VOL. XXXVIII-NO. 310.

Nebraska-1.ocal showers, Iowa-Local showers, weather report see page 2,

SINGLE COPY TWO CENTS

# LA FOLLETTE ON WARPATH

Wisconsin Senator Burns Aldrich and is Called to Order for His Language.

WOOL SCHEDULE CAUSES ROW

Progressive Leader Denounces Leadership of Rhode Island Man.

CUMMINS WARNS LEADERS

Iowa Solon Asserts Republican Party Can't Father Schedule.

PERSONALITIES IN

June 18, and Bailey Charges that "Undue Influence" is Being Brought.

WASHINGTON. June 11.-Income tax shared with the wool schedule, the attention of the senate during the day's sitting of that body and after discussion of an hour or more its further consideration was postponed until June 18, by a vote of 45 This action was the result of a motion

made by Senator Aldrich, which followed a charge by Senator Balley that undue influence was being brought to bear against the proposed income tax amendment to the postponement of the question until the schedules should be disposed of.

Mr. Bailey accepted amendment to his income tax provision suggested by Mr. Cummins by which the rate of tax was exempted all incomes under \$5,000.

On Mr. Aldrich's motion, Senators Borah Bourne, Carter, La Foliette and Piles voted with the democrats.

Late in the day, the senate refused by the decisive vote of 59 to 8, to recommit the wool schedule to the committee on finance, on motion of Mr. Cummins, and thus finally concluded the consideration of that schedule. Only a few of the progressive republicans supported the motion. This vote followed a long and animated discussion of the schedule, which was interspersed with many personalities. La Follette Starts Trouble.

tor Aldrich had lost the confidence of should have, Mr. La Follette made a de- the matter. termined fight to compel the adoption of by himself. They went down before the majority, which right along had stood for

felted the position of leadership

Senator Gallinger complained that Mr LaFollette had transcended the senatorial rule regulating personal allusions in the buke good naturedly.

Senator Cummins was also severe on Wayne for duty. Chairman Aldrich and in the course of his remarks declared that the senatorial amend the constitution making an income leaders were courting the destruction of the republican party by their course with short discusion it was decided to vote at sight. reference to the duties on wool and wool-

Senator Bacon forced votes on two amendments of his reducing to 30 per cent S. D., who won his title in the Philippines ad valorem the duty on wool and woolen with the First Dakota regiment, and who goods, but he failed to obtain the support of any of the republican senators.

Aldrich Scores "Progressives." amendments had been rejected. Senator been appointed. Captain Young sails for his Aldrich declared that the amendment af- far-away eastern assignment tomorrow. fecting wool of the first class, if adopted. His first consular service was at Harput, would have cut down the duty one-half. the assignment at Salonica being in the This, he explained, was because of the nature of promotion. fluctuation in the price of foreign wool, which at times would make the protective FOOT BALL STAR MADE JUDGE duty 4% instead of 11 cents a pound, alvalorem.

"I would like to know," said the senator from Rhode Island, "how my friend from Indiana (Mr. Beveridge) and how my friend their action in this matter?"

somebody else's votes."

This declaration called forth applause from the galleries, which was quickly suppressed by Vice President Sherman.

sponded Mr. Aldrich, "either to myself or RYAN HEADS AMALGAMATED ing will be held later in Symphony hall. to my constitutents to whom I am directly responsible."

No sooner had Mr. Aldrich taken his seat than Mr. LaFollette was upon his feet.

Denounce Aldrich's Leadership. Rhode Island," he said impetuously, "is an mated Copper company to succeed the late impeachment of the leadership of the Henry H. Rogers. senatorship of the senator from Rhode body would find justification in his course here today if it had never before. Reserving his information on this bill he compelled everybody to vote on the amendments paragraph by paragraph. Does he expect to keep the confidence of the republican membership of this body by a stituency of our various states."

