

SAFETY ACT IS GOOD

Court of Appeals at St. Louis Reverses Findings of Lower Courts.

COMMON LAW UNPLANTED

Decision Says New as Place of "Reasonable Care"

ABSOLUTE DUTY

Holding that Statute is No with Usual Plea.

DECISION COVERS TWO CASES

One by Santa Fe and Other by Rio Grande and Court Points Raised in Each are Decided Against Bonds.

ST. LOUIS, Aug. 24.—Two sweeping opinions, consecutively in that the decisions of the lower courts were reversed in full in each instance, were handed down by the United States court of appeals here today sustaining the position of the government against the railroads in the matter of the safety appliances law of congress. The cases decided were those of the government against the Atchison, Topeka & Santa Fe railroad and of the government against the Denver & Rio Grande Railroad company. By these decisions the court of appeals advocates the common law rule of "reasonable care" that have heretofore governed and behind which the railroads sought shelter and upholds in full the acts of congress, which the opinion held now totally supplant the common law rule.

In the two cases decided, different grounds of defense were tried, that the railroads might contest against the safety appliance acts from every possible point. The Denver & Rio Grande case was argued before the lower court on demurrers, while the Santa Fe case was tried by a jury. The railroads won both decisions in the lower courts. The syllabus in the Atchison, Topeka & Santa Fe case lays down the new rule of law under the acts of congress as follows: "The safety appliance law of congress imposes upon a railway company in the situations in which it is applicable as an absolute duty to maintain the prescribed appliances, and in every case in which conditions are not satisfied by reasonable care to that end."

NEW MAIL SYSTEM POPULAR

Sunday Collection Form Feature of General Satisfaction in Business and Residence Districts.

The newly inaugurated system of mail collections is now in full operation in Omaha and is meeting with much success. The new plan prevails in the residence as well as in the business districts. The Sunday collection is the special feature and they embrace a collection in the residence districts from every mail box in the evening from 4 to 8 o'clock. Three collections are made daily in the residence districts, the evening collection being from 7:30 to 9:30. Five collections are employed in this service, which covers the entire suburban districts.

In the business districts the last evening collection on Sunday is made at 6 o'clock. There are seventeen daily collections in the business or downtown districts, the last one being at 9:30 in the evening. This system of late collection from the mail boxes from twelve to twenty-four hours are saved in the delivery of the mails to the postoffice, where it is sent out on the mails immediately following the collection.

SIZE COUNTY JAIL MUST BE

Will Have to Accommodate at Least One Hundred and Fifty-Two Prisoners.

That Douglas county must have a jail large enough to accommodate 152 prisoners at a time is indicated by figures furnished by the sheriff's office to Architect John Latenser, who is drawing plans for a temporary jail. The figures show that the highest number of prisoners in jail at one time since January 9, 1905, was 152 and they were divided as follows: Negro department, 23; white bound convicts, 117; total prisoners, 140. The daily average in the jail is 80, including all departments.

FREEDOM OR KEARNEY SCHOOL

One or the Other is Asked by Boy Who Helps Rob a Train.

"I would rather go free, judge, but if I can't go free I want to go back to Kearney," said Chester Williams, a 12-year-old boy of Bennie Thomas, to Judge Edgett when he was taken to the juvenile court on a charge of helping Bennie Thomas rob a train. Bennie Thomas is the youth who was sent to Kearney alone after he had "thrown down" the probation authorities by going back to crime after he had promised to be good. "Do you think you could go back to Kearney alone like Bennie did?" Judge Edgett asked Chester. "Yes, sir, I could," said Chester. Williams was in Kearney once before and completed his time with a good record. He says he fell again when he got to running around with Bennie Thomas. Judge Edgett did not decide what he would do with him.

Canadian to Marshalltown.

MARSHALLTOWN, Ia., Aug. 24.—(Special Telegram.)—H. E. Wilson, boy's secretary of the Winnipeg, Canada, Young Men's Christian association, has accepted a call to be general secretary of this city's rail road Young Men's Christian association, to succeed John A. Goodell. Wilson takes up his duties October 1.

Survey for Electric Line.

KEARNEY, Neb., Aug. 24.—(Special Telegram.)—Surveys for the Holdrege-Kearney electric line have reached this city and have driven their stakes to the head of diagonal avenue in West Kearney, indicating that the route will follow the avenue and Twenty-fourth street into the city.

SUMMARY OF THE BEE

Tuesday, August 25, 1908.

Table with columns for months and days, likely a calendar or index.

THE WEATHER.

FOR OMAHA, COUNCIL BLUFFS AND VICINITY—Fair Tuesday, slowly rising temperature.

Weather forecast table with columns for hours and degrees.

POLITICAL.

John Callan O'Laughlin writes his impressions of the political situation in Nebraska.

GOVERNMENT.

Federal court of appeals in St. Louis in decision covering two cases decided that law requiring railroads to equip cars with safety devices is valid.

CHICAGO.

Baron Speck von Sternburg, German ambassador to the United States, died in the Hotel Victoria, Heidelberg.

NEBRASKA.

Stock train derailed at Berwyn and thirty head of cattle and twenty horses killed.

BANKERS.

Bankers and others endorse amendment to constitution relative to investment of school funds.

LOCAL.

Truce between Rock Island-Frisco line and Omaha shippers means more business for both, traffic officials having agreed to adjust rates as they should be adjusted.

COMMERCIAL AND INDUSTRIAL.

Live stock markets. Grain markets. Stocks and bonds.

MOVEMENTS OF OCEAN STEAMERS.

Table listing ship arrivals and departures.

BY WIRELESS.

At the Lizard-Finland, from New York for Dover and Antwerp, was 90 miles west at 9 p. m., will reach Dover 12:30 p. m. Monday.

