

POWER OF COURTS  
OVER CONGRESS

Suit of Paper Company Raises New Issue in Relation to Departments of Government.

SENATORS IGNORE SUMMONS

Members Take Ground that Their Acts Are Not Subject to Review.

HOUSE MEMBERS PRESENT

Their Attorney Makes Plea that Court Has No Jurisdiction.

JUDGE RESERVES DECISION

Paper Company's Suit to Compel Reopening of Award of Contract—Case is of Historic Interest.

WASHINGTON, Feb. 25.—The great question of the authority of one branch of the government over another was argued today in the supreme court of the District of Columbia, with precedents dating from the days of Chief Justice Marshall. The mere mandamus proceedings of the Valley Paper company of Holyoke, Mass., against the joint congressional committee on printing evolved into a contest of authority between the courts and congress and the foundations were laid in a case as historic as any in the annals of the judiciary. Whether or not the printing committee can be compelled by a court to rescind its action on purchases of paper for the public printing and take into consideration the bid of the Valley Paper company is the immediate question. Whether congress and its members in their official capacities and clothed with constitutional immunity are amenable to the law, will be the ultimate one, counsel on each side is ready to admit.

Senators Ignore Order.

Today the senators of the printing committee continued in their attitude to ignore the summons of the court on the grounds that it was without jurisdiction and were not present or represented by counsel. They are Senators Root of New York, Smoot of Utah and Fletcher of Florida. The members of the committee from the house, however, Allen F. Cooper of Pennsylvania, George C. Sturgis of West Virginia and David E. Finley of North Carolina, occupied seats in the front row of the spectators and were represented collectively and individually by a battalion of counsel. The Department of Justice, too, was represented for the first time today, to contest the jurisdiction of the court.

Contention of Committee.

The meat of the committee's plan in answer to the paper company's mandamus was that the company's bid was not the "lowest in the best interests of the government" and that it failed to comply with certain legal technicalities.

Sign of the question of its relation to the court, however, the graver contention was made that the members of the printing committee were clothed with the constitutional immunity conferred upon them by their membership in congress; that they did not act in a ministerial capacity and that the mandamus of its primary features, was not a mandamus against the printing committee at all, but really a mandamus from the supreme court of the District of Columbia to congress itself.

The committee's plea was that as a committee its members did the same work which congress could do upon the floor of both houses if it chose to do so. Justice Wright announced he would hand down his decision on Monday. This presents a situation entirely new in American jurisprudence, the possibilities of three United States senators being adjudged in contempt of court and the possibility of a supreme court justice being accused of contempt of congress enter into it.

JOINT MEETING OF MINERS AND OPERATORS FAILURE

Effort to Reach Agreement on Wage Scale is Abandoned for the Present.

KANSAS CITY, Mo., Feb. 25.—At a joint convention of the coal miners and operators and mine owners of the southwest here today the conference committee appointed to consider the wage scale for the next two years reported inability to reach an agreement. The committee was discharged and the joint convention adjourned.

It is said that an amicable adjustment of the controversy is possible at a subsequent joint convention. The present wage scale expires April 1.

The conference committee had been in session since Tuesday night.

The representatives of the miners insisted the new wage scale should include an increase of one cent a ton and a proportionate increase in the wages of miners paid by the day, but the representatives of the operators refused to make this concession which was demanded by the United Mine Workers of America at their recent convention.

The miners will continue to consider routine matters today and tomorrow.

LITTLE GIRL BURNED TO DEATH—PARENTS ABSENT

Five-Year-Old Victim Was Stuffing Paper into the Kitchen Stove.

MARSHALLTOWN, Ia., Feb. 25.—(Special Telegram.)—Lacie Harrison, aged 5, daughter of Mr. and Mrs. Homer Harrison, living five miles from here, was burned to death last night while stuffing paper in the kitchen stove. The parents were absent from the house at the time. Returning to the house, they found their daughter dead on the floor.

EDDY IS FOUND NOT GUILTY

Jury in Belle Plaine Murder Case Press Detective Suspected of Old Crime.

