States disre today, declared void and

and the statute passed by the

cistature in 1907 forbidding illous from transferring suits rought st them from the state to ris upon pain of forfelture the feder The application of the e Santa Fe, and St. Louis, Rock Island, Kansan City & Colorado, the Milwaukee, & St. Paul, and the Chicago & Alton rallway companies for an injunction to prevent John E. Swanger, secretary of tional. state fram enforcing the law was granted

by the court. The Missouri law upon which today's decision is based provides, specifically, that if any foreign, or nonresident railway corporation, created and existing under the laws of any other state, and doing a railway business from one point in the state to another point within the state, shall. gress. without the written consent of the other party, remove a case from the state court to a United States court, or shall without said written consent institute any suit against a citizen of the state, in any federal court, then the secretary of state shall revoke the license to do business, from one point within the state to any other point within the state, either in carrying passengers or freight. And deing such business shall subject it to a penalty of not less than \$2,000, and not more than \$10,000 for each offense. And such disability shall continue for five years.

Equal Protection of Law Denied. It is alleged in this case that complainant is about to remove a case, and the secretary will follow that by revoking its right to do business. The defendant contends that this in effect is an action against the state. in violation of the eigrenth amendment to constitution. The complainant contends that the act of 1907 impairs its contract with the state, and denies it the equal protection of the laws be enforced.

Judge McPherson in his decision goes into the law of the case at great length and quotes freely from previous decisions to

The decision in part follows: The decision in part tollows:

This court is mindful of the criticism by many laymen, as well as by many lawyers, to the effect that United States courts have so right, nor even the power, to decree the invalidity of state statutes. The argument, or rather the talk, is that the people know what they reed and that their representatives in legislature alone should determine what also turns we must have determine what statutes we must have And when so determined and evidenced by legislative legislative enectment, that the courts should not interfere by decree and thereby thwart the legislative will. In other words, that it is well to limit the powers of executives and courts, but a written constitution rearraining legislative bodies is all wrong and that Great Britain has the model government.

Findings of the Court. concluding Judge McPherson holds

The Missouri statute of 1807 is void, bes-cause it allows a resident company to sue in the federal court, if there is a federal question and denies that right to a non-resident company.

Regardless of the last preceding state-ment, the statute is void because it seeks

ment, the statute is void because it seeks to take from the complainant its right to bring or remove a case to the United States court, which right is given by the constitution, and the act of congress which by article 5 of the constitution is declared to be "the supreme haw of the land, anything in the constitution or laws of any state to the constrary notwithstanding."

The statute is void because it is an effort to not only impair but to repudiate the comment of the state made with the comment of the state made with the comments by which it was induced to come into the state, making investments in large sums, and was authorized to do a state business, but now declaring that it state business, but now declaring that it shall not do such business, thereby rendering it insolvent, and taking from the people along its line the use of a railroad for state business, unless the company will surrender under coercion rights given it by the national constitution and valid enacturents of congress.

by the national constitution and valid enactments of congress.

This court recognizes the rule that premimptively all legislation is valid. But it
is only a presumption, and in no sense
conclusive. This court recognizes that all
doubts should be solved in favor of uphelding legislation. But there are no doubts
in this case.

There is but a single question presented.
The complainant asserts rights under the

There is but a single question presented. The complainant asserts rights under the national constitution and laws enacted by congress. The defondant asserts rights under an act of the Missouri legislature and insists that there is no conflict. This court holds that there is a conflict. And there being a conflict, the one or the other must give way, and the constitution and laws of congress being the stitution and laws of congress being the supreme law of the land, of course the laws of the state must yield. "The application for an injunction is

"Officers of the state," continued Judge McPherson in his decision, "too often decry he power of the nation. State rights is

their shibboleth," he addd. "The most attractive argument to some awyers of recent days is that the state sourts sione in the first instance should pass upon the question as to the validity of state statutes, with the right of the lefended party to carry the case for final lecree to the supreme court of the United states. Such arguments are plausible, are onvincing to many good people, but are to dangerous as to amount to a heresy. It a the extreme of 'state rights' in a new

Judge McPherson cited a decision of the Wisconsin state supreme court which upseld a state statute under which an insur ince company's charter had been revoked removing a case to / federal court. n this case, however, he says the cornsany had no property in the state and had nade he investments therein.

