April DESERET EVENING NEWS. Two or three simple statements of fact-in a want ad.-may change and enlarge the whole outlook for Half a dozen lines of tpye may be the link between you and something you want. TRUTH AND LIBERTY. 10 PAGES-LAST EDITION THURSDAY JANUARY 3 1907 SALT LAKE CITY UTAH FIFTY-SIXTH YEAR well of the Ogden high school on "A Plan for Intercommunication Work;" J. A. Smith on "Some Things I Do and Some Things I do Not Do," F. W. Ot-terstrom on "Results in Shorthand;55 Katherine McCrory on "Typewriting," and T. B. Smith of the B. Y. U. at Provo on "Relative Value of the Four-year Business Course Compared with Other Four-year Courses." Following the lecture this afternoon a small delegation planned to visit the Hermitage in Ogden canyon as guests of Supt. Allison. In the party are Prof. Cooley, Principal Eaton, Miss Arnold, Miss Pollock, Secretary Gillifian and wife, and the representative of the "News." Another party is being made up to visit the state deaf and dumb in-stitution, and still another is going out over the famous Lucin cut-off. This afternoon there are in prepara-tion a number of resolutions which will be offered at the business meeting to-morrow afternoon. At a grammar department meeting this morning J. S. Welch of Salt Lake "LIMITEDS" MEET ALLEGED COAL STANDARD OIL Judge Landis, "to enforce the will Judge Landis, "to enforce the will of Congress as expressed in the written enactment. In the ascertainment of that will, I am not at liberty to ignore the ultimate object of the law. That object was the establishment of uni-form ralipoad rates, reasonable in amount. The former law had failed to accomplish this and was, therefore, strengthened. Instead of being wiped off the books as having served its pur-pose, additional and severe liabilities **BANCROFT WRITES** ENTHUSIASM IN DEMURRER LOST AN OPEN LETTER LAND FRAUDS AT BRULE STATION OGDEN TODAY off the books as having served its pur-pose, additional and severe liabilities were created, and more drastic reme-dies and penalties authorized. For the offense with which the defendant stands charged, the preceding Elkins law prescribed punchment only by fine. The view entertained by the pres-ent Congress respecting this offense finds expression in the provision auth-orizing the additional penalty of im-prisonment in the penitentiary. And the court is asked to hold that this same Congress deliberately intended to pardon all unindicted prior offenderso whose conduct it was, more than all other causes combined, that moved Congress to enact the rigid and far-reaching measure of June 25." REPEAL OF STATUTE. E. W. Hastings of New York and Utah Teachers Scatter Over the House Committee on Public Judge Landis Rules Against it on Sets Forth History of Present G. Haskins Killed-Twenty **Eight Indictments and** Lands Has Taken up the **City to Attend Departmental Controversy Between Big** Passengers Hurt. For it on Two. Matter. Railroad Unions. Meetings. HONEYMOON'S TRAGIC END. UTAH VERY MUCH INTERESTED LATTER SIMPLY TECHNICAL. THEN RALLY AT OPERA HOUSE. AUTHORITY IS IN DOUBT. morrow atternoon. At a grammar department meeting this morning J. S. Welch of Salt Lake was appointed president and S. P. Eg-gertson of Provo, secretary. Los Angeles and Overland Fliers Col-Where Feature Was an Address State Said to Have Got Them as Charges Against Company Are Viola-**Trouble is Not Between Railroads** lide in Snowstorm-Accident Could tion of Section 1 of the El-By Miss Sarah Louise Arnold Agricultural and Sold Them And Their Employes Clearly WILL ASK FOR \$50,000 REPEAL OF STATUTE WILL ASK FOR \$50,000. The legislature will be asked by the teachers' convention now in session to make an appropriation of \$50,000 for the providing of a school for the training of children who are mentally weak or backward in their studies. The insti-tution would be, not of a punitive na-ture, but entirely in the way of remedy for defects found in the youthful mind. A committee has been named to draft a suitable resolution to be passed upon by the convention before it adjourns, consisting of the following, Dr. Brown Ewing, of Salt Lake; G. M. Muniford, of Murray, and L. S. Cardon, of Logan. THIS AFTERNOON'S SESSION. Not be Prevented. kins Law. "My opinion is that, whereas at com-mon law, the repeal of a penal statute extinguished all penalties for offenses against its provisions in the absence of an express saving clause, under sec-tion 12 the recent of a penal statute As Coal Lands. Of Boston. Shown in Statement. Omaha, Jan. 3 .- Union Pacific over-Chicago, Jan. 3 .- Judge Landis in the land limited and Los Angeles limited United States district court, today overtrains No. 2 and No. 8, both bound All Are Working Hard But Are Find-In Wyoming and the Dakotas They tion 13, the repeal of a penal statute extinguishes no such penalties in the absence of any express extinguishing clause, which the rate law does not extend the the rate law does not ruled the demurrer of the Standard Oil Hannahan's Game Exposed in Effort for this city, collided last night at ing Time to Take a Few Pleas-Cannot be Sold for Less Than company to eight indictments pending To Force Universal Walkout on Brule station, 20 miles west of North against that corporation, but sustained \$10 an Acre. The Harriman Lines. ure Jaunts. Platte in a blinding snowstorm. The the demurrer as to two other indict-

