

EQUALITY OF RATES. mine, even though I have had but part of one day since the argument to reach these conclusions. Never has a case before me been argued with greater eloquence, logic and power than was done by counsel both for the state offi-cers and for the 1s railways. Every phase of the case direct and collateral has been so illuminated that all possi-ble questions are at the end of debate. What is the supplemental bill in equity? And wherein is the import-ance of defining it? Usually it is where there has been some change in the

fares.

"Important as any, if not the most important, is the equality of rates; the treatment of charging of all alike. No rebates, no discriminations must be allowed. Safety of traffic and public, the army barloon which he hade with two other persons on June 4, from this city to Harrisburg, Pa. The report was favorable and the balloon was ac-cepted by the war department as here-tofore stated. The signal office may take up the matter of purchase of ad-ditional balloons in the autumn. allowed. Safety of traffic and public, including passengers and employes, must be considered. And of as much importance as any other question is efficient service. Rapid and prompt delivery of freight must be had. Fast passenger trains with but few stops, for passengers going a considerable dis-tance, is demanded. Local trains for local business is required. To have these reasonable compensation must be read. So that these questions are all

NEW HAVEN RY.

Poughkeepsie Bridge System.

Steps Being Taken to Merge it With

one point. The telegram does not indicate how successful Lynn and Elsmore have been In their work among the locals, but it is presumed at the local headquarters that everything has come out satisfac-torily. In that case the end of the week should see an end of the strike or breaking off of this last effort at bitration and settlement. AMONG OTHER STRIKERS.

ment to take advantage of a claus

allowing them to go on sympathetic strikes when their leaders should order out all of the electrical workers in any

district, to adjust differences at some

Canon City, Colo., June 17.--Charles W. King, an important witness for the defense in the Haywood trial at Boise, Idabo, died from neuralgia of the heart yesterday. Bloodhounds belonging to King were used in tracking after the dynamiting of the Independence depot. An hour after his death, a telegram ad-dressed to King summany him to dressed to King summoning him to Boise, was received.

AN UNKNOWN MIDSHIPMAN.

Body Seen Floating in Hampton Roads Of Thimble Light.

years a resident of this city, died at 6 o'clock this morning, from general de-bility. He had been declining for some time, and his death was not en-tirely unexpected, as he was in his seventy-ninth year. The deceased was born in Steuben county, N. T., Feb. 22, 1829. He was a veteran of the Civil war, serving three years in the Union army. He was a participant at the memorable battle of Gettysburg, in which he conducted himself with bravery and honor. Some years ago Judge Gee was quite prominent in local politics, serving sev-

Even at Odessa and Klev no disturb-ances occurred. The prefect of Kiev, issued orders that no demonstrations on the part of reactionists a revolutionists be al-lowed, and that no action on the dis-solution of parliament be permitted. The June of Gen. Dracheffski, pre-fect the lice of St. Patersburg in pro-bilitions-possible ordificient of the root hibiting nostile criticism of the gov-erhment was followed most universally by the governors general throughout Russia completely muzzling the liberal press.

GUARDED COMMENTS

The feature of the nespapers appear-ng here today make extremely guarded comments upon the situation, the radi-cal paper contenting itself with ex-pressing the hope that two election campaigns in one year will widen the political horizan of the people and make