"The senator from Rhode Island," Mr. LaPolicite continued, "with all his crafti- steamer were taken off by the steamer were close by and the laconic message of ness, has embarrassed the republicans. He said he had stated 'half through this,' which has discredited his leadership before

this body and before this country." franchises, which he initimated, was some- saying: thing not tolerated in Wisconsin. He said Took on board Princess Irene, 110 cabin Mr. Aldrich had made no report on this west of Flores island. The 300 steerage passengers on Batavia. Slavonia probably trate the professional total wreck. some light upon the changes he had made it it. He proceeded:

The senator from Rhode Island need (Continued on Second Page.)

Scott's Bluff People Stir Washington

> Interior Department Officials Roused by Resolutions Printed in The Bee.

(From a Staff Correspondent.) gram.)-A special dispatch to The Bee from Scott's Bluff, under date of June 8 onveys to Washington the news "That youthful emissary to the North Platte valley from the office of the secretary of the interior, who announced himself as an en- Court Denies Their Application for gineering inspector of the big government irrigation project has started a commotion the community.

pector of this department, was dispatched Income Tax Vote is Postponed Until by Secretary Ballinger to the North Platte Islands Are Wrought Up by Alleged country a week ago to look into irrigation affairs there, and upon completion of his investigations to return to Washington and report to his chief. Why the presence of Inspector Keyes in the North Platte coun try should create "a commotion" and call forth resolutions which have been adopted by citizens in that vicinity, as set forth n The Bee, is inexplicable to the secretary of the interior. He has sent out inspectors from time to time to look into conditions regarding the progress of reclamation work and render a report in order that officials rious projects may have as near as may be information at first hand.

So far as the so-called co-operation plan is concerned it may be said that the attor- and letters, reports and other documents tariff bill. Mr. Aldrich declared that he ney general in a recent decision held that seized. knew of no such effort, but pleaded for the there was no provision in the reclamation. act providing for the same.

reclamation service of the Interior depart- and Sogo, the three alleged leaders of the ment to disturb existing conditions in any sugar plantation strikes, who were taken manner whatever, insofar as they may into custody yesterday was rejected by dressed from 3 per cent to 2 per cent and refer to co-operative work as it may affect the courts. various reclamation projects. Department officials, to whom the clipping from The Bee was shown, could not understand why papers found indicate that a conspiracy the mere presence of an inspector from of a widespread nature has been formed the department in the North Platte Irrigation section should have so agitated the from a hasty persual of the resolutions as their own interests. adopted, that it is quite apparent that the people who passed them were laboring

under misapprehension. complaint. As yet, however, neither senaany member of the house from Nebraska,

The big earth dam of the Belle Fourche | these documents. irrigation project, South Dakota, is about the woolen schedule Mr. Aldrich had for- out the month except two days when the inlet canal bank needed repairs. The main crops receiving irrigation are native hay

and alfalfa. Major Frederick M. Hartsock, of the senate. LaFollette accepted the official re- Medical corps, is relieved from duty at

> tax unquestionably constitutional and after the same time on the Brown amendment, June 18.

Captain Evan E. Young of Sioux Falls, entered the consular service after the Spanish-American war, is in Washington enroute to his new consular post at Sa-Taking the floor as soon as the LaFoliette lonica, Turkey, to which he has recently

though on its face it was 45 per cent ad Peter Overfield, Former Pennsylvanian, Nominated for Alaska Bench.

WASHINGTON, June 11.-President Taft from Iowa (Mr. Cummins) will explain today sent to the senate the nomination of Mr. Clapp of Minnesota, "in explaining was once a noted foot ball player with the University of Pennsylvania.

Succeeds Henry H. Rogers as Presi

general

dent of Big Copper Company.

NEW YORK, June 11 -- John D. Ryan was Denounce Aldrich's Leadership.

