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DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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FRIDAY, APRIL 13, 1906. SALT LAKE CITY, UTAH.

FIFTY-SIXTH YEAR.

FINAL ARGUMENT IN SMOOT CASE.

Mr. Worthington First Took up Question of Senator's Qualifications to Serve in Senate.

MRS. REED SMOOT PRESENT.

It Was First Time She Has Been There and Her Appearance Caused a Flutter.

Great Stress Laid on Two-Thirds Argument—Refuted Carlisle at All Points.

(Special to the "News.")

Washington, D. C., April 13.—Chairman Burrows of the committee on privileges and elections expects to secure a full attendance of the committee tomorrow morning for the purpose of reading the final decision in the Smoot case. Falling in that he says he will insist upon action early next week. Several days will be required to prepare the report and the chairman is determined to have the case ready to submit to the senate before the end of the month. But contrary to his announcement at the close of the hearing yesterday, Mr. Carlisle made his appearance in the committee room early this morning. In fact, he was the first of the principals to enter the room. When asked the reason for his change of mind about attending the session today, he said that he came in response to a telephone message from the chairman, and he had no idea why he had been again summoned.

MORE DOCUMENTS WANTED.

At the close of Mr. Worthington's argument it developed that he was expected to furnish the committee with certain documentary additions to his speech of yesterday. But he was unable to do this and asked until Monday evening to prepare papers. This request was granted, and Mr. Worthington promised to have his final additions to his remarks ready in a day or two after. It appears, therefore, that it will be nearer the end than the beginning of the week before the committee can get together for a final vote.

MRS. SMOOT APPEARS.

Long before 10 o'clock the same party of ladies who have been constant attendants entered the committee room, and at half-past 10, when Senators Burrows, Pettus, Dillingham, Dubois, Frazier, Knox and Forsaker had taken their seats, there was a flutter among the audience, and whispers passed around. "That is Mrs. Smoot," as a lady dressed in a light striped blue-grey gown and becoming hat to match entered and took a seat towards the rear of the room. It is the first time Mrs. Smoot has appeared on the scene. Immediately thereafter Col. Worthington began his argument, and although he had but an hour, he succeeded in reviewing the evidence in a clear and forceful manner, holding from outset to close the entire attention of the committee.

POWER TO EXPEL.

Col. Worthington said that the two important questions are, first, has the senate power to add to the disqualifications prescribed by the Constitution; and, second, whether a senator can be deprived of his seat by less than two-thirds vote of the senate. The latter was for the senate itself to decide. But he referred to the reports of the house committee in the Roberts case. Both the majority and minority held then that if once seated a two-thirds vote would be necessary to unseat. The majority insisted that such power does not exist, that Roberts should be seated and then expelled by a two-thirds vote. In case of Senator Roach of North Dakota, it was charged that he embezzled funds of the bank long before he was elected to the senate. The committee had the case up and held that as the crime was not committed after he had been elected senator, it was not competent to try him and the case was dropped.

SENATE'S RIGHT TO CHOOSE.

As to Mr. Carlisle's claim that the senate has a right to add to the constitutional provisions as to qualifications, it would be far better, he declared, that the state should occasionally elect polygamists, anarchists or some other improper person than that the power should be vested in the senate to exclude duly elected senators for any reason that clamor or exigency might suggest.

If the State of Utah should elect President Smith to the senate he should be seated, and if he had ceased to live in polygamy he should be permitted to serve, but if he still maintained his polygamist relations he should be expelled by a two-thirds vote.

NO CHARGE AGAINST SMOOT.

It is proposed, he said, to exclude Senator Smoot on some charge which has not been made known.

"You have failed to say what his offense is. Senator Smoot has always led a perfectly blameless life," said Col. Worthington. "Even his most bitter enemies have admitted that there is not a blemish upon his name and

yet you will say that he is unfit to sit here with you."

CHARGES REVIEWED.

He briefly reviewed the charges upon which the proceedings were instituted and declared that not a single item in the original Leitch charges had been proved or even pressed.

POLYGAMY DEAD.

