

against collecting of ordinary contract debts by force of arms.

association This stirred the matter to a head and he Grain Growers' association is of

IN PORTLAND, ME.

prominent among elevator interests in

Portland, Me., Dec. 4 .-- The Demo-

rats yesterday gained control of the

Portland city government for the first

time since 1892. They re-elected Mayor

BIG TRAIN ROBBERY.

Train Robbers Get \$110,000 From Cot-

ton Belt Messenger's Safe.

was learned yesterday that the

It was learned yesterday that the train robbers who probably fatally wounded the express messenger on a Cotton Belt train Saturday night near Eyian siding, secured \$110,000 from the inessenger's safe. The Pacific Express officials refuse any information, claim-ing it is transmittle at present to state

ing it is impossible at present to state the amount taken. A glance st the messenger's book, however, would tell

he amount stated above. About \$\$0,000

ury department of the Cotton Belt at Tyler and consigned to General Treas-urer S. C. Johnson at St. Louis.

FIRE IN YOKAHOMA.

Town Hall, Memorial of Gen. Grant's

Visit, Destroyed by Fire,

Yokohama, Dec. 4 .-- The town hall in

this city, a memorial of Gen. Grant's visit to this city, was totally destroyed by fire at 1 a. m. The cause of the

A BEGGAR WOMAN.

Had \$46.20 in Her Pocket When Ar-

rested.

New York, Dec. 4. A beggar woman

orrested yesterday on the steps of public, school No. 46 had \$46.20 in her

pocket. She had two children with her. She had taken in \$9 in one hour, ac-cording to the officers who made the

ENTIRE TOWN FOR SALE.

Auction Today.

New York, Dec. 4.-A Worcester,

Massachusetts, special to the Tribune

says the entire town of Wilkinsonville

will be sold at public auction today.

The town was once one of the most im-

portant manufacturing places on the

Blackstone river. Now every house, store, mill and water privilege is go-

ing under the hammer to suit the hid-

nation since 1897. It is on the New York, New Haven and Hartford Rall-

1315

way. Its history dates back to when Asa Waters bought a large

way.

fire is unknown.

treas-

t is learned, was from the local

DEMOCRATS RULE

ounclimen

SAVS:

CUBANS EXPRESS SYMPATHY

making contributions for any political purpose, directly or indirectly. CRIMINAL CASES.

Fators Law Giving the Government Right of Appeal.

Another bill which has just past one muse of the Congress and which it is urgently necessary should be enacted to law is that conferring upon the overnment the right of appeal in dmimal cases on questions of law. This right exists in many of the states; it exists in the District of Columbia by of the Congress. It is of course proposed that in any case a ver-t for the defendant on the merits hould be set aside. Recently in on al certain persons for conspiracy with rebates, the cour the defendant's demurrer, the in another jurisdiction an indicthavbeen sustained by the court, con obtained under it, and two is sentenced to imprison two cases. referred may not be in real conflict with each but it is unfortunate that there be an apparent conflict there is no way by which ent can cause such a con t occurs, to be solved by when to a higher court; and the ustice are blocked without cision of the question. I strongly urge the passage a question. A failure to it will result in seriously hamespecially against luals or corporations and may also prevent individuals. government from obtaining justice wageworkers who are not them ffectively to contest a case tere the judgment of an inferior cour been against them. I have speci company deciding to grant it, and then for months afterwards this business was carried on and these claims for a recent decision leaving railway em oyes with. without remedy for violation certain so-called labor statute. seems an absurdity to permit a sin-district judge, against what may the judgment of the immense magle district olleagues on the bench a law solemnly enaced by the Congress to be "unconstitutional, deny to the government the have the ly decide the question.

ENFORCING THE LAW.

Has Gone From Civil to Criminal Proceeding in Certain Cases.

is well to recollect that the real slency of the law often depends not in the passage of acts as to which pou the passage of acts of this nalike other railroad corporations, has received gratultously from the state excitement, but which there is not much understanding of their im-while the interested parties ly alive to the desirability of keen TINE hem. The importance of to law the particular bill in try allke, and not to carry on its bust-ness with unjust discriminations be-tween different clizens or different ther increased by the government has now tha begun a policy of resorting minal law in those trust and commerce cases where such offers a reasonable chance of At first, as was proper, every is made to enforce these laws proceedings; but it has become give vident that the action of emment in finally deciding, in terms to undertake criminal fort was 800 isea, to undertake criminal is was justifiable; and though eriminal been some conspicuous fail-se cases, we have had many which have undoubtedly had effect upon evil-doers, penalty inflicted was in the both kinds have already been ed by the courts. Of course, the judge can see his way to the penalty of imprisonment the ent effect of the punishment on offenders is increased: but suffi-y heavy fines accomplish much. Holt, of the New York district in a recent decision admirably er n#

United States and Mexico stopped the war among the South American republics. The Algeciras conference gave this country equal rights with Europe.