EGGERTSON BOOM STARTS.

Utah County Superintendent Has Following for President.

(Special to the "News.") Ogden, Jan. 3 .- This afternoon a decided boom in favor of L. E. Eggertson for president is being developed. Mr. Eggertson is superintendent of Utah county schools, and the arguments used in his favor are that it is now the turn of a county superintendent to hold the office of president. It has already been held by the head of the state university, by the president of the Agricultural college and by the principal of the Salt Lake high school.

learn

There is also a strong sentiment prevailing among many of the delegates in favor of the reelection of the present incumbent, Prof. George A. Eaton.

(Special to the "News.")

Ogden, Jan. 3 .-- Over 2,000 people crowded into the Grand Opera House this afternoon at the second general session of the thirteenth annual convention of the Utah Teachers' association. The feature of the afternoon is a speech by Miss Sarah Louise Arnold, dean of Simmons college, Boston, on the subject, "General Problems of the subject, "Ge School Discipline.

School Discipline." School Discipline." Following the address it is planned to run a big excursion of visiting teach-ers over the Lucin cut-off, the train to return in time for the evening lecture by Supt. Cooley of the Chicago schools, who is another prominent guest of the convention. One distinctive feature of the pro-grams so far has been the music. It has been arranged under the direction of Squire Coop and visitors and teach-ers alike have joined in praising it. At the meeting of the high school section yesterday afternoon Squire Coop was the meeting of the high school section yesterday afternoon Squire Coop was praised by Supt. Cooley for the musical program, and he was advised to seek wider fields than Utah affords for the development of his opportunities.

BUSY THIS MORNING. This morning was taken up in de-



tive and nine cars were derailed About 20 passengers were injured, none of them seriously. The injured were cared for on the train.

THE MAKING OF PRIGS.

THE MAKING OF PRIGS. The point was emphasized that the teacher must constantly look when en-forcing discipline, beyond the school room to a period when her student be-comes a citizen, with duties and re-sponsibilities to the state. A number of practises common in the schoolroom were treated with reference to effective-ness of forces making for discipline. The practise of appointing monitors during the teacher's absence was severely condemned. "The monitor watches for misdemeanors," said Miss Arnold, "and reports them when the watches for misdemeanors," said Miss Arnold, "and reports them when the teacher returns, and the offender is punished. The monitor becomes a lit-tle prig, who will never be wanted any-where, the heart of the offender is filled with hatred, and he gets even for it, while the whole school forms an idea that sin lies in being found out and re-ported, and not in the misdemeanor. In other words, they are to behave when they are watched, and are not supposed to be good on other terms."

"HEAD OF CLASS" DEPLORED. With equal severity, the habit of placing children at the head or foot of

Julius Burmeister, aged 33. Davenport, 13. William T. Miller, Soldler, Kan. Albert Line, colored porter, Topeka, Frank Sayre, New Loudon, Mo. W. H. Osgood of Mitchell, Ia. Twenty-five Mexican laborers. There are 12 seriously injured in the hospital here. Some of these may die, Most of the slightly injured have already left the city. At Alma today the coroner's inquest over the victims was begun and John Lynnes, the boy telegraph operator, who is blamed for the collision, was the prin-cipal witness. The remains of two charred and burned bodies were brought into Alma last night and these were presented to the jury. Most cf them are the remains of Mexi-cans, but it is impossible to identify any of them. They will be burled at Alma af-ter they have been viewed by the coro-ner's jury. ner's jury

OFFICIAL STATEMENT ON ROCK ISLAND WRECK.

Topeka, Kan., Jan. 3.—The Rock Island officials here today insisted that but 30 persons were killed and 30 others seri-ously injured in the collision of two fast passenger trains on that road yesterday, near Alma, Kan. The officials declare that the statement attributed to the con-ductor of train No. 23, that he had tick-ets for 76 Moxicans, is a mistake. They assert that at the most there were not over 35 Mexicans aboard the ill-faleu train.