The reason Mr. Carlisle did not touch upon the question of polygamy in his argument was that it has been proved that polygamy, at least so far as the taking of plural wives is concerned, has been abandoned. He held that the government has fostered polygamy for many years and from the migration of the "Mormons" to Utah up to 1862, when the first act of Congress was enacted prohibiting bigamy. If the United States had taken steps at the outset to prevent polygamy, it would have been stamped out at the inception of the institution.

THE MANIFESTO.

Passing to the Edmunds act, he touched upon the issuance of the manifesto in 1890, and said that it was understood that the heads of families might continue to maintain and visit their families although the supreme court held a man who even entered the door of his plural wife was guilty of polygamy. In the attempt to prove that polygamist marriages have occurred since the manifesto and that Senator Smoot was cognizant of the facts, the whole State of Utah was raked to find instances, with the result of discovering less than one a year and in even these cases the guilty parties had left the country.

COWLEY AND TAYLOR.

Referring to the cases of Cowley and Taylor he said he had seen newspaper reports and had telegraphed to Utah for definite information. An answer, signed by G. F. Gibbs, showed that Cowley and Taylor resigned in October last and that J. M. Tanner, supt. of Church schools, also was dropped. This action was kept secret so that it would not be charged that the action was taken for the purpose of affecting the committee's decision. It was expected when the resignations were received that the case would be closed in a few weeks, and it was not the fault of Senator Smoot that it had not been.

CARLISLE'S ARGUMENT RIDDLED.

"Secy. Carlisle," said Mr. Worthington, "holds that Mr. Smoot should be excluded, first, because he believes he may receive divine guidance in spiritual and temporal affairs. You are asked to hold that Mr. Smoot shall be excluded because he has the temerity to believe that he may receive divine guidance in spiritual and temporal matters. I supposed that every church urged its members to go into their closets and ask for spiritual guidance. If it is not competent to ask such divine aid the mothers in this room may teach their children to say, 'Our Father who is in heaven, hallowed be Thy name, Thy kingdom come,' because that is spiritual, but they must not say, 'Give us this day our daily bread,' because that is temporal, and if one of them should come to the senate he might be excluded for asking divine aid in temporal affairs. Then, too, Lincoln could not enter the senate because he had promised God that he would emancipate the slaves after a federal victory."

CONTROL IN CHURCH AFFAIRS.

"The fact is neither the Apostles nor the First Presidency are supreme. It has been demonstrated here that it is the most democratic organization in this country because nothing can be done by the Presidency or the quorum of the Apostles without ratification by conventions of members of the Church. I see the chairman smile—I know what is in his mind. He would say 'Yes, they go through the form, but they always vote to sustain.' And the reason for that is that the leaders of the Church always keep their ears to the ground and keep in touch with the desires of the people. If an attempt should be made by the First Presidency or quorum to re-establish polygamy by resolutions, they would not only be voted down, but the leaders would be thrust from office. This is the testimony of both Gentiles and 'Mormons.'"

A STRIKING ANALOGY.

He showed that the organization of the Church begins in the state and is carried up to the First Presidency; that it is the state presidents and their counselors and the First Presidency and its counselors that control the affairs of Church. The Apostles simply preach the Gospel and may be sent anywhere. They are in similar position exactly to that of members of the president's cabinet and are only consulted by the president of the Church when he needs or desires their advice.

CHURCH AND BUSINESS.

As to the charge that the Church engaged in business he held there is nothing in the Constitution to prevent them engaging in business. Still you are asked to hold that a man who belongs to a religious organization which engages in business shall not be admitted to a seat in the senate. He held that it is competent for any religious organization to engage in business or in politics and referred to the existence at one time of an organization (A. P. A.), designed to prevent the election of members of a certain sect to any office. Yet members of this organization were never excluded from Congress.

CHURCH COURTS.

As to Church courts any church has a right to insist that its members shall settle all legal controversies in church courts on pain of dismissal. There is nothing in the Constitution or law to prevent such action and no reason why the courts of the "Mor-

mon" Church should not have equal rights.

CHURCH MARRIAGES.

