

GOV. HASKELL SUES W. R. HEARST

Deputy Sheriff Had to Burst Open State Room Door to Serve Papers on Him.

DAMAGES PLACED AT \$600,000

Defendant Tried to Throw Officer Off Track by Putting Wife Forward.

Made Sorry Explanation That He Refused Admittance Because He and Wife Were Preparing to Retire.

Omaha, Neb., Oct. 15.—After a dramatic scene on Union Pacific train No. 2 last night, in which the door of his state room was burst open by a deputy sheriff, William R. Hearst, the millionaire editor, was served with papers notifying him that suit for \$600,000 had been brought against him for slander and libel by Gov. Charles N. Haskell of Oklahoma, in the Douglas county, Nebraska, district court. The summons was served by Deputy Sheriff Stewart for Smyth & Smyth of Omaha, who are Gov. Haskell's attorneys in the damage suit.

The suit was filed in the district court at 1 o'clock last night, after which the papers were immediately withdrawn. It was known that Mr. Hearst would pass through Omaha last night on his way from Seattle to New York, and plans were laid accordingly.

Union Pacific train No. 2 was due at 9:40 o'clock, but did not arrive until 11:20 o'clock. Deputy Sheriff Stewart was on hand with orders to serve the summons on Mr. Hearst, but had a trying time in doing so.

A knock on the door of Mr. Hearst's stateroom elicited the information through the door from the editor's wife that he was not in the room, but had gone to the depot to send a telegram. Not to be cheated the deputy sheriff demanded admittance in the name of the law, saying that if he were not admitted, he would break down the door.

A DRAMATIC SCENE.

Then ensued a dramatic scene. Mrs. Hearst, on the inside, screamed out that she was alone and would admit no man, and the deputy proceeded to carry out his threat to break in.

Using his shoulder as a battering ram, he crashed through the door and was met by Mrs. Hearst partially disrobed, apparently on the verge of hysteria.

Nothing daunted, although Mrs. Hearst rushed screaming through the door out in the aisle, Deputy Sheriff Stewart started to kick in the door of the toilet room adjoining the stateroom. Then it was that Mr. Hearst emerged and accepted the papers which the deputy thrust out. Mr. Hearst said that the summons was entirely unexpected, and that he had not the least suspicion that anything of the kind was to occur in Omaha.

HEARST'S EXPLANATION.

"Why did you refuse admittance to the officers?" was asked.

"Because myself and wife were retiring for the night," explained Mr. Hearst.

"Frankly, I don't believe this case will ever come to a trial and the knowledge that this suit has been filed does not disturb me in the least," said Gov. Haskell said not very long ago that his only reason for not bringing action against me was his lack of money. I offered to donate the necessary amount from my own pocket and this offer still holds good."

Examination of the door of the stateroom disclosed the fact that no damage had been done aside from breaking the locks of the door.

THE PETITION.

The petition in the case is as follows:

"Plaintiff for his cause of action states that at all times herein mentioned, defendant was and now is the owner and publisher of a certain newspaper, published daily in the city of Chicago, Ill., and known as the Chicago Examiner; that said newspaper is given a wide and extensive circulation in said city and state and in the entire United States, and especially in the states of Illinois and Nebraska.

"That at the times herein mentioned plaintiff is and was the governor of the state of Oklahoma; that he was chosen chairman of the platform committee which drafted the national platform for the Democratic party in the presidential campaign of 1908, and was chosen treasurer of the national Democratic committee, and that as such plaintiff servant and party official he employed the public confidence and esteem of the people of his own state and the people throughout the United States.

"That on Sept. 19, 1908, because of his hatred, malign and ill-will against plaintiff, defendant maliciously, wantonly and wickedly spoke at Memphis, Tenn., and on Sept. 20, 1908, printed and published in his said newspaper, of and concerning the plaintiff, the following false, defamatory and libelous article, to-wit:

"I have shown how the Democratic party altered its platform to suit the Standard Oil and then held out its hand to the Standard Oil and appointed this same Haskell as its national treasurer to take up its collection.

