PRICE FIVE CENTS.

HAYWOOD PALES AS JUDGE READS

Charged With Murder of Steunenberg.

MOYER APPEARS MUCH BORED

Pettibone Shows No Surprise, But Stares Fixedly.

NO TESTIMONY IS GIVEN

Conspiracy Will Be Alleged Against Officials of the Federation When Their Cases Are Taken Up by the Grand Jury.

BY W. G. MACRAE.

CALDWELL, Idaho, Feb. 21.-(Staff correspondence.)-If Attorney E. T. Richardson, counsel for the officials of the Western Federation of Miners, anticipates this morning that he would force the state to show its testimony against Charles H. Moyer, William D. Heywood



and George A. Pettibone, he must have been disappointed. The three prisoners were brought to Caldwell early this morning from Boise. They were strongly guarded by deputy wardens and detec-

From some unknown reason, the official feared that the citizens of Caldwell would give vent to their feelings, but they were mistaken. No matter what the sen timent was at the time of the assassin ation, it has quieted down and now the arrival and departure of the three men charged with having murdered ex-Governor Steunenberg did not create a ripple among the residents here. In fact, it is doubtful whether more than a dozen knew that Moyer, Heywood and Petti bone had been brought here, so quietly was the thing accomplished.

Train Stops at County Jail.

The train which carried the defendants to Caldwell stopped at the County Jail, about half a mile from the center of the They were taken to the jall and locked up, while the attorneys went to the city and made arrangements for the bearing. At 19 o'clock they were brought before Probate Judge Church, Only newspaper men and the guards were present. The information which was filed against the three men and which led to their being extradited was read by Judge Church. Pettibone was the first called upon to rise and as the words fell from lips of the court, the prisoners heard for the first time that they were directly charged with having prepared and placed the bomb which ended the life of the former Governor of Idaho.

Pettibone Is Very Cool.

If Pettibone was surprised at the nature of the charge against him he showed no signs. He stood in an easy position and kept his eyes glued upon the face When the last word was read he took his seat without saying a

up. He is a powerfully-built fellow and was the only one of the defendants to show signs of the strain under which he was passing. He stood with his huge edy bent toward the desk at which the Judge sat, and his face blanched perceptibly as the reading went on. By the time the last word was read his limbs were trembling violently.

Moyer Regains His Composure.

President Moyer was the last to hear the reading of the information against himself. Moyer is a tail, angular man, with a decided stoop to his shoulders. During the reading of the stilted legal language of the charge to the other two men Moyer appeared ill at ease, but when his turn he stood up without a tremor. He is the stoic of the thre men, and before the court finished his face hore a bored expression. No plea was entered by any one of the defendants.

Attorney Richardson rose quickly after the reading and announced that he was ready to proceed with the preliminary hearing. He argued that his clients had a

right to demand this. County Attorney Van Duyn stated that

se was not ready to go on with the hear-

The court held that the state had a right to a continuance of two days, and that fit to use up all of the time granted by the

ras the case, the right to know the nature of the evidence against his clients and also the names of the witnesses and that the state intended to prove by them He was again overruled, and the date for the first hearing was set for February El The attorneys for both sides reached an agreement regarding the continuance, and

the six days allowed by law for continuances will be used up. Attorney Richardson consented to this when he found out that he could not force the state into divulging the names of its witnesses or any part of the testimony upon which they

depend to obtain a conviction. No Preliminary Hearing.

This move on the part of the prosecution shows that the three men accused will not be given a preliminary hearing. The coninuance was taken by the state in order to have time in which to get the special grand jury organized. It will meet her Saturday and organize, and will be ready to take up the hearing of evidence against men as soon as a few m the three cases of long standing are passed up It is not believed that the grant jary will begin investigating the Steuner assassination until February 27. That inlictments against all of the men under arrest will be returned is a foregone cor clusion. The charge against them will also be changed immediately. Instead of being directly charged with the murder of ex-Governor Steunenberg, the charge will be conspiracy.

Charge to Be Changed.