The known dead are: Julius Burmelster, aged 33, Davenport,

(Special to the "News.") Washington, D. C., Jan, 3.-Maj. John F. Lacey, chairman of the public lands committee of the house, was in conference with Secy, Hitchcock relative to the coal lands of the United States and alleged frauds growing out of their occupancy by railroads and other holding companies.

defendant obtained the transportation of its property by various railway com-patiles at rates less than those named in the carriers' published schedules. The offenses are alleged to have been committed prior to the enactment of the law approved June 29, 1906, known as the rate law. The indictments were returned Aug. 27, 1906." "The first thing in matters of legislation is to get actual facts," said Maj. Lacev.

"The committee on public lands of the The court ruled against the defend-ant's contention that the Elkins law was enacted really to prohibit the em-ployment of indirect methods to obtain preferential rates, it being the defend-ant's contention that it was not a vio-lation of the law if a ruleway company house has taken up the subject of the president's message on the coal lands question and has taken considerable testimony. They will resume hearings Secy. Hitchcock has been invited to appear at that time.

"The evidence taken thus far deals with the subject of procuring of coal lands by the State of Utah as agricultural lands and then selling the same as coal lands at \$2.50 an acre.

ant's contention that it was not a vio-lation of the law if a railway company dealing directly with a shipper, gave that shipper a cut rate. The court also ruled against the de-fendant's claim that the provision of the Elkins law required shippers to ad-here to a published rate was void as be-ing against that provision of the inter-state commerce law which required car-riers to transport property for a reason-able rate, the court holding that car-riers and shippers were both required to adhere to the published rate until such rate was publicly changed in the manner provided by law. The court further ruled against the defendant's contention that the indict-ments were bad because the interstate commerce law did not require railway. "The United States government sells coal lands at less than \$10 an acre, when more than 15 miles from a railroad and not less than \$20 an acre if less than 15 miles from a railroad. This price has been high enough to cause the land to be taken very slowly for coal. Only about 44,000 acres of coal land were enetered in the whole United States last year and it has averaged not over 30,000 acres a year the last

six years. "Coal land, it appears, is secured in this roundabout way, through state selection not under the coal land law, but to avoid the payment of the high price fixed at \$10 and \$20 an acre under the

coal land laws. 'In Wyoming and the Dakotas state land cannot be sold at less than \$10 an acre under the terms of the grant to that state, so that there is no profit in getting the state to select land to sell to coal purchasers, because it would

was not operative upon consignees holding that in respect to such terminal still be not less than \$10 an acre. "If there are 64,000,000 acres of govcharges, inasmuch as the consignor would have but little if any interest in the question, the law plainly was in-tended to be binding on consignees. The ernment coal lands in the United States, as suggested by the late order of withdrawal, it can readily be seen that at 30,000 or 40,000 acres a year, it would take a long time to make much impression on it. "But there have been entries made

under other laws so as to avoid the coal land laws. The evasion of the coal land laws seems to have been ac-complished in various ways. The committee is seeking to get at the bottom facts."

ments because of technical defects.

contain; that the so-called saving ciause in section 10 was inserted for the sole purpose of differently prescrib-ing the rule of procedure that should control the prosecution of causes then control the prosecution of causes then pending in various stages in the courts, thus avoiding the confusion and con-troversy which, as experience has shown, must otherwise have resulted." The court overruled the demurrer to eight of the indemnational strathest it as to two on technical grounds it as to two on technical grounds

WARRANT IS OUT FOR JUDGE BROWN

The spectacle of the judge of the juvenile court appearing before Judge C. B. Diehl on a criminal charge-

that of keeping a vicious dog-is among the probabilities in police circles. A complaint to the effect stated, has been drawn up, sworn to, and a warrant for the arrest of Judge Brown his been issued, but not served. The warrant

may not be served, that is, if Brown kills the dog, but if he fails to satisfy the complainant, Asst. Cit. Atty. P. J. Daly will do his duty, and order the warrant served. But whether there is any criminal prosecution or not, there is a good chance that a civil action against Judge Brown will be taker, and dam-

Judge Brown will be taker, and dam-ages asked for from the court. The complainant is a well known con-tractor. Peter Marron, and he has sworn that a dog owned by the genius loci of the juvenile court attacked one of the Marron children, a boy, and bit him severely. Mr. Marron insists that the dog be killed, but Judge Brown is inclined to take a different view of the matter.

inclined to take a different view of the matter. The trouble was explained to Prose-cutor Daly and the latter did the only thing for aim to do issued a com-plaint. But, before the warrant was served he communicated with Brown and in substance stated that the dog should be disposed of, and that the matter was up to the boss of the juve-nile court. It is understood that the owner of the dog has agreed to see the father of the

dog has agreed to see the father of the child alleged to bave been injured, and take some action which will be saus-factory to all concerned.

ompany.

