THE OMAHA DAILY BEE

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PRINT BROWN'S BRIEF

Senate Recognizes Value of Argument on Tax Injunction Bill.

PLEA FOR LEGAL UNIFORMITY

Federal Taxes Cannot Be Enjoined in the Federal Courts.

COLLECTION VITAL TO NATION

Just as Important to State that Levies Be Collected Promptly.

SENATORS COMPLIMENT BROWN

Washington Crowded with Delegates to Methodist Conference and Several Nebraskans Are Among Them.

(From a Staff Correspondent.)

WASHINGTON, May 4.—(Special Telegram.)—The committee on judiciary of the senate has ordered printed a brief prepared by Senator Norris Brown in support of his amendment to the federal statutes, designed to prohibit the enjoining of an assessment or the collection of state taxes and has referred it to a sub-committee consisting of Fulton of Oregon, Nelson of Minnesota and Clarke of Arkansas. By his amendment, which he introduced early in the session, Senator Brown sought to have the same rule applied to state, county, municipal and district taxes as has been applied to federal taxes under the federal statutes.

In concluding his brief, Senator Brown said: "The assessment and collection of federal taxes under the present law cannot be enjoined in the federal courts. There is no reason why the same rule should not govern in federal courts as to the assessment and collection of state taxes. Congress has the power, which is established by both legislative and judicial precedent, to withhold the injunction remedy wherever it may determine the public good requires. Equity and good conscience, as well as public good, suggests that the rule be uniform as to all taxes. No reason has or can be given for a rule which forbids an injunction as to federal taxes and allows it as to other taxes. It will be remembered that adequate remedies at law are provided in all states and territories for wrongs existing on account of illegal and invalid assessments."

Senator Brown argued that the "summary collection of taxes is necessary to the life of the government, state as well as federal; boards of equalization and assessment act judicially and their judgments should not be subject to collateral attack in courts of equity; it is within the power of congress to fix the jurisdiction of federal district and circuit courts."

Important to State and Nation.

After stating the rule of the supreme court as laid down by Mr. Justice Miller in railroad tax cases "that taxes are necessary to the life of the nation and therefore courts of equity will not interfere with their collection," Senator Brown argues in support of his first contention that the collection of taxes are just as important to state governments and should be just as untrammeled by courts of equity. He shows that this principle is recognized by the equity courts of nearly every state in the union, while many states by express statutes prohibit the granting of injunctions against the assessment and collection of taxes. Numerous decisions of state courts in support of this rule are quoted in Mr. Brown's brief and quotations are taken from text writers to substantiate his argument.

Senator Brown summarized the authorities quoted by him as follows:

"1. Assessors and boards of equalization act judicially.

"2. Their judgments are not subject to collateral attack in courts of equity, except for fraud or want of jurisdiction.

"3. They are vested by law with the duty and power to ascertain and determine questions of fact, and such decision when made amounts to more than a mere presumption that the fact exists, and therefore cannot be overthrown in a collateral attack by evidence tending to show that the fact was otherwise than found and determined by them."

It is the purpose of the Brown amendment to give the same vitality to those rules of equity in relation to state taxes that is now given them by existing law in relation to federal taxes.

In support of his third argument, Senator Brown quoted legislative and judicial precedents, which, he declared, were conclusive that congress had full power, he declared, to regulate this use of injunction by the federal district and circuit courts.

Senator Brown has been highly complimented by members of the judiciary committee for the labor he has given to the preparation of his brief and the research shown in support of his bill which is not only of great interest to the people of Nebraska, but to every state.

Minor Matters at Capital.

Washington is crowded today with representatives of the Methodist church who are enroute to Baltimore to attend the general conference of that great body of church workers which convenes tomorrow in the monumental city.

Rev. Mr. Balch of Lincoln preached a sermon last night at the Foundry Methodist church, being the guest of Senator and Mrs. Burkett, at whose church the Burketts worship when at home.

Rev. J. R. Geddes of Wesleyan university, Lincoln, was the guest of Congressman Hinshaw today at luncheon in the capitol.

Rural free delivery route No. 3 has been ordered established July 1 at Britton, Marshall county, South Dakota, serving 300 people and seventy-eight families.

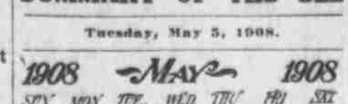
ELEVEN MEN ARE DROWNED

Steamer Minnie Skelton is Wrecked Off Newport, Ore., Friday Night.