INQUIRY IN STOCK EXCHANGE

Possible Manipulation of Market to Be Investigated Thoroughly at New York.

NEW YORK, Aug. 24.—A meeting of the governing committee of the stock exchange will be held at 3:15 this afternoon to investigate the character of the dealings on the exchange during the past few days. It is reported that eleven securities totaled transactions in excess of 1,300,000 shares, leaving only 2,500 shares for all the remainder of the list.

DEATH RECORD

William R. Mathis, 725 Caldwell street, aged 61 years, died at his home Monday morning at 4 o'clock of heart failure. Mr. Mathis had worked for the Union Pacific for a number of years. The funeral will be conducted by Rev. E. R. Currie Tuesday afternoon at 2 o'clock at the family residence, with interment at Forest Lawn cemetery.

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The baron and baroness came here from Hamburg the end of last month to consult with Prof. Vincenz Czerny, a skin specialist concerning a malady from which the ambassador has been suffering for some time. After a prolonged examination of the diseased part of the left side of Baron von Sternburg's head, Prof. Czerny affirmed that the trouble was not cancer, but a lupus, and that he could cure it.

Both the ambassador and his wife were immensely cheered at this opinion.

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It was thought desirable that the ambassador be at his post during the concluding weeks of the presidential campaign.

No arrangements yet have been made for the funeral of the ambassador.

Count von Goetzen is a nephew of the emperor and is 50 years old, lives on the family estate near Dresden and it is possible that the burial will take place there.

The immediate cause of Baron von Sternburg's death was inflammation of the lungs.

Baroness von Sternburg has received the following telegram from Emperor William:

I am deeply shaken by the unexpected news of the death of your nephew, and I desire to express to you my heartfelt sympathy.

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"PLEASE, MISTER!"



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TELLER PUTS ON BRAVE FACE

George W. Fitzgerald of Chicago Sub-treasury Will Fight Charge.

GOVERNMENT NOT BACK OF CASE

State's Attorney Will Be Left to Push the Prosecution, with Private Operatives Furnishing Testimony.

CHICAGO, Aug. 24.—George W. Fitzgerald, assistant teller of the Chicago sub-treasury at the time of the theft of \$32,000 in government money, yesterday morning was charged with the crime, spent last night in the county jail.

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DAKOTA TOWNS ARE BURNED

Criminals Set Fire to Them. It is Believed that Revengers for Arrests.

ABERDEEN, S. D., Aug. 24.—(Special Telegram.)—The towns of Lowry and Akaska on the river extension of the Minneapolis & St. Louis railroad were destroyed by fire last night as the result of a raid by six night riders.

The fire at Lowry was discovered at midnight and citizens first to respond to the alarm saw five or six mounted men riding away. The fire at Akaska was discovered at 1:30 this morning.

VIOLENCE IN ALABAMA STRIKE

White Nonunion Miner Left Dying by Road Where Shot from Ambush.

BERMINGHAM, Aug. 24.—Another act of violence occurred in the strike zone early today, when a white nonunion miner named Clayton was shot from ambush, while on his way to work in the Bryerton mines.

Clayton was left lying on the ground with three bullet wounds in his body. The attempted murder took place near a camp of guards and deputies.

PARK TOURISTS ARE ROBBED

Daring Footpad Stops Seven Coaches in Yellowstone and Makes Big Haul.

ST. PAUL, Minn., Aug. 24.—One of the most daring hold-ups ever perpetrated took place in Yellowstone park today when, according to word received at the Northern Pacific general offices, a lone highwayman stopped seven coaches loaded with tourists and compelled them to turn over their valuables to him.

FROST IN NORTHERN IOWA

Freezing Temperature Reported from Lowlands Throughout This Region.

DES MOINES, Ia., Aug. 24.—Jack Frost made his first visit of the season to Iowa last night. Early reports indicate that in the lowlands of northern Iowa corn got more of a nipping last night than was good for the crop at this time of the year.

Just what the damage will total cannot be told at this time.

Early arrivals in the city this morning were sure early to catch trains for the state fair here report frost as quite evident throughout the country.

REHEARING IN RATE CASES

Through Rates and Routes on Grain to Come Again Before the Commission.

WASHINGTON, Aug. 24.—The Interstate Commerce commission has assigned the cases of the Chamber of Commerce of Milwaukee against the Illinois Central and Chicago, Rock Island & Pacific railroads, involving the question of through rates and routes on grain from Iowa, Minnesota and South Dakota to Milwaukee, for a rehearing at Milwaukee on September 2.

FIGHT IN NEBRASKA

Outsider's View of Conditions and Results in Bryan's Home State.

BRAVE TALK FROM DEMOCRATS

Actions, However, Believe Their Pro-tenance of Victory for Bryan.

VOLUNTEERS PROVE A FROST

Record of Promises Kept the Strong Card of the Republicans.

SHELDON HAS GOOD RECORD

No Divisions or Hickerings in the Republican Ranks, While the Democrats Have Several Factional Fights to Settle.

The enthusiasm felt by the democrats of Nebraska when the news of the nomination of William Jennings Bryan reached them, has been tempered by the cold facts of the situation as shown by developments.

Not that they have abandoned the man extravagantly admitted as the majority by which Bryan will carry the state, but their real view of conditions here is established by the energy they are putting into their campaign.

It is an unbroken line of energy that is being put into the campaign. They are making an organized, systematic effort to get out every democratic vote in Nebraska, when they are appealing to republicans, in the name of state pride, to support Mr. Bryan.

They are leaving no argument unsaid which might convince the unwilling as to the desirability of putting in power the "Per-iless one" from Lincoln.

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