Destruction of seals by pelagic fishing continues. Case of the Japanese poachers is in course of adjustment between the two countries.

For the first time all American republics asked to join in a Hague peace conference. The chance for arbitration depends mainly on sufficient armed strength. The navy is the best guarantor of peace that the country possesses. The purpose of West Point and Annapolis is to turn out fighting men. Rifle practise commended, and the establishment of shooting galleries in all the large public and military schools of the country is recommended.

The appendix to the message contains the address of Secretary of State Root before the third conference of American republics held at Rio.

stated the need for treating with just severity offenders of this kind. His opinion runs in part as follows: so flagrant, it is the duty of the court |

tained as against their competitors-the result might be and not improbably

ate and premeditated. I think over a fortnight elapsed between the date of

the maintenance of which alone in this

country the socurity of their property

depends. It was committed on behalt of a great railroad corporation, which

large and valuable privileges for the public's convenience and its own, which

performs quasi public functions and which is charged with the highest ob-

ligation in the transaction of its busi-ness to treat the citizens of this coun-

so dagrant, it is the duty of the court to fix a penalty which shall in some degree be commensurate with the gravity of the offense. As between the two defendants, in my opinion, the principal penalty should be im-posed on the corporation. The traf-fic manager in this case, presumably, acted without any advantage to him. "The government's evidence to es-tablish the defendant's guilt was clear. conclusive, and undisputed. The case was a flagrant one. The transactions which took place under this illegal which took place under this filegal contract were very large; the amounts of rebates returned were considerable; and the amount of the rebate itself was acted without any advantage to him self and without any interest in the transaction, either by the direct au thority or in accordance with what he understood to be the policy or the and the amount of the relate their via-large, amounting to more than one-fifth of the entire tariff charge for the transportation of merchandlse from this eity to Detroit. It is not much to say, in my opinion, that if this business was carried on for a considerable time on that basis—that is, if this discrim-ing the percent of the particular ship-

wishes of his employer, "The sentence of this court in this case is, that the defendant Pomeroy, for each of the six offenses upor which he has been convicted, be fined the sum of \$1,000, making six fines amounting in all to the sum of \$6, 000; and the defendant, the New York ination in favor of this particular ship-per was made with an 18 instead of a 23 cent rate and the tariff rate was main-Central & Hudson River Railroad company, for each of the six crimes of would be that their competitors would be driven out of business. This crime is one which in its nature is deliberwhich it has been convicted, be fined the sum of \$15,000, making six fines amounting in the aggregate to the sum of \$108,000, and judgment to that ef-fect will be entered in this case." Palmer's letter requesting the reduced rate and the answer of the railroad

THE CRIMINAL LAW.

Would Not Have Judgments Set Aside **On Mcre Technicalities.**

rebates submitted month after month In connection with this matter, and checks in payment of them drawn month after month. Such a violation of the law, in my opinion, in its essen-tial nature, is a very much more heinwould like to call attention to the very unsatisfactory state of our crimtial nature, is a very much more helm-ous act than the ordinary common, vulgar crimes which come before crim-inal courts constantly for punishment and which arise from sudden passion or temptation. This crime in this case was committed by men of education and of large business experience, whose standing in the community was such that they might have been expected to set an example of obedience to law, upon the maintenance of which alone in this inal law, resulting in large part from the habit of setting aside the judgments of inferior courts on technicali-ties absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law pro viding something to the effect that: No judgment shall be set aside of

new trial granted in any cause, civil of criminal, on the ground of mis-direction of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading procedure unless, in the opinion the court to which the application opinio is made, after an examination of the entire cause, it shall affirmatively ap-pear that the error complained of has resulted in a miscarriage of justice

INJUNCTIONS.

Wrong to Prohibit Their Use But Should Not be Abused.