NEWPORT, Ore., May 4.—During a storm Friday night off the coast, the steamer Minnie Skelton shifted and strained and sprung a leak. Saturday noon a huge wave struck the vessel and washed its deck load and cabin overboard, leaving the vessel waterlogged and unmanageable. Eleven of the crew were drowned, some while trying to launch a boat. Four on a raft tried to get ashore, but only one succeeded, and he sustained a broken leg. The lifesaving crew of this place took nine men off the vessel and landed them on the shore about fifteen miles north of here. The Minnie Skelton was bound from Aberdeen to San Francisco loaded with lumber, in command of Captain James McKenna. The last seen of the vessel it was picked up by another schooner going north.

SUMMARY OF THE BEE

Tuesday, May 5, 1908.



DOMESTIC.

House leaders have agreed to an amendment to the currency commission bill that will permit issue of emergency notes. It will be considered at the conference of house republicans tonight. Page 1

Senate orders printed Senator Brown's brief on bill to prohibit federal courts enjoining the collection of state taxes. Page 1

Hi[illegible] has been released from Ma[illegible] and confined in the county jail [illegible] county pending settlement [illegible] application for a writ of habe[illegible] Page 1

Unf[illegible] supreme court holds the railro[illegible] diverted stock shipments from [illegible] because of the Kansas City fl[illegible] not liable for the loss that resulte[illegible] Page 1

Mae [illegible] will come up for trial in New [illegible] an early date. Page 1

Grover [illegible] is steadily recovering at the L[illegible] hotel. Page 1

Stockholders of the Union Pacific road will today be asked to authorize another $100,000,000 of bonds for improvements. Page 1

Rains are general over the southwestern states, Nebraska receiving a generous wetting down, with snow in the western part and in Wyoming. Page 3

New Jersey republicans and Ohio democrats will hold their state conventions today. Page 1

Department of justice is making an arrangement for a test of the commodities clause of the railroad act. Page 1

FOREIGN.

Amnesty for all conspirators of Portugal is decided upon as the only way for the government to get out of its predicament following the assassination of King Carlos. Page 1

Revolt in India when discovered was almost at the point of revolution. Page 1

Powers of the Colonial trust are not limited by the English court. Page 1

Prince Zu Eulenburg is accused of giving false testimony in the Harden trial. Page 1

NEBRASKA.

Commissioners of Kearney county offer a reward of $1,500 for the arrest of Bert Taylor. Page 3

State board permits Kearney Telephone company to increase rates, but has not yet passed on consolidation of companies. State Board of Assessment meets and adjourns for want of a quorum. Page 3

LOCAL.

County of Douglas and city of Omaha vote today on court house bond proposition, while the city votes on paving and park improvement bonds. Page 1

Rain of the last thirty-six hours has probably been worth $3,600,000 to the winter wheat crop of Nebraska, which has been damaged by long spell of dry spring weather. Page 3

Judge Sears charges grand jury to get to work on special evil charges, and that something must be done to keep the blot from the residence districts. Page 4

Mayor Dahlman could not find a bear to kill or buy one already killed to bring back to Omaha during all of his two weeks' hunt in the mountains of Wyoming and Montana. Page 4

D. H. Tolman, Omaha loan agent, has trouble in his office at Kansas City, where girl clerk is arrested for usury when constables fail to locate the proprietor. Page 5

Some light has been thrown on the Dr. Jennie Colfass case and it may all be explained when the board of managers of the Woodmen Circle meets next week and goes into the affairs of all officers. Page 4

COMMERCIAL AND INDUSTRIAL.

Live stock markets. Page 9

Grain markets. Page 9

Stocks and bonds. Page 9

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
NEW YORK	Argentina	
QUEENSTOWN	Etruria	Mauretania.
SOUTHAMPTON	St. Louis	
DOVER		Vaderland.
MONTREAL	Ottawa	Corsican.
MONTREAL	Corinthian	
MONTREAL	Virginian	
QUEBEC	Lake Erie	

BY WIRELESS.

At Sable Island—Steamer Finland, from Antwerp for New York, was reported 691 miles east of Sandy Hook at 1:30 a. m.; will dock at 7:30 a. m. Tuesday. Steamer Minneapolis, from London for New York, was reported 650 miles east of Sandy Hook at noon; will dock at 7:30 a. m. Tuesday.