The direct charge of murder against each defendant separately was made for the purpose of extraditing them. This is shown by the affidavit upon which requisition papers were secured. This affidavit charges each man with having been at Caldwell December 30. the evening of the assassination. Had the prisoners been charged with a conspiracy, the Governor of Colorado might have not granted the requisition papers, but with a direct charge of nurder against each, it paved the way of isming the papers without contro-

This switch on the part of the proseution was sarcastically referred to by Attorney Richardson as a conspiracy between the Governors of the two states and the detectives to kidnap the men from the State of Colorado. He contended that it was a most unusual procedure. He said that the federation officials could expect nothing else, and be characterized the whole matter as an attempt to crush the organization.

Not Retained by Adams.

Just, before leaving Caldwell the ounsel for the miners was informed that Seeve Adams would arrive here this evening, and Attorney Richardson was asked if he would represent Adams in similar proceedings, which will take | drugs, medicines and liquors and also place tomorrow. Mr. Richardson stated that he had not been retained by Adams; that he was unknown to him. and certainly would not appear for him unless ordered to do so by President bill was participated in by Heyburn, Charles H. Moyer, President of West- Moyer, or the officers in charge of

Adams will be sent to Boise after the hearing and placed in the peniten-Vincent St. John arrived at tiary. Boise this evening in charge of Detectives Swain and Sutherland.

Asks More Freedom for Clients.

Before the proceedings were closed Attorney Richardson requested greater freedom for his clients. He said that all three men had been used to an actthe life and that they found the close confinement at the penitentiary exceedingly uncomfortable. Heywood, he stated, complained of being ill and was suffering from kidney trouble, and was in need of exercise.

The attorney asked that the prisor ers be permitted to read the daily papers and write letters without being



subjected to a censor, and also that Counsel for the defendants demanded this right on the ground that his clients were not convicts, and should not

J. H. Hawley, who has been employe by Governor Gooding as special prome cutor, stated that he would take the mat ter up with the prison authorities and would have the rules relaxed as much as possible.

Handcuffs on the Prisoners

The trip from Boise to Caldwell was uneventful. The prisoners were handcuffed and did not seem to mind the tiny of the passengers. It is an old thing with them, for all have worn the from before and have been through imprisonent and trials.

Moyer spent 60 days in the bullpen at Telluride and Pettibone was tried for having had a hand to blowing Bunker Hill Mine. Haywood has had his turn at the wheel also. It is hard to realise from the appear-

(Continued on Page 1.)

PURE FOOD BILL PASSES SENATE

Heyburn Accomplishes Feat Many Have Attempted and Failed.

PERMIT NO ADULTERATION

Climax of Fifteen Years' Struggle for Law Against Misbranding and Doctoring-Senate's Definition of Pure Whisky.

WASHINGTON, Feb. 21.-After 15 years of more or less serious consideration of the subjects, the Senate today passed the Heyburn pure food bill by the decisive vote of 63 to 4. The vote was token after a day devoted almost exclusively to desultory debate on the bill. Several efforts were made to amend the bill and the committee aconly those thus accepted were incorporated in the bill as passed.

Provisions of the Bill.

The bill makes it a misdemeanor to nanufacture or sell adulterated or misbranded foods, drugs, medicines or liquors in the District of Columbia, the territories and the insular posses sions of the United States and prohibits the shipment of such goods from one state to another or to a foreign country. It also prohibits the receipt of such goods. Punishment by fine of \$500 or by imprisonment for one year or both is prescribed. In the case of corporations, officials in charge are nade responsible. The Treasury Department and the Departments of Agriculture and of Commerce and Labor are required to agree upon regulations for collection and examination of the articles covered by the bill, but no specific provision is made for investigation except by the Department of Agriculture. The investigations by that department are placed in the hands of the chief of the Bureau of Chemistry and, if he finds that the law has been violated the Secretary of Agriculture is required to report the facts to the United States District Attorney, who in turn is required to institute proceedings in the Federal The bill also defines foods courts. defines the standards for them. There is an exemption for dealers who furnish guarantees against adulteration and misbranding. The debate on the McCumber, Lodge, Foraker, Allison Balley. Money and others.

Bailey's Vision of Despots.

Bailey discussed the constitutional features of the bill, contending that the interstate commerce provisions were invalid. He took the position that the regulation of food, drugs, etc. belonged to the states and that Federal statutes should not be resorted to for that purpose. He said we needed better Prosecuting Attorneys rather than more Government bureaus.

