NEW MOVE IN RATE FIGHT

Interstate Commerce Commission to Intervene in Missouri River Case.

WILL ATTACK INJUNCTION

Motion in Court of Appeals Will Charge that the Roads Have Not Made Sufficient Showing.

CHICAGO, March 26.—It was announced here today by Interstate Commerce Commissioner Prouty that the commission will take the initiative in the Missouri river rate case and seek a dissolution of the injunction recently granted by the United States circuit court of appeals restraining the new schedules of freight charges. The motion will be made before the court of appeals on April 19 and will be upon the ground that the railroads have not shown that they are entitled to any relief. The railroads have failed to show, it will be claimed, that the principle of a less rate per ton mile for a long haul than for a short haul is incorrect, as announced by the commission.

Rate Conference in Missouri.

JEFFERSON CITY, Mo., March 26.—No agreement was reached tonight after three conferences between the representatives of the Missouri railroads and Governor Hadley and Attorney General Major concerning the passenger fares in Missouri. Another conference will be held tomorrow.

During the discussion Governor Hadley and Attorney General Major disagreed over the 2-cent schedule for railroads and the governor called in members of the railroad committee of the legislature. The legislators, after conferring with Governor Hadley while Attorney General Major was present, asked for time to consult with other members of the legislature, and the governor's conferees will report tomorrow.

The attorney general today advised against compromising with the railroad officials, but the governor and the members of the railroad committee submitted a proposition to the railroad representatives.

It was to the effect that the railroads issue 2,000-mile books on the credential plan for 2 cents; 1,000-mile book at 2 cents, good for bearer; 2,000-mile book to owner at 2 cents; 500-mile book, good on one road, at 2½ cents, and tickets at 2½ cents a mile, with 10 per cent reduction for round trips.

The railroads then submitted the following counter proposition: Interchangeable 2,000-mile books at 2 cents; 500-mile books, issued to bearer, at 2½ cents; 500-mile book, issued to owner and good on one road, at 2¼ cents; 2 cents for tickets, with 10 per cent discount for round trip.

TOWN LOT SALE BIG SUCCESS

Lively Demand for Sites in Redhill, Tripp County, South Dakota.

GREGORY, S. D., March 26.—(Special.)—The auction sale of lots in the townsite of Redhill, Tripp county, which took place yesterday, was a remarkably successful one. Thirty-six lots were sold for the gross sum of $6,400. There were 125 people at the sale, which will be understood to be a large number of enthusiastic buyers when it is known that they had to drive over fifty miles to reach the townsite from this point. Six buildings are already up and many more on the way, but are delayed on account of the lack of freighters.

The interest in the sale of land, which begins here tomorrow, is intense, and the city is full of men tonight, who are here to buy it, some for speculation and some because it joins what they already have. It is presumed that the sale will be most interesting and in some cases hotly contested.

Gregory was hardly prepared for the great influx at this time, but as the preparations to care for the new settlers of Tripp county were well under way and with its usual adaptability everything was put in order today and the crowds are being cared for in good shape. Everything is orderly and no reports of losses have been heard, though every incomer carries large sums of money in one shape or another.

Oklahoma Posse Has Fight with Hundred Negroes

Three Men Killed and Five Wounded in All-Night Battle Near Henryetta.

GUTHRIE, Okl., March 26.—On the scene of the famous Creek Indian uprising of last year at Henryetta settlement, three negroes were killed, five wounded and forty-one captured in a battle between twenty deputy sheriffs and 100 negroes. The fighting began late Wednesday afternoon and continued with interruptions until 10 o'clock today.

Five deputies went from Henryetta, eighteen miles north, to the negro settlement to arrest cattle thieves thought to be concealed in the house of one of the negroes, who refused to allow them to enter. The deputies persisted and were fired upon. Outnumbered, the five fled.

A few hours after the first clash, a larger posse, heavily armed, reached the settlement. Some one fired a shot and the fighting was on. When night fell the excitement increased and negroes roamed through the woods firing and yelling. The fight continued as a series of duels, throughout the night, the negroes retreating gradually from tree to tree as the deputies advanced, firing steadily. Reaching the settlement, the negroes barricaded themselves in their huts and could not be dislodged.