At Browhead—Steamer Kaiser Wilhelm III, from New York for Plymouth, Cherbourg and Bremen, was 212 miles east at 5:50 p. m.; will reach Plymouth at noon Monday. Steamer Minnehaha, from New York for London, was 130 miles southwest at 9:19 a. m.; will reach London early Tuesday morning.

At The Lizard—Steamer Zeeland, from New York for Dover and Antwerp, was 200 miles west at 11:20 a. m.; will reach Dover at 6:20 p. m. Monday.

SOLDIER TO HELP ANARCHIST

Detectives Find Man Who Pledged to Assist Emma Goldman in Her Work.

SAN FRANCISCO, May 4.—In the Fort Mason guard house Private Bulwada of Company A, first battalion of engineers, has been identified as the soldier who shook hands with Emma Goldman at a meeting of anarchists and pledged her his assistance.

The identification was made by detectives of the police force and he was placed under arrest. Bulwada will be brought before a court-martial.

TEST OF BUCKET SHOP LAW

Percy Wade of Washington Sentenced to Month in Jail Under New Act.

WASHINGTON, May 4.—Percy Wade, recently convicted of violating the gambling laws of the district of Columbia by conducting a "bucket shop," was today sentenced by Justice Barnard in criminal court to serve thirty days in jail. Mr. Wade took an appeal and was released on $500 bail. Wade's case was regarded as a test under the district code.

Extremists Lost in France.

PARIS, May 4.—The radical and the radical socialist parties were heavy gainers throughout France in the municipal elections held yesterday. They made their advances at the expense of the extreme socialists and the reactionary nationalists; the latter in Paris alone lost 45,000 votes.

AMNESTY IS ONLY WAY OUT

Government of Portugal Will Pardon Most of Conspirators.

OPPOSITION TO GET IN CABINET

Dr. Jose De Alpoim Makes Deal with Government by Which His Followers Are to Get Recognition.

LISBON, May 4.—The government has completed its investigation into the plot that led to the assassination last February of King Carlos and the crown prince of Portugal, but it would appear that the conspiracy has so many ramifications and that so many persons of position are either suspected and implicated that it has been decided not to bring prosecutions. Nevertheless, in order to keep up appearances King Manuel, when he takes his oath of office, will grant a general political amnesty. This, however, will only cover offenses up to January 30; the assassination occurred February 1.

Although King Manuel has expressed his willingness to repay to the treasury the money advanced to the late King Carlos the cabinet, on account of the present condition of the finances of the royal household, has decided to ask Parliament to cancel these debts.

Dr. Jose de Alpoim, chief of the progressive dissidents, who has been a thorn in the side of the monarchy, is believed to have made a deal with the government by which one of his followers will enter the cabinet at the earliest opportunity.

The lieutenant governor of Lisbon has issued orders that all arms in the possession of private parties be surrendered immediately. After May 5 any person having arms in his possession without the proper permission will be severely punished.

POWERS OF COLONIAL TRUST

English Court Refuses to Place Limitation Upon Endeavors of Organization.

LONDON, May 4.—A petition of the Jewish Colonial trust asking power from the court to restrict its operations to Palestine was dismissed this morning by the court of chancery. The trust has a capital of £2,000,000, which has been subscribed with the object of promoting the welfare of the Jewish race in all parts of the world. The managers of the trust, who were supported by a considerable section of the stockholders, contended that the colonization of Palestine and neighboring territory was the "great ideal of Zionism and the only object worth entertaining." Israel Zangwill and other dissidents bitterly opposed the proposed scheme of limitation. "It would mean," Mr. Zangwill declared to the court, "sitting down idle before the closed gates of Zion," the promised land.

The promised land, he declared was not at present obtainable, and the proposed restriction would prevent the trust from ameliorating the condition of persecuted Jews in many parts of the world.

Justice Eve, in dismissing the petition, took Mr. Zangwill's view. He said that if he sanctioned the suggested alteration he would be doing little to improve the condition of an oppressed and great people outside of Palestine.

GERMAN PRINCE FACES CHARGE

Zu Eulenburg Accused of Giving False Testimony in Harden Prosecution.