Referring to Carlisle's remarks about Church interference in marriages, which he held to be a purely civil ceremony, he pointed out that the Catholic church recognizes no civil marriage which is not followed by a religious ceremony, and further that it recognizes no divorce and excommunicates its members who attempt to re-marry after a civil divorce. Senator Knox called attention to the fact that the Catholic church even goes so far as to regard marriage as one of these sacraments. "If I had room for astonishment," said Col. Worthington, "most amazing is the claim that Senator Smoot should be excluded because he belongs to the Church of which President Smith is head, and that he would be bound in his vote in the senate by the orders of President Smith. And yet Mr. Carlisle says Senator Smoot is responsible as one of the Apostles for everything that President Smith does, that the presidency can do nothing without the consent of the Apostles."

CHURCH AND POLITICS.

Mr. Forsaker asked Mr. Worthington to speak on the subject of church interference with elections and in reply he cited the rule of the "Mormon" Church in reference to an official entering into a contest for a political office which may interfere with his duties in the Church. In the case of Moses Thatcher it would have been competent for him to have resigned his Priesthood and then run for the senate without being deprived of his connection with the Church. The rule requiring a prospective candidate to obtain the consent of his quorum before entering the race is a proper one, and he read from the testimony to show that he can resign his Church office and then enter the race without endangering his standing as a member of the Church. "There is no evidence to show that any member of the Church has been refused permission to run for any office from the sheriff of his county to senator of the United States," said Mr. Worthington. "All that has been said about the Church engaging in political affairs and business operations was known to both houses of Congress when the state was admitted and no provisions were incorporated in the enabling act to prevent the Church from taking part in politics or engaging in business."

OATHS TAKEN BY SENATOR.

Referring to obligations taken by Senator Smoot, which would interfere with his duties as senator, as charged originally, Mr. Worthington opened out that Senator Smoot had solemnly sworn that he had never taken such an oath. The burden of proof rests with the prosecutors, and yet after listening to ten witnesses who have utterly failed to show that any oath was ever administered which obligated the man or woman taking it to do anything antagonistic to the laws of the United States. The inference from the testimony of H. W. Lawrence was that vengeance was to be meted out to those who killed the martyrs. He discussed Wolfe's testimony, declared that this man referred to by Mr. Carlisle as an "intelligent witness," was a confessed drunkard, that he had misstated facts as to his previous testimony, and that he was not to be believed.

THE CLOSE.

Mr. Worthington closed by declaring that in suggesting that Senator Smoot had taken the oath of office as senator with a mental reservation, "you would have to dissect his brain" to prove that he had in his mind other obligations than those which he took when he entered the senate as one of its members.

(By Associated Press.)

Washington, April 13.—The final argument in the investigation of protests against Senator Reed Smoot was made today before the committee on privileges and elections by A. S. Worthington, counsel for the senator. For the first time since the proceedings were begun three years ago, Mrs. Smoot attended the session of the committee. The number of spectators was much less than during the Utah senator's arraignment.

MR. SMOOT'S QUALIFICATIONS.

In opening Mr. Worthington took up the subject of Mr. Smoot's qualifications to serve as a senator, and followed this by citing authorities in support of his contention that it requires a two-thirds vote of the senate to oust Mr. Smoot. He said that Mr. Carlisle's argument was that if a senator is permitted to serve if he gave up his plural wives and lived only with his legal wife, in the event that Smith should fall to obedience to the laws, said Mr. Worthington, then he should be expelled. Mr. Worthington pointed out that Mr. Smoot's life had been blameless and that he is a law-abiding citizen in every sense of the word.

UTAH RAKED AND SCRAPPED.

It was contended by Mr. Worthington that plural marriages are no longer performed with the sanction of the "Mormon" Church. He said that Utah had been "raked and scraped," and the plural marriages brought to light since the manifesto would not amount to one a year, and that these offenders are now virtually fugitives from justice.

MR. SMOOT'S BELIEF.

Taking up Mr. Smoot's confession that he believed in divine revelations, Mr. Worthington compared this belief with services in other churches where divine guidance is sought, and argued that Mr. Smoot's belief is the same as that of followers of other creeds.