there has been some change in the carried forward by a supplemental bill. one hundred and more years ago judges who had but little to do except play the role of mental acrobats and seek to refine and distinguish and to seek to renne and distinguish and to display an affected learning, and to discuss most gravely 'the difference betwixt the west and northwest side of a hair' most elaborately set forth of a halr' most elaborately set forth their views, as to original bills and amended bills and supplemental bills, and bills of review, and bills in the na-ture of bills of review. The result was that a chancery case lasted for many years. More than 50 years ago the supreme court recognized the folly of much of this, and by a code of rules adopted the system of fact pleading and left the old chancery practise in force only when the rules adopted did not meet the situation that might arise, and by rule 57 definited a supplemen-tal bill. But that is not important in and by rule of definited a supplement tal bill. But that is not important in my judgment. Whether this proceed-ing should be original bill, or by sup-plemental bill is of small consequence. If by original bill, the railways had the If by original bill, the railways had the right to file the same without notice, and the right to a restraining order without notice. If by supplemental bill the usual practise is to require notice. And in either case it is discretionary with the judge to allow a restraining order without notice until a hearing can be had on notice as to a temporary in-junction. On Tuesday the 11th inst. the completionary are notice of filing these complainants gave notice of filing these bills on Friday, the 14th inst. On Thurs-day they asked to file them. Solely out of courtesy to the attorney general, who of courtesy to the attorney general, who was not present, this was refused; but the court on its own motion issued the restraining order, to keep the matter in statue que. At the time fixed for the hearing the matter as again delayed for a day at the request of the attorney general, he unavoidably being absent. During that delay the bills were filed in the state courts. For this there is no obtains. But I have stated the facts. Buring that delay the bills were filed in the state courts. For this there is no criticism. But I have stated the facts, and the statement of facts shows that these cases, as to the laws of 1907, were pending and had been pending since Tuesday, the lith first, And these bills must be considered as filed as of that date. And whether defective as original bills is not material, because such defects can be corrected on de-murrer or exceptions, or by the com-plainant before answer as of course. Nor is it material whether filed in the original case or separately docketed. If Nor is it material whether filed in the original case or separately docketed. If separately docketed they will at once for trial purposes be consolidated with the old cases, pursuant to section 921 of the revised statutes. If the conten-tion of counsel for the state officers be technically correct, it is without a substantial merit as to the rights of the parties.

### FIXING OF RATES PRESUMPTIVE.

"That the fixing of rates by the leg-islature is presumptively correct, all concede. That it is a legislative, act, all agree. But that such rates must be reasonably remunerative, cannot inger be discussed. The railways are entitled to cost and a reasonable prof-it, and no fair-minded mau disputes it. How to arrive at the cost and rea-sonable profit is a most difficult prob-lem. But it must be ascertained, and this ascertainment can only be by judicial proceedings and to be deter-mined only by the courts and ultimate-by by the supreme court of the United States. No skill of the draftsman by the use of words or phrasins can take that from the courts to the town meet-im. It cannot be changed by decia-matice, either sophomoric or by in-vective. It can hever be settled in a criminal case by arresting ticket "That the fixing of rates by the leg-

paid. So that these questions are all involved. And in consequence such business as is between St. Louis and St. Joseph, Kansas City and St. Jo-New Haven, Conn., June 17 .- Steps are to be taken almost immediately by the New Haven Railroad company for the merger with itself of the Poughst. Joseph, Kansas City and St. Jo-seph, Kansas City and Joplin and per-haps other points, where parts of the routes of some lines are out of the keepsie Bridge system of railroads, which includes the Central New Eng-land and its subsidiary lines, now unroutes of some times are out of the state, a grave question is presented and no small question is covered, whether parts of these statutes are void, that the matter can be separated der the New Haven corporation's con-The Central New England Poughthe Central New England Fough-keepsie Bridge system has, besides a bridge, a total track mileage of 256 miles. It has about 57 miles in New York, four miles in Massachusetts and the rest in Connecticut. which, that the matter can be separated and the balance of the statute remain in force, because Congress, even as to those lines wholly within the state, may or may not have control of such com-merce when it directly interferes with The Hartford and Connecticut Western railroad, which may be regarded as the head of the Poughkeepsie Bridge system, is the old Connecticut Westsystem, is the oid Connecticut West-ern line, which was opened in 4572. It was one of the original "town aid" roads of Connecticut, for which as-sistance was voted by town bonds, a system now prohibited by the Connecti-cut State association. For several years the New Haven company has operated the Poughkean.