"In the case at bar," he said, "a license p do husiness is not the question. Each of he companies invested millions of dollars ind it is now in the state and cannot renove. To prevent it from doing business neans appropriating its property, or detroying it without making any compensaion therefor. It was invited to come into -tate and was fold by the laws then in that it should have the same and

tke standing as resident companies, with

LAW IS KNOCKED OUT SUMMARY OF THE BEE THAW'S WIFE TELLS STORY DECORATIONS FOR RADICALS MILLARD VISITS CAPITAL

Tuesday, January 21, 1907. 1908 ~ JANUARY~ 1908 SUN MON THE WED THE FRE SET 1 2 3 4 5 6 2 8 9 10 11 12 13 14 15 16 17 18 19 20 2 22 23 24 25

26 27 2 29 30 31 --NCIL BLUFFS AND day; no important FOR OMAH. Nox I

DOMESTIC. Judge Smith MaPherson declares law in Missouri prohibiting a railroad from Dowling overruled the objection. transferring a suit from a state to a tederal court unconstitutional. Page 1 and Mr. Jerome announced when adjourn-Supreme Court of Pennsylvania declares the 2-cent fare law unconstitu-

Page 2 In Thaw trial, Evelyn Nesbit Thaw tells story of her relations with Stan tord White. Page 1 Patrick Horrigan, who deserted from

the army twelve times, finally caught, A censor will hereafter pass upon the papers to be read before the purity con-Page 1

Michigan banking commissioner asks that law be passed giving him regulation of trust companies. Fago 1 Mrs. Metcalf says she intended to commit suicide and not to shoot at Attorney Hammill. Page 1 Secretary Taft declares a half million

of claims of Spanish clergy in Philip-Government will pay a million dollars coal bill for fleet. Page 1 Further details of plot to wreck ven-

dollars would be cheap for settlement

sels of American fleet are secured. looking over the battleground over the

revenue collectorship. PORRIGH. hold them to coalition. Former Premier Katsura of Japan is heading the party in opposition to the demand of the government.

LOCAL. Council Bluffs Improvement club attacks the 10-cent fare of Omaha & Coun- District Attorney Jerome and his assistoff Bluffs Street Railway company be-fore Special Imspector tyon of the Intera 5-cent fare from the lowa side.

E. J. McVann, secretary of the Omaha Grain exchange, is elected chairman of the Omaha delegation to the first annual The prosecutor's pitless and aggressive convention of the Missouri River Navigation congress, to be held in Sloux City Wednesday and Thursday. Ministers of Omaha decided at a meet- things, she replied hotly: ng Monday to take a hand in Omaha municipal affairs and will file a brief with language you are using."

Following an address by Attorney Gen- from the record. eral Byers of Iowa the sheriff at Council Bluffs closes all gambling houses and Attorney Hess says he will do at that is possibe to enforce the state law against

the resorts. Page 6 COMMERCIAL AND INDUSTRIAL. Live stock markets. Page 7 Grain markets. Stocks and bonds.

MOVEMENTS OF OCEAN STEAMSHIPS

Bailed. Port.

NEW YORK Minnetonka

NEW YORK New York.

SOUTH AMPTON Philadelphia

MOVILLE.

GUBENSTOWN. BY WIRELESS.

CAPE RACE, N. P.—Graf Waldersee, from liamburg for New York, was 150 miles southeast at 6:30 a. m. Will dock at 10:30 a. m., Wednesday.

TAFT GETS OHIO BIG FOUR Foraker Will Make No Further Contest for Delegates-at-Large.

CINCINNATI, O., Jan. 20 .- To fight for the national convention delegates from Ohlo's twenty-one congressional districts. and to allow Secretary of War Taft to have the four delegates at large without Fosburg. If years of age, member of the a contest is the plan of campaign sug-United States Senator Foraker, who arstate convention is illegal, and therefore at 9:15 o'clock. His parents live at Ireton, he will not take part in selecting its dele- Ia. He formerly was a student at Morngates. After declaring that there had inguide college. been no "overture of peace," either to or by him, he said;

"So far as the state convention is concerned I have not changed my opinion since I was here, that the call for it is Diegal and unjustly burdensome. On that account, as I have her stature, announced shall not make any effort to comply with its terms and conditions, nor will my friends make any such efforts except only as their local conditions may prompt them. "Of course, the delegates selected to the state convention will all be for Taft, for there will be no opposition. This does not apply, however, to the congressional dis tricts. They are not under the control of the state central committee and are not bound by anything the state convention may do. Each district will elect its own delegates in its own way. What the dis-

tricts may do remains to be seen. MILLION - DOLLAR COAL BILL

House Committee on Deficiencies Will Recommend Payment at Once.