THE MANIFESTO.

Senator Knox and some other members of the committee interrogated Mr. Worthington concerning the alleged necessity of members of the "Mormon" Church of obtaining Church consent to become candidates for public office. Mr. Worthington read from the Church rule as laid down in the Moses Thatcher case and construed this to mean that if a high Church official desired to become a candidate for public office it is necessary for him to resign his Church office or be excused from

BRITISH MUTUAL POLICYHOLDERS.

If They Will Indicate Which Trustees They Want to Resign, They Will.

OR TELL WHY THEY WON'T.

Such is Statement of Pres. Peabody When Discussing the British Interests.

New York, April 13.—The Tribune today says: President Peabody of the Mutual Life Insurance company said yesterday that if the British policyholders would say which trustees they want to resign, those trustees would resign or explain why they would not do so. The statement was made in a discussion with reporters of a cable message from London saying that the British policyholders wanted the retirement of trustees who had been closely associated with President McCurdy. President Peabody smiled when he was told that the dispatch from London stated the policyholders were dissatisfied with the reply of Joseph Choate to their requests which were laid before the trustees of the Mutual Life by A. D. Guillard. "Forty-eight hours ago," he said, "I saw a cable message from London in which the British policyholders said they would be guided only by Mr. Choate. Now that Mr. Choate has done something for them, seemingly they are not satisfied with what he was done, and want something else. The retirement of the 'McCurdy' trustees' would mean that all the present board except myself would resign. The British policyholders have not intimated to us that they wanted retirement of any particular trustees, but if the so-called McCurdy trustees were to retire today, they would request something else tomorrow."

"I want to say, however, that if the British policyholders will write over and say what trustees should resign, the trustees will resign or explain why they should not."

In order to make clear just what demands or requests had been made to the trustees for the Mutual Life through Mr. Guillard, who has just returned from England, Mr. Peabody said:

"First, they asked us to permit an English attorney to verify the computation of the reserve liabilities which already had been made by the insurance department of the state of New York. To that we cheerfully assented."

"Second, they asked that we elect one or more English trustees. This I presume the company will do very cheerfully, and we will be glad to have names suggested by the English policyholders."

"Third, they have been asked to turn over the English business of the company to a new company to be formed in London, and to pay over at the same time the total reserves held against the English policies. This we see no legal or lawful way of doing at present. For that and for other reasons we have not considered it practicable. The legal questions involved are being examined now by Mr. Choate."

POWER TO SUSPEND HABEAS CORPUS

Chief Justice Gabbert of Colorado Holds Governor Can Suspend it at Pleasure.

Denver, April 13.—Chief Justice Gabbert of the state supreme court yesterday filed a supplemental opinion in the Moyer case. It is generally conceded that this new opinion will take precedence over the former majority opinion as the latest expression of the court.

The chief justice declares that the governor of the state has the power to suspend habeas corpus at his discretion and that the courts cannot review the action.

The body of the new opinion is taken up with excerpts from an opinion of Justice Johnson in a case in the Philippine islands in which the power of the governor-general to suspend the privileges of the writ of habeas corpus during a state of insurrection in the province of Batangas was upheld. The chief justice finds the case analogous to the situation presented in Colorado during the labor troubles and draws conclusions in which the incarceration of Charles H. Moyer by the military is upheld.

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It was argued by Mr. Worthington that everything that has been charged against the "Mormon" Church in the way of activity in politics and business was known when Utah was admitted as a state and that one of the first senators from Utah was Frank J. Cannon, who was a "Mormon" and more subject to criticism than Mr. Smoot can be, and yet no protest was made against him.

Witness who attempted to testify concerning Endowment House ceremonies was criticised by Mr. Worthington as disreputable. He closed at 12:05 o'clock.

Chairman Burrows inquired when counsel would be ready with their printed arguments. It was disclosed that both Messrs. Worthington and Carlisle were going out of the city and that the printed arguments could not be furnished before the middle of next week. It is expected a date for a vote on the case will be fixed by the committee soon afterwards.

TO DESECRATE THE SABBATH.