may not have control of she with merce when it directly interferes with commerce passing out of and back into the state. I neither pass upon this question nor express an opinion there-on, because while such questions have frequently been discussed by the ablest of men, such questions have not yet been decided. I simply mention it as a great national question. "It is urgred with much plausibility that because panalties are affixed to the statutes of 1907 that the crim-inal courts of the state only take juris-diction. I do not stop to review the various Missouri statutes upon that subject of both passenger and freight rates, all of which must be construed as in pari materia. But it is sufficient to say that the infliction of penalties is not the only remedy. tion's officers. not the only remedy.

to say that the innerton of particular not the only remedy. The attorney general and rall-road commissioners still have much to do with the enforcement of these statutes which the rallways "contend are vold in part. In the orig-inal cases the question as whether all the earnings in the aggregate were re-munerative. That question is still present under the statutes of 1907. Whether these laws by raising the freight rates and lowering the passen-ger fares are remunerative in the agpersons were probably fatally injured. They are Dr. B. H. Metcalf, head of Metcalf's hospital, Winthrop, Mass.; Mrs. Metcalf and Miss Churchill, matron of the hospital. The automobile plunged over a high embankment, burying its occupants beneath. ger fares are remunerative in the ag-gregate must be considered by the court. The state is not in effect a party, because the charge is that these officers are seeking to enforce void statutes, in more ways than by inflict-ing penalties. Grand Jury May be Called to Investijury

statutes, in more ways than by lumit-ine penalties. The orders heretofore made will stand until vacated or modified. The cases will be set down for hearing as to whether a temporary injunction shall issue, and if issued what shall be the scope? Shall they restrain the enfortce-ment of the freight rate statute? Shall how watchin the anformement of the ment of the freight rate statute? Shall they restrain the enforcement of the recent 2-cent passenger rate statute? Tentatively, subject to argument and subject to change of opinion, if I should hear the cases, my present view is that the 2-cent passenger fare statute should be put in force and kept in force for some months at least, with the right of the railways later on to renew their motions te enjoin the enforcement of the statute. One class of people claim that with 2-cent fare travel will so increase as to make it remulencidy.

ncrease as to make it remunerative, others deny this. The Wisconsin com-nission but lately declared after months mission but lately declared after months of investigation, that in that state a two-cent fare would be confiscatory, and Gov. Hughes by a recent veto mes-sage so declared in the populous state of New York. How is this question to be determined? Is it not all specula-tion and guesswork? 'Of what value will be the testimony of an ordinary business man? And of what value will be the testimony of railway experts?

business many and of what value with be the testimony of rajiway experts? Such are my present views, hurriedly stated, and without time to place them in the shape of a formal opinion. Nor in the shape of a formal opinion. Nor would it be of substantial benefit to would it be of substantial benefit to any one to review the many authori-ties. They are known to the profes-sion and to the cours. But I have stated the law as I understand it to

There are no new developments in the igar makers strike today The men are still holding off, waiting for the companies to come to them, and living on a maintenance fund sent out from the general union. They have been out the general union. They have been out three weeks, and a settlement at this time looks faither away than ever. The manufacturers held a conference Sat-urday evening over the situation, but decline to give out anything for publi-cation today. The married strikers re-ceived \$12 each and the single \$5 each from the second installment of the re-lief funds. This money is to keep their families while they fight for their rights by remaining away from work, and by remaining away from work, and putting the industry out of commis-sion until a settlement is arrived at.

