

ANNALS STATE LAWS

Supreme Court Sets Aside Railroad Rate Statutes.

ONLY JUDGE HARLAN DISSENTS

State Cannot Forbid Resort to United States Court—Affects Minnesota and North Carolina.

Washington, March 24.—In refusing to grant to Attorney General Young, of Minnesota, a writ of habeas corpus releasing him from the penalty imposed by the United States District Court for the district of Minnesota on the charge of contempt of court in instituting a proceeding in a state court for enforcement of the railroad rate law after the Federal court had prohibited such a course, and in affirming the decision of Judge Fritchard, of the United States Circuit court for the Western district of North Carolina, discharging from imprisonment James H. Wood, a ticket agent of the Southern railway at Asheville, after he had been sentenced by the Asheville police court to serve a term on the rockpile on the charge of collecting for a ticket on that road a greater price than was permitted by the state railroad law the Supreme court of the United States today added another to the series of decisions which have rendered notable the present term of that court.

In both cases the right of states to fix rates for railroad transportation was the issue, and both involved conflicts between the Federal and the state courts. The decision in each case was opposed both to the states and to their courts. The opinion of the court in both cases was announced by Justice Peckham and, with the exception of Justice Harlan, all the other members of the court stood behind him in the announcement of the court's finding. The court decided that by reason of the enormous penalties provided in the rate laws by way of fines against the companies and imprisonment of their agents and employees, the companies are in effect prevented from ever questioning the validity of those laws, as the risk of confiscation of property and imprisonment of agents in case the companies failed in their defense was too much to undertake in order to obtain a judicial decision of the question of such validity.

The question of sufficiency of the rates to enable the company to obtain some return to its stockholders for their investments has for many years been held to be one for the courts to decide, as it would be a violation of the constitution of the United States to fix rates so low as to be confiscatory, if enforced.

The laws providing rates for transportation of passengers and freight in the two cases under consideration have been held by the courts below to be so low as to be substantially confiscatory and should, therefore, not be enforced until after further trials. The courts had jurisdiction to make such an order.

MUST LEAVE IT ALONE.

Federation of Labor Loses Again to Buck Stove & Range Company.

Washington, March 24.—American Federation of Labor President Gompers and others of that organization were permanently enjoined from "conspiring, agreeing or combining to restrain, obstruct or destroy" the business of the Buck Stove & Range company in a decision rendered by Chief Justice Clegg, of the Supreme court of the District of Columbia today, making permanent the temporary injunction of Justice Gould against the federation in that case. The federation's counsel immediately noted an appeal to the District court of Appeals.

Today's decision bars the federation from in any manner calling the attention of the public to the business of the Buck Stove & Range company or the putting of that company on the "unfair list," and from stating that the company's products should not be purchased either in Missouri or elsewhere.

Diamonds in California.

Oroville, Cal., March 24.—Have diamonds been discovered in Cherokee and Oroville? This is the question that is on the tongue of nearly every citizen of the two cities today as the result of the finding of two diamonds in Cherokee, near Oroville, and one in the latter city. The first two were found on the property being prospected in Cherokee by a company of which M. J. Cooney is manager and the third was panned out by an Indian on a claim in Oroville. Experts pronounce the stones to be of good quality.

Enormous California Crops.

Sacramento, Cal., March 24.—In response to an inquiry from Rufus P. Jennings, manager of Alden & Anderson, of the California fruit distributors, the biggest shipping concern in the state, today replied that more than twice as many men would be needed to handle the fruit crops this season than last. From all parts of the state come reports of indications for enormous fruit crops which will go far toward solving the great problem of the unemployed.

Profits of Sugar Trust.

Boston, March 24.—The annual report of the American Sugar Refining company for December 28, 1907, was issued to the stockholders today. The profit and loss account shows net earnings for the year 1907 of \$8,749,291.

OF ONE OPINION.

House Committee Votes to Forfeit Railroad Land Grants.