"American" Councilmen Stand For a Wide-Open Sunday Show Town.

SHELVE WELLS ORDINANCE.

In the Name of "Personal Liberty" It is Proposed to "Take Off the Lid" in Salt Lake.

TO FORCE SHOW DOWN.

Councilman Wells to Present Another Resolution Monday.

Councilman Wells, when seen today, declared that he had not abandoned the fight for Sunday closing, though he admitted he was very much disappointed at the evident purpose to make this a wide-open Sunday town. He said, however, that he intended to try again to prevent it, and that on Monday he would introduce a resolution setting forth the action of the municipal laws committee, or rather its non-action, and have the city recorder notify the county commissioners that the council would do all in its power to assist in the work of closing down all resorts on Sunday. That will again bring the matter directly before the council, and will force a show down on the issue.

The Wells ordinance, providing for the closing of the Sunday theaters, was simply shelved by a unanimous vote of the municipal laws committee at its meeting last night by the passage of an evasive motion, made by Black, which throws the responsibility for taking the initiative in the Sunday closing matter upon the shoulders of the county commissioners. Every effort was made by Wells and Fernstrom to force the committee to make some report on the ordinance so that the members of the council would be given an opportunity to be placed on record either for or against an open Sunday in this city. No success attended their efforts, however, and the motion by Black to lay the ordinance over until the county commissioners take some action towards closing the resorts outside the city on Sunday.

The intention of the present council to allow the theaters to run on Sunday was no doubt voiced by Mulvey immediately after the committee concluded its meeting last night when he turned to a representative of the Orpheum who was present and said: "Young man, go ahead and make your Sunday bookings." Mulvey also declared before the meeting adjourned that he personally was in favor of allowing all the theaters to run on Sundays. Inasmuch as the Ministerial association has been active in its efforts to close the theaters it will be a hard matter for the councilman from the Fifth to satisfactorily explain his position to his constituents.

MINISTERS WERE ABSENT.

The representatives of the Ministerial association were not present at the meeting last night so that the final battle was left in the hands of Councilman Wells, who was aided by a protest from an Orpheum theater representative. J. H. Garret, secretary and treasurer of the Orpheum company of this city, made quite an argument in favor of closing the theaters on Sunday but that after talking with a number of representative people of the city the local management had convinced Manager Beck that the sentiment of the people was against it and that the house could not be run as a first class house in this city if it opened on Sunday and hence the order given by the vice president was not put into effect.

AGAINST SUNDAY THEATERS.

Mr. Garret said that he felt that the sentiment of the people of this city was against Sunday theaters and he would much prefer that all of the theaters be closed on Sunday. If, however, the other theaters are going to be allowed to open on the Sabbath he said that the Orpheum would begin its bookings for Sunday and would open up as a Sunday theater in August.

"ALL ROT," SAYS MULVEY.

He was asked by Mulvey if it is not a fact that the Orpheum theaters in every city in the United States outside of Salt Lake have become conscienceless and that after talking with a majority then informed him that his argument was all rot. He further stated that the Orpheum people should not ask the council to compel other theaters to close just because they preferred to remain closed.

WOULD BE A DISGRACE.

Wells was then heard briefly on the matter. He thought that the citizens of Salt Lake have become conscienceless and that feeling which should be respected. He argued that the Sunday theaters are a disgrace to the city and would result in a great detriment to the morals of the young people.

OF COURSE BLACK DID.

Black then put his motion to the

effect that the ordinance he laid over until such a time as the county commissioners take some action to close the public resorts in the county outside the city on Sundays. Wells objected to the matter being shelved in any such manner and urged that some kind of a report be made upon the matter so that the council would have an opportunity to vote upon it. He said further that he would favor the motion if he were sure the county commissioners would act upon the matter at once. He could see no reason why the city council should refuse to do its duty in the matter instead of throwing the responsibility upon the county commissioners to take the first step. No one, he said, is more in favor of closing up these resorts on Sundays than he and he would bring every influence possible to bear upon the commissioners to bring about such a result.

FACTS BY FERNSTROM.