#### THE MILLMEN.

THE MILLMEN. At the various saw mills they are working away with the full shift on non-union men who remained at work when the 50 union men walked out. Manager Nysirom of the Taylor-Arm-strong company declares that the men can strike till doom's day before his company will saddle a closed shop upon the public, and that his mill is so busy turning out orders for points out of town, that he cares little what action the carpenters take to help the mill men out mpany has operated the Poughkeep sie Bridge system as a separate corpo-ration under the controlling corpora-BAD AUTOMOBILE ACCIDENT. Sanbornville, N. H., June 17.--In an automobile accident last night three

out. In an interview President Spalding has given it out that the closed shop is being demanded to "protect the men." but the people outside of the union and outside of the company who pay the bill, are not quoted 40 the matter. The only way they have expressed them-selves has been to eliminate any hopes as builting multiple control of strementar of building until a period of stagnation brings the labor union man and the mill down to figures that are within his reach.

O. S. L. SWITCHMEN OUT. There is a strike of 15 switchmen at the North Salt Lake yards today, be-cause the men are not allowed an hour for dinner on full pay. They have been receiving 24 cents per hour for a night San Francisco, June 17.-The grand ary may be called in meeting this eek to investigate the alleged attempts of 12 hours, and the reduction caused by taking out the supper hour would leave them \$5.74 per night instead of \$4.08 which they now receive.

# WOMAN SUFFRAGE.

Phoebe W. Couzins Declares That it

Chicago, June 17 .- A dispatch to the Record-Herald from St. Louis, Mo.

Phoebe W. Couzins, the first woman United States marshal this country ever had, for many years one of the most ardent advocates of equal rights for women, and a prominent figure at every woman's rights convention in the early days of the movement, de-clared last night that suffrage for her sex has been a failure. She expressed the belief that the country is not ready for women's votes, and will not be for

e time to come. Miss Couzins declared that the sufragists were on the wrong track. In demanding prohibition for the District of Columbia, Miss Coughs sold

District of columbia, where forcign diplomats, who are used to their beer and toddy. congregate.

Fortress Monroe, Va., June 17,---Capt Mann of the steamer Washington, which arrived from Washington today reports having seen the body of a mid-shipman floating in Hampton Roads off Thimple light.

'Norfolk, V2. June 17.—A telephone re-port to the Associated Press from Ocean View at 10 o'clock said that the body of an unknown midshipman was found in the water east of Ocean View this morning. The body found early today east of

The body found early today easi of Ocean View is probably not the same reported by the captain of the steam-er Washington at Fortress Monroe this morning. Thimble light is four miles in an northeasterly direction from Fortress Monroe upon the same side of the bay, while Ocean View is upon the other side and quite a distance below.

# CATHOLIC SOCIETIES

Will Hold Sixth National Convention In Indianapolis July 14-17.

St. Louis June 17 .- The program for the sixth annual convention of the Amthe sixin annual convention of the An-erican Federation of Catholic societies, to be held in Indianapolis, July 14 to 17, as announced today. The convention will be the greatest representative Catholic gathering ever held in the United States. Fully one million and a half of Catholics will be represented.

#### BEVERIDGE AT OYSTER BAY.

Oyster Bay, June 17.—Senator Bever-idge of Indiana, who called on Presi-dent Roosevelt last evening, left for New York today. He would neither affirm nor deny the report that he is to marry Miss Katherine Eddy. He said, however, that no one had any know-ledge or right that would justify the evaluation of the report publication of the report.

### IT HAS BEEN DECIDED TO RECALL VISCOUNT AOKI.

Washington, June 17.-A private cable-gram was received here today stating that the Marquis Ito and the elder states-men of Japan held a conference with For-eign Minister Huyashi last Wednesday, when, at the urgent request of the mar-quis, it was decided to recall Viscount Aoki, the Japanese ambassador to this country. The statement was made in au-thoritative quarters that Marquis Ito and Ambassador Aoki have not been on triend-by terms for many years.