"Begin as you are doing in this bill and you will soon have a department as powerful as the Postoffice Department." he said, and added: "I doubt if any despotism in the world vests in give to the Postmaster-General, who can close any man's business by an edict from which he has no appeal."

Definition of Pure Whisky.

At 5 P. M., the Senate began voting on the various amendments. The important amendments adopted include Changing the provision regarding the misbranding of liquors so as to

make it read: It shall be deemed misbranded if it blended or rectified, or consists of an ad-mixture of different grades of the same

liquer, or contains or is mixed with other substances and the word "blended," "recti-fied" or "mixed," as the case may be, not plainly stated on the package, etc. There were only two roll-calls or amendments and in both instances the committee was sustained. The first of

these was on an amendment offered by Foraker eliminating the word "added" from the following provision:

"In the case of liquors an article shall be deemed adulterated if it con tains any added ingredient of a potsonous or a deleterious character." Other Amendments Fail.

The amendment was lost, 24 to 46 The other roll-call was on a change suggested by Foraker in the provision for labeling rectified liquors, which was lost by the close vote of 22 to 35.

The amendment on that point which was afterward accepted was on simi-Money's substitute bill and an amendment by Spooner authorizing the Secretary of Agriculture to fix standards of foods, drugs and liquors

were both voted down without calling

On the final roll-call the bill passed by a vote of 63 to 4. Bacon, Batley, Foster and Tillman, all Democrats, being the only Senators to cast their votes in the negative.

MINE BECOMES THEIR TOMB

Heroic Fire-Fighters in Arizona Arc Prey to Flames.

EL. PASO, Tex. Feb. 21.—A special to the Herald this afternoon from Globe, Ariz., says that the bodies of Joseph Renberry, Joe Artissey and John Jame, who met death last night when fightin the fire in the Cid Dominion mine, at the place, will probably never be recovered All the compartments have been built

headed off, and miners are making heroic efforts to subdue the flames. They cannot reach the pumps on some levels, however, and it is feared the mine will be flooded, and it will take months to extinguish the

Miners showed great heroism in fighting Miners showed great heroism in fighting the flames. There was a pathetic scene about the mouth of the mine, wives and children begging the miners not to go down, but they went, one shift following another every few minutes. The mine is owned by Phillips, Dodge & Co.

WATER RISING IN LEVELS.

Gas Prevents Attention to Pumps and Some Stop Working.

GLOBE, Arts., Pes. 31.-The elimation at the Old Dominion mine tonight is not favorable. The force of men fighting the fire has contended all day against great odds. Since the burned shaft caved in at 2 o'clock last hight, the gas through-out the mine has been had and no one has ventured into any of the levels.

Pumps on the twelfth level gave out yesterday afternoon and one of the big pumps on the tenth level did the same today. Efforts will be made to reach the tenth-level pump tonight and oil and regulate the pumps now running, and start the idle pump. As a result of the fallure of the pumps, water has risen from the fourteenth to within 30 feet of the twelfth level. A great deal of gas is coming from the twelfth level and the management has decided to allow the water to rise above this level in order to shut off the gas. Two batters of 1000 gallons a minute capacity are hoisting has ventured into any of the levels, gallons a minute capacity are hoisting water and a third is in readiness to use when needed.

Ira Wheat, a station tender, was overcome on the stage while ascending the shaft this afternoon and his leg broken and mangled. An improvement in the situation is looked for during the night.

BERNHARDT BUYS TENT

FOR PERFORMANCES IN TEXAS AND CALIFORNIA.

Theater Trust Fails to Drive Out Tragedy Queen-More Time for Pacific Coast.

KANSAS CITY, Feb. 21 .- W. E. Gorman epresenting the management of Mme Sarah Bernhardt, today purchased a new fully equipped circus tent, which will be used in those cities of Texas, and probably of California, in which first-class theaters annot be obtained for Mme. Bernhardt.

The tent is 220 feet long and 130 feet wide, and will seat 4550 people. The seats are canvas chairs, arranged in sections as in a theater, numbered and reserved and with three-foot aisles. An ample stage is provided, and a space 60x10 feet, with 30-feet ceiling is set apart for dressing-rooms. The/canvas theater will be light-ed by electricity furnished by the local nies. Trained circus men will handle the tent.