BERLIN, May 4.—Members of the criminal police force, according to the Tageblatt have picketed around the castle at Liebenberg of Prince Phillip Zu Eulenburg as a precaution against the prince leaving the country during the preliminary investigation by the crown prosecutor of the allegation that the prince gave false testimony during the recent Harden trial in Berlin, when charges of a serious nature were brought against several prominent German officials.

That the prosecutor took up the investigation at all is being referred to by the newspapers as a serious matter. Prince Zu Eulenburg, who lives in almost feudal style, is ill of neutritis. Physicians delegated by the government to examine him affirm that he is unable to travel, yet a dozen plain clothes officers watch the exits of the castle grounds day and night. Prince Zu Eulenburg received a judicial commission, during its recent visit to his bedside, with the utmost courtesy. He offered the commissioin the fullest facilities for its investigation and replied to its questions clearly and without hesitation.

SERIOUS CONDITION IN INDIA

Government Believes it Faces Deep Laid Plot for Revolution—Many Involved.

CALCUTTA, May 4.—The police are investigating the native plot revealed here yesterday to murder Europeans by means of bombs, and the more they go into the matter the more serious and widespread does the conspiracy appear. Documents seized at the house where bombs and explosives were being manufactured reveal that it was part of the plot to kill Lord Kitchener, commander-in-chief of the British force in India, and other high officials.

The authorities believe they are facing an attempt at revolution. A number of prominent Bengalese are implicated and sensational arrests are expected to follow.

NEW COUNT SYSTEM OPPOSED

Plan of Belgium at International Telegraphers Conference Not Liked in America.

LISBON, May 4.—The International Telegraphic conference was opened in this city today. Belgium intends to propose an important modification of the present system of counting words whereby the existing distinctions regarding plain, conventional and code language is to be abolished and a uniform word of five letters or five figures substituted. This proposition already has met with strenuous opposition from the commercial interests of Great Britain and America.

EVANS' LAST DAY AT SPRINGS

Commander of Atlantic Fleet Feels Able to Take Up Duties Again.

PASO ROBLES, Cal., May 4.—Today is the last of Rear Admiral Evans stay at the Paso Robles Hot Springs. The private car in which he is to make the trip to Monterey arrived at Paso Robles this morning. The admiral feels remarkably well.

HOW TO VOTE ON BOND PROPOSITIONS

QUESTION 1

Shall the county of Douglas issue $1,000,000 bonds to erect new court house and jail?

YES.... ☒ NO.... ☐

QUESTION 2

Shall the city of Omaha issue $50,000 bonds for paving street intersections?

YES.... ☒ NO.... ☐

QUESTION 3

Shall the city of Omaha issue $50,000 bonds for improving parks and boulevards?

YES.... ☒ NO.... ☐

SPECIAL ELECTION TUESDAY, MAY 5

Polls open 8 a. m. to 6 p. m.

THAW IS OUT OF MATTEAWAN

Will Be Held in Dutchess County Jail Until His Case is Settled.

POUGHKEEPSIE, N. Y., May 4.—Temporarily, at least, Harry K. Thaw is out of the Matteawan hospital for the criminal insane. As a result of today's proceedings on the writ of habeas corpus brought in an effort to have him declared sane, he will remain in the Dutchess county jail until the final decision on the writ is handed down. The formal hearing in the case will come before the supreme court here next Monday.

The adjournment was taken upon the request of a representative of the district attorney of New York county to give District Attorney Jerome an opportunity to appear in person to oppose Thaw's release from the asylum.

In the meantime Thaw will remain in the Dutchess county jail here instead of being returned to Matteawan. Thaw appeared to be in excellent health today, having gained fully twenty pounds in weight since his transfer to the asylum from the Tombs.

One of the interesting features of today's proceedings was an announcement that Evelyn Nesbit Thaw, although she has brought suit for annulment of her marriage, will appear if necessary as a witness in her husband's behalf.

MORE UNION PACIFIC BONDS

E. H. Harriman Will Ask Stockholders to Authorize Hundred Million More.

NEW YORK, May 4.—E. H. Harriman announced today the stockholders of the Union Pacific Railroad company will be asked at their meeting at Salt Lake City tomorrow to authorize an issue of $100,000,000 of bonds. He said that $50,000,000 of this amount will be reserved for issue under strictly guarded provisions for construction and acquisition of new lines and additions.