YINTON, Ia., Feb. 25.—The jury in the case of George Eddy, indicted with Francis Guthrie for the alleged murder of Mrs. Guthrie, at Belle Plaine, ten years ago, returned a verdict this morning of not guilty.

Insurgents Not for Taft Reform Railroad Bill

Clapp and Cummins Both Against Measure Which is Favorably Reported to Senate.

WASHINGTON, Feb. 25.—Consideration of the administration bill to create a court of commerce and amend the interstate commerce laws was concluded today by the senate committee on interstate commerce and it was ordered reported. The vote was 12 to 10.

The majority report will recommend the passage of the bill in form practically as it is revised by Attorney General Wickersham. The minority also will report.

There were three absentees when the committee met. They were Tillman of South Carolina, Foster of Louisiana and Taylor of Tennessee. With these democrats absent the result was a foregone conclusion, resulting as follows:

For the administration bill—Senator Elkins (W. Va.), Cullom (Ill.), Aldrich (R. I.), Kean (N. J.), Crane (Mass.), and Nixon (Nev.).

Against—Clapp (Minn.), Cummins (Iowa), Newlands (Nev.), and Hughes (Colo.).

The bill, which was reported to the senate by Mr. Elkins, soon after that body convened, in the same as was introduced January 11 in the senate by Senator Elkins and in the house by Representative Townsend of Michigan, with amendments suggested by Attorney General Wickersham on February 24 and by Messrs. Elkins and Townsend re-introduced.

Gamble Gets Cash for Sioux Falls

South Dakota Senator Succeeds in Getting Favorable Report on Appropriation Bill.

(From a Staff Correspondent.) WASHINGTON, Feb. 25.—(Special Telegram.)—Senator Gamble today secured a favorable report on his bill increasing the limit of cost for improvement and extension of the federal building at Sioux Falls from \$100,000 to \$150,000.

The president sent to the senate today nominations of the following postmasters: Nebraska—Albin, George W. Williams; Elmwood, William K. Sarason; Iowa—Clinton, E. L. Martindale; Keota, Lauren E. Hulse; Monroe, Henry A. Perrin; Sioux Rapids, Lucy B. Smith; Williamsburg, Harry E. Hull.

South Dakota—Flandread, E. C. Akam; Leola, Frank D. Lowry.

Rural carriers have been appointed as follows: Nebraska—Havelock, route 3, Joseph L. Wood, carrier; no substitute; Rulo, route 1, Fred Jondrow, carrier; no substitute; Iowa—Fort Dodge, route 1, Stephen E. Hartnett, carrier; no substitute; Henderson, route 1, K. P. Duyen, carrier; J. H. Parker, substitute; Keyes, route 1, Julius Klappholz, carrier; Emma Klappholz, substitute; St. Charles, route 1, Henry R. Huribut, carrier; Ernest E. Huribut, substitute.

South Dakota—Wagner, route 2, Will W. Townsend, Jr., carrier; W. W. Townsend, Sr., substitute.

Nebraska—Minatare, Scott's Bluff county; W. B. Swindell, vice O. G. Pierpont, removed.

Iowa—Hoprig, Emmet county, Charles Blair, vice O. L. Paugh, resigned; Prole, Warren county, Ernest M. Burkhead, vice W. J. Slinker, resigned.

South Dakota—Steffield, Beadle county, John A. York, vice C. C. Ersted, declined.

Label Decision to Be Appealed

Cabinet Takes Action in Case Against New York World Recently Dismissed.

WASHINGTON, Feb. 25.—As a result of the cabinet meeting, Attorney General Wickersham today telegraphed to District Attorney Wise at New York to note an appeal from the decision of Judge Hough, dismissing, for want of jurisdiction, the lawsuit against the Press Publishing company (New York World) on the charge of libel in connection with the Panama canal case.

NEW YORK, Feb. 25.—District Attorney Wise will at once begin preparation of the appeal in the Panama libel case to the United States supreme court. The defendants have recently asked that an appeal be taken that the question of whether the indictment was authorized or not by the statute should be finally determined by the court of last resort.

MRS. FLAGLER KILLED BY CARS

Widow of General in Automobile Struck by Express—Two Others Hurt.