### TWO CENT RATE LAW.

M. K. T. Agent at Paris, Mo., Arrested For Violating It.

Kansas City, June 17 .- Herbert S

Hadley, attorney general of Missouri when told of the arrest at Paris. Mo-of a Missouri, Kansas and Texas rail way agent by the prosecutor of that county on a charge of violating the two-cent passenger fare law, said today: "There has been no general agree

"There has been no general agree-ment among the county attorneys to proceed in this way that I know of. I am certain no such advice has been given from our office, but such cases may be expected." "Is not this county attorney in con-tempt of court in instituting such an action?" was asked.

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The agent arrested had refused to by

prominent in local politics, serving sev-eral terms as judge of the police court, and subsequently as justice of the peace for the First Municipal ward. peace for the First Municipal ward. He is survived by only two immediate relatives, his daughter. Mrs. C. A. Quigley, of this city, and a sister, who resides at Cedar City. The funeral will be held tomorrow, commencing at 2 p. m. from the late residence, 1446 Thirteenth East.

inent in Local Politics.

Judge W. W. Gee, for a period of 3

years a resident of this city, died at 6

# FUNERAL OF H. S. REEDALL.

#### Remains of Unfortunate Man Brought Home for Burial.

The funeral of H. S. Reedall, who was drowned in California on the 10th inst., was held from Masonic temple yesterday afternoon, under the aus-pices of Wasatch lodge, with inter-ment in Mt. Olivet cemetery. The re-mains were brought from Azura, Cal., by Mark Reedall, son of the deceased. Mr. Reedail was in California inspect-ing a mining proposition when he met his death. He was returning from a long drive and stopped at the Azura canal. He went to the ditch with a bucket to carry his team some water. It is supposed that he slipped into the torrent and was drawned. His body was found in an irrigating ditch about 12 hours after the accident. Mr. Itsel-all was 71 years old. He came from Wisconsin to Utah in 1875. For several years he has been interested in mininst., was held from Masonic temple years he has been interested in min-ing, and had been in California for some time before his death.

LOOK OUT FOR RECORDS.

#### 'News" Force to Clash Arms Tomorrow at Wandamere Field.

Temorrow the stalwarts on the "News' force clush arms on the athletic field at Wandamero park. That several world's records will be badly bruised is confident-ly expected, and some downright frac-tures may be hunded the sporting frac-tures may be hunded the sporting frac-tures in the sport of the sporting frac-tures. The list of events, with prizes attach-ed, is herewith appended. It will be no-tled that the ball game victors will get no prize. They don't deserve can't frame side succeeds in heating the other before the shades of night trail on the field that particular side will have achieved honor sufficient to has them a lifetime and compensate for the absence of inter-prizes. Following is the program: 1. Baschall game, by alless picked from "all the foors." Time 4 p. m. five inuing: 2. Foor frace for boys under 18. Prize or base for the sender 18. Prize orce clush arms on the athletic field at

acketknife. 3. Foot race for girls under 18. Prize andsomsly bound volume of Whittier's

Decomery bound volume of Whittier's one. Potato race for men. go-cart, given Co-op. Furniture company. Peanut race, heads of departments. r of shoes, offered by Z. C. M. I. Foot race, for girls, over 18, fine ebony ad mirror. Foot race, free for all, half year's northing broad jump, free for all, the board jump. free for all.

bacription to "News." 8. Running broad jump, free for all, unst posens handmomely bound. 8. Boat race, free for all, oue year's bacription to "News." 10. Bowling contest, for girls, cracker r, offered by "News." Book Store. 11. Howling contest, one team from each partment, copy "Captain of the Kan-s."

Oldest employe of the "News" pres-toldest in years of services, half ton tail offered by Martin Chal company. Skaling contest, free for all, each loye entitled to skale with escort, y of "The Second Generatio." Waltz contest, free for all, first e. "The Pruge! Meal, and as second e. "Nicholas Nickleby," both offered "Name" Bock Scie

"News" Book Store

them firm adherents of the idea of par-

liamentarism. The Novoe Vremya, which has al-ligned itself with the reactionists, attacks the new election law as a half way measure affording the possibility that the revolutionary elements will again be able to enter parliament.