Briefly stated, the facts leading up to and contributing to, if not entirely causing the present conditions, are as follows: An agreement was entered

Firemen, that, unless the demands of the firemen, that, unless the demands of the firemen are complied with, the strike will be extended to the rest of the Harriman lines, it is at this time deemed desirable to call attention to some facts concerning the matter, not perhaps generally known, and so far as observed, not heretofore called to pub-lic attention by the press. The threat of Mr. Hannahan means that although the firemen of the other system lines have no present difference with their employers and are not a par-ty to the controversy between the fire-men of the Atlantic system lines, yet because of the power he is able to exert as head of the firemen's organization, he proposes to extend the strike to oth-er lines and other individuals as a he proposes to extend the strike to oth-er lines and other individuals as a means of enforcing demands that are not a matter of difference at all to those who will in this way suffer and bring untold hardship, inconvenience and loss upon innocent parties. Be-lieving in the honesty, honor, loyalty and fairness of the great body of raff-way men and workmen, it is the con-viction that with full knowledge of the facts, they will not be made a party to such action, and that public sentiment and state and government officials will not approve or support such procedure, the following statement is presented.

W. H. Baucroft, vice president and

general manager of the Oregon Short

Line Railroad company, has issued a

statement setting forth certain facts

pertaining to the firemen's strike on

the Atlantic system, and the recent

statements made by John J. Hannahan,

grand chief of the Brotherhood of Loco-

This statement follows in its entirety:

In view of the widespread newspaper attention that has been given to the strike of the locomotive firemen on the Atlantic system lines of the Southern Pacific company and the

Pacific company, and the published threat of Mr. John J. Hannahan, grand chief of the Brotherhood of Locomotivo Firemen, that, unless the demands of

Salt Lake City, Jan. 3, 1907.

motive Firemen.

THE LINES AFFECTED.

The lines now affected by the strike and constituting the Atlantic System Lines are:

Morgan's Louisiana & Texas Railroad Steamship company. Iberia and Vermiliion Railroad company

Louisiana Western Railroad company. Texas and New Orleans Railroad

CAUSE OF PRESENT STATUS.

partmental meetings, following those held yesterday afternoon. The meet-ings were all called at 9:30 o'clock, and met at the various churches and other halls. The departments represented

halls. The departments represented were kindergarten, grammar, school board, music, elocution and physical education, and business. In each of these section meetings dis-cussions of an infomal nature followed the reading of set papers, and an elec-tion of officers was held for next year. KINDERGARTEN SECTION.

The Kindergarten section met in the First Congregational church, and lis-tened to papers by Miss Elmina Taylor on "Kindergarten Occupations," Miss Emily Rossberg on "The Use of Froe-bel's Gifts," Miss Fox, on "Songs and Games" Miss Ida Dusenberry on "Kin-dergarten Program," and Miss Morris on "Kindergarten Stories,"

GRAMMARIANS GATHER.

The grammar section assembled in the Methodist Episcopal church. B. W. Ashton was in charge, with E. S. Sheets as secretary. The following program was carried out:

Was carried out: "Concertation of Reading and Lang-guage in Grammar Grades," by Miss Rosalic Pollock of Salt Lake; "Use and Abuse of the Text Book" by Oscar Van Cott, principal of the Wasatch school; "Preparation in English for the High School" by Ella M. Dukes of Salt Lake; "Fundamentals a Teacher Should Know" by Principal F. D. Keeler of the Webster school, Salt Lake. The pa-pers were each limited to 15 minutes and an informal discussion followed each.

The school board section met at the Weber club. D. W. Moffat of the Mur-ray school board, talked of the organ-ization of the schools on the county board plan. State Supt. A. C. Nelson discussed the question: "Should Super-visors be Employed in Schools Outside of the Cities?"

MUSICIANS AT CHURCH.