Washington, March 23.—Two million acres of land in California and Oregon vested in the Oregon & California Railroad company, owned by the Central Pacific and controlled by E. H. Harriman, will be subjected to suit for recovery of title by the United States, if action taken by the committee on public lands is sustained by the house. The committee agreed to report favorably without amendments a resolution which has already passed the senate, empowering and directing the attorney general to bring suits for the recovery by the United States of the title to the public lands granted to certain Western railroad companies in cases where the conditions stipulated in the grants have not been complied with—such conditions, for example, as governed the grant of land to the Oregon & California Railroad company in the sixties. Under the grant the land was to be thrown open by the company for sale to bona fide settlers of the United States at not more than \$250 an acre and in parcels not exceeding 160 acres each. It is charged that some of this land was sold by the Oregon & California railroad in violation of the conditions named. The refusal of E. H. Harriman, announced by him at the Irrigation congress at Sacramento last year, to sell any portion of the remaining 2,000,000 acres, led to the introduction by Senator Fulton of the resolution which the public lands committee acted on favorably today. Chairman Mondell was authorized to draw the report of the committee, which he will do this week.

ROOSEVELT'S PROGRAM.

Undertakes to Get New Laws Through Congress.

Washington, March 23.—President Roosevelt has determined on a legislative program the enactment of which will be urged upon congress in a special message which he said today will go in this week. Each of the measures to be proposed involves perplexing difficulties and each will have far-reaching effects on business and economic conditions of the country. The program is the product of important conferences through which the president has been put in possession of the views of all interests concerned. Likewise the attitude of the leaders in both branches of congress has been made known. Its success depends upon the combined effort, which he believes can be brought to bear in behalf of the whole plan by those affected especially by some one of its features.

The program includes: A declaration in favor of revision of the tariff in a special session to be held after March 4, 1909.

An amendment to the Sherman anti-trust law so as to make important concessions to combinations of both labor and capital.

Limiting the powers of certain courts in the use of the injunction in labor disputes.

Passage of an employers' liability bill.

Passage of the Aldrich financial bill.

LABOR ASKS CABINET SEAT.

Will Urge Congress to Create Government Department.

Washington, March 21.—At the concluding session yesterday, of the executive council of the American Federation of Labor it was decided to urge upon the house committee on labor the necessity for the passage of the pending bill creating a department of labor, the head of which shall be a member of the president's cabinet.

It was decided to make a vigorous effort to secure the passage of laws in the various state legislatures for the abolition of child labor. A memorial of protest similar to the one presented to congress yesterday is to be sent to organized labor and the public generally; it will be prepared by a committee consisting of President Gompers, Secretary Morrison and Vice President O'Connell.

The council was not notified that the bill of grievances presented to Vice President Fairbanks yesterday was laid before the senate and referred to the committee on judiciary.

Indictments Are Dismissed.

San Francisco, March 23.—Judge Dunne this morning dismissed the four remaining extortion indictments against E. E. Schmitz, with the recommendation that the case be submitted to another grand jury, and announced that Theodore V. Halsey will be brought to trial for bribery as soon as the court is able to take up his case. Henry Ach, attorney for Abraham Ruef, was informed by Judge Lawlor that he must make a complete showing in the matter of affidavits in the immunity contract hearing by next Wednesday.

Hang Prisoner by Wrist.

Columbus, O., March 23.—Senator Lamb, of Toledo, here today created a sensation by declaring that, while visiting the Ohio penitentiary, he saw a prisoner hanging by his wrists. "I was astounded," continued the senator, "and soon saw that the attendants were trying to keep me away from this man. I insisted on seeing him, and the man said to me: 'I have been hanging here since Thursday, and they only let me down for bread and water.'"

Tillman Seriously Ill.

Columbia, S. C., March 23.—United States Senator Tillman is seriously ill at his home at Trenton, this state, suffering from a nervous attack due, it is believed, by his physicians, to hard work.

DOINGS OF THE SIXTIETH CONGRESS

Wednesday, March 25.