NIAGARA FALLS, N. Y., Feb. 25.—Mrs. Benjamin Flagler, widow of General Flagler, was killed, Mrs. George F. Nye was fatally injured and her daughter, Miss Nye, was seriously hurt today when a New York Central express train struck the automobile in which they were riding. All were residents of Niagara Falls.

Kids' Saturnalia at Dad's Expense Nipped in Bud

Preparing for a high old time at the expense of the stepfather of one of them, was what three boys and two girls were doing when Officers Maloney, Van Deusen and Murphy walked into a room at 811 North Sixteenth street.

BILLS AGAINST MEAT COMBINE

New Jersey Grand Jury Indicts Six Big Corporations and One

ALL CHARGE OF CONSPIRACY

Acts Limiting Supply of Meats and Poultry Alleged.

BIG MEN ARE ON LIST

Armour, Swift, Morris and Hammond Companies Named.

OFFENSE IS EXTRADITABLE

Prosecutor Gaven Says if Men Indicted Do Not Appear for Trial He Will Secure Requisitions for Their Arrest.

NEW YORK, Feb. 25.—"The Beeftrust" of the United States, embracing six great packing companies and twenty-one packers, several of them multi-millionaires, socially and industrially prominent, were indicted by a grand jury in Hudson county, New Jersey, today, charged with conspiracy in limiting the supply of meat and poultry. The indictment is drawn under the law of New Jersey, which provides upon conviction a maximum penalty of three years in the penitentiary or a \$1,000 fine or both. The offense is extraditable, which means practically that the meat barons must either successfully resist extradition, or come to Jersey City for trial.

Pierre Garven, the public prosecutor of Hudson county notified tonight that he would forthwith notify the defendants of their indictment, and would be ready to force extradition in each case where the individual concerned is not willing to face trial voluntarily.

List of Defendants.

The defendants as named are as follows: Corporations: The National Packing company, Armour & Co., Swift & Co., Morris & Co., Hammond Packing company, G. H. Hammond & Co.

Individuals: A. A. O'Brien, Thomas J. Conners, Louis F. Swift, L. H. Heyman, Edward E. Swift, E. H. Ballgame, Jr., Charles H. Swift, Frederick R. Cooper, Ira N. Morris, Henry B. Darlington, Arthur Meeker, Henry B. Darlington, Edward Tilden, A. A. Fuller, Louis C. Patterson, Thomas E. Wilson.

The indictment, which includes in its arraignment of the men named, also refers to "divers extrajurisdictional persons." These latter, however, are not specified.

Result of Price Probe. The list of names, it will be seen, represents the backbone of the great packing industry of this country, containing as it does two Armours, three Swifts and two Morrises, most of them residents of Chicago, together with less important figures in the packing world. Their indictment brings to a climax the first concerted effort in the east to fix responsibility for the prevailing abnormally high price of commodities.

Jersey City is a cold storage center where the packing companies of the west maintain vast warehouses in which countless thousands of pounds of meat and poultry are stored pending a fruitful course of investigation. More than a month ago the inquiry by the grand jury was started, cold storage plants were inspected, witnesses were examined and today the indictment was handed up in the supreme court before Justices Blair and Carey.

CANE STRIKERS PILLAGING FARMS AND KILLING ANIMALS

Foreign Consulates in Guadalupe Are Guarded by Police and Cruisers on Way.

POINT-A-PETRE, Guadalupe, Feb. 25.—Forces of police have gone to St. Francois to protect the natives there, several of whom have been killed during the disturbances arising from the strike of sugar cane cutters. The strikers have gathered in large numbers at St. Francois and are pillaging the surrounding country and killing domestic animals for food. The foreign consulates are guarded by the police. Several sugar grinding factories have been burned. Governor Gautret today announced the arrival of reinforcements of troops from Martinique and that the French armoured cruisers Victor Hugo was on the way here to aid in preserving order.

NAGEL WANTS FUNDS TO HELP STAMP OUT WHITE SLAVERY

Secretary Tells Committee \$100,000 a Year Would Be Well Spent

WASHINGTON, Feb. 25.—The expenditure of \$100,000 a year in stamping out the "white slave" traffic would be money well spent, said Secretary Nagel in submitting to the house a recommendation that the total estimate for regulating immigration be increased from \$2,000,000 to \$2,500,000.