"Here we have a president who apparently does not heed this advice, then we have a Standard Oil tool made chairman of the national Democratic convention and the user of the campaign fund.

"Why is Mr. Haskell placed in these important positions in the Democratic party? It is first to make a platform that will hold the Standard Oil and then to make a proposition that will hold up the Standard Oil."

"Mr. Bryan says that the Republican party cannot possibly be sincere in its attitude against the trusts, with Mr. Dupont, a member of the powder trust, at the head of its speakers' committee.

"My friend, Mr. Mooney, who is one of the best editorial writers in the United States emphasizes that point in this morning's Commercial Appeal.

"I am going to subscribe to his paper in the hope that he will tell me something later how the Democratic party can possibly be sincere in its attitude against the trusts with a Standard Oil tool placed at the head of its platform

SCENE OF HORROR IN WEDNESDAY'S WRECK.

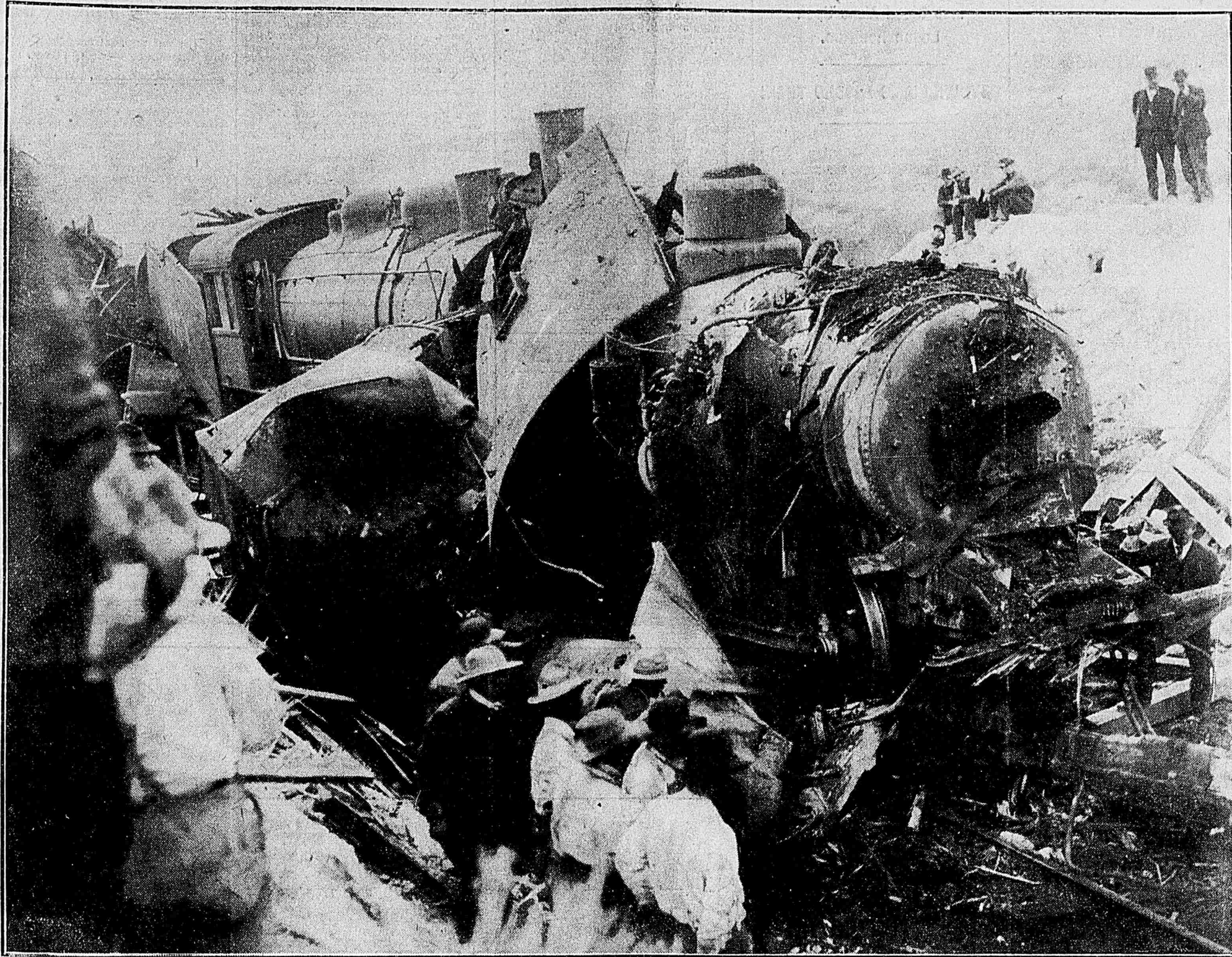


PHOTO BY H. LEE JELLYUM, AMERICAN FORK.

Eastbound Engine in Background From Under Which Engineer M'Alcer's Dead Body Was Taken.

BODY OF DEAD ENGINEER FOUND

T. J. Loftis Was Killed Beside His Engine and Buried Under Car of Coal.

COMRADES GO TO THE SCENE

Party of 26 B. L. E. Leave Salt Lake To Assist in the Search This Morning.

(Special to the "News.")
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Buletin, Jordan Narrows, Oct. 15, 2 p. m.—The body of Engineer Loftis was recovered from the debris of Wednesday's wreck a few minutes after noon today. His face is so badly battered that it is almost impossible to recognize him, otherwise, however, he is apparently without injury. The frontal portion of his skull is so crushed that it is thought concussion of the brain was the cause of death.

The discovery of the body was made by a party of railroad men who arrived here this morning from Salt Lake City, convinced that Loftis had not sought the hills, but that his body would be found in the wreckage. Lying buried under a pile of debris and coal, the body was dug out within an hour after the search began.