Washington, March 25.—A good deal of progress was made by the senate today in disposing of proposed amendments to the Aldrich currency bill. It was evident throughout the session that the bill will be perfected in the form approved by the finance committee, as no proposition that failed to receive the sanction of the committee received any substantial support. The amendments reported by the committee were all adopted without opposition and then one senator after another offered additional amendments which, except in the cases of one proposed by Dupont and one by Lodge, were voted down.

Washington, March 25.—In the course of a bitter denunciation of the president, on the floor of the house of representatives today, Stanley, of Kentucky, compared him with Alexander Hamilton, whom he designated "an obscure adventurer," and both of whom, he said, had profound contempt for the constitution and displayed everlasting impatience with its restraints. The president was a man who relished glamor and who became intoxicated by applause. On the other hand, he said, Mr. Bryan had the respect of the country as a statesman and was trusted as a man.

When Scott, in charge of the agricultural appropriation bill, today sought unanimous consent to limit to five hours further debate on the bill, Sulzer, of New York, objected. That action forced the house to a vote, and it was agreed to confine general debate to four hours instead of five.

A plea for homesteads for farmers of 320 acres instead of 160 acres was made by French, of Idaho.

The remainder of the session was devoted to brief speeches by Griggs, of Georgia, who gave notice of an amendment increasing by \$100,000 the appropriation for the investigation of soils; by Bell, of Georgia, who favored governmental aid to public roads; Eljerbe, of South Carolina, who also favored increased appropriations for soil investigation.

Tuesday, March 24.

Washington, March 24.—Upon the conclusion of Senator La Follette's speech on the Aldrich currency bill in the senate today, a plan was decided upon by which Senator Aldrich will tomorrow move to take up the bill and continue its consideration until it has been disposed of.

Aldrich asked for unanimous consent to dispose of the bill before adjournment Thursday, but to that proposition La Follette objected, on the ground that he feared debate would be curtailed by such procedure.

The colloquy which resulted in Aldrich's announcement followed the conclusion of the third and last installment of La Follette's speech in opposition to the Aldrich bill. La Follette declared the statement that the industries of this country were controlled by less than 100 men had been attacked as sensational. Declaring that such was not the case, he said that he had been too conservative, and that in fact a much smaller number of men dominated the industries.

Monday, March 23.

Washington, March 23.—The senate today for the fifth time in the present session adjourned because death had robbed the body of one of its members. The untimely death of Senator Bryan, who was familiarly known as the "baby" of the senate, a title which he took pride in, came home to the senate with more force than any which had preceded it. There was no other subject of conversation prior to and after the session than the fact that the mortality record of the present session is greater than in any previous entire congress.

Washington, March 23.—A scene somewhat out of the ordinary was enacted in the house of representatives today because of a charge made by Mann, of Illinois, that Sulzer, of New York, had put into the congressional Record what purported to be a speech delivered by him last Saturday, but which Mann charged was not the one delivered. It all had to do with Sulzer's claim that he, and not Mann, was the author of the legislation that brought the department of commerce and labor into being. A letter addressed to Speaker Cannon

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Washington, March 23.—Representative Sabath, of Chicago, today laid before the president a petition signed by 470,000 Slavs and Bohemians in this country requesting that the United States make representations to Hungary for the release from prison of Frank Polakvic, a naturalized American citizen, who was imprisoned for singing an objectionable Slavonian hymn. The president will take up the matter with the State department.

Washington, March 23.—The house committee on interstate and foreign commerce agreed today to report favorably the senate resolutions to restrict to vessels of United States register the transportation from the United States to the Panama Canal zone of material for the canal. The resolution authorizes the Isthmian Canal commission to purchase or charter and operate vessels of the United States for the transportation of such material and of canal mail.

from R representative Charles E. Littlefield, of Maine, tendering his resignation as member of congress, to take effect September 30 next was read.

After passing a number of measures relating to the District of Columbia, among them an amendment prohibiting betting on horse races at Bennington's track, the house adjourned out of respect to the late Senator Bryan.