At daybreak the firing ceased and neither party made another move until 10 o'clock, when the deputies renewed the attack on the negroes, who now numbered 100, against twenty deputies.

About 300 shots were fired in the last encounter, when the two negroes were killed and Deputy Sheriff Fowler injured.

At the first onslaught the negroes were dislodged and fled. The deputies pursued and captured forty-one.

All is quiet tonight and no further rioting is anticipated.

Snake Indians aided the negroes in their fight, and several Indians are among those arrested.

Rev. Timothy Fowler, an aged white minister, who accompanied the officers, was perhaps fatally wounded.

TURN IN BALKAN AFFAIRS

Abdication of Servian Crown Prince Puts New Aspect on Some Problems.

LONDON, March 26.—The Balkan difficulty has assumed a somewhat new aspect, owing to the sensational news of the abdication of the Servian crown prince. The prince hitherto has been considered the leader of the war party at Belgrade and his firebrand speeches have done much to inflame the feelings of the Servian people. There are not wanting those both here and at Vienna who believe that a political move underlies his renunciation. Whether or not this is the case, it is certain that the removal of the crown prince from the scene is a step making for peace. It will be easier under present conditions for Servia to retreat from a difficult situation. Advices received here tonight are of a more hopeful character. Distinct rumors that Austro-Hungary is sending an ultimatum to Servia may be dismissed as unfounded. Great Britain and the other powers are still actively seeking a peaceful issue.

BELGRADE, March 25.—A cabinet council tonight decided that the premier is incompetent to receive a direct communication from Crown Prince George, who is subject only to his father's authority. The premier will therefore return the letter which the crown prince sent to him renouncing his right of succession to the Servian throne and will advise the prince to address himself to the king.

Recently a bitter press campaign has been waged against the crown prince. He had been accused of being implicated in the death of one of his servants, a man named Kolakovits, and it is now learned that the prince took this action because of a threatened interpellation in the national assembly on this subject. The prince now declares that before leaving the country he will await the final result of the pending political situation and will join the volunteers as a private in the event of war.

VIENNA, March 26.—The joint council of the Hungarian ministers presided over by Archduke Francis decided this evening to postpone for the present the delivery of the next note to Servia, and it is reported that an inclination was shown to accept the last Anglo-Russian proposal on behalf of Servia.

Baron von Aehrenthal, the Austrian foreign minister, had an interview with Emperor Francis Joseph prior to the meeting of the council and it is said that his majesty again insisted that peace must be preserved, even going so far as to declare: "We do not want war, even if giving way means a blow to Austro-Hungarian prestige."

Rumor of Ultimatum.

PARIS, March 26.—It is held in official circles that the Balkan situation, on account of the unreconcilable attitude of Austria-Hungary, has now reached its most acute stage and that a few days will decide between peace and war. The efforts of Great Britain, France and Russia to present a formal settlement of the difficulty—acceptable to Baron von Aehrenthal, the Austro-Hungarian minister of foreign affairs—having failed, Austria-Hungary is expected forthwith to deliver an ultimatum at Belgrade. After this, if Servia refuses to make complete surrender, no doubt exists in Paris that Austria-Hungary will dispatch an army across the frontier.

MME. MODJESKA'S CONDITION

Distinguished Woman Likely to Fall Into State of Coma at Any Time.

SANTA ANITA, Cal., March 25.—A consultation of physicians will be held today over Mme. Modjeska, who is ill at her cottage at Bay Island, near this city. Later Dr. Boyd, the family physician, stated that while Mme. Modjeska's condition was no worse than it has been for several days, she was likely to fall into a state of coma at any time and that the end might come soon. He held out little hope for her recovery, even if she survived the present attack of heart trouble combined with Bright's disease.

Business Change at Tecumseh.

TECUMSEH, Neb., March 26.—(Special.)—W. D. Sanders has this week sold his stock of hardware and furniture in Tecumseh to Messrs. G. W. Thomas and Edgar G. Smith of Auburn. The new proprietors will take charge Monday. Both will move their families to this city in the near future. Mr. Thomas, who is a son-in-law of Mr. and Mrs. J. J. Vetter of this city, was agent for the Burlington at Auburn for several years and later was engaged in the hardware and furniture business in that city. Mr. Smith is a business man of many years' experience in Auburn.