Fernstrom stated that there is law enough now to close up these places if the council is in favor of doing it, but the question was whether or not the council wanted to enforce that law. He urged that the committee make a report recommending that the county commissioners take some immediate action towards closing the resorts in the county on Sundays.

DODGED THE ISSUE.

That suggestion did not meet with the approval of the committee because the majority of its members had firmly decided to dodge the issue. Mulvey, Perry and Black expressed themselves in favor of the motion and it was carried by a unanimous vote.

THE NEXT STEP.

The next step in the matter will probably be to urge the county commissioners to take immediate action towards closing the public resorts on Sundays. This will compel the city council to either pass the ordinance or make a complete back down in the position advanced by the members of the committee.

SIX MONTHS FOR SMITH.

Man Escapes Prosecution Upon the Charge of Forgery.

Robert Smith, who was charged with having forged the name of Erskine Brothers to an order upon the Crane company, by which means he secured 200 pounds of solder, which he sold for \$50 today withdrew his plea of not guilty to the forgery charge, pleaded guilty to petty larceny, and was sentenced by Judge Diehl, of the criminal division of the city court, to a term of six months in the county jail, which is the maximum penalty.

John Kooyman was arraigned on a complaint charging him with arson, and the case will hereafter be set for hearing. Kooyman is charged by Eli H. Pierce with having on the 25th day of November set fire to the premises of Mrs. John Eggen, 821 Grant street. The accused has been absent from the state for several months, but recently returned, was arrested and is now in the county jail in default of bonds in the sum of \$2,500.

AM. ATHLETES AT GIBRALTAR.

Gibraltar, April 13.—The North German Lloyd steamer Barbarossa, which left New York April 3, for Naples, having on board the American athletes who will compete in the Olympic games at Athens, Greece, arrived here today. All the members of the team enjoyed the voyage and are in good condition.

MRS. BALLINGTON BOOTH SELLS HOPE HALL.

New York, April 13.—Hope Hall, the home for ex-convicts founded by Mrs. Ballington Booth of the Volunteers of America, and which people of Flushing have fought against was sold yesterday by Mrs. Booth. She disposed of the land comprising 10½ acres for \$35,000 to a real estate dealer, Mrs. Booth said last night.

"I do not wish the sale construed as a victory for my enemies. I have neither bought out or turned out of town. I have sold because I feel that I can enlarge the charity in some other locality with the profit on this transaction."

In Hope Hall Mrs. Booth planned to have a home where ex-convicts could go when released from prison, and until employment was found for him. Since its start in December, 1899, 250 inmates have been cared for. Two years ago several ex-convicts living on the charity of Hope Hall were arrested after a series of robberies in Flushing and some of them were convicted. This started a big and on against the institution which Mrs. Booth vigorously fought. Town meetings were held to protest and a committee organized. The "twenty-five" was appointed to devise means of ridding the town of the Hope Hall inmates. It was shown that of the 250 ex-convicts that passed through the hall, 70 per cent became good citizens and 10 per cent went back to their evil ways. The remaining 25 per cent were difficult to trace.

CARTRIDGE EXPLODES.

And Three Boys Are Disfigured for Life.

Chicago, April 13.—Three boys, Henry Polhanus, Frank Ryan and Herbert Grendle, whose ages range from 11 to 14 years, were disfigured for life to day by the explosion of a dynamite cartridge which they set off in a vacant lot. They suffered hands and fingers blown off.

VIENNA MAIL DRIVERS STRIKE.

Vienna, April 13.—Seven hundred drivers of mail carts struck today for higher wages. The postal authorities were caught unawares but managed to secure sufficient substitutes to take out the carts, each of which was escorted by a policeman.

RAILWAY EMPLOYEES LAID OFF.

Chicago, April 13.—Many employees of various railroads entering Chicago were laid off yesterday on account of the decrease in business resulting from the coal strike.

The Chicago and Northwestern laid off 500 employees. It was announced that the Chicago & Alton had dropped nearly 300 employees from the payroll.

Four hundred mechanics of the Chicago & Eastern Illinois are now idle. Cuts in the yard and train service are general on all roads owing to the cessation of the demand for fuel hauling.