Mr. Harriman's statement follows:

The financial requirements of the Union Pacific have been much exaggerated. The maximum amount needed at this time to put the company in funds does not exceed $25,000,000, but we want to resume development and put our people to work. In no event, however, will over $50,000,000 of the bonds be issued against the properties now owned. While the stockholders will be asked at their meeting tomorrow to authorize an issue of $100,000,000 of bonds, at least $50,000,000 of the amount will be reserved for issue under strictly guarded provisions only for the construction or aquistion of new lines and for additions. Instead of mortgaging new lines as constructed or acquired, and thus having separate mortgages on differenet divisions, it is deemed best to provide in one mortgage for future extensions and new lines. The meeting is a preliminary step to put the company in a position to take advantage of the favorable opportunities to raise additional capital to the best advantage.

RAILROADS ARE NOT LIABLE

United States Supreme Court Decides the Kansas City Flood Litigation.

WASHINGTON, May 4.—The cases of the Empire State Cattle company and the Minnesota and Dakota Cattle company against the Atchison, Topeka & Santa Fe Railway company, involving claims for losses on cattle during the floods in Kansas in 1903, were decided by the supreme court of the United States today in favor of the railroad. The claim of the Empire company was based upon the loss of 778 cattle shipped from Texas and that of the Minnesota company on the loss of 1,635 head shipped from New Mexico, both shipments being to South Dakota. The overflow of the railroad tracks along the Kaw river made a diversion of the cattle necessary and it was claimed that their loss was due to neglect. Both cases originated in the United States district court for the state of Kansas, where the finding was favorable to the railroad company. The court of appeals for the Eighth circuit affirmed that verdict and it was sustained by today's decision. The opinion was announced by Justice White.

SLOW ROADS SUFFER FINES

Penalties Imposed for Failure to Make Time in Twenty-Eight-Hour Law.

CHICAGO, May 4.—In ninety-five cases brought by the government against six railroad companies, charging violation of the 28-hour law for the transportation of cattle, Judge Landis, in the United States district court today imposed fine aggregating $13,150. The railroads fined were as follows:

Rock Island, 45 cases, fined $6,550; Northwestern, 26 counts, $3,600; Illinois Central, 9 counts, $1,100; St. Paul, 7 counts, $550; Santa Fe, 6 cases, $750; Burlington, 2 counts, $300.

The majority of the fines were imposed on pleas of guilty, but in all cases the Chicago & Northwestern pleaded not guilty.

At the afternoon session of court Judge Landis fined the Northwestern Railroad $100 and costs for a violation of the safety appliance law. A motion for a new trial in a case brought against the Michigan Central, on a similar charge was taken under advisement and action on a demurrer filed by the Milwaukee company in another case was deferred.

SPECIAL BONDS ELECTION

County and City Will Vote on Million for New Court House.

CITY ON STREETS AND PARKS

Polls Open at Eight O'clock in the Morning and Close at Six in the Evening at Every Precinct.

Vital Points of Election Today

County and city vote on proposition to issue $1,000,000 bonds for erection of a new court house.

City votes on proposition to issue $50,000 bonds for paving street intersections and $50,000 for improving parks and boulevards.

Polls in all precincts open from 8 a. m. to 6 p. m.

With three important bond propositions to be voted on the special election to be held over the county today is expected to excite more than ordinary interest, and if the weather is favorable it is predicted a good vote will be cast.

The proposition of issuing $1,000,000 county bonds for the new court house is the principal question to be decided and is the only one that will be voted on in the country districts. The proposition has been endorsed by a large number of organizations and this, it is believed, will draw out a large vote.

Deputy County Clerk Dewey has had little trouble with the election boards and few vacancies have had to be filled. The board members apparently are glad to serve and the ticket is small and the count will be quickly accomplished. The few vacancies that have appeared will be filled at the polls.

Supplies for the city election were distributed to the country precincts Monday afternoon and will be taken to the city polling places Tuesday morning.

Improvement if Bonds Carry.

In the event intersection bonds carry Tuesday, paving scheduled for this year can be done, otherwise much work in outlying districts will have to be passed until another season on account of insufficient funds in the treasury. As stated on the ballot, the bonds are for the purpose of raising money to be used during the current year "for the purpose of paying the cost of paving, repaving or macadamizing the intersections of streets and spaces opposite alleys and in front of property not subject to assessment of special taxes for public improvements, said bonds to run twenty years from date thereafter and to bear interest payable semi-annually at a rate not to exceed 5 per cent per annum."