HUSICIANS AT CHURCH. An interesting program was that en-foyed by the members of the music section, which met in the First Pres-byterian church. Prof. William Wetzell of Sait Lake presided, and the program consisted of the informal discussion of a number of topics, among them being: "Is the Music Instruction in the Pub-lie Schools of Advantage to the Studio Teacher?" "When Do Children Have an Accu-rate Working Knowledge of the Ton-ality of the Scale?" "What Incentives Shall We Offer to Children to Study Music?" "The School Choir and the School Or-thestra."

the school Choir and the School Or-thesira." The papers and discussions were siven by Prof. Ballantyne and Prof. Coop of Ogden; Prof. Thatcher of Lo-kan: Prof. Lund of Provo; Superinten-dent Boshard of Provo; Supervisor Roylance of Springville; Supervisor Themas of Logan. The Carnegie library building was the meeting place of the elocution and phycial education section. Dr. E. G. Gowans presided, and the topics dis-cussed were "What Can the Public Child, by fer the Physically Defective Child, by E. J. Milne of the Latter-day Saints' university, and "The Child and its Need." on which topic many of those present spoke.

the class for good or bad behavior was condemned. "It is a mistake," she said, "to think that this seeds the children on the path of knowledge. It really makes the dull ones indifferent and makes the good ones stupidly proud of every little achievement."

every little achievement." Self-control was then taken as the great object of good school discipline. "True discipline," she said, "can teach self-control. Arbitrary discipline weak-ens and defeats this power. It is one only through wisely directed choice. In the school where self-government has been encouraged, the pupils have be-come faithful to responsibility. True harmony can only come through wise, patient and faithful discipline."

LIST OF JURORS.

Names of Those Drawn to Serve in the District Court.

The list of jurors who will serve in the district court in this county during the January term of court, follows in full:

GEORGE G. ARMSTRONG, JUDGE. Joseph H. Graham, Phillip Neder, William H. Jack, Herman Campbel, David E. Jones, John J. Schulter, Jo-seph L. Perkes, Frank E. Browning, John H. Berryman, Jacob A. Green-wald, William Love, Willard Draper, Peter Adamson, Samuel Atwood, Thom-as Brimley, Henry F. Fernstrom, Ed-win Brown, Charles Nutting, Carl B. Lollin, John H. Smith, John R. Cush-ing, John Hall, Royal Bateman, Fred D. Jaynes. Edwin S. Elder, John W. Moorehouse, William J. Husbands, Al-bert Isom, David Hogan, John Allen, Andrew Joynt, John N. Pike, Frank Godbe, Daniel B. McBride, Martin Na-del, John P. Pebrson, Phillip J. Stone, Edward Atkin, Charles P. Loback, Wil-liam P. Nebeker, Moritz J. Friedman, Amond F. Rundquist, J. H. Vincent, Daniel B. Richards, Samuel F. Tucker, John H. Walker, John J. Hill, Lorenzo Williams, William Henry Hill, Patrick GEORGE G. ARMSTRONG, JUDGE.

Williams, William Henry Hill, Patrick R. Ferguson.

MORRIS L. RITCHIE, JUDGE.

MORRIS L. RITCHIE, JUDGE. John G. Midgley, Samuel S. Pond, Jr., John E. Adam, Isaac Langston, Jr., Al-baroni H. Woolley, Thomas S. Kinners-ley, Herbert B. Cromer, Edwin H. Rushton, William Pow, George T. Palmer, Hyrum T. Marcroft, Benjamin F. Fitzgerald, John Huebler, William B. LaVille, Osbourne T. Angell, A. C. Reld, Edward T. Taylor, Philo T. Farnsworth, Louis Berets, Alexander Gemmel, George Kendall, John H. Woodmansee, Harry Bowen, Albert Rushton, Frank E. Wilson, Amos L. Fuller, H. H. Husbands, Julius Gauer, D. T. Powell, R. H. Eardley, Arthur Silver, H. C. Parker, Ernest Dudler, John Newbold, James F. Keith, John W. White, Andrew Gray, Henry G. Mc-Millan, Thomas M. Alsop, Melvin C. Morris, W. A. Aubrey, William Keysor, P. J. Kilcullen, Alfred W. Peterson, Al-bert Shaw, Thomas R. Parry, Joseph A. Silver, John G. Felt, David R. Brown, Timothy Spray. Timothy Spray.

THOMAS D. LEWIS, JUDGE.

School Do for the Physically Defective Saints' university, and "The Child and Its Need." on which topic many of those present spoke.
PENMANSHIP THE THEME.
O. J. Stilwell presided over the busi-tessembly room. C. E. Carton spoke on "Two or Three Innovations Which I L. D. S. U. on "How Should the Start Ex Made in Bookkeeping?" O. J. StilTHOMAS D. LEWIS, JUDGE.
Jesse C. Little, Lewis B. Coates, Jo-seph H. Davis, Thomas W. Mathews, Luke Golightly, L. U. Colbath, Henry L. A. Culmer, George A. Dixon, David McKendrick, James W. Ure, Andrew Grunford, William R. Gedge, John C. Vigilin, R. S. Wimmer, Eugene H. Can-non, Mark Reedall, Thomas Kane, John A. West, George Mavor, James M. Fisher, Jr., Ernest M. Cummings, J. M. Luce, Jr., Edwin M. East. Thomas E. Harper, David A. Neslen, William J. Yard, David H. Cook, Rolland D. Hem-phrey, Harry L. Finch, Julius Meyer.