The failure to locate the body sooner was probably caused by the fact that the search was made on the right side of Loftis' engine, while it is now proved beyond a doubt that in jumping from the train he did so from the fireman's side of his cab.

Shortly after the body was found, it was placed upon a special train to be brought to Salt Lake. The railroad men's organization is assuming charge of the body and will convey it to Hall's undertaking establishment as soon as it arrives in Salt Lake.

This morning a party of 26 engineers and firemen left Salt Lake for the scene of the wreck under the direction of Division 713 Brotherhood of Locomotive Engineers, under Asst. Chief Engineer F. W. Wilson, acting for Chief Engineer Bywater who was not able to be present to head the party. Before leaving the searching party left a signed statement for publication. It is as follows:

"We will remove every piece of timber and coal until we find the body and when found, we wish to let the public know that the Brotherhood of Locomotive Engineers is not made up of men who, if through an error in judgment, will go to the hills and hide but of men who are ever ready to bear their responsibility.

"We, as engineers, do firmly believe that the body is still under the wreckage. If he is not found there, but is in the hills, he is mentally

disabled or dead. With time and your assistance we will find him."
(Signed)—F. W. Wilson, Fred Cowan and C. A. Conner, Committee of engineers in charge of searching party.

MILLION DOLLAR FIRE IN CHICAGO

Chicago, Oct. 15.—Property valued at almost \$1,000,000 was destroyed early today by a fire which consumed the International Salt company's docks, the offices of the Elgin Joliet & Eastern railway and 60 freight cars at One Hundred and Third street and Calumet river. The flames for a time threatened two big grain steamers and a lumber elevator, which it is said contained more than 1,000,000 bushels of corn. The freighters were towed away and firemen were engaged for an hour protecting the elevator. It was rumored that the fire started from sparks from a passing locomotive, but railroad officials declare that no engines were in the neighborhood at the time.