The park bonds, in the sum of $50,000, are to run twenty years and, as expressly stated on the ballot, are "to be used for no other purpose than paying for and improving lands, lots or grounds purchased or appropriated for parks, parkways or boulevards."

Question of Park Bonds.

The question of voting park bonds appeared on the ballots at the last election, but the proposition was lost, mainly through the people misunderstanding the issue, as members of the board believed. To acquaint the people with the true reasons of the proposed issue the board this year states emphatically that if the bonds carry the money so raised "will be used by the board exclusively in paying for pavements on intersections of streets and boulevards and improvements on property adjacent to our parks and boulevards," adding that "no part of said fund will be used for the purpose of paying for any lands which may be hereafter acquired as an addition to the park and boulevard system of Omaha."

As this is a special election, the saloons will not be closed. The statutes require the closing of saloons on days of general elections, but special elections do not come under its provisions.

Special Policemen.

Fifty-four special policemen have been sworn in for duty at the polls. They were ordered to report to the county clerk at 6 a. m. to receive the ballot boxes, take them to the several polling places and remain on duty there until the close of the polls.

MEMBERS WILL VISIT MILLS

House Paper Committee to Get Some Evidence at First Hand.

WASHINGTON, May 4.—Preceding the continuation of the examination of John Norris, representing the American Newspaper Publishers' association, the house select committee to investigate the question of wood pulp and print paper today was in executive session formulating a long list of questions regarding the wood pulp and news print paper industries, upon which governmental statistical data is desired.

The committee also discussed the advisability of visiting several paper mills and conducting hearings on the spot. A tentative understanding was reported that the committee leave here Friday afternoon for an inspection of the Hudson river mill at Palmer's Falls, N. Y., and possibly one or two others.

Upon resuming his testimony Mr. Norris submitted 178 telegrams from publishers, replying to a query by Mr. Ridder last Saturday, giving information regarding their paper contracts. He also submitted a list of forty-one publishers who have signified their willingness to come to Washington and testify.

WOOD CASE COMES UP SOON

Trial of Western Woman's Suit Against Senator from New York is Set.

NEW YORK, May 4.—The case of Mae C. Wood, who claims that she was married to Senator Thomas C. Platt in this city November 9, 1901, and who is suing the senator for an absolute divorce, naming his present wife, Lillian Janeway Platt, as correspondent, was on the calendar in the supreme court today. It is not likely, however, that it will be reached before the latter part of the week.

In his answer to the complaint, the senator denies there ever was any marriage contracted between them, and in an affidavit submitted to the court declares Miss Wood has tried to extort money from him for years by various devices.

CLEVELAND STEADILY GAINS

Former President Rapidly Recovering from His Attack of Digestive Trouble at Lakewood.

LAKEWOOD, N. J., May 4.—Former President Grover Cleveland continues steadily to recover from an attack of digestive trouble which has prevented him from returning to his Princeton home. All reports from the Lakewood hotel today were to the effect that he continues to improve and that his condition is not alarming.

JOHNSON OUT FOR BIG GAME

Minnesota Man Wants Presidential Nomination or Nothing at All.

WASHINGTON, May 4.—Rumors of combinations with the end in view of nominating Governor Johnson of Minnesota for vice-president on the democratic ticket were denied today at the Johnson headquarters in this city, where the following statement was given out:

Governor Johnson is in the race for the presidential nomination. If by any chance he fails to get the presidential nomination, he will not under any circumstances accept the vice-presidential nomination.

ST. PAUL, Minn., May 4.—When the statement from the Johnson headquarters in Washington was read to Governor Johnson today, he said:

I am not entering into any combination whatsoever for the nomination for the presidency or vice presidency, and I will say that I am not a candidate for the democratic nomination for the presidency except under the conditions that I have already set forth in a statement published some time ago.

NEW JERSEY CONVENTION TODAY

Republicans Likely to Favor Taft's Candidacy.

TRENTON, N. J., May 4.—The state convention of the New Jersey republicans for the selection of delegates to the national convention will be held in this city tomorrow. An effort wil be made by the supporters of Secreary Taft to have the convention adopt resolutions which, while not pledging the delegation to him, will, in a qualified way, advocate his nomination. The indications are that the delegates-at-large will be Governor Fort, Senators Kean and Briggs and David Baird. Governor Fort is the only one of the quartet who is an avowed Taft man. Former United States Senator John F. Dryden will be the chairman of tomorow's convention. He is an active Taft supporter.