Saturday, March 21.

Washington, March 21.—Almost the entire session of the senate was consumed with consideration of the legislative, executive and judicial appropriation bill. The bill finally passed carried an appropriation of \$2,945,631, the amount added to the house bill by the senate being \$642,718.

Washington, March 21.—Without being materially amended in any form, the fortification appropriation bill was passed by the house today. During the closing debate the War department was criticized by several members regarding the money spent on fortifications at Subig bay, which, it was charged, was wasted, in view of a later recommendation that the defenses at Cavite be strengthened. Criticism likewise was offered to the estimates of the department, which recommended an appropriation of over \$30,000,000, which it was said could not have been expended within ten years.

An amendment by De Armond to allow the secretary of war to buy abroad war materials in "any" quantity was adopted, despite the efforts of Republican floor leaders to marshal sufficient votes to defeat it.

Friday, March 20.

Washington, March 20.—The ship subsidy bill was passed by the senate today. It pays to 16-knot vessels plying between this country and South America, the Philippines, Japan, China and Australia, \$4 per mile, the amount awarded by the act of 1891 to vessels of 20 knots only.

The bill was amended so that 12-knot vessels will receive \$2 per mile, which is the allowance under the existing law to 16-knot vessels. Amendments were also adopted providing that, if two or more lines of steamships ply from Atlantic ports to South America under the provisions of the bill, one line shall stop at two ports south of Cape Charles and stipulating that no more shall be paid for subsidies than is received from such service by the government.

Washington, March 20.—More criticism of President Roosevelt was indulged in in the house today, when he was roundly denounced by Hardwick, of Georgia, for failing to send to congress all information regarding corporations which has come into his possession. The president, however, found a ready and vigorous defender in Mr. Mann, of Illinois, who asserted that the president had acted with the utmost good faith in sending congress all the information that had come to him.

The fortification appropriation bill was taken up in the course of debate upon it, Bartlett, of Georgia, denied the claims of Republicans to credit for authorship of the railroad rate or Sherman anti-trust law. The bill was side tracked for general debate, which continued until adjournment.

Thursday, March 19.

Washington, March 19.—Resuming in the senate today his unfinished speech on the Aldrich currency bill, La Follette directed himself to the charge made in his remarks on Tuesday that the recent financial stringency was started by great bankers and financiers, declaring that since he spoke on Tuesday he had secured additional information proving that his charges were correct.

There was quite a large attendance of Democratic senators in their places, but comparatively few Republicans. Occasionally conversations between senators on the Republican side caused the senator to discontinue the reading of his remarks. "On one occasion he remarked: 'If there are any comments on my remarks, I would be glad to have them made so audibly that I can hear them.'"

After speaking for more than two hours and a half, La Follette yielded the floor with the statement that he would resume his speech Monday next.

Washington, March 19.—After several hours of spirited discussion over the proposition to abolish 17 of the 18 United States pension agencies and consolidate pension disbursements in Washington, the house today passed the pension appropriation bill, carrying \$150,869,000, the largest sum ever authorized by this measure. The house, by a vote of 86 to 139, stood by the committee on appropriations and left unchanged its recommendations for one general agency.

Bills were passed authorizing the secretary of war to establish harbor lights in Wilmington harbor, California, and authorizing the cutting of timber, the manufacture and sale of lumber and the preservation of forests on certain Indian lands in Wisconsin.

Favor Country's Ships.

Washington, March 26.—The house committee on interstate and foreign commerce agreed today to report favorably the senate resolutions to restrict to vessels of United States register the transportation from the United States to the Panama Canal zone of material for the canal. The resolution authorizes the Isthmian Canal commission to purchase or charter and operate vessels of the United States for the transportation of such material and of canal mail.

HEARS LABOR'S DEMAND.

Vice President and Speaker Promise Liability Law.