The B weeks' engagement of Mme Bernhardt has been extended in order to give more time to the Pacific Coast.

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Sunell holds up Mt. Hood and Cascade
Sunell holds up Mt. Hood and Cascade rer Companies franc-

Japan as Well as All White Nations.

YELLOW PERIL IS FICTION

Miss Miller Explains Real Meaning of Anti-Foreign Sentiment and Declares More Vigorous Polley Is Necessary.

***************** MAIN FACTS ABOUT CHINA.

The yellow peril, that combination China is anti-foreign and Japan is as foreign to China as we are.

may in China' as it was in Japan 200 years ago.

The Chinase never really yield to feesing influence; force in the power they recognize, but they give may to force with a dull resentment. It is very evident that, after all Japan has done in Manchuria, she will get neither thanks nor reward from China. The way of the Interferer, however righteous the cause, is hard. China proposes to stand alone, still a prey to the powers, distrustful "equal opportunity" friends like a wealthy belress so beset by many suitors that she has not the

Those who know the Chinese my that America is making a grave mis-take in receiving the Chinese commissioners in state, while the box cott is being upheld by officials in Chins

The time is coming when we shall

power to discriminate.

have to take a firmer stand than before on the Eastern question YOKOHAMA, Japan, Feb. 2 .- (Special Correspondence.)-There have been lessons enough drawn from the recent war to educate army and navy officers and diplomats from the cradle to the grave, and fat volumes have been written

nough to stock a large library, yet the real question at issue-"China-partition or the oven day" is unanswered. Indeed, for our generation one feels safe In saying that the unsettled state of China may as well be classed with the eternal verities. The effect of the war upon China is the most interesting thing to

watch in the Far East today. One fact, just at present, stands out more than any other; the yellow peril, that combination of Asiatic races, feared, dreaded and prognosticated by m prophets at home, is no peril at all, Japan has been so prominent in the eyes and minds of the American people that many of them have ascribed the Chinese boy cott to Japan's influence, forgetful of the fact that one of Ching's chief characteristics has always been an intense antiforeign feeling, made manifest in many uprisings. The truth is, that China is first, foremost and all the time anti-foreign, and the new Japan, save for sim flaritles of language and religion, is as

foreign to China as we are. Japan stands, on legs very young but sturdy, for the Anglo-Saxon type of civilization, which is condemned by all but the most progressive Chinese. A new ministry, control in Corea and an in-creased activity in industrial affairs are the chief results of the war in Japan. It is China that has become inflated by Japan's victories. China the decrepit, old scholar, is hobbling painfully in the footsteps of the young Japan, resisting all assistance because China has glimmerings of independence.

China Hates Foreigners.

First is the anti-foreign feeling. That sentiment is as strong now in China as it was in Japan 300 years ago. Then the Portuguese and Spanish Jesuits were persecuted and driven from Japan, while civil war, ending with a fearful massacre. has waged with their converts. The Dutch alone were permitted to trade with Japan, and they were virtually prisoners on the little island of Deshima. Every one knows that not until Commodore Perry's coming was the nation open to the commerce of the world. After that there was an anti-fereign outbreak and Christianity was excluded until 1843. In Naga sakl a pretty street festival called the Odor! is still held in the Autumn. Originally it was in commemoration of the driving out of early Christian missionaries. Even Buddhism, brought from China early in the history of Japan, was not introduced without a stuggle,

So, too, the story of foreign influence in China is a story of many uprisings against foreigners. The Boxer war is fresh the minds of all of us. Lately there has been much agitation, as shown in the missionary trouble in the South, Shanghai riots and the boycott of Amerlean goods. And next? Who knows? A storm is brewing, and it is only a question of time when it will burst.

Uprisings, foreigners killed, indemnity paid-how many times has the story beer repeated while the officials in authority unseen but supporting the movement, have gone unpunished? The government of China is a government by officials and in every trouble of much importance the officials have made the people serve their ends. The Chinese never really yield to foreign influence; force is the only power they recognize, but they give way to force always with a dull resentment. At present they are granting no mining nor railway concessions to outsiders, and they are organizing to buy back those already granted, as shown in the recent purchase

of the Canton-Hankow Railway. Japan Hated Like All Others.