It is uncertain whether the convetion will adopt a qualified resolution in favor of Secretary Taft, but present indications point to at least one-third if not one-half of the twenty-four delegates from New Jersey favoring him. One thing is practically certain, and that is that no unit rule will be adopted, so that Secretary Taft will get the benefit of all the votes in the New Jersey delegation that favor his nomination.

JOHNSON EXPECTS TO WIN OUT

Mayor of Cleveland Will Have Fight on Hands Nevertheless.

COLUMBUS, O., May 4.—Delegates to the democratic state convention which convenes here tomorrow night are straggling into the city. The most prominent men on the ground thus far are Mayor Tom L. Johnson of Cleveland, his lieutenants, Charles P. Salem and Al Atlee Pomerene of Canton, the Johnson candidate for governor.

Mayor Johnson says all he wants himself is to be national committeeman. There is no doubt that Wiliam J. Bryan will be endorsed and that the delegates-at-large will be instructed for him.

W. L. Finley, state oil inspector, who is fighting Mayor Johnson with bitterness, said today that the Cleveland mayor will be defeated at every point and that Judson Harmon of Cincinnati will be nominated for governor on the first ballot and that probably Johnson, seeing defeat and rout staring him in the face, will withdraw Pomerene.

HEADQUARTERS OPEN MONDAY

Chairman New of Republican Committee Will Remain at Chicago from That Date.

WASHINGTON, May 4.—Chairman Harry S. New of the republican national committee took up today with Senator Elmer Dover of the committee, the details of removing the headquarters of the committee from Washington to Chicago. The Chicago headquarters will be opened next Monday. Chairman New himself will be in Chicago and expects to remain in Chicago until after the national convention shall have concluded its labors.

TEST OF COMMODITIES' CLAUSE

Department of Justice Taking Steps to File Suit.

WASHINGTON, May 4.—It was stated at the department of justice today that arrangements were well under way for a test case of the "commodities clause" of the Hepburn act to be made unless a material change takes place in the situation as a result of legislation or other circumstances.

The railroads which are most interested in the matter have shown, according to statements in the department, a hearty sympathy with the purpose of the attorney general and have been thoroughly in accord with the representatives of the department in the preliminaries for such a test case.

EFFORT TO PUSH HARRIMAN CASE

Motion Made in Supreme Court to Bring Early Hearing.

WASHINGTON, May 4.—In the supreme court of the United States today a motion was made in behalf of the Interstate Commerce commission to advance on the docket the cross appeals of the commission and Edward H. Harriman and Otto H. Kahn, the latter of the New York banking firm of Kuhn, Loeb & Co., in the cases in which Harriman and Kahn refused to answer certain questions propounded by the commission in 1906 in connection with its inquiry into the alleged consolidation and combination of railroads subject to the interstate commerce law.

MANY PEASANTS MEET DEATH

Ferry Boat Capsizes Near Bykhoff and Men and Women Drown.

ST. PETERSBURG, May 4.—A ferry boat on the river Dneiper capsized yesterday near Bykhoff, in the government of Mohlleff, and 120 persons were drowned as a result. The boat was filled with peasants and their wives and children returning from church. It was overcrowded and became unmanageable in midstream. The passengers got into a state of panic and overturned the boat by crowding to one side.

BER TAYLOR MAY BE ARRESTED

Man Suspected of Being the Minden Criminal in Custody at Colley, Kan.

COLBY, Kan., May 4.—(Special telegram.)—A man who is thought to be Bert Taylor, wanted at Minden for assault on his sister-in-laws, was arrested here today. The Minden authorities have been notified and parties are on the way to identify the suspect, but they cannot reach here before tomorrow. The man under arrest here answers the description sent out of the much wanted man.

CAUCUS TO DECIDE

Conference of House Republicans to Discuss Currency Bill.

AMENDMENT TO COMMISSION BILL

Probability that Compromise by Mr. Payne Will Be Adopted.

WEEK'S DEBATE IS SUGGESTED

Speaker Cannon Thinks Members Will Not Want to Stay.

VREELAND BILL IS TABLED

Committee on Banking and Currency Refuses to Consider it Further by a Vote of 13 to 3.