WASHINGTON, Jan. 20.-Two important decisions, contemplating the expenditure of \$30,000,000 were reached by the subcommittee on deficiences of the house committee on appropriations today. It was voted to recommend the immediate appropriation of \$1,000,000 to pay the coal bill, incident to the voyage of Admiral Evans' fleet to the Pacific coast, and also of the \$12,000,000 attend the annual convention of the Ameriasked for Secretary Taft and Chairman (loethals to carry on until the class of the ourrent fiscal year the canal digging work trow candidacy for the presidency of the as mapped out by Colonel Goethala

Court Rules That Public Cannot Be Excluded From Room.

NEW INCIDENT BROUGHT OUT

Defendant Attempted to Commit Suieide While in Europe-Jerome's Cross-Examination is Offennive.

NEW YORK, Jan. 20 .- Mrs. Evelyn Nesbit Thaw told her story today for the second time. The repetition lacked the vitallty of the first recital, but the great crowd in the court room, where her husband, Harry Kendall Thaw, is on trial for the killing of Stanford White, listened in- contest, and Prof. Bickoff Wiemer, who tently to every word. Justice Dowling had has come to the front recently as an enerruled that he found no warrant in the law gatic speaker in defense of the Reichstag for closing the doors against the public and there was a great clamor for admittance from a throng which hung about the the radical constituencies over Chancellor building all day long. District Atterney Jerome, falling in his move to exclude spectators, took occasion when it came his turn to cross-examine the witness to bring out the details of the first trial, which Mr. Littleton, of the defense, had omitted on his direct inquiry of the witness. Mr. Jerome also tried to block Mrs. Thaw's testimony in its entirety on the ground that it was a conversation which occurred three years before the tragedy and could not have any bearing on Thaw's mental condition on the night of the homicide. Justice Mrs. Thaw was on the stand all day long

tomorrow's sessions. Many Objections by Jerome. Mrs. Thaw's story was broken into bits by constantly repeated objections from the prosecution, who sought to exclude all detalls on the ground of immateriality. The

ment for the day was taken that his cross-

examination would occupy a greater part of

request Mr. Littleton to cut his examinatook this course only to find that on crossexamination Mr. Jerome insisted upon reading from last year's record nearly every did this under the privilege of framing new | the budget. Mr. Littleton objected to it, declaring that the district attorney by reading the the prime minister, Marquis Salonji, had former testimony in a disagreeable man- reached an agreement on the subject. ner was trying to discredit her in the eyes

her in any way by a direct question. Mr. Jereme made no attempt to disguise a tone of complete contempt in reading the Page 1 testimony. Contempt also characterized Ex-Senator Millard in Washington and most of the questions he put to the witness, whom he attacked in the loudest Page 1 voice he has yet used at the trial. Mr. Jerome plunged at once into the more intimate details of the testimony and made Page 1 interrogations.

Mr. Littleton's objections on the ground of "offensiveness and impropriety fre-Page 1 quently were sustained by the court. Witness Fences Skillfully.

Mes. Thaw matched wits against both District Attorney Jerome and his assist- viceroy of India, today received a majority ant, Mr. Garvin, who was ever at his of the votes cast in the election to till the chief's elbow with new auggestions. She vacancy among the representatives poers demanding fenced with them as skilfully as she did a of Ireland caused by the death last Novem-Page 1 year ago and at times reflected the mood ber of Lord Kilmain. district attorney by answering in a votce pitched in as loud a key as his own. questions often struck fire and once when Mr. Jerome demanded to know if the Page 10 young woman had told Thaw certain

"Yes, I told him, but I did not use the "Don't argue with me, madam," shouted the supreme court on the Sunday closing Page 10 Jerome, who then had the reply stricker

> Thaw Attempts Suicide. But one feature appeared in the testi many of the witness. This was when she told about Thaw swallowing the contents of a bottle of laudanum at Monte Carlo in 1904, in an attempt to end his life. Previously to this, at the Grand hotel, in New York, Thaw had talked of suicide, his wife declared, and had suggested that she also should take poison, as both their

> lives had been ruined. Mrs. Thaw said she humored Thaw at out of the room when he finally took the potson in Europe.

> "Why didn't you tell us about this at the first trial?" demanded Mr. Jerome. "Because Mr. Delmas said it might make Harry out too crazy," the witness retorted before the district attorney could stop her.