NEW YORK, June II.—John D. Ryan was astic reception by his countrymen in Thursday elected president of the Amalga- Panama, and he has called upon President

# LABOR TROUBLE STIRS ISLANDS

Honolulu Officers Raid Is self a Letters and well parette Newspaper Office

BIG CONSPIRACY IS ALLEGED

WASHINGTON, June 11 .- (Special Tele- Yellow Laborers Charged with Trying to Control Hawaiian Affairs.

the unheralded appearance here of a THREE LEADERS ARE IN JAIL

Writ of Habeas Corpus.

velops the fact that E. A. Keyes, an in-

Discovery of Conspiracy-Patriotic Appeals Are Addressed to Strikers by Companions.

HONOLULU, June 11.-Evidence of what the authorities claim is a concerted movenent on the part of the Japanese of the Hawaiian group to control the sugar industry and thus dominate the internal affairs of the islands through their number and power, was disclosed today when the in Washington having charge of these va- office of the "Jiji," a Japanese newspaper of Honolulu, and the offices of the Japanese Higher Wage association were entered by officers armed with search warrants.

Following the confiscation of the papers and application for a writ of habeas cor-It is not going to be the policy of the pus entered in behalf of Nakimo, Negoro

> Conspiracy is Charged. It is claimed by the authorities that the among the Japanese of the islands to wrest control of affairs from the white residents

The letters and reports found in the office of the Higher Wage association which, as indicated by its name, has the financial In the resolutions it is suggested that betterment of the Japanese as its object, senators and members in the house from are from members and agents of the asso-Nebraska be called upon to look into the ciation in various parts of the island. They express the belief that the strike of the Openly declaring his opinion that Sena- tor has been advised of any "kick" nor has Japanese plantation workers offers an opportunity for the Japanese of the islands, other republican senators, which a leader now in Washington, any knowledge of by virtue of the numbers, to demonstrate their power to control the sugar industry, President Taft today nominated Walter and, through it, the general affairs of the amendments to the wool schedule of the L. Minor to be postmaster at Morrill, Neb., islands. The determination to so control, it tariff bill, which was yesterday presented and Charles E. Tanney at Summit, S. D. is stated, is reiterated again and again in

from the disclosures. Japanese Gather in Force.

While the court was deliberating upon Fort Meade and will proceed to Fort of a thousand Japanese gathered about asked the witness a question sharply. the court house to await the outcome. The Senator Brown offered his resolution to gathering was perfectly orderly in its de- been polite all day and Mrs. Gould won't for the prisoners whenever they came in Nicoll.

attorneys for the prisoners, but has not ling interposed. been acted upon by the court.

plantation employes.

Services Are to Be Held, One Being Restricted to Family.

BOSTON, June 11.-Funeral service for Sunday afternoon at the South Congretheir votes in reducing the protection Peter D. Overfield to be judge of the third gational church and also at the Park which has been afforded the wool growers judicial district of Alaska in place of Judge Street church. The public will attend the guarding the gate. Only such persons as of the United States, 40 and 50 per cent by Silas H. Reid, resigned. Mr. Overfield is Park Street church services. At the South could give valid reasons for their presence a Pennsylvanian, who has practiced law Congregational church attendance will be in the court room managed to get past the "It will keep us much busier," interposed at Nome, Alaska, for three years. He restricted to the Hale family. At South doorkeepers. church, the Rev. Edward Cummings, the pastor will officiate, assisted by Rev. Colonel Marion P. Maus of the Twentieth James De Normandie of the First church infantry was nominated to be a brigadier at Roxbury, one of Dr. Hale's oldest friends. There will be no formal eulogy on Sunday, but a public memorial meet-

Wu Ting Pang at Ponama. minister at Washington the isthmus from New York. He is on his way to Peru, to which country he is also accredited. He has been given an enthusi-Obaldia. Through the courtesy of Colone Goethals he will inspect the canal.