HARRIMAN OPERATED ON. **Operation Said to Have Been Entirely**

Successful.

New York, Jan. 3.-Edward H. Harri-man, who has been contined to his home at Arden for about a week, returned to his town house yesterday. It is expected that he will be down town tomerrow. Mr. Harriman's recent indisposition caused him to undergo a light operation Monday. It was said to have been entirely success-ful.



New York, Jan. 3.-A cable dispatch to the American reports that the Japanese government has bought large quantities of cordite in London which are being shipped to Japan as rapidly as the manu-facturers can deliver it. It is stated that Japan is merely replenishing her reserve of explosives which was exhausted by the war.

PROF. BENNDOFF DEAD.

Vienna, Jan. 8.-Prof. Benndoff, the archeologist, is dead. He was noted for his discoveries of antiquities in Ephesus.

AGED NEGRO MURDERED.

San Francisco, Jan. 3.—Frank Smith, an aged nego cement worker, was found dead on the floor of his cabin in Lobes Square last night with a deep wound over his right eye. Henry Jones, also a negro, refugee of the same camp, is held at the Bush street police station on suspicion and detectives are searching for the other occupants of the cabin. The police believe that Smith was murdered.

A TELEPHONE MERGER.

San Francisco, Jan. 3.—Announcement is made that the Pacific States Telephone and Telegraph company and the Sunset Telephone and Telegraph company nave been merged into one company, and that their various properties and systems, reaching every part of the Pacific slope, will be taken over by a merger company called the Pacific Telephone and Tele-graph company. The consolidated stock has been capitalized at \$0,800,000 of the there will be \$22,000,000 in preferred stock and \$18,000,000 in common stock. Vast expenditures and improvements are planned.

planned. While the merger has been in contem-plation for some time, it was only yester-day that the details were completed. The-shareholders of the old companies met, and by vote, ordered the change.

JAP SHIPPERS FAVORED.

New Chwang, Jan. 3.-Japanese ship-pers over the Manchurian railway, re-ceive 100 per cent ... aper rates than these of other nationalities.

HEAVY STORM DUE.

Weather Office Has One Scheduled Tonight From the Northwest.

There is a heavy storm approaching from the northwest, and which will be due here tonight, as the high barometric area that promised to cover this re-gion today, has been shoved to one side by the stronger currents to the north of ft. Colder weather is also due in this latitude tomorrow. The mercury in the north continues very low, regis-tering 30 below zero last night at Swift Current. Current.



They Get \$28,000 From Sales of Timber Under Act of March 3, 1905.

VERY HIGH PRICES PAID.

Last Sale of Green Timber Was Made At \$5.50 Per Thousand Feet.

(Special to the "News.")

Washington, D. C., Jan. 3 .-- Sales of timber aggregating 10 and three-quarters million feet have secured to the Uintah Indians nearly \$28,000 under the act of March 3, 1905. This law provided that any land in the Uintah Indian reservation necessary for forest reserve purposes might be proclaimed by the president as part of the Unitab forest reserve.

Ordinarily 10 per cent of the gross receipts from reserve business goes to counties within the reserve. But this special law gives to the Indians the

counties within the reserve. But this special law gives to the Indians, the entire timber sale receipts from these lands for 15 years ending June 30, 1920. The area of this Indian land, made forest reserve under act, was 1,010,000 acres. The average price received per 1,000 feet in sales hitherto is \$2.50; 227.000 foet was dead timber. Prices are rising, however, and the last sale of green timber was made at \$5.53 per 1,000, hearly the bighest figure ever paid for timber sales. The average price received per 1,000 feet was dead timber. Prices are rising, however, and the last sale of green timber was made at \$5.53 per 1,000, hearly the bighest figure ever paid for timber sales. The sconfidently expected that by this administration of former Unitah lands the Indians will receive from timber sales alone ct least as much as they would have received for this land if thad hot been included in the reserve from the form of a steady increase. Finally, when the period of trusteeship ends in 1920 and the Indians have received full wyment, the public will still possess in the land a productive forest improved by correct management and productive forest improved by correct management forest management and productive forest improved by correct management forest management for the maned for this r

tended to be binding on consignees. The terminal charges in question consisted of large amounts of storage charges that had accrued on petroleum con-signed to the Standard Oll company at Chicago and which the indictment charges the Lake Shore and Michigan Southern Railroad company concelled and released to the Standard Oll com-pany a rebute in respect of the transpany a rebate in respect of the transportation of the petroleum.