SIOUX CITY MAN ENDS LIFE Despondency Over Failure to Meet Note Causes Him to Shoot

SIOUX CITY, In., Jan. 30 .- (Special Telegram.)-Despendent over poor business and his failure to meet a note of \$300, Cliff dray line firm of Fosburg & Gruber, ato'clock this morning shot himself in the

WRECK DELAYS LEGISLATURE Louisville & Nashville Train Delayed and Kentucky Solons May Not Vote on Senator.

LOUISVILLE, Ky., Jan. 20.-The Louisille & Nashville passenger due at Frankfort this morning was derailed seven miles from Frankfort. Several of the pas sengers were injured, but nebody was killed. It is considered impossible to get the passengers, among them being many legislators, to Frankfort in time for the joint session of the legislature, and it is probable that no ballot will be taken today for United States senator.

SHOTS AIMED AT HERSELF Mrs. Metcalf Says She Did Not Fire at Attorney Hamill in Chicago,

INDIANAPOLIS, Ind., Jan. 20.-Mrs. Beatrice Thomas Metcalf, who shot at Attorney Samuel R. Hamill, in Chicago, returned to her sisters home in this city today. She states tenight to a reporter that La Crosse, Wis. the shots she fired were not intended to hit Attorney Hamili, but to kill herself.

Wyoming is Por Jastrow. CHEYENNE, Wyo., Jan. 20.-(Special.)-A large delegation of Wyoming cattlemen today departed for Denver, where they will can-National Live Stock association. The Wyoming delegation will support the Jas-

German Government Planning to Held

Former Senator Interested in Fight BERLIN, Jan. 20.-Among the names Over Revenue Collectorship. of those gazetted for decoration on the

CHANCE FOR THE OMAHA INDIANS king of Prussia as German emperor are

Parliament. The distinction of radical Bill Permitting Them to Take Their politicians in this way is almost without Claim Against the Government to precedent, and it is regarded as an indicathe Court of Claims is tion that the government is planning to hold the radicals to the coalition formed Passed by the Senate. by Chancellor von Buslaw in 1906. The

men to be honored include Herr Kaempf, second vice president of the Reichstag; Herr Muenaterberg, brother of Prof. Hugo Muensterberg of Harvard university; Herr Gyssling, a young member from Koenigsberg, who defeated the socialists in a hard There is considerable dissatisfaction in von Buelow's declaration concerning the Prussian election system. Meetings have been held in the provincial cities at which resolutions were passed against the ralicals supporting the chancellor in the im-Senators Burkett and Brown. perial Parliament so long as he refused to

KATSURA IN THE OPPOSITION Former Japanese Premier Leader of Club that Issues Manifesto Against Government.

support the idea of election reforms in

Prussis.

TOKIO, Jan. 20 .- At the Daide club today sixty members of the lower house in the where the Logan river empties out of the Diet issued a manifesto which proclaimed unalterable opposition to the financial pol-

ley of the government. This is one of the significant developments of the present situation, because land should prove unsatisfactory as a Marquis Katsura, the former premier, is frequent objections led Justice Dowling to recognized as the leading spirit of the consent of the Indians, set spart and Daidos, aithough he does not lay any claim tion as short as possible. Mr. Littleton to the position of leader. This action united the Daidos with the progressive party and practically unites the opposition, In which event the government would be word the witness had then uttered. He defeated in its attempt to carry through

Up to the present moment it was generally believed that Marquis Katsura and

of the jury when he could not discredit TROOPS SMOKE OUT REBELS Haytlan Government Scores Victory Over Revolutionists in First Battle.

PORT AU PRINCE, Hayti. Jan. M.-Govrnment forces yesterday attacked the town of St. Marie, which was held by the revolutionists. The revolutionists surrendered Government of Germany will deco-rate members of the radical party to no delicate choice of words in framing his after a slight resistance. The revolutionists surrendered forces then marched toward Gonalvas which is completely surrounded. The government considers the revolution as practically ended.

Lord Curzon Eccted. DUBLIN, Jan. 20.-Lord Curson.

TAGGART LIKES DENVER HALL Democratic Chairman Expresses ills Approval of the Audi-

torium.