WASHINGTON BALL PLAYERS BARN STORMING

Chicago, Oct. 15.—Action of the cases of players of the Washington American league team who took part in a barn storming trip hereabouts this fall probably will be taken by the national commission to be held in this city tomorrow. At the same time a petition from Chicago baseball patrons calling for an investigation of the sale of tickets for the recent world's series games will be considered.

AFFIDAVIT ON A DYNAMITE OUTRAGE

Sheridan, Wyo., Oct. 15.—Details of an affidavit said to have been made by A. S. Burroughs relative to a dynamite outrage at Baker City, Or., about two years ago, are made public today. Burroughs, it is said, swears that Ed Misener placed a bomb at the gate of the residence of Sheriff Harry K. Brown, No. 312 Third street, and that it exploded as Brown was passing through the gate at 9:30 o'clock in the evening, killing the officer. Burroughs, according to the alleged affidavit, says he was an eye-witness to the crime, and that Misener was a member of the Western Federation of Miners. The sheriff at Baker City has been notified by telegraph of the alleged confession, and that Burroughs is held pending instructions from him.

TO RECOVERY USURY.

Ernest E. Hart Sued for Sum of \$17,194.

Council Bluffs, Ia., Oct. 15.—Suit was yesterday brought against Ernest E. Hart, Republican national committee man for Iowa, and president of the First National bank of this city, by Edward G. Gilbert, former city alderman and prominent business man to recover of \$17,194, which Gilbert alleges Hart owes him as a result of the usury law. Gilbert alleges he paid Hart \$5,597 usury on a loan of \$13,339, and that under the federal laws regulating national banks Hart and his bank are liable for twice the amount collected. Gilbert also sues for \$25,000 damages for alleged defamation of character.

Gilbert in his petition sets up that the notes by which Hart collected the large sum were made to Hart personally instead of the bank in order to evade the penalty of the banking law. Hart declined to make any statement with reference to the suit.

"AMERICANS" SEEK WRIT OF MANDATE

Would Compel Secretary of State Or Certify "Taft-Liberal" Ticket.

ELECTORS HAVE RESIGNED.

Republicans Tender Withdrawals In Similar Letters—Claim Voters Are Denied Vote for President.

Affidavits for a writ of mandate were filed in the supreme court today, the affiants being the State of Utah ex rel William J. Barrette, R. E. Plough and Charles A. Weaver, the same being directed against Charles S. Tingey as secretary of the State of Utah. The cause was instituted for the purpose of compelling, if possible, Secretary Tingey to certify to the respective county clerks of this state what is known as the "Taft Liberal Ticket." The writ is made returnable on Monday next, at 10 o'clock.

The affidavits are of considerable length, and among other things it is set forth that the "Taft Liberal Ticket" was filed with the secretary of state Oct. 3, a petition accompanying the request for filing having been signed by 600 qualified voters. Attention is then drawn to three certain papers filed with the secretary of state Oct. 3, wherein Thomas Sevy, Lafayette Holbrook and Henry Cohn severally decline the nomination as contained in the "Taft Liberal Ticket." It is stated that the secretary of state refuses to certify to the electors on the "Taft Liberal Ticket," which refusal deprives a number of qualified conditions. Depositions pray that the secretary of state be commanded by a writ of mandate to make the required certification to the respective county clerks. The letter from Messrs. Sevy, Holbrook and Cohn declining nomination on the "Taft Liberal Ticket" are identical, each one reading as follows: Hon. C. S. Tingey, Secretary of State, Having been nominated by certain voters residing within the State of Utah, and affiliating under the political name of "Taft Liberal Ticket," by a certificate of nomination filed in your office Oct. 3, 1908, for the office of presidential electors to vote for president and vice president of the United States, I hereby notify you that I decline such nomination by such voters on said "Taft Liberal Ticket," nothing herein contained, however, shall be construed as a declaration of my nomination for presidential elector to vote for president and vice president of the United States heretofore made by the Utah Republican state convention on Sept. 15, 1908, while said last named nomination I hereby expressly accept.