# come to some republican members in this Cunard Liner Slavonia is Ashore and is Total Wreck

proceeding of that kind? He is the leader ports that its steamer Slavonia, which left Azores group with dangerous and preciof the republican side and as such he has New York, June 3 for Naples, is ashore pitous cliffs. The foundering of a vessel aided in bringing us into a position of southwest of Flores island, one of the there can be easily imagined, but by good embarrassment before the republican con- Azores group and that it is feared it will fortune the two other liners, the Princess be a total wreck.

Princess Irene of the North German Captain Peterson would seem to indicate burg-American line.

the Siavonia had run aground, reached of 10.606 gross tonnage, is 510 feet long. Mr. LaFollette went on to say that the here shortly before i o'clock in a message with a fifty foot beam and is twenty-two senator from Rhode Island had come from to the North German Lloyd company from feet deep. Its commander is Captain a state that had granted ninety-nine-year Captain Peterson of the Princess Irene, A. G. Dunning. The vessel is compara-

Cunard offices here had had no advices fifteen years ago, when the Fulda of the whatever, and & heard first of the ac- North German Lloyd stood by the Cunard edent through the North German Lloyd. | liner Oregon and saved all the passengers Flores island, off which the Slavonia and crew-

LONDON, June 11.-The Cunard line re-ustranded, is the most westerly of the Irene and the Batavia, which left New All of the 410 passengers aboard the York on June 5 and June 3 respectively Lloyd line and the Batavia of the Ham- there was no loss of life or injury to any-

NEW YORK, June 11.-First reports that The Slavonia is a twin-screw steamship tively new, having been built at Sunder-

Today's sea accident served to illustrate the professional friendship between the North German Lloyd and the Cunard When the foregoing was received the line and recalls an instance of a dozen or

#### good citizens of Scott's Bluff. They say, and conduct the internal government in COURT REBUKES MRS. GOULD Black Hand Hits While Detectives She Fails to Answer Questions to Lay in Wait Satisfaction of Judge.

Threatening Letters.

could reach the door

"get busy" with the money.

the weapon used was a razor. Her assail-

ant attempted to draw it across her throat

Beardsley was unable to give the police s

good description of the man who attacked

Employes May End in a

Walkout

TEXARKANA, Ark., June 11 .- A call for

the employes organization.

in her home.

Names of Actor Dustin Farnum and "Buffalo Bill" Cody Are Mentioned in Famous New York Divorce Case.

From the Washington Evening Star.

An appeal to all Japanese, in the name to be hazy memory of Mrs. Katherine the finance committee's work, the vote two-thirds completed. Its construction is of their native country, to aid in this movement, is said to be conveyed in the letters. of her testimony in cross-examination, est as it will be one of the biggest earth The authorities are preparing complete brought a rebuke from Supreme Court it was after this vote had been taken dams in the world. It will be more than translations of all the papers seized and Justice Dowling, who is bearing her suit that the Wisconsin senator made his asser-tion that by his course with reference to tion that by his course with reference to running in all canals continuously through-tion that by his course with reference to running in all canals continuously through-dence in support of many charges of con-ard Gould, second son of the late Jay spiracy which it is declared will result Gould. Another interesting phase of the case today was a tilt between Lawyers Delancey Nicoll for the defendant and Clarene J. Shearn for Mrs. Gould.

the first habeas corpus petition a crowd cautioned Mr. Nicoll when the latter "Oh, I'm sick of trying to be polite. I've portment and vented its spirit in cheers answer a straight question," retorted

"Yes, the witness has given Mr. Nicoli [ A second petition has been filed by the much unnecessary trouble," Justice Dow-