DENVER, Colo., Jan. m .- The Democratic national commmittee's subcommittee on arrangements for the democratic national convention assembled here today and began consideration of the plan for the auditorium now under construction in which the convention will be held next

After inspection of the building, all the sembers of the comittee concurred in the pinion expressed by Chairman Taggart hat the auditorium will probably be the nost comfortable and desirable hall in which a national convention has ever met. A joint sesion of the rational subcommittee and the local committee on arrange ments was held this afternoon at which the seating arrangements in the convention the time and diverted his mind. She was hall, hotel accommodations and other pre-

liminary details were discussed. The committee will continue its sessions in this city a day or two longer and will econvene in Chicago about two weeks afte rthe close of the present meeting. The visiting comitteemen were enter tained this evening at the democratic club.

CLAIMS OF SPANISH CHURCH Secretary Taft Says Half Million Small Compensation for Injury Done Property.

WASHINGTON, Jan. 29.-Secretary Taft and Lieutenant Colonel J. A. Hull judge advocate of the department of the east today attended a hearing before the house committe on insular affairs, which gested by an interview this afternoon by tired himself in his best clothes and at 6 had under consideration the claims of the Roman Catholic church in the Philippines rived home today from Washington on kitchen of his home at Morningside with for \$2,500,000 indemnification on accounts business. He says that the call for the his wife only a few feet away. He died for damage to and occupancy of church building in the islands by the United States troo,s during the Spanish war. Colonet Hull was chairman of the army board on hurch claims, appointed to sift these claims and make recommendations as to settlement. The report of the board recommended that the church be paid \$363,000 full. Secretary Taft at today's meeting told the committee that in his opinion the United States would be getting off cheap if it allowed twice the sum named by the board, or pay the church at least \$500,000. Colonel Hull inclined to the same opinion which he said represented the sentiment of the board. The administration has not reached a decision.

CENSOR WILL ACT HEREAFTER Papers Read Before Purity Congress Will Be Passed On in

BATTLE CREEK, Mich., Jan. 20,-Owing to unpleasant notoriety incurred by some ference here, it is announced that no conference will be held this year and that that all risque passages may be stricken West Virginia." out. The announcement comes from the conference president, B. S. Steadwell of

Unemployed Men Parade NEW BRITAIN. Conn., Jan. 20.—Over 1.000 unemployed workmen paraded through the streets of this city today, the leader carrying a beaner bearing the inscription. "Parade of Hungry People Looking for Work." It was explained by some of the leaders of the demonstration that "hungry" in this case meant that the men were hungry for something to do, not that they were suffering from the pangs of physical hunger. Poles Germans, Lituanians, French and Italians comprised the majority of the marchers.

(From a Staff Correspondent.) WASHINGTON, Jan. 20.-(Special Telegram.)-Former Senator Millard spent Sunday and a portion of today in Wash- and through that means to Admiral Evans ngton on his way to New York. Mr. Millard was not inclined to talk politics, local or national, saying that he was now entirely out of it and devoting his time entirely to his personal business affairs. However, he is not so much out of polities as to forget that there is a fight on between the senstors from Nebraska over the collectorship and was keen to gather any information which might show the direction of the wind. Prior to leaving for New York the ex-sensior lunched with

Indian Bill Passes Scante. Benator Burkett's bill authorizing the Omaha Indians to submit their claims against the United States to the court of ciaims, passed the senate today. In 1854 west from a point in the center of the main | sanitarium at Montevideo. channel of the Missouri river due east of location the president might, with the assign to them within the ceded country south of this line residence suited for and acceptable to them, said location on the south of the river not to be more than \$00,000 acres, if they elected to take it. They were to be paid for the land north of the dividing line, providing they accepted a home south at the same rate per acre as was paid for that south of the river, deducting the acreage taken for a new home. The prices paid for the land so ceded was 14 cents an acra. They accepted a home containing 300,000 acres south of the line, and the area of land north of said line was about 800,000 acres. For the differnce of 500,000 acres which

has been made, hence the bill which passed today. More Pay for Rural Carriers. Representative Hinshaw today introduced a bill providing that after July 1, next, all rural carriers who serve routes twenty-four miles in length or tess shall receive \$900 per annum; that all rural carriers who serve routes longer than twentyfour miles shall in addition to \$900 a year cive 10 cents for each working day for each wife that their route may exceed twenty-four miles in length.

they claim should have been paid for

at 14 cents per acre the Interior depart-

ment does not contend that settlement

Bill for Postal Division. postmaster general to create an additional long he re-enlisted under another name oper division of the railway mail service at Omaha, and to assign to duty there one division superintendent, in addition to those heretofore appointed and who shall be paid a salary of \$3,000 per annum, and one assistant division superintendent at \$1,800 a year. Before introducing this bill Mr. Hitchcock had an interview with Mr. Mc-Cleary, second assistant postmaster general, with reference to the proposed new railway mail division at Omaha. Mr. Mc-Cleary was disposed to oppose such a bill on the ground that Omaha was not geographically entitled to a division, but Mr. Hitchcock sprung an array of figures the assistant postmaster general which gave him something to think about. Mr. Hitchcock has hopes that his bill will be acted upon during the sixtleth congress.