classes of citizens. This crime in its nature is one usually done with secre-cy, and proof of which it is very diff-cult to obtain. The interstate com-merce act was past in 1887, nearly 20 years ago. Ever since that In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matyears ago. Ever since that time complaints of the granting of rebates by railroads has been common, urgent and insistent, and alter by the demand that the night of supplying injunctions in labor cases should be wholly abulished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the though the Congress has repeated! passed legislation endeavoring to put a stop to this evil, the difficulty of ob-taining proof upon which to bring prosecution in these cases is so great courts; in which case of course the legislation would be ineffective. Morethat this is the first case that has ever been brought in this court, and, over, I believe it would be wrong al-together to prohibit the use of injuncas I am informed, this case and one recently brought in Philadelphia are tions. It is criminal to permit sym-pathy for criminals to weaken our hands in upholding the law; and if men recently brought in Philadelphia are the only cases that have ever been brought in the eastern part of this country. In fact, but few cases of this kind have ever been brought in this country, east or west. Now, un-der these circumstances, I am forced to the conclusion, in a case in which the proof is so clear and the facts are

such law as I advocated last year. In this matter of injunctions there is lodged in the hands of the judiciary necessary power which is nevertheless subject to the possibility of grave abuse. It is a power that should be exercised with extreme care and should be subject to the jealous scrutiny of all men, and condemnation should be ed out as much to the judge who fails to use it boldly when necessary as the the judge who uses it wantenly as to the judge who uses it wantenly or op-pressively. Of course a judge strong enough to be fit for his office will en-join any resort to violence or intimidation, especially by conspiracy, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out scheme for its own aggrandizement. It mus for its own aggrandizement. It must be remembered that a preliminary in be remembered that a preliminary in junction in a labor case, if granted without adequate proof feven when au-

thority can be found to support the conclusions of law on which it is founded), may often settle the dispute be the parties; and therefore if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connec committed by judges in connec-tion with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction; and therefore such each of injunction; and therefore such care less use of the injunctive process tend to threaten its very existence, for it the American people ever become con-vinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corpora-tions, it will be well-nigh impossible to prevent its abolition be the highest duty of may

judge at any given moment to dis-regard, not morely the wishes of indi-viduals of great political or financial power, but the overwhelming tide sentiment; and the judge who public sentiment; and the judge who does thus disregard public sentiment when it is wrong, who brushes aside the plea of any special interest when the pleading is not founded on righteousness, performs the highest service to the country. Such a judge is deserving of all honor; and all hon-or can not be paid to this wise and is deserving of all hollor; and all hon-or can not be paid to this wise and fearless judge if we permit the growth of an absurd convention which would forbid any criticism of the judge of another type, who shows himself tim-id in the presence of arrogant disor-der, or who on insufficient grounds grants an injunction that does grave injustice, or who in his capacity as construer, and therefore in part construer, and therefore in part a maker, of the law, in flagrant fashion maker, of the law, in flagrant fashion thwarts the cause of decent govern-ment. The judge has a power over which no review can be exercised: he himself sits in review upon the acts of both the executive and legis-lative branches of the government; (Continued on page three.)

these rolls should be filed in the war department. If members of the organization in question have a pensionable status under the existing law or if association, swore information against J. C. Gage, J. G. McHugh, John Love and a number of other grain men any legislation should be enacted placing these members in a pensionable status, the rolls would be just as efthe Canadian northwest. Immediately this action was taken, a special meatfective if filed in the office of the adjutant general of Utah, where they really ing of the cabinet was held and the government decided to at ence proceed. belong, as if filed in the war department.

SPANISH CAPITAL EXCITED

does not appear to be any reason' why

OVER POLITICAL CRISIS. New York, Dec. 4 .- A Madrid special published here today says the Spanish capital is much excited over the politic-al crisis brought about by the resignation of the Spanish ministry yester-day. Noisy groups carrying red ban-ners gathered in the evening in the neighborhood of the senate and cham-ber and shouted threateningly. The Nathan Clifford for a second term by 287 plurality over Frank B. Milliken, the Republican nominee and have seven out of the nine aldermen and 16 of the 27 police police scattered the crowd, arrestin several persons, but the populace gath arresting cred again and their numbers constant ly increased. As the evening advanced the crowds focussed in the Puerto de

Sol outside the ministry of the interior, Many well known agitators were busy among the people and there was much agry talking. A great force of police was out and the government held troops in readi-ness. It was hoped, however, that the excitement would pass without a seri-ous outbreak.

DEEP WATER CONFERENCE.

Prest. D. R. Francis Announces Ap-

pointment of 50 Delegates to It.

Kansas City, Dec. 4.-David R. Fran-cis of St. Louis, president of the Trans-mississippi commercial congress for its seventeenth annual session, today announced the appointment of 50 dele-gates from the following 23 states to the deepwater and harbor conferen to be held next week at Washington, C.: Alaska, Arizona, Arkansas, Cali fornia, Colorado, Iowa, Idaho, India Territory, Kansas, Louisiana, Minneso ta, Montana, Missouri, Nebraska, New Mexico North Dakota, Oklahoma, Ore-gon, South Dakota, Texas, Utah, Wash-Ington and Wyoming. The delegates from western states

Alaska-John G. Brady, Alaska.