Mr. Nagel says the increase in the "white slave" traffic bill, now in conference between the two houses and expected to become a law in a few days, will cost \$100,000 and that the work will have to be prosecuted differently than the ordinary immigration law enforcement.

A few days ago a man sold a sewing machine,

that he hadn't been able to give away, by advertising it once in The Bee For Sale Columns.

The machine was all right, but none of his friends or their friends could find use for it.

The Bee Want Ads will sell anything under the Sun—And they will do it quickly. If you pay rent on a phone it will be all right to call Doug. 238—Want Ad Depart



In the Newspaper Composing Room—Murphy, set up this headline, and keep it set. "Congress Blocks the Way."

SEED CORN PULPIT THEME

Prof. Holden Appeals to Iowa Ministers to Preach It.

NEBRASKA NOW ALIVE TO DANGER

Prof. Montgomery to Make Appeal to Lincoln Commercial Club Today—Farmers Are Waking Up.

(From a Staff Correspondent.) DES MOINES, Ia., Feb. 25.—(Special Telegram.)—Ministers of Iowa have been formally asked by Prof. Holden, the state corn expert, to preach sermons on the subject of seed corn and the immense importance of taking care to plant good seed that the crop may be good. He suggests a number of appropriate texts which would tend to stir up the people to the imminent danger of famine from a crop failure in Iowa. This with the work being done by commercial and farm organizations, it is believed, will have good effect.

LINCOLN TO HELP IN CORN TEST

Commercial Club There Co-operates with Omaha in the Crusade.

The Lincoln Commercial club, in co-operation with the Omaha Commercial club, has decided to take up the matter of publicity to induce the farmers of the state to use great care in the selection of their seed corn, especially for this year, when it has been demonstrated that but 27 1/2 per cent of the corn will grow. E. G. Montgomery, head of the agronomy experiment station of the University of Nebraska, will address the Commercial club of Lincoln Saturday. He has already reported to the Omaha Commercial club that there is cause for alarm.

By one of the most interesting tests ever made the publicity bureau of the Commercial club has demonstrated that corn containing from 11 to 25 per cent moisture, after freezing, or being exposed to low temperatures, will not germinate.

This test is intended to show that even the corn left in the fields had better be tested before it is planted, for if it contained an excessive amount of moisture it will not grow.

Some corn that tested 30 per cent before was soaked and made to contain 25 per cent moisture, tested but 25 per cent after it had been exposed for seventy-six hours to temperatures below 20 degrees Fahrenheit. Another ear testing 31 per cent before the moisture was added and the cold applied, fell to 26 per cent when it was put in the germination box.

This is Price Corn. The corn was obtained from John Aye at Blair, one of the prize winners at the National Corn exposition. When it was tested last week it was about the highest germinating corn in the box. The ten ears were then used for the moisture and freezing experiment. The corn was found to contain but 18 per cent moisture, so some had to be added. Two ears were soaked about four hours and they then contained 22 1/2 per cent moisture. They were taken to the refrigerating plant of a creamery and kept

(Continued on Second Page.)

Oregon Roads in Merger Inquiry

Vice President of Oregon Railway and Navigation Company Tells Why Lines Were Abandoned.

NEW YORK, Feb. 25.—Rival railroad enterprises in Oregon were the subject of inquiry today at the hearing in the government's Union Pacific-Southern Pacific merger dissolution suit.

"Prof. Astro" is Shot by Posse

Man Who Broke Jail at Hot Springs, Ark., Recaptured After a Fight.

HOT SPRINGS, Ark., Feb. 25.—A. C. Conlin, alias H. S. Daniels, sometimes known as "Prof. Astro, the Handcuff King," who, with sixteen other prisoners, broke jail here the night of February 11, was run to earth today.

In attempting to escape from a pursuing posse in the mountains near Okolona, Clark county, Conlin was shot, but the degree of his injury is not known. Only meager details of his capture were received here by Sheriff Hogg by telephone and it will be impossible to bring Conlin back until tomorrow.