Washington, March 20.—Speaker Cannon and Vice President Fairbanks today announced their belief that the present congress will pass an employers' liability act which will meet and overcome the unconstitutionality of the present law pointed out by the Supreme court of the United States in a recent decision. These statements were made unreservedly by the speaker and guardedly by the vice president to a delegation led by Samuel Gompers, president of the American Federation of Labor, from 87 national and international trade and labor and farmers' organizations assembled in a national conference in this city. The delegation called on the speaker to lay before the house of representatives, through him, a memorial entitled "Labor's Protest to Congress."

The protest submitted by Mr. Gompers and his associates refers to the Supreme Court decision in the hatters' case as the "most recent perversion of the intent of a law by the judiciary by which the Sherman anti-trust law has been made to apply to labor, although it was an accepted fact that congress did not intend the law so to apply and might even have specifically exempted labor but for the fear that the Supreme court might construe such an affirmative provision to be unconstitutional.

PROTECT TRULY INNOCENT.

But Railroad Land Grant Must First Be Forfeited.

Washington, March 20.—The status of purchasers of granted land in good faith from the Oregon & California Railroad company, and their rights under the law, were set forth in some detail at the hearing before the house committee. The provisions of the grant prohibit sales except to actual settlers in limited quantities and at a limited price. By necessary implication it permits sales of the kind mentioned.

This provision of the grant is a condition subsequent for breach of which the government has right of forfeiture. However, a condition subsequent is not self-executing. Upon the breach of the condition title does not automatically revert to the grantor. So that until the government in some way asserts rights of forfeiture, title remains unimpaired in the railroad company, with full authority to make sales to actual settlers in the manner provided in the grant. After forfeiture is claimed, no further sales of any kind can be made by the railroad company, if the contention of the government is correct. But all sales made within the terms of the grant will be valid and will be in no way affected either by the Fulton resolution or by any suits that will be commenced.

PLAN NATIONAL APPLE FAIR.

Spokane Proposes to Offer \$100,000 in Premiums.

Spokane, Wash., March 20.—At a meeting of prominent citizens today it was decided to make the big apple show that will be held in Spokane next December a national affair, and such large prizes will be offered that fruit from all parts of the United States will be entered in competition. It is expected that the awards that will be given will attract some of the greatest fruit experts of foreign countries.

To carry out the plan, a corporation to be known as the National Apple Show will be formed with stock amounting to \$100,000, and governed by a board of trustees of seven or nine men. It is anticipated that one of the directors will be Louis W. Hill, president of the Great Northern railroad, who has been requested by wire to accept a position on the board.

It is intended to offer from \$8,000 to \$10,000 in premiums and to make the show an annual affair. Among the leaders are W. D. Vincent, cashier of the Old National bank, and David Brown, president of the Hazelwood company.

Mothers to Meet in Brussels.

Washington, March 20.—The invitation of the Belgian government, extended through Baron Moncheur, the Belgian minister, to the National Mothers' congress to participate in the International congress on the education of the family, to be held in Brussels in 1910, was accepted by the board of managers of the Mothers' society today. Among the delegates appointed to represent the United States were the following: Mrs. Frank B. Hill, Tacoma, Wash.; Mrs. Jefferson D. Gibbs, California; Mrs. F. W. Ashley, Denver.

Ask for Intervention.

Washington, March 20.—The government of the little African republic of Liberia has appealed to America to protect her territorial integrity. The State department has been informed that a delegation is now on its way from Monrovia to Washington to make a personal appeal to the president and Secretary Root to restrain the French from forcibly taking possession of a large part of the country lying in the border between Liberia and French West Africa.

Governor Guild Vary Ill.

Boston, March 20.—Governor Guild, who has been ill for two weeks, is in a critical condition. His physician, Dr. B. F. Winslow, found the governor so seriously ill yesterday that it was decided to call two other physicians into consultation.

WILL VISIT JAPAN

President Accepts Invitation for Battleship Fleet.

MAY CALL AT CHINESE PORT

Cordial Reception Promised at Yokohama—All Other Invitations Are to Be Declined.