Arizona-A. M. Conrad, Nogales. California-Frank P. Flint, Los Ange-les: John P. Irish, San Francisco, and Villiani N. Browning, Redonda. Idaho-Fred T. Dubois, Blackfoot: oseph W. Poe, Lewiston, and Marcus

A. Mean, Lewiston. Montana-W. A. Clark, Helena; E. E. Howe, Bozeman, and Herbert Strain.

Great Falls. Oregon-Theo. B. Wilcox, Portland; Inited States Senator Fullon, Astoria.

and Peter Loggie, Coos Bay. Utah-Reed Smoot, Provo, and Geo. M. Cannon, Salt Lake City.

Washington-S. H. Piles, Seattle, and Levi Ankeny, Walla Walla. Wyoming-Ell Crumrine, Laramie, and C. H. King, Shoshone,

Wilkinsonville, Mass., to be Sold at

HEBREW HOUSEWIVES.

They Will Boycott the Butcher Shops Of Harlem.

New York, Dec. 4 .- The Hebrew housewives of Harlem at a mass meeting held last night completed their or-ganization of all their preparations to boycott butcher shops in Harlem that ders. The town has been in a state of stagmaintained the present scale of prices for kosher meat.

A representative of the Butchers' Protective association made a speech to Trotective association induct a specific when Asa Waters bought a large farm dren in which he told them that the high prices were all due to the packers and entreated them not to force the butchers out of business. So disorder-inits and started the town.

the opinion that farmers have been FOR GEN. SHAFTER'S DEATH. swindled out of thousands of dollar yearly by this combine. D. W. Mc luaig, president of the Grain Growers

Bakerstield, Cal., Dec. 4 .- The folbakersheid, Cal. Dec. 4.— the fol-lowing letters have been received by Capt. W. H. McKintock, son-in-law of the late Gen. William R. Shafter, who died at the former's ranch hear Bakersfield, Nov. 13:

"House of Representatives, Havana, 1906 To the Honorable Provisional Gover-

nor of the Republic of Cuba: "Honorable Sir—The news of the death of Gea. William R. Shafter, U. S. A. which occurred at Bakersfield, Cal., has caused a most profound sorof the row among the Cubans rendering ser-vice in the house of representatives; in their name, as well as my own, permit me to express our most sincero sympathies: remembering among other historical acts, of him, who in life rendered his nation worthy ser-vices, that he co-operated in Santiago de Cuba for the independence of our beloved country.

"Please make known this, our sin-"Please make known this, our sin-cere sympathy, to the honorable gov-criment of the United States and to the afflicted family of the illustrious dead. Respectfully yours. "VICENTE PARDO SUAREZ. "Chief Clerk." "Balondron, Nov. 15, 1996."

Chicago, Dec. 4 .- A dispatch to the Record Herald from Palestine, Tex., Mr. Magoon, Provisional Governor, Havana

"The Liberals of this town convey to you, to the noble nation and its illustrious president. Mr. Roosevelt, deep felt expression of sympathy for the irreparable loss of glorious Gen. Shafter."

CARUSO'S CASE.

Appeal Probably Will be Heard Some Time This Week,

New York, Liec. 4.--Magistrato Baker yesterday made his return to the art of of Judge O'Sulitvan of the court of gen-eral sessions in the case of Signor Freeo Caruso, the Metropolitan Opera Housa tenor, who was fined \$10 for annoying a woman at the monkey house in the tenwoman at the monkey house in the con-tral park. It is is likely that the appeal will be heard some time this week, as Judge Dittemberfer. Caruso's counsel, is tratour for a decision as some is for a decision as soon as possi

Patrolman J. J. Cala, who has for years been on duty in the park, and who while been on duty in the park, and who while there accessed Caruso near the monkey house, was transferred to the West One Hundred and Fifty-second street station, known among the police as the "goat dis-terts"

This transfer would have excited more omment had it not been the result of comment had it not been the result of Commissioner Bingham's recent order that all plain clothes men should be shifted 30 days.

Polte Commissioner Bingham did not learn of Cain's removal until last nin A He said then that he would order Cain back to duty in the park as the transfor might be misconstrued.

PICTURES OF MAYOR SCHMITZ.

Cinematograph Ones of Him Prohibited by San Francisco Police.

Yokohama, Dec. 4 .- Cinematograge, p.

of San Francisco responsible for the seg-regation of Japanese scholars in the schools have been prolibiled by the police authorities, as subversive to public order. The press continues to discuss the situa-tion quietly, but pessimilatically.

CHOLERA SERUM VICTIMS.

Endeavor to Explain Away Death of

Two More Prisoners.

Manila, Dec. 4.—The deaths of two more prisoners at Billible prison are reported, making 12 in all dead out of the 24 cholers patients noculated with the cholera serum as a test.