New Land Office Proposed. Senator Gamble and Colonel Parker of South Dakota introduced in their respective houses today a bill creating a new land district at Lemmon, taking in a portion of Butler and the county of Schnasse. This office is greatly needed in this secmissioner of the general land office who heartily recommended the bill.

Thomas Goes to Highest Court. The supreme court today fixed February | mfil. 24 on which to hear arguments in the case penitentiary for life. Thomas now seeks to aside on the ground of the unconstitution- riddled with bullets. ality of the Iowa statute, which his attorney alleges fails to determine the degree of the crime in such cases. Minor Matters at Capital.

On the recommendation of Congress man Kinkaid Dr. A. H. Thornton has been appointed pension examining surgeon at Alliance, Neb., vice Dr. J. E. Moore, resigned; and upon the recommendation of Congressman Connor, Dr. C. C. Mulroney has been appointed pension examining surgeon at Fort Dodge, Ia., vice Dr. C. H. Churchill, resigned.

A band of Servian gypsies was arrested charge of grand larceny and kidnaping in Council Bluffs, Ia. It is charged by Chief of Police George H. Richmond of Council Bluffs that Lucien Marino, evidently leader of the rovers, stole several hundred dollars from a horse dealer in Council Bluffs and kidnaped a son of a prominent resident of that city. Lucien Marino was searched at police headquarters of the papers read at the recent purity con- and several telegrams which he sought to hide were found in an inside pocket of his coat. The dispatches were signed by anpapers to be read at the next conference other gypsy in Iowa who advised Marino will have to be submitted in advance so to "skip to Pennsylvania, but don't go to

Last night Chief Goods received the following dispatch from Chief Richmond "Arrest and hold Lucien Marino, Servian gypsy, and girl charged with grand largeny and kidnaping."

Laicien Marino, George Marino, a woman and four little children are held by the Alexandria police pending advice from the authorities of Council Bluffs. Howard L. Rann of the Manchester, Ia.

Rural routes No. 1 and 2 have been or-

dared established April 1 at Ainsworth,

Press is in Washington.

Understood Story Started in Paris and Comes from Sensational Sources.

WASHINGTON, Jan. 20,-The reported plot to blow up one or more ships of the Atlantic battleship fleet at Rio de Janeiro is regarded at the White House as a repetition of one of the many schemes which are constantly being presented to the secret service by persons who claim to

possess information, which they are willing to part with for a consideration. No credence is placed here in the existence of an actual plot. It is understood the information originated in Paris, from which point it was communicated to the secret service bureau of the Treasury department and the authorities of the South American

RIO JANEIRO, Jan. M .- There were fur ther developments today, according to the local police, to the efforts being made to unearth the persons responsible for the alleged plot to destroy part of the American flet now in this harbor. Several arrests have been made. The band, which is supposed to have organized the plot, is made up of foreigners. It is presumably composed of five Italians, one Canadian and two Germans. John Fehder is one of the Germans. Three of the Italians have been arrested here, and it is believed that the other members of the band have been taken into custody at Sao Paulo.

The members of the band counted on the assistance of a Spaniard named Rochero. the Omaha Indians coded to the United who has lived in this city for a long time. States all of their lands west of the Mis- A year ago, however, this man went insane. souri river and south of a line drawn tiue and since then he has been shut up in a

PARIS, Jan. 20.-A story in which not many persons place credence, but for which bluffs to the western boundary of Omaha, there is apparent foundation, has gained involves an alleged overcharge of some 3000 country. They reserved for their own use currency here to the effect that unknown freight as a future home land north of said picture shipped explosives to Rio Janeiro line, provided that if upon exploration this in a small vessel and planned to place them in the narrowest part of the straits Comaha & Council Blut's Railway & Bridge of Magelian to destroy the American fleet, using a nearby island as a base. The ves- Street Railway company, George H. Scott sel was traced to Brazil and information of Council Bluffs and T. W. Blackburn was sent to the Washington authorities of Omaha represent the complainants and as a precautionary measure. The anarch- John L. Webster, the street rallway comistic feature was not thought of here, the pany. Mr. Scott insisted he wanted all the story being attributed to Japanese sources.