NICK IGNORANT OF PLOT

Son-in-Law Says He Knows Nothing of Roosevelt-Forker Scheme in Ohio.

WASHINGTON, Feb. 25.—Nicholas Longworth, representative from Ohio and son-in-law of ex-President Roosevelt, today declared that he had no knowledge of the "shell plot," as he called it, between ex-President Roosevelt and Senator Foraker and himself to carry Ohio to the republican ticket, naming himself for governor and Foraker for senator.

Hours at High Note.

CHICAGO, Feb. 25.—Another slight advance today marked the upward trend of live hog prices at the stock yards, the animals selling at \$9.75 a hundred weight.

NO BANK FAILURE IN YEAR

Nebraska's Financial Institutions Are on Sound Basis.

REPORT OF SECRETARY ROYSE

Executive Head of State Department Says It Would Take Cyclonic Money Disturbance to Imperil Situation.

(From a Staff Correspondent.) LINCOLN, Feb. 25.—(Special.)—Secretary Royse of the State Banking Board has sent to the printers the copy for his annual report of the state banks for the last year. His report will show that not a single failure has occurred during the year which the report covers. The following figures show the increases compared with the report of a year ago:

Table with financial data: Total resources increased, Number of banks increased, Number of depositors increased, etc.

State Banks Are Safe.

"A careful examination of the contents of this report will show the banks in this state as a rule both prosperous and safe. The spirit and letter of the banking law is generally complied with in a satisfactory manner and the rules and regulations of this department met with very ready response on the part of the banks."

(Continued on Second Page.)

RAISE IN RATES STIRS SHIPPERS

Scheme of the Railroads to Squeeze Greater Revenue Out of Omaha Arouses Many Trades.

TAKES IN VAST LINE OF GOODS

Likely to Increase Cost of Living, if Carried Out.

IS RANKEST DISCRIMINATION

Means Differential in Favor of Other Missouri River Cities.

BURLINGTON WHOLE HOG OR NONE

Hill Line Now Gets More Revenue Out of Omaha Than Any Other Town and Still It Demands More.

Omaha shippers are intensely aroused by the plans of the Chicago-Omaha railroads to make a general increase of commodity rates as set forth by The Bee. Realizing what such a move means to the commercial and industrial life of Omaha, shippers propose to resist the action in some organized and effective manner.

They see in the move nothing more than rank discrimination against Omaha for the one purpose of swelling the already gigantic revenues of the railroads. Many of the big jobbers would not believe that the railroads expected to raise the rates of some of the commodities because of the ample revenue they are already receiving.

"In the absence of any detail I don't understand how it is possible for the railroads to raise the rate on coal," said J. A. Sunderland. "The railroads are now receiving as much for hauling coal and cement as they have received at any time in the last twenty years. Their earnings on these commodities must be greatly in excess of what they were formerly when the market was so weak as to be unprofitable. Now it is fifty tons and the trains are several times as long."

Goods in Commodity Class.

These goods are carried under the commodity classification: Coal, soap, cement, sewer pipe, agricultural implements, wagons, engines, asphalt, bags and burlap, brick, hollow building blocks, beer, butter and eggs, poultry, pitch and tar, cooperage, harness and saddlery, iron and steel, meats and oil. The raise, therefore, would mean a wide, sweeping effect.

The claim is made that an advance of 10 per cent in all these products would materially add to the cost of living, for although the railroads receive more money from Omaha than from any other city on its entire line, and last year nearly one-seventh of the revenues of the company were paid into the coffers at Omaha and yet this is one of the lines that is starting the trouble by insisting on its right to get the long hauler's money from Omaha than from any other city on its entire line, and last year nearly one-seventh of the revenues of the company were paid into the coffers at Omaha and yet this is one of the lines that is starting the trouble by insisting on its right to get the long hauler's money from Omaha than from any other city on its entire line, and last year nearly one-seventh of the revenues of the company were paid into the coffers at Omaha and yet this is one of the lines that is starting the trouble by insisting on its right to get the long hauler's money from Omaha 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