That China regards Japan as she does all other foreign powers has been made evident in two ways lately, first in the trouble

secondly in China's opposition to Japan's wished-for concessions in Manchuria, Formerly all things, art, religion, learn ng, came from China to Japan, and

China, as the educator, could look down upon her pupil. Then Japan turned to Anglo-Saxon influence and defeated China in 1866. The tables were turned somewhat, and in 1897 China sent two students to study in Japan. Each year since then more have come, until, at the beginning Present Outburst Aimed at of the recent misunderstanding, there were some \$000 Chinese students in differ ent private and government schools in Tokio. Some came paying their own exments and a great many Manchurians were sent by the government at Pekin. Nearly all are between 20 and 30 years of age. The trouble grew out of a set of new regulations which contained two artieles particularly objectionable to the

The selected private or public school shall see that the students lodge in the school dormitory, or in boarding-houses superintended by the school, and they shall superintend the students outside of school. No selected private or public school shall be allowed to admit any Chinese students expelled from the schools on account of had character.

The regulations are said to be the same as those governing the Japanese but the Chinese students interpreted them as contempt for their nation. The feeling grew to a riot, and some 2000 students returned to China, say ing that they would found a great school in Shanghai or Tientsin, where they would employ neither Japanese nor American teachers. They were much censured by Chinese officials, and the opinion is general that the leaders of the trouble were more interested in revolutionary ideas than in their studies. One of their protests said, referring no doubt to the boy-"We overcame even America. cott: that great nation, by our unity, and there is nothing too hard to be accomplished by the power of unity." The entire affair, though not asnetioned by the Chinese government, shows plainly the growing idea of independence in

China. Concessions Refused to Japan.

Japan has been disappointed in her treaty with China. The hoped-for railway concessions were not forthcoming. Permission was granted to complete and use the Antung Mukden line for 15 years, after which it must be given to China, while the railway captured by Japan from Russia was turned over to China, and the concession for a line from Chang Chung to Kirin, planned to bound the sphere of Russian influence, was not granted. China was full of pretexts and excuses, so time-worn and threadbare that it is a wonder they were effective It is very evident that after all Japan has done in Manchuria, she will get neither thanks nor reward from China. The way of the interferer, however righteous the cause, is hard. China proposes to stand alone, still a prey to the powers, distrustful alike of her "equal opportunity" friends and her "partition" enemies. - She is like a wealthy heiress, so beset by many suitors that she has not the power to

discriminate. Objection to Mixed Courts.

China has lately gone a step beyond the familiar anti-foreign uprising dealing with that "legal fiction," extra-territoriality. The Shanghai riots grew out of trouble in the mixed

HONORS ENEMY OF FOREIGNERS.

LONDON, Feb. 21.-According to the correspondent of the Morning Post at Shanghai, the Taotai of Shanghai has been appointed Gov significant in view of the recent conover the foreign courts of Shanghal.

that the foreigners interfered unjustly in the administration of justice Here, too, they are following the lead of Japan, who struggled for many years to rid herself of the mixed court. First foreigners sat as judges in the lower tribunals; later this was changed and foreigners sat in the Supreme Court only. There was much popular agitation over this question until 1899, when all foreigners were excluded as judges from all the courts

Another result of the war is the Chinese commission. These men have gone abroad to study the constitutions of different nations, with the intention of making China a constitutional monareny. It is a task worthy of giants. Those who know the Chinese say that America is making a grave mistake it receiving these commissioners in state, while the boycott is being upheld by officials in China. It will only tend, they say, to lessen the respect of the Chinese for us. It is also a mistake, they assert, to discuss the exclusion treaty with officials in Pekin during

the boycoit. America Must Take Firm Stand.

The time is coming when we shall have to take a firmer stand than before on the Eastern question. The war is ended, but the situation is at least the same. Russia is for the time being a little farther from Pekin than be fore, and China is groping a little less aguely for independence. Japan is in Corea, but the real question is still unanswered.

ANNIE LAURA MILLER.