WHY REGISTRATION IS LIGHT IN NEW YORK

New York, Oct. 15.—A lack of enthusiasm, over confidence and other reasons have been given for the falling off in registration in New York, but steamship men and those who have to do with foreign banking in a small way

declare that a large percentage of the falling off can be accounted for by the thousands of foreign born who have left this side of the Atlantic since the beginning of the year. Many of those who have sailed are entitled to vote here and they have not forfeited their citizenship nor will they remain on the other side. They have simply gone to their home land where savings will last longer, intending to come back with the first passage of the word that work is again plentiful in this country.

The eastward movement in second cabin passengers has been brisk since the beginning of the year, with the outlook in storage unusually heavy. Since Jan. 1, 557,406 storage passengers have sailed from New York alone, while during the same period in 1907, only 203,705 left, showing an increase of 243,701 persons.

Under normal conditions there should have been an increase in registration in the boroughs instead of a 6,000 falling off. So those who are ever watchful of theebb and flow of transit traffic travel, believe that this decrease can be accounted for from the going out of the country of voters, especially of Italians and Greeks.

BLACK HAND AGENTS TRAPPED AND ARRESTED

Monessen, Pa., Oct. 15.—Frank Cassini, a well-to-do Italian, received a Black Hand letter ordering him to meet an agent of the society last night and pay him \$500, refusal to be followed by death. Cassini went to the meeting place but two policemen concealed nearby arrested the agent. Three other Italians tried to rescue the agent and drew safety revolvers which failed to discharge because the men did not know how to operate them. A hand-to-hand fight followed in which the police won.

Six revolvers, two razors, several stiletos and brass knuckles were found on the quartet.

MINDOKA PROJECT.

Hundred Sixty-Five Thousand Acres Of Land Withdrawn for its Use.

(Special to the "News.")

Washington, D. C., Oct. 15.—The secretary of the interior has withdrawn from all forms of disposition whatever under the public land laws 15,000 acres of land for use in connection with the Mindoka irrigation project, Idaho. These lands lie in townships 7, 8 and 9 south, ranges 15, 16 and 17 east, Boise meridian.

AN AEROPLANE FAILURE.

Cody's Machine Rises Twenty Feet Then Tumbles to Ground.

Aldershot, Eng., Oct. 15.—Capt. F. Cody, the American aviator, who has spent several years in the British service in charge of the kite section of the army, made an attempt today at a night in his army aeroplane. After reaching a height of 20 feet, however, the machine fell to the ground and was wrecked. Capt. Cody escaped uninjured.

GERMAN BALLOONS GIVEN UP FOR LOST

Berlin, Oct. 15.—The German balloons Plauen and Hergesell, which left here last Monday in an endurance contest with 27 other competitors, have not been reported and the Aero club committee is convinced that they had been lost at sea. The other balloons all have been accounted for. The Plauen was piloted by Herr Hacketter and the Hergesell was in charge of P. T. Frotscher. Both airships were of comparatively small capacity. The Hergesell measured 15 and 1.50 and the Plauen, 1.55 cubic feet.

FOREST FIRE RELIEF TRAIN

One Bound for Metz, Mich., to Aid Sufferers Was Burned Up.

SEVENTEEN PERSONS DEAD.

Sixteen Skeletons Found in Burned Wreck of a Gondola Car.

Details Are Meager and More May Have Perished—Report Were 150 or 200 on Ill-Fated Train.

Alpena, Mich., Oct. 15.—Nearly a score of refugees from the fire-swept village of Metz, 25 miles north of this city on the Detroit & Mackinac railway, are known to have been burned to death between Metz and the village of Posen last night, when their relief train was wrecked by a burned out culvert. Details are lacking and reports are coming in very slowly as a result of the destruction of wires and poles by the fierce forest fires, but it was known from Millersburg at noon that 15 burned skulls had been found in the ruins of the destroyed relief train and that the fireman was burned to death in the water tank of his locomotive, where he had taken refuge.