ROYALTY IN OTHER CITIES

Kansas City, Denver and Baltimore Collect Large Sums Annually.

OMAHA OUGHT TO GET INTO LINE

Councilman Zimman Explains Why the Street Railway Company Can Well Afford to Pay Occupation Tax.

"Denver receives $60,000 yearly in royalty, Kansas City $300,000 yearly in royalty, Baltimore $600,000 yearly in royalty and other cities greater or less amounts in royalties from its street railway companies. Omaha receives no royalty from its street railway company or other concessions in the way of street cleaning or paving repairing. Is it not a reasonable demand that we make of our street railway company in the way of cheap fares, royalty, clean streets and repaired pavements?"

This was one of the declarations made by Harry B. Zimman, republican candidate for mayor, in a speech before a crowded house at Twenty-fourth and Burdette streets last night, which met with resounding cheers from his auditors. Though it is said that "comparisons are odious," Mr. Zimman did not hesitate to make comparisons with some fifty cities, and in doing so convinced his hearers that Omaha should be receiving something from its public service corporations as well as other cities.

One of the cities cited was Detroit, where a franchise to run fifteen years was refused a company which offered to pay a 10 per cent royalty and to sell ten tickets for 25 cents. In Omaha no royalty is paid and but five tickets are sold for 25 cents.

Under the Pass System.

"Before the anti-pass law went into effect and during a period of fourteen months, the Omaha & Council Bluffs Street Railway company carried 1,500,000 passengers free," said Mr. Zimman. "If it could do this, how can it say now that it can not afford to sell six tickets for a quarter. But it said it could not afford it, and the present democratic council refused to pass my ordinance requiring such a concession. Have you stopped to think of the young man or young woman working for say $6 or $9 a week and the 60 cents paid weekly to the street railway company? I maintain that we ought to do something for these people and demand that twenty-five tickets be sold for $1 during all hours, and eight for a quarter during the working hours.

"The street railway company claims a perpetual franchise, but under the existing law one franchise expires in 1924 and the other in 1917. It values its franchises at not less than $6,000,000. If it is worth that much to the company how much is it worth to the city? The present democratic council refused to pass ordinances requiring a tax of 5 per cent from this and other public service corporations, introduced by Councilman Bridges and myself, but if I am elected mayor I will continue to fight, and know I will succeed. I know this because some of the companies have offered to compromise on 2½ per cent. They will pay 5 per cent as soon as seven members of the council say they must.

Why the Tax is Asked.

"Taxpayers of Omaha now pay $1,050,000 in taxes annually, but more must be raised. I believe that they are paying enough for the privilege of living in this city. To raise the needed money (and the legislature has authorized the city to levy $100,000 more in taxes) we propose to compel the public service corporations, which have done little to build up the city, to pay this 5 per cent of their gross earnings. This will bring in $250,000 the first year.

"Should it be deemed advisable, this could be set aside in a redemption fund to take up the city's outstanding debt. Under this plan we could wipe out our debt in eighteen years and save the annual payment of $250,000 interest on it."

Mr. Zimman then went on to show that if the money received from the proposed occupation tax was placed in the general expense fund of the city that two-thirds of the current expenses would be paid by it. From 250 to 400 more gas lamps could be installed, more paving could be done and many other improvements could be made. He also showed that many more gas and electric arc lamps could be put in if the mayor and city council would stand firm and refuse new contracts to the lighting companies on the present terms, for they would be glad to make a lower price rather than to lose the contracts.

Matter of Garbage.

The fifteen-year garbage contract, made by the present democratic council, also came in for a scoring at the hands of the speaker. This contract compels every home owner to provide a tin receptacle for garbage and further specifies that all garbage must be separated, else the contractor will not remove it.

"I do not believe in enforcing a stringent order on our mothers, sisters, wives and sweethearts compelling them to separate garbage for the contractor's hogs," said Mr. Zimman, amid tumultuous applause, "for the hogs are well enough able to separate the garbage themselves."

JIMS CAPTURE JACKS' MEETING

Much Oratory on Tap in the Fifth Ward.

"There was a sound of revelry by night," for at McKenna's hall, Sixteenth and Locust streets, had gathered the manly beauty and chivalry of the Fifth ward in an effort by the Jims to show the Jacks where to head in.