NEW ELECTION LAW

NEW ELECTION LAW. The close study of the new election law, which is a bulky book of 80 pages complicated phraseology, has somewhat dispelled the feeling of gloom in Lib-eral circles. The idea is gaining ground that the government has failed in its intention and that there is a possibility there will be an oppositional majority in its third parliament, is in the case of its predecessor. Even under the law it is thought that the Constitutional Democratis will retain control of the city, or perhaps they will be swapped by the Social Democratis proleariat in the close of Urban voters. The Constitutional Democrats also hope to return a considerable number of the 60 land-owning deputies whom the government belleved would be exclu-sively conservative. TOO MUCH OR TOO LITTLE.

TOO MUCH OR TOO LITTLE.

According to the opinion of a for-eign diplomate who is in close touch with the court, the government has done either too much or too little. It done either too much or too little. It has violated the fundamental laws, or constitution, and laid itself open to the charge of accomplishing a coup d'etat without altering the election law suffi-ciently to produce the desired results. The feeling in court circles against Fremier Stolypin, who has undertaken full responsibility before his majesty for a speedy convocation of parliament upon the present basis of suffrage is raid to be bitter, and he is alleged to be the object of a strong reactionary intrigue.

be the object of a strong reactionary intrigue. The grant of seven parliamentary representatives to the Armentans and Tartars was decided upon at the last moment. The original plan was to disfranchise the Caucasus entirely but this was abandoned owing to the rep-resentations of Count Von Vorentscoff Dashkoff, vice roy of the Caucasus, who is now here fighting to save his political head. The holy synod has ordered the imperial manifesto to ba read in all the churches next Sunday.

\* EVIDENCE VERY WEAK.

EVIDENCE VERY WEAK. The committee of the lower house of parliament, consisting of 22 members appointed to investigate the charges against the Social Democratic dele-gates, decided to make its posthumus. It came to the conclusion that the evidence was too weak to justify its anspension of any of the facewaed dep-uties. Even the delegates, like Pref. Kuganin Karavieff, the Democratic re-former, who favored the surrender of any of the culprits against whom there was definite grounds for suspicion, ar-outies to the facing. quiested to his finding.

## TRANSPORT WIRELESS TESTS SUCCESSFUL.

Washington, June 17.—A report re-ceived by the chief signal officer of the army regarding the testing of the wireless telegraph apparatus installed upon the transport Thomas shows that the apparatus worked very sat-isfactorily. Communication was es-tablished with the coast when the ves-sel was 700 miles at sea. Similar systems are to be put upon the iraus-ports Logan, Sherman and Sheridan.

week to investigate the alleged attempts to approach the Schmitz jury during its drawing and while it was staying at the St. Francis hotel. The Home Telephone investigation will also be taken up at ahe next meet-ing of the grand jury. It is also an-nounced that the investigation of the fight trust paid, it is said \$500 each to the supervisors for exclusive permits in the fighting game. This evidence was put aside, so long, it was believed to have been abandoned. Now comes the announcement that the fight trust is to be actively prosecuted by the grand jury. Is a Failure. says: MINERS' FEDERATION. Effort Made to Bring Controversy With

The I. W. W. to an End. The I. W. W. to an End. Denver, June 16—An effort was made in the convention of the Western Fed-oration of Miners today to bring to an end the controversy which has alleen be tween the miners and the Industrial Workers of the World. — A resolution was introduced and re-ferred to the committee on resolutions endorsting the principles of industrial unionism, as outlined in the first con-stitutional convention of the Industrial Workers of the World as being the duly togical and effective method of organizing the workers in the industrial field. — The resolution provides that the federa-non ignore all factional fights and elect delegates to the next national convention of the Industrial Morkers of the World, instructed to use all honorable means to insure the election of an entire new set of officers.

SCHMITZ JURY.

gate Attempts to Approach It.

jury.