MADE HOMELESS BY FIRE Mackie Family Driven Out by Blaze on Fourteenth Street.

street, occupied by Mrs. John Mackie and family, was almost completely destroyed by fire at 2 o'clock this morning. Before the flames could be got under control the fire spread to the roof of the residence at 372 Fourteenth street, occupied by James Edmonds and W. D. Palmer. Little damage except by water was caused to the latter.

Fire in the Mackie residence is sup-

posed to have started in the kitchen, but the cause is not known. The family es-caped without saving any household ef-fects. The damage is placed at about 1000.

ON VETO POWER

If Senators Draw Teeth of Rate Bill.

POSITION OF THE PRESIDENT

Leaves Committee Free to Amend, But Warns It.

CONFERENCE ON KNOX PLAN

supporters of Hepburn Bill Oppose Any New Provision for Court Review, But Conservatives Claim Majority in the Committee.

WASHINGTON, Feb. 21 .- When the Sent ate committee on interstate commerce meets on Friday to vote on a rate bill, the announcement will be made authoritatively that President Roosevelt will not attempt to prevent amendment of the Hepburn bill; that he will leave the comnittee free to exercise its best judgment, and if possible compromise its differences; that, if a bill is reported which does not meet his approval and in that form is passed by Congress, he will content himself to exercise his veto power. This announcement will be made as the result of a conference here today between the most active persons supporting the House bill without amendment, but will be delivered to the committee by a Senator who has supported an amendment providing for judicial review of orders of the Interstate

Commerce Commission,

Knox Amendment Considered. The conference at the White House is one of many that have been held there in the last week for a discussion of the railroad rate question. It was attended by Senators Dolliver and Clapp, Speaker Cannon, Representative Hepburn and an torney-General Moody. They had under consideration an amendment said to have been drafted by Senator Knox and revised by the Attorney-General. The draft in its revised form, however, is said not to be satisfactory to its author. It was offered in a spirit of compromise, and the President and Attorney-General wanted to know whether it would be acceptable to the members of Congress who are ma a fight to prevent the adoption of any amendment which they believe would interfere with the operation of the measure

they purpose to enact into law. Briefly stated, the amendment aims to give to any complainant authority to file a petition in a Circuit Court asserting that a rate fixed by the Commission was in fact illegal; that an order of the Commission was in reality unlawful, and authorizes the court to hear the suit to decide whether the Commission acted within its authority and whether the constitutional rights of the plaintiffs had been violated.

All Oppose Changing Bill,

As they had previously announced they would do all those called into the conference made a firm stand for the Hepburn bill in its present form and said that none of the amendments suggested seemed to be an improvement. They said that, if the bill specified the conditions under which complaints could be taken into court, the court might refuse to take cognizance of matters not specified in the bill. They said they preferred to leave open every feature under which an aggrieved person might desire to go into court. Mr. Moody, It is said, contended that the Hepburn bill is constitutional and there is no danger of its being overturned by the United States Supreme Court. He would not pass upon the wisdom of amending the bill, taking the position that that is a function outside of his of-

ficial province. Stand Firm for Hepburn Bill.

After Messrs, Dolliver and Clapp returned to the Capitol they told certain colleagues that they would go into the committee on Friday and make a firm stand to have the bill reported without amendment. When asked concerning the attitude of the President, they said that they believed he is satisfied with the bill as it stands, but that it is too much to say that he is opposed to any amendments whatever. The President was described by them as ready to consider any amendments that might be offered and willing to listen to any proposition up to the time the bill is placed on its final passage. They said that, if anything should be brought forward which, in the opinions of friends of the bill would better it and not obstruct its operation, the President would give it careful study.

Conservatives Claim Majority.

assert that they have the necessary votes to amend the Hepburn bul, if they are left free to exercise their individual judgment, so that they will not be put in the position of opposing the President's pol-ley. Under these conditions, it is said that Senators Elkins, Foraker, Crane. Kean, Aldrich, Carmack, Foster and Me-Laurin will vote for an amendment providing for judicial review. Seven votes is a majority of the committee. Messrs. Cullom and Carmack will not be present when the committee meets on Friday, but as Mr. Cullom is opposed to amendment, this will not affect the result. An informal meeting of the committee will be held tomorrow but it is agreed no important amendments will be considered