The Jacks had announced at much expenditure of black ink that they would have a meeting there Thursday night, but when the time came the hall was in possession of the Jims, and they held the fort throughout the evening with none to molest or make them afraid.

Oratory was the order of the evening. Impassioned eloquence was in the air, the hall fairly reeked with it. It filled the room, seeped out the windows and floated down the Locust street hill and hung over the railroad yards like a heavy fog. All kinds of eloquence was there, from the timid, quavering voice of the councilmanic aspirant, making his first speech, to the glowing, scintillating, corruscating pyrotechnic displays of verbal skyrockets fired from the perfervid muzzles of such 12-inch guns as Dahlman, Platti, Regan and others of the deep-sea-going battleship type.

One of the speakers whose remarks brought forth applause like unto the sound of the storm-lashed billows breaking on a rock-bound coast, was Michael Hogan, who has laid himself on the altar of public duty and is ready and willing to undergo the martyrdom of representing the Seventh ward in the council chamber. He said in part: "Mr. Chairman, voters and others: I stand for personal liberty. I believe that after the boys have gone to church Sunday morning, they should be allowed to gather on the vacant lots, in the base ball parks or elsewhere and twirl the ball and throw the bat as much as they want. I believe in Sunday theaters, I believe," and here is where he became so in earnest that his voice shook with emotion and his hearers literally hung upon his lips, "I believe that the golfer and the woman golfer should be allowed to go out Sunday and throw the golf if they want to. I believe"—but here his remarks were interrupted by the applause aforesaid and under cover of it he gracefully withdrew.

Mayor Jim paid his respects to Colonel Berryman in no uncertain style. He took for his text the word "Ingratitude," and his experience at the religious meeting Tuesday night where he addressed the brethren stood him in good stead, as he preached beautifully and pathetically for about half an hour on the crime, the deep-dyed guilt of the man who bit the hand that fed him. He gave it as his opinion that the Berryman candidacy is not being made in good faith, and said he believed that the money to finance it came from republican sources, all of which is instructive as showing the beautiful harmony and concord there is within the democratic ranks.

Nothing was said about the republicans; all the ammunition was expended in the terrible bombardment against the Jacks and it lasted for three hours, although the reverberations are still rolling back from the Council Bluffs hills and were plainly audible over the eastern portion of Iowa.

JIM GETS ANOTHER CLUB BOOST

Newly Fledged "Improvement" Body Helps Him Along.

Mayor Dahlman was endorsed in his campaign to land the democratic nomination for the position he now holds and Colonel Ed P. Berryman was heartily and vigorously denounced as an ungrateful and offending officeseeker to even dare to ask for a lookin on the mayor's chair at a meeting of the South Side Non-Partisan Improvement club at Seventeenth and Vinton streets Thursday night.

While the mayor was making a strong plea for the votes of the thirty or so club members who were present and was citing his liberal views on the subjects of Sunday beer and base ball the little assembly room was the center of attraction, but when he and a few other candidates adjourned to other points of interest in the neighborhood or elsewhere a pool hall in front of the meeting place attracted the crowd and when his honor's name was put down in the secretary's book as the democratic choice for municipal executive only eight members were present to vote on the question.

"If Berryman had waited until after Dahlman had run for his second term we might have been willing to nominate him, but as it stands now we don't want him at all," declared Patrick J. Doran, president of the organization.

"Liberal law enforcement, equal rights and improvements for the south part of the city," is the motto of the club, which has been organized only recently with a membership of about fifty young voters. They meet every Thursday evening.

Besides Dahlman the following candidates made short speeches at last night's meeting: E. H. Davie, A. C. Kugel, M. Milder, William N. Heimbach, W. F. Dunmeier and J. Killian. Killian's candidacy for the democratic nomination for councilman from the Tenth ward was endorsed.

Would Not Run, Not Car's Fault

Dr. J. P. Lord Loath to Tell Acquaintances New Automobile Was at a Standstill.

Dr. J. P. Lord sat calmly in his motor car at Twenty-third and Farnam late yesterday afternoon while a host of mere pedestrians walked past him and arrived at their destination sooner. "The hare and the tortoise," said Dr. Lord to himself reflectively. Numerous acquaintances wanted to know if there was sand in the gearbox or if the igniter would not ignite. "I would not have a Rambler anyway," said a man who owns another kind. It is asserted that Dr. Lord then stood up for his car with spirit.