ABOUT LOADING WESTERN WOOL.

Only One Railroad Has the Courage to do That Work This Year.

ALL OTHERS KEEPING OUT.

Significant Letter That Sent to All Agents in Utah and the Surrounding States.

Looks Like Inter-State Commerce Commission Was Feared in the Present Scramble.

The annual trouble regarding the propriety of loading wool, by the various railroad representatives in this territory has come up again. This time it looks as though it will be settled by federal interference.

As conditions are now among the lines east of Chicago the Nickel Plate is the only system that is loading wool and in consequence this line has secured every pound that has been shipped to date out of this territory. The Vanderbilt, Erie, Pennsylvania and other lines decline to do this and accordingly they are not getting any business.

As far as can be learned the eastern lines signed an agreement before the wool season opened not to load wool. This compact is being kept by all who agreed to it. The Nickel Plate, however, declined to enter this agreement, giving as its reason that unless the water lines were included it would keep out and go out after business.

As a consequence the Nickel Plate is sending into this territory a force of men and is scooping up everything in sight much to the mortification of the other agents here whose hands are tied under instructions from headquarters.

CHANGE PREDICTED.

It is confidently affirmed, however, that inside of ten days not even the Nickel Plate will be loading wool.

This condition of affairs is creating consternation in the ranks of the eastern woolbuyers, who are paying big prices and are gambling more or less on the outcome in the merry scramble for the wool that has not already been sold under contract. It will mean that they will have to hire additional men to do the work heretofore performed by the railroad representatives who secured the consignments. This will cut into anticipated profits very considerably.

In the meantime they are all routing the clips via the Nickel Plate east of Chicago, and as no one road can haul the tonnage originating in Utah and contiguous states further complications are looked for unless there is some solution to the present dilemma now in sight.

ON BEST BEHAVIOR.

It is hardly to be credited that the various railroads involved are keeping out of the wool-loading proposition for conscience sake. The recent agitation in Washington, rather, is placing them on their best behavior and on the lofty pedestal of square dealing. Under no conditions will the Vanderbilt and other lines court the rays of the searchlight of the interstate commerce commission, because there is no knowing where the investigation might end.

NICKEL PLATE BUSY.

It is an embarrassing position, so much so that both of the representatives of the Vanderbilt and Erie have not been at their respective offices for some days. The theory is that neither gentleman wants to be the first to tell the woolbuyers that his road cannot load wool this year, but would like to load the tonnage just the same. As before stated, the Nickel Plate has no such scruples and is making hay while the sun shines.

INTERESTING LETTER.

As a solution to this sudden assumption of straight-laced impeccability on the part of the railroads the following letter written to J. E. Tucker, chairman Central Freight association, Chicago, and signed by eight of the leading wool and hide firms of Chicago, makes interesting reading.

"For several years the traveling freight agents representing roads east of Chicago, in the wool territory west of this city, have, in our opinion, been in the habit of exceeding their duty in order to secure shipments of wool over their respective roads. While we do not object to these freight agents soliciting wool when ready for shipment, we do object to the unfair solicitation in which the acts enumerated below form a good basis for complaint."

"Providing printed invoice blanks. 'Weighing, loading and marking wool for buyers. 'Paying for wool with dealer's draft. 'Using telegraph blanks for dealer's business and using dealers' code books for frank messages."

"Using railroad transportation, expense money and paying for livery to hunt up growers and keep eastern buyers posted on whereabouts of same prices and quantities for sale by them. In fact leading to act as representatives for eastern concerns without remuneration and thus working against the dealers of this city."

"Unless some action is taken in the matter at a very early date and before the commencement of the next wool season, we shall be compelled to lay this matter before the members of the Interstate Commerce Commission, who will no doubt grant us the relief we ask."

"Before taking this step, however, we will lay this subject before you for your consideration, and shall be pleased to hear from you at your earliest convenience, and after you have placed this complaint before your association."

With this threat suspended over their heads like the sword of Damocles the railroads, with the exception of the Nickel Plate and the water lines, are accordingly standing on under.