Has Londs of Jewelry. The strike of the Japanese plantation The amounts of assorted jewels, tailors' hands has been in progress for over a costumers' and bootmakers' bills continued month and is the most extensive walkout to make the spectators admitted to the ever known on the islands. Between 5,000 court room gasp and stare. The articles and 8,000 Japanese are involved. The purchased included the pearl rope which strikers demand an increase from 90 cents the witness were yesterday and today, to \$1 a day for field laborers and a propor- listed at \$27,000; another pendant at \$13,tionate advance for mill hands and other 300, a diamond chain at \$22,000, a diamond diadem at \$24,000 and a sapphire ring at \$6,000. Such little things as \$500 worth of silk stockings at a time or \$1,528 for shoes Gould System HALE FUNERAL NEXT MONDAY were trivial by comparison. Five tailored made suits were ordered at a cost of \$5,807 Because of the great crowd of curious persons who gathered hoping to hear the testimony the court officers resolved themselves into a committee of selection to Controversy Between Texas Road and weed out those who were not entitled to Rev. Edward Everett Hale will be held enter. Men and women, old and young, pressed around the entrance. But strict discrimination was exercised by the men

There were bills, bills, bills, and then more bills; bills for finery and for necessities, jewels, lingerie and gifts for servunts. Some of them Mrs. Gould could iden-

tify as hers; others she could not. Without Provisions at Times. In striking contrast to this glitter of luxuries was Mrs. Gould's testimony that disagreements, involving a demand that a PANAMA, June II .- Wu Ting Fang, Chi- at times at Castle Gould she was actually without provisions

"You told Mr. Shearn that while you (Continued on Sixth Page.)

The "servant problem"- having the girl quit suddenly, leaving you without a cook or a girl for general housework-fretting over what you are going to do-

asking all your friends if they know of a good girl-doing your own housework and ruining your temper, your husband taking his meals down town.

How easy you can stop all this and find the right kind of a girl by simply telephoning Douglas 238 and putting a want ad in The Bee.

Try it now.

## TWO BODIES FOUND IN WELL Iowa Breaking Contractors Are Murdered at Kadoka, S. D.

SHE HAS CODLES OF JEWELRY Chicago Woman Doctor Under Guard EMPLOYE UNDER is Attacked After Receiving

Sheriff Captured Mike Malone at Collinwood, Who Had Tried to Sell Part of the CHICAGO, June 11. - Dr. Jennie A Outfit. Beardsley, it was learned today, is the latest victim of an alleged "Black Hand"

plot in Chicago. An attempt was made to slash her as she answered a knock at the back door of her home at tives were hiding in the house to guard the woman against just such an attack those of two men who had been running necessary to determine whether the statute a breaking outfit, J. Cooder of Rock precluded any other defense. escaped in the darkness before the detec-Toney of 1617 Hamilton street, Sloux City, Dr. Beardsley, who is a practicing physician of middle age, received a letter several days ago threatening her life if she did not place \$500 in a designated spot. The letter, which she turned over to the police, was signed with a rude imitation of a black hand and a skull and crossbones to be partners and Malone was working a hardship, The letter threatened the woman with for them. Maione came to town on Thursdeath in her own home if she did not day, May 27, and said he had bought A detective accompanied her in her auto mobile as she made the rounds of visits to After this time Malone seemed to have shipment probably would have compelled her tenants and two others were concealed Dr. Beardsley expressed the opinion that

of three or four head. He afterwards left town with the horses | The court holds the statute does not but instead drew it across a brooch which she wore. She was not injured. Dr.

### on the ranch. Faces a Strike Brokers Go Free on Fraud Charge

Detroit Men Accused of Swindling Are Dismissed by Justice on Examination.

a general strike on the Gould system of railways in the southwest is believed not DETROIT, Mich, June II .- Police Justice an improbable outcome of the meetings of Jeffries late today quashed the conspiracy the general committees of the Brotherhood case against Louis H. Case, managing of Locomotive Firemen and Enginemen in partner, and five employes of the brokersession here discussing controversies beage firm of Cameron Currie and company, tween the Texas & Pacific railway and whose \$1,500,000 failure occurred last July. The defendants were charged with de-Timothy Shea, vice president of the orfrauding Cameron Currie of \$50,000 by ganization, who is presiding over the sesusing the firm's credit for personal sions, says efforts to adjust the several speculation. Mr. Currie said on the stand that the alleged dealings of the employes discharged employe be reinstated and the would not have been sufficient to right of the organization to represent its the firm. He also assumed personal members in disputes be recognized, give but small prospects for a settlement. responsibility for some of the uncollectable large accounts carried on the firm's While declining to be quoted as the probabilyity of a general strike, Mr. Shea con-