Finally some one remarked that no car would run without gasoline in the tank and the physician admitted the charge.

It is unauthoritatively reported that Dr. Lord spent last evening rereading the parable of the bridegroom and the foolish virgins.

BUILDING PERMITS.

George Morris, 2920 Farnam street, alteration to store building, $500; Thomas Creigh, Thirty-first and Dodge streets, frame dwelling, $5,000; Mrs. J. C. Morrow, 2824 California street, frame dwelling, $3,500; T. W. Pickett, 2922 South Twenty-ninth street, frame dwelling, $3,000; T. P. Mahoney, Thirty-sixth and Pacific streets, frame dwelling, $2,500; J. B. Graham, Twenty-ninth and Dupont streets, cement block stone store and dwelling, $3,000.

At the Theaters

"Shadows of a Great City" at the Krug.

"I'll save the child or go with it to a watery grave," exclaimed the escaping convict hero, as he jerked off his striped jacket, plunged "ker-splash!" into the briny depths of a four-foot tank of muddy Missouri and rose triumphant to the surface with the 5-year-old baby clasped securely in his arms. The shadows of prison walls, conspiracies, impending evils, thunderstorms and haunted safes are most alluring, especially when the scenic effects warrant the turning loose of a wild and howling gallery. Thrilling scenes are not wanting in "Shadows of a Great City" and when there is not something doing it is because the actors are just getting their breath for another attempt to eclipse all previous hair raisers. The piece is quite an ambitious production and won great favor at its first presentation last night on account of its spectacular incidents. Five acts tell the story of a wronged sailor lad and the little girl who is robbed of her fortune and thrown into the river, only to be saved by the heroic convict blue jacket and to eventually become his wife. The jolly tar will continue to make his dive into the river and the thunder and lightning will keep on flashing in wild abandonment for the rest of the week at the Krug.

JURYMEN URGE CLEMENCY

Ellick Bogdanovic Lucky Not to Be Tried for Murder, Says Judge in Answer.

Ellick Bogdanovic, the young Austrian who shot and wounded Daniel Miller, a compatriot, was found guilty last evening by a jury which debated five hours over its verdict. "And recommend him to the clemency of the court" was the way the verdict concluded.

Judge Sears told the jury that he would bear its expression in mind when he came to sentencing Bogdanovic, but added that too many men were carrying loaded revolvers in these days and that the prisoner is lucky not to have been facing a more serious charge, meaning it would have been murder had Miller not recovered.

For "shooting with intent to kill," a man found guilty may get from one to twenty years.

Starvation Forces Explorers to Turn Back

CHRIST CHURCH, N. Z., March 26.—Lieutenant Shackelton's ship Nimrod has returned here with the exploring party aboard, all of whom are well. The members of the expedition give some additional details to those already published. Prof David and his companions recount that when they started on the journey to the magnetic pole the weather was so hot that they had to pull their two sledges in singlets.

There was half a ton of provisions on each sledge. After a comparatively easy 250-mile journey along the sea ice they had a hard and almost hopeless climb to the inland plateau. They carried their lives in their hands, fighting their way inch by inch and suffered great privations on the return journey. When rescued by the Nimrod they were a party of gaunt skeletons. The Nimrod had almost given them up for lost.

The members of Lieutenant Shackelton's party state that when they were compelled to turn back their bodily strength was diminishing so rapidly that their temperature went down to far below normal, in some cases reaching to 93 degrees and in others considerably lower than that. They nearly died from starvation before finding one of the depots and always were on short rations.

Had this party been two days later in reaching the Nimrod it would have been frozen in for another season. They declare that any future explorer attempting to reach the pole must be provided with much larger supplies of food, because there is no doubt that the south pole is situated on a high plateau and that the coldest and stormiest weather in the world prevails there, there being 70 degrees of frost under the very mildest conditions.

Lieutenant Shackelton declined to say anything regarding the protest made by the commonwealth of Australia because it had received no news of the Nimrod's arrival at Stewart island, although the commonwealth had voted $26,000 towards the expenses of the expedition.