It is not definitely known how many persons were aboard the relief train when it left Metz last night, nor whether any of the refugees except the two firemen who had arrived at Posen, escaped with their lives. The information received from Millersburg at noon told only that the skulls had been found in the wreck of the gondola car. Kinville and Engineer Foster escaped from the burning train by crawling along the track on their hands and knees with the forests on either side roaring furnaces.

Kinville is reported to be blind from his burns, but Foster is understood to be not seriously injured.

THE FOREST FIRES.

There are vague rumors also that others escaped with the two trainmen, but up to noon they can neither be confirmed nor denied.

The forest fires above Alpena in Presque Isle county suddenly became threatening again yesterday after it was thought that the heavy rains early in the month had extinguished them. They spread rapidly and were soon menacing a number of towns along the line of the Detroit & Mackinac railway. The village of Metz, with 100 inhabitants, was one of them. Its situation became acutely dangerous last night.

The Detroit & Mackinac railroad sent in a relief train of box cars, household goods and store stocks were loaded in some of the cars and people filled the others. How many were taken aboard is not known. It is half known whether any of the farmers from outlying points had come into Metz seeking refuge from the flames. If this is the case there may have been more people on the wrecked relief train than the inhabitants of the little village could have furnished.

TRAIN PULLS OUT.

With its load of frightened men, women and children, the train pulled out of Metz about midnight, it is understood, and started for the north. There were flames ahead, and on both sides and the road of the burning woods rose above the sound of the engine. The train proceeded toward the north as the flames advanced toward Metz and Millersburg. There the flames were sweeping across the track so fiercely as to make further progress in this direction impossible.

The train was immediately headed toward the south and Alpena. The necessity for returning again into the flame-ridden section from which they had been fleeing was owing to the fact that the passengers aboard the ill-fated exterminator relief train. As they were rushing through the fire and smoke, the train struck a culvert which had been burned through. It left the rails and plied into the ditch, according to the meager reports received through the two trainmen who escaped.

SCENES OF HORROR.

What scenes of horror must have followed when the terror-stricken refugees found themselves helpless amid the fire from which they had been fleeing, are not yet known from the lips of any survivor. Conductor Kinville and Engineer Foster managed to crawl into Posen early this morning on their hands and knees, both badly burned. Kinville is reported to be blinded by his burns. No story has been obtained from the trainmen owing to lack of wires. Only the bare report that they are alive and in the village has come out.

From Millersburg about noon came the first positive confirmation of the fate of at least part of the train's passengers. It was but a brief statement. It said that 15 burned skulls had been found in the ruins of a gondola car which made up part of the train and that the body of Fireman Lee had been found in the water tank of the engine where he had taken refuge. He had perished. The report also said that Mrs. Cleora of Metz and three of her children were among the dead. That is all which the anxious newspaper men and railroad officials were able to get. Millersburg added grimly that most of the skulls were thought to be those of women and children.

METZ'S FATE.

Wires are down in many places through the country and it may be several hours before anything additional can be learned from Millersburg. Nothing has yet come from the north as to the fate of the village of Metz. It is thought to be more than possible that the village was lost. The flames have completed the work of destruction which had begun when the last report was received. It is thought possible that there may have been only women and children and helpless persons placed aboard the relief train which met such a horrible fate and that some at least of the strong men of the hamlet may have stayed behind to fight for their homes.

THE LOSS OF LIFE.

Detroit, Oct. 15.—A report received in this city at 9:15 a. m. says it is reported at East Tawas that the loss of life by the burning of the Metz relief train may reach 200.

A dispatch to the Journal from Millersburg about 20 miles north of Metz, states that 17 persons were burned to death with the Metz relief train and that 15 skeletons have been found in the burned wreck of a gondola car which made up part of the relief train.

The dispatcher of the Detroit &