WASHINGTON, May 4.—Notwithstanding the fact that the committee on banking and currency today voted to table the new Vreeland financial bill, the impression prevails among members that some measure will be adopted at the conference of republican members of the house to be held tomorrow night. The vote in the committee by which the Vreeland bill was tabled was 13 to 3, Messrs. Weeks, Burton and McKinney voting for the negative.

The committee adopted a resolution offered by Mr. Waldo (N. Y.) requesting that suitable time be given, a week if possible, for the discussion in the house of all pending currency measures. Chairman Fowler was authorized to lay this request before Speaker Cannon.

During the afternoon strong efforts were made to reach a compromise on the financial question and the proposition advocated some time ago by Republican Floor Leader Payne was taken up by Chairman Fowler and other members of the committee as the basis for an agreement. This proposition allows any national banking association which has circulating notes outstanding secured by deposit of United States bonds to an amount equal to its capital stock, usually paid in, to take out additional circulation upon depositing United States bonds or certificates of indebtedness authorized during the Spanish-American war. The proposition was acceptable to some of the house leaders and also to members of the banking and currency committees.

Conference Will Decide.

It was at first thought by offering this as an amendment to the Fowler currency bill, the conference which has been called for tomorrow night could be obviated. When the plan was laid before Speaker Cannon, together with the request of the committee for a week's debate, he informed Chairman Fowler that he had no authority either to call off the conference or to grant the time for debate asked for. He stated that more than a sufficient number of representatives have signed the call for the conference and that it was for the conference to determine what measures debate should continue upon. He gave it as his opinion that members would not care to stay here an additional week listening to the financial discussion.

When the decision of the speaker became known members of the banking committee held numerous conferences and it was decided that the Payne proposition as an addenda to the currency commission bill should be offered at the conference of republican members tomorrow night.

SOME HOPE NOW FOR NEW LAWS

Congressmen Confer with President Roosevelt Over Legislation.

WASHINGTON, May 4.—Representatives Watson and Alexander of New York had a long conference today with the president concerning the legislative program for the remainder of this session of congress. The president is heartily in favor of the enactment of an anti-injunction law and the amendment of the Sherman anti-trust law. Mr. Alexander's presence at the conference was due to the fact that he has prepared a bill making the government liable for injuries to its employes while in the service and he wanted to confer with the president about this before pressing it in the house judiciary committee, of which he is a member. Mr. Watson, who was some time ago sanguine of an adjournment by May 16, says he is now doubtful as to the date. He told the president that the house judiciary committee gave some signs of agreement on an anti-injunction law, but as to amending the Sherman anti-trust law, he could give the president no assurance. Mr. Watson was confident that some of the other measures favored by the president, including a child labor law for the District of Columbia, would become laws.

PROCEEDINGS OF THE SENATE

Mr. Bulkeley Speaks for Four Hours on Brownsville Affray.

WASHINGTON, May 4.—Senator Burkeley of Connecticut, a member of the military affairs committee spoke at length in the senate today on the Brownsville affray. Mr. Burkeley declared his belief in the innocence of the negro soldiers of the twenty-fifth regiment and said the rioters in the town on th enight of August 13-14, 1906, in his judgment were lawless Mexicans from outside the town assisted by the lawless class within Brownsville. Mr. Burkeley spoke over four hours, his remarks including a review of all teh testimony that has been taken in the case.

The senate today passed the house resolution appropriating $250,000 to relieve the recent tornado sufferers in Alabama, Georgia, Mississippi and Louisiana.

At 4:47 p. m., the senate adjourned.

PROCEEDINGS OF THE HOUSE

Several Items in Sundry Civil Bill Are Increased.

WASHINGTON, May 4.—The house today completely overrode the committee on appropriations in connection with several items in the sundry civil appropriation bill. When the measure was laid aside for the day $250,000 had been added to the sum fixed by teh committee, which included $100,000 for gauging the streams and determining the water supply of the United States; an increase of $50,000 in the appropriation for testing structural materials and $100,000 for testing coal lignites and the other fuel substances. These changes were not accomplished however, without a prolonged debate teh committee found itself practically alone.

practically alone. At 5:30 p. m., the house recessed until tomorrow morning.

Thomas J. Sullivan.

WASHINGTON, May 4.—Thomas J. Sullivan, director of the bureau of engraving and printing, died in this city today.