Washington, March 21.—The American battleship fleet is to visit Japan. The desire of the emperor of the Island Kingdom to play host to the fleet was laid before Secretary Root Thursday by Baron Takahira, the Japanese ambassador. The invitation, which was couched in most cordial terms, was made the subject of extended consideration by President Roosevelt and his entire cabinet yesterday. Mr. Root was directed to accept the invitation and the acceptance was laid before the Japanese ambassador late yesterday. It is regarded in official circles here as more than likely that China will be next to bid for a look at the fleet, and that, should this be the case, the invitation will be accepted.

Secretary Metcalf and Admiral Pillsbury, chief of navigation, are arranging the details of the new itinerary. With the exception of China, it is determined that all other invitations, should any be received, will be declined, for at the best the fleet will not now be able to reach the Atlantic seaboard before the first of next March.

The itinerary, which seems to be the most direct, includes stops at the Hawaiian islands, Samoa, Melbourne, Sydney, Manila, Yokohama—should that port be selected as the stopping place in Japan—possibly a Chinese port, back to the Philippines, and then home by way of the Suez canal, with only such stops as are necessary for coaling.

The fall target practice has been planned to occupy a month at Manila, either before or after the visit to Japan. Although target practice is regarded as decidedly important, and the custom is to have the ships occupy a month in each spring and fall in gun practice, the desire to have the fleet return to its home station may lead to a curtailment of the month planned for Manila.

Japan will have the ships a week, according to the tentative plans. While the stops in foreign ports so far made have been on an average of ten days' duration, a part of that time was occupied in taking on coal. With a visit to Manila, no coaling operations will be necessary in Yokohama. This would enable the entire stay there to be given up to festivities and show features of the visit.

The acceptance of the Japanese invitation is regarded in naval circles as of considerable importance in the way of showing the cordiality existing between Japan and the United States. The added trip is nearly equal in distance to a voyage from New York to Europe.

HINTS DIRE PLOT.

Honey Imagines Effort Will Be Made to Spirit Ruef Away.

San Francisco, March 21.—Abne Ruef, indicted on 116 counts, thinks the sum of \$1,115,000 is too much bail, and says there are 37 counts against him on which the bail is \$370,000, of which he could be released, and that the bail on the remaining counts is excessive. Ruef was in court on a writ of habeas corpus.

Assistant District Attorney Honey presented an affidavit stating that Ruef was wealthy, and that he believed that there was a conspiracy to get Ruef out of the country. He cited the attempted kidnaping of James L. Gallagher, on whose testimony he said Ruef would be convicted, and also the attempted kidnaping of ex-Supervisor Lonergan, just before the Tiry L. Ford trial.

Murphy pointed out that at the present rate of progress—over a year and not one trial—it would take 116 years to try Ruef on all the charges. He said a conviction on one or two charges would practically send him to the penitentiary for life.

Land to Be Thrown Open.

Washington, March 21.—By authority of the secretary of the Interior, the public lands in 131,643 acres excluded from the Blue Mountain forest reserve, Oregon, by proclamation of January 9, 1908, will become subject to settlement on June 1, 1908, if not otherwise withdrawn, reserved or appropriated, but not to entry, filing or selection until July 1, 1908, at the United States land offices at Burns, La Grande and The Dalles. Sixty days' notice by publication in newspapers near the lands reserved has been authorized.

Launch "Ship" Conqueror.

San Francisco, March 21.—The Salvation ship Conqueror went into commission at 3 o'clock this afternoon with appropriate ceremonies, over which Mayor Taylor presided. The Conqueror was built by the Salvation Army. The front represents the bow of a warship. The piece was built for the use of the men of Admiral Evans' fleet as a counter attraction to the gin mills. Reading matter will be provided for the sailors and lunch at a nominal cost.

New Battleship in Commission.

Philadelphia, March 21.—The new battleship New Hampshire, with Captain Cameron McK. Winslow in charge, was placed in commission at the League Island navy yard today. The warship will be ready for sea in about a month.