CHAMPION DESERTER CAUGHT Patrick Horrigan's Thirteenth Enist- operation of the street railway system inment Proves Fatal to His Long Record.

body is gorgeously tattooed, he has managed whose whereabouts are unknown. to escape the recruiting officer in spite Mr. Scott held that the corporation was the War department decided that Horrigan would enlist again. He did and was because the line was operated under one promptly put under arrest. He will be general system.

The court-martial region first R. A. Leusier, secretary and assistant application. Representative Hitchcock today intro- enlisted in Grand Rapids, Mich., in 1892, general manager of the street rallway comtion which was sent to the War depart- in Council Bluffs is 10' cents. each case, the man had deserted after serving for a short time. Further search showed that Horrigan had deserted three times before the present system of keeping

NEGRO HANGED BY A Cleveland Franklin, Who Killed Man While Robbing Till at Dothan, Ala., is Lynched.

DOTHAN, Ala., Jan. 19. - Cleveland Franklin, a negro, employed by a cotton oil company, was lynched here early to night by a masked mob of 200 angry citizens. The negroe's body was riddled tion, the inaccessibility of the nearest land with builets, as it awing from the limb offices already established being known of a tree. It is said that Franklin shot to the secretary of the interior and com- and seriously wounded A. C. Faulk, secretary and treasurer of the oil company, here last night, after he had been caught in the act of robbing the cash drawer at the

The sheriff was notified immediately of Charjes Thomas, plaintiff in error, after the shooting and a posse was organagainst the state of Iowa, defendant in ised. This morning the sheriff learned This case is one of the most that the negro was at Webb, Ala., and famous in the criminal annals of the Hawk- later he was captured there. Franklin eye state. Thomas, who was a back driver was brought back to Dothan by private in Des Moines, was charged and found conveyance. After putting the team up guilty of killing Mabel Schofield, "knock at the stable and just as the start was out drope" having caused her death. A made for the jall, a mob of 200 men, all verdict of guilty was rendered against him masked, swooped down on the sheriff and and he was sentenced to Fort Madison his posse and forcibly took the prisoner. The negro was taken a short distance have the verdict of the court below set away, hanged to a limb and his body

"BUGS" BROWN UNDER ARREST Man Claiming to Be St. Louis National Pitcher in Trouble in Chicago.

CHICAGO, Jan. 20 -- A man who gave his name as Arthur L. Raymond, and who said he is Pitcher "Bugs" Raymond Brown of the St. Louis National base ball team, is under arrest here charged with duction of revenue of \$102,920.90 robbing George C. Mosher, a jeweler, of \$34. The police say Mosher positively identified Alexandria, Va., today and held on a the prisoner as the man who robbed him. The prisoner was arrested last night and when taken to the police station and questioned he admitted that he and Mosher had been drinking in a saloon, but denied any knowledge of the alleged theft. Mosher leaving the saloon "Raymond" struck him in the face and knocked him down. Mosher save that "Raymond" then searched him and relieved him of all his money.

REGULATING TRUST COMPANIES Banking Commissioner of Michigan Seeks to Secure Control Over

These Organisations. LANSING, Mich., Jan. 20.-In the nineteenth annual report of the State Banking department, made public yesterday by Banking Commissioner H. M. Zimmerman, the commissioner recommends that a law be enacted to give the department the same supervision over trust companies that it there are at present in the state of Michigan 329 state banks, ninety-three national Brown county, Neb., serving 600 people and last year thirty-one new state banks were reached by the street railway lines.

REPORTED PLOT NOT OFFICIAL TO CUT BRIDGE FARE

Plan of Iowa Club Heard by Interstate Commerce Commission.

REDUCTION FROM TEN TO FIVE

Force Traction Company to Show the Figures on All Lines.

BARGAIN RIDE TO BUSY OMAHA

Railroads Charge Three Times as Much for the Trip, Says Webster.

HEARING CONTINUED TUESDAY

Merriam & Holmquist Withdraw Their Case Against Several Ratiroads for Elevation Charge of Three-Fourth Cent.