CONTENTION OF THE U.S.

"These productions," said the court.

'are for illeged violations of section 1 of

the act approved Feb. 19, 1903, known as

iefendant obtained the transportation

COURT'S RULINGS.

commerce law did not require railway

companies to publish rates between points beyond the carriers own line of road, holding that if a carrier, having

made an arrangement with connecting lines for the transportation of property beyond its own lines, should thereupon publish rates for the transportation of

publish rates for the transportation of property between such points, the car-rier must therefore be held as to the shipping public to have facilities for the transportation of property to such points beyond its own line and that the requirement of the law applied to such a case with the same force that it ap-plied to a point on the carrier's own line.

The court ruled against the defend-ant's contention that the provision of the interstate commerce law requiring

The charge is that

the Elkins law.

'It is contended in behalf of the United States," said the court, "that the act of June 29, 1906, did not go into effect until after these indictments were returned. It is urged that the postpone-ment was effected by the adoption of the joint resolution by Congress, ap-proved June 30, 1906. That resolution provides that the rate law 'shall take effect and be in force 60 days after its approval by the president of the United

approval by the president of the United States.' "Of course, the purpose of this resolution is obvious. But it was wholly ineffective until approved by the president. This occurred on June 30. And, by its own terms, the act became effective on its approval by the president one day before. Plain-ly, therefore, on June 30, the resolu-tion was powerless to postpone that which had already occurred on June 29. While possibly on June 30, the resolution might operate to suspend the act for a period of time, (and as to this I express no opinion), the questions presented by the demurrars to these indictments are to be de-termined as if a postponement or suspension of the act had not been attempted." States.

attempted.

suspension of the act had not been attempted." After observing that the Elkins laws was repealed by the rate law, and that, unless there was a statute keeping allve for future prosecution offenses which had been committed against the Elkins law prior to its appeal, the court quoted section 13 of the ravised statutes of the United States enacted in 1871. "The repeal of any statute shall not have the effect to release or ex-tinguish any penalty, for forfeiture or liability incurred under such statute, unless the repealing act shall so ex-pressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any pro-per action or prosecution for the enforcement of such a penalty, for-feiture liability. feiture llability.

LAW ATTACKED.

"This law," said the court, "has been "This law," said the court, "has been attacked here as an unwarranted at-tempt by the Congress that enacted it to curtail the authority of succeeding Congresses by limiting in advance the effect to be given to their enactments, Now, under our Constitution, each Con-gress is the equal, in point of power, of any predecessor or Buccessor, There-fore no Congress has authority to draw in the boundaries of the legislative do-main to the embarrassment of any other in the boundaries of the legislative do-main to the embarrassment of any other Congress. But as I read section 18, this is not attempted. It is rather the sub-stitution of a new rule to be observed by the courts in the construction of statutes thereafter to be enacted. It seems to me that such new rule is no more an impairment of the legislative power of succeeding Congresses than was the previously existing common law rule an impairment of the power of preceding Congresses. That Congress had the constitutional power to make the change is plain. That any suc-ceeding Congress may abrogate the new rule and restore the old rule is equally plain. That, until such old rule is re-stored, each succeeding Congress in-tends that the courts shall be guided by the new rule in giving effect to other enactments, seems to me beyond quees-tion." tion." COURT'S DUTY.

"It is the duty of the court," said tion

According to the ordinance, as inter-preted by the prosecutor, the fact that a dog bites a person, is sufficient evi-dence to prove that the animal is vicious and is grounds for either a criminal or civil action against the owner thereof. In any event, it is "up to Judge Brown."



Ollie Stevens Now on Her Way to Montana With an Officer.

Goy. Cutler vesterday afternoon honored the requisition of the governor of Montana for the return to that state of Montana for the return to that state of Ollie Stevens, who was arrested at Murray upon the request of the sheriff at Boulder, Mont. where the woman is wanted in connection with a criminal operation which caused the death of Wanda Walters, a 17-year-old girl. Deputy Sheriff Gibson left last night with his prisoner to take her back to Boulder to stand trial. The young girl was employed at the

Boulder to stand trial. The young girl was employed at the Boulder Hot Springs, where she met and fell in love with Roy Byers, a 'bus driver. It is claimed that he was re-sponsible for her condition, and the authorities are now looking for him. It is claimed that the operation was performed by Ollie Stevens, who was a close friend of the Walters girl. Soon after the operation the girl came to this city and went to St. Mark's hospital for further treatment. She died while in that institution. The Stevens woman came to this city also and was arrested at Murray several days ago by Deputy Sheriffs Steele and

and was arrested at Murray several days ago by Deputy Sheriffs Steele and Sharp, where she was visiting with relatives. She has been detained in the county jall here awalting the ar-rival of an officer with requisition pa-pers. At the hearing before the gov-ernor yesterday afternoon, the woman was represented 'by Attorney J. M. Hamilton, who contested the requisi-tion, but the governor honored the pa-pers, and the officer and his prisoner are now on their way to Boulder.

are now on their way to Boulder

CHARGED WITH BURGLARY.