There remain two indictments against Louis H. Case, individually, in which he is tentiary for the murder of a Chinaman charged with embeggling funds belonging

#### of our organisation we have the right to to patrons of Cameron Currie and cominvolve the entire system of ratiroads in that jurisdiction." Balloon University City is Declared Winner of Race

and John McCullough aboard, is the winner of the national balloon contest.

cludes a statement as to the situation

with the declaration that "under the laws

were before the Aero Club of America today and showed that the University City of St. Louis covered a distance of 382 miles, landing six miles south of Fort Payne, The balloon New York, manned by A.

Holland Forbes and Captain Harmon of New York, was second in the distance contest, landing two and a half miles south of Corinth. Miss., covering a distance of \$55% miles. The New York will be awarded the prize for the longest period in the air, being in flight 25 hours and 10 minutes, un less an unexpected protest is made.

The following statement was made by fficial of the Aero club today: "The University City balloon wins the Indiana was disqualified by touching the

NEW YORK, June 11 .- The balloon Uni- | any question about that. The reports from versity City of St. Louis, with John Berry the contestants examined today showed policy on the life of her husband, Charles the University City wins the race from the Ogden. It was shown in the trial in the balloon New York by twenty-six and one- lower court that Ogden had joined the Official reports from the contestants half miles, but these figures might be lodge in 1896 and died in 1904. He did not slightly changed when the government's pay the assessment against his policy in maps are examined. Those on board the balloon University

City report that they landed nine miles south of the postoffice of Fort Payne, We think that the landing was probably six miles south of the postoffice. From Indianapolis to Fort Payne is 376 miles and the six miles added makes the University City's distance 382 miles.

"The balloon New York landed two and a half miles south of Corinth, Miss., covering a distance of 25% miles. "The New York balloon will be given the

duration trophy, as it appears that the long distance contest. There is not now ground in lowering a receptacle for water."

# LIVE STOCK LAW DECLARED VALID

Supreme Court Upholds Statute Requiring Expeditious Handling of Animals in Transit.

JUDGMENT AGAINST BURLINGTON

Railroad Must Pay Shipper \$1,400 Within Thirty Days.

PUMPHREY CASE IS AFFIRMED Life Sentence Against Man Who

Killed Chinaman Upheld. RULING IN MILES WILL CASE

Woodmen of the World Wins in Suit Brought by Mrs. Mabel Ogden to Recover Insurance on Husband's Death.

(From a Staff Correspondent.) LINCOLN, June II .- (Special.)-The supreme court holds constitutional the law of 1905 requiring railroads to carry live stock at not less than eighteen miles an hour on main lines and twelve miles an hour on branch lines between the initial point of receiving to the point of feeding

or destination. A judgment for \$1,540 in favor of Wilbur L. Friend against the Burlington railroad for delay in live stock shipment is affirmed by the court, providing the plaintiff files remittitur of \$340 in thirty days, each to pay his own costs. The opinion of the court was written by Judge Root, con-

curred in by Judge Fawcett in a separate opinion, and Judge Barnes dissenting. The shipments in question were from Burwell to South Omaha during July, August, September and October, 1905. The delays complained of were from one to fiftytwo hours. The penalty provided in the law is \$10 per hour per car for each hour consumed beyond the time limit, even if no damages are caused by the delay.