Special Examiner Frank Lyon of Washington, representing the Interstate Commerce commission, is hearing two cases in the federal building in Omeha, the chief one being a plea of the West End Improvement club of Council Bluffs for a reduction of the bridge tell on the street railway lines from 10 cents to 5 cents. The other is that of Coones & McGrew of Bloux City against the Chicago, Milwaukee & St. Paul and the Chicago, Rock Island & Pacific Railway companies in the matter of the shipment of six cars of broom corn from Elk City, Oik., to Bloux City, which

In the matter of the West End Improve ment club of Council Bluffs against the company, and the Omaha & Council Bluffs records of the defendant companies filed with the commission, which would show the income of the road, value of construc tion, income from bridge tariffs and the dependent of as well of the bridge.

Such Evidence Not Possible. Mr. Webster held that to furnish such NEW YORK, Jan. 20 .- Patrick Horrigan evidence would be a practicable impossihas been captured. He is now in custody bility, and that in any event it would rein San Francisco and the military au- quire several weeks to compile such evithorities say that they have at last cap- dence, because it would require the tured the champion deserter of the Ameri- production of the records of three differcan army. It is charged that in the past ont companies now gone out of existence. fifteen years Horrigan has enlisted and and the officers of which could not be deserted thirteen times. And although his found, some of whom are dead and others

of the fact that descriptions of him had all one affair and that no transfers are been sent all over the country. Recently given from the Council Bluffs side to any the War department decided that Horrigan point in Omaha, but that a rate of 15 cents had described enough and that the unlucky is charged, 10 cents from Council Bluffs thirteenth should be his last. A circular and across the bridge, then another 5 cents was accordingly sent out to recruiting offloors all over the country, giving a very to any point in Omaha. Also that the elaborate description of the man, as it was patrons of the road should be entitled to believed that, according to custom, he

a bill authorizing and directing the A few days later he deserted. Before pany, testified as to the extent of mileage and after a short time again deserted. A from the west end of the bridge as at clerk in the War department discovered twenty-six miles. The fare from the west the champion deserter from the descrip- end of the bridge to Thirty-second street ment whenever a man is enlisted. The fare from Council Bluffs via the bridge clerk in reading a card thought there was (the only route) to East Omaha and Courtsomething familiar about the tattoo marks land Beach, la., was 15 cents. This was described and a search showed ten cards accounted for from the fact that really two on which the marks were identical, al- systems, the bridge and street rallway systhough in each the name was different. In tems were involved. No trap-ters were given from the Council Bluffs side to points in Omaha. The Omaha and Council Bluffs Street Railway and Bridge company, and the Omaha and Council Bluffs Street Railway company and the Council Bluffs and Interurban Street Railway company were now under one general manage ment by absorption and lease. eases run for ninety-nine years from the last expiring franchise of either of the absorbed companies, for which the company now pays \$60,500 per annum.

> Not a National Question. Mr. Webster said: "The question of fares and distances is wholly under the control of the Street Railway company, subject to municipal regulation and was under police control and regulation and was not within the province of the Interstate Commerce commission.'

He compared the rates of fare over bridge in question with that Union Pacific bridge, where the rate was twenty-five cents per passenger, while that of the street railway bridge was but ten cents, and that passengers over the street railway bridge were landed in the business center of the city for one fare of ten cents, while those Union Pacific bridge, only half a mile below, were required to pay the twentyfive cents, were landed at the depots and had to pay an additional five cents street car fare to reach the business sections of the cities.

The following statement of the reve nues and expenses of the Omaha & Council Bluffs Rallway and Bridge company was submitted in evidence:

number of fares would result in a re-

Taxes on bridge for 5 years . \$ 27,322.08 Net profits of bridge for five years Expenses and fixed charges of property of the Omaha & property of the Omaha Council Bluffs Bridge Co. for 1907 Secupet Of Property of Council Bluffs

Receipts of profit Bluffs Omaha & Council Bluffs Railway and Bridge Co.... 427.7 State ment of carnings and exp State ment of carnings 1303, 1904. 427,754.84 claims that when he and "Raymond" were of bridge for the years 1903, 1904, 1905, 1906 and 1907: \$99,011.40

Bridge tolls received Maintenance of bridge Salary toll takers Insurance 75,000.00 Depreciation

Total \$279,105,00 The other witnesses of Monday afernoon were C. C. Clifton, secretary of the West End Improvement slub of Council Bluffs, and A. C. Harden, pres ident of the same club. Their mony related to the purposes and organization of the West End Improve-

ment club Tuesday's hearing will go extensively has over banks. The report shows that into the alleged discrimination against Council Bluffs and to show the differ ence in concessions granted banks and six trust companies. During Bluffs and Omaha suburban localities

Upon the conclusion of the hearing in