Alma Jones and John Williams Bound Over to District Court,

Alma Jones and John Williams, harged with burglary, were arraigned charged with burglary, were arraigned before Judge Diehl in the criminal di-vision of the city court this morning. Williams will be given a preliminary hearing tomorrow, but Jones decided there was no use in waiting, and en-tered a piea of-guilty. He did not have long to wait, as the judge ordered him bound over to the district court on the charge named in the complaint, and sent him to the county jail in default of bonds in the sum of \$500.

APPROVED BY MAYOR.

Ezra Thompson Agrees With Action of Sheets in License Case.

Mayor Thompson has approved the ac tion of the council in upholding Chief of Police Sheets, who denied a renewal

of Police Sheets, who denied a renewal of liquor license to Caesare Brunn be-cause the latter's bartender was convicted of selling liquor on Sunday. The mayor also approved the Black resolution providing that all requisitions for labor in all departments shall specify the kind of work to be done and in what particular locality it is to be done. The resolution was opposed by the street de-partment and the mayor has held it up for several days to make an investiga-tion.

was entered into between each of the railway com panies above mentioned and the Broth-erhood of Locomotive Firemen, acting through its general committee of its joint protective board, bearing date of April 1, 1903, and amended April 1, 1906

An agreement was likewise entered An agreement was likewise entered between the management of each of the railway companies above mentioned and the Brotherhood of Locomotive Engineers, acting by and through its general committee of adjustment, bear-ing date of Feb. 1, 1903, and supple-ment of May 1, 1906. Both of these agreements are in full force and effect, and it is the purpose of the management of these lines to respect all of the provisions of both of these agreements, both in letter and in spirit. A controversy has arisen as to

these agreements, both in letter and in spirit. A controversy has arisen as to which of the organizations mentioned (th? Brotherhood of Locomotive En-gineers or the Brotherhood of Locomo-tive Firemenhare authorized to negotiate and deal with the management of these several lines with respect to rules, regu-lations and rates of pay, and (particu-larly regulating seniority) of one incarge larly regulating seniority) of engineers in switching service.

CONTEST OVER AUTHORITY.

The accredited representatives of the Brotherhood of Locomotive Firement contend, in effect, that all matters concerning rules, regulations and rates of pay of engineers in switching service, should be regulated by contract he-tween the Brotherhood of Locomotive

pay of engineers in switching service, should be regulated by contract be-tween the Brotherhood of Locomotivs Firemen and these companies. The accredited representatives of the Broth-erhood of Locomotive Engineers, on the other hand, contend that all matters pertaining to the welface of all engi-neers should be dealt with by agree-ment between them and the manage-ment of these companies. Thus it is seen that this is obviously a controversy directly affecting two organizations, each interested in pro-tecting and representing its present membership and in increasing its mem-bership. The attitude of the manage-ment of the companies has been one of absolute neutrality, their position being that these companies have but an indirect interest in this controversy, their interest being to see to it that it memory their positions of re-sponsibility in the interest of the safety of the traveling public and of the prop-erty confided to the care of these com-panies as common carriers. They had hoped and believed, and still hope and bedieve, that wise contending organiza-tions will confer in a fracidly spirit and that the two contending organiza-tions will confer in a fracidly spirit and that the two contending organiza-tions will confer in a fracidly spirit and reach a conclusion which will be acceptable to both of them, as well as to these companies. It has been repeatedly urged in con-ferences had with the committees of each organization and in joint confer-ences had with committees of both or-ganizations, that their differences should be settled amicably and fairly between themselves, and that the com-panies have only an indirect interest in the contenselve will the com-

should be settled amicably and fairly between themselves, and that the com-panies have only an indirect interest in the controversy, and that neither were justified in insisting that the com-panies decide between them unless they (the organizations) were willing to abide by the decision thus made.

RAILROADS ARE NEUTRAL.

These companies are willing to abide such settlement of the issue between the contending organizations as above defined, as may be reached by them, or in the alternative, they are ready to de-termine this issue. If submitted to them, provided both organizations will