The judgment for \$240 ordered remitted was for delay in shipping one care from Burwell to South Omaha, the delay being caused by stopping and feeding at Lincoln. If the shipment had continued without delay the stock would have arrived at South Omaha Sunday. Deducting the delay at Lincoln, there was a delay of only one hour on the shipment. The court gives the railroad company the benefit of the statute relating to the running of trains on Sunday and holds that the plaintiff was not entitled to recover on this cause of notion. Judgment on all other causes of action is affirmed.

Opinion of the Court. The court finds that the defendant falled KADOKA, S. D., June II.-The bodies of to prove any affirmative defense save that two men were found in a well on the as to its delay in feeding and caring for Artie McNally ranch, two miles north of stock and it did so in deference to the town this morning. Mr. McNally had oc- statute prohibiting the operation of trains casion to visit the well for water and made on Sunday. The defendant, having been the discovery. The bodies proved to be given the benefit of this defense, it is un-

a breaking outfit, J. Cooder of Rock Valley, Ia., or Rock Rapids, Ia., and W. D. Law that a shipper of live stock may recover Is. They and a man who went by the The constitution does not prohibit the legisname of Mike Malone shipped in a car lature from increasing the common law of horses and machinery from Chamber- Habilities of common carriers, and courts lain on May 18 and started breaking a will not declare the statutes void on comfew days later for Artie McNaily on his plaint of a carrier because in some hypoclaims of town. Gooder and Toney seemed thetical case the law if applied might work

The statute does not interfere with or regulate interstate commerce. Where a de-Gooder and Toney out for \$980 and the lay occasioned by unloading stock to feed, night before had taken them to Phillip. water and rest and to have continued the plenty of money, while before this he had the carrier to have operated its trains on heen broke. After this Malone tried to Sunday and have resulted in the delivery sell several of the horses and did dispose of live stock on the Sabbath, a judgment based on said count will be reversed.

in his possession. When the bodies were contravene the constitution of the state and discovered this morning, the city marshal that it is not repugnant to the fourteenth, started in pursuit and captured him at amendment to the constitution of the United Cottonwood. The motive for the crime States. The statute is complete in itself was robbery as it is declared Gooder had and though it may conflict somewhat with over \$500 in his possession when he arrived other sections of the statutes will not for that reason be held void, as the carrier act must yield to the latter.

Judge Fawcett, in concurring, favors actual damages as the measure of damages, but to so hold the court would have to overrule a number of former decisions. He says there is nothing so conducive for the well-being of the state as a settled state of law.

Judge Barnes Dissents.

Judge Barnes, in dissenting, says the statute is unconstitutional for several reasons. He asserts that the opinion holdng the railroad company not liable for delay which occurred on Sunday at feeding yards is an amendment to the law and amounts to judicial legislation. "When in order to prevent law from being declared unconstitutional," says Judge Barnes, "it is necessary to amend it by judicial construction, it is the duty of the court to promptly declare it unconstitutional and thus avoid usurping power." He believes the statute deprives carriers of property without due process of law.

Pumphrey Case Affirmed. The supreme court has affirmed the decision of the lower court in the case of Charles Pumphrey, sent up from Douglas county to serve a life sentence in the peni Among other reasons for a reversal of the decision of the lower court the attorne for Pumphrey argued that a Japanese y not qualified to take the oath and test The court held that an adult citizes Japan is competent to take an oath testify. The litigant, the court said, might have questioned the witness before he took the oath to show his incompetency, but this had not been done,

W. O. W. Wins Case. The Woodmen of the World won in the case brought by Mrs. Mabel Ogden on a December, 1903. The plaintiff insisted that in the year 1203 Ogden had paid to the lodge \$12.50, which paid for five assessments, and that the sum was paid in December. This she held reinstated him. The company showed, however, that the amount was paid in November and the deceased had not paid the last assessment. The lower court was affirmed.

Miles Will Case Ruling. The aupreme court overruled the motion of the appellees in the case of Williams against Miles to quash the bill of excep-

tions. The court said the judges were (Continued on Fifth Page.)