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REFORM OF FEDERAL COURT RULE DRASTIC

Supreme Court Has Taken Leadership He Tells Members of Oklahoma Bar Association.

Oklahoma City, Dec. 31.—Frank B. Kellogg of St. Paul, president of the American Bar Association, who was the principal speaker before the Oklahoma Bar Association, which began its annual meeting today, eulogized the supreme court of the United States for promulgation of new rules which go into effect February 1, marking reforms in procedure and eliminating delays. The rules also furnish an expeditious and comparatively inexpensive system of equal procedure, whereby men of moderate means can take a care through the federal court without bankrupting themselves. Mr. Kellogg said in part:

"The people generally do not know that the supreme court of the United States, which is by certain classes of political orators charged with being 'the last entrenchment of vested interests,' has in advance of congress, in advance of most of the legislatures of the various states, instituted a sweeping reform in federal procedure which should be a model for the legislatures of the various states in reforming the practice within the state jurisdiction.

"In my jfiudgment these rules are the most radical, advanced step in the reform of procedure ever taken by any body, either legislative or judicial.

Importance Not Realized.

"Had this reform of federal procedure been enacted by congress it would have been hailed through the lenth and breadth of this land as a great achievement of a dominant political party, and orators would have exponded these principles from the stump. I am sorry to say that this great work of the supreme court has received but brief and passing notice in the journals of the country and the people generally have little knowledge of what has been done.

"There is also an important rule regulating the issuance of preliminary injunctions. There has been much said in the newspapers about the abuse of the power of the injunction by the federal courts, much said that is without foundation. An examination which I made before the passage of the act of congress referred to satisfied me that the cases where such abuses had taken place were few but that unadoubtedly such abuses did take place and should be and will be remedied by this rule. The American Bar Association, realizing the benefits of such reform, has instituted a movement which President Taft has recommended to congress, that congress authorize the supreme court to provide by rules for forms and procedure in actions at law as well as in equity and I believe if congress will confer upon the supreme court such power with reference to actions at law that the court will institute many reforms which the pressure of business upon congress prevents it from doing."

Constitutionality of Laws.

The question of the authority of the supreme court to declare laws unconstitutional was discussed at considerable length. The claim made that the constitution confers no such power upon the court was declared by Mr. Kellogg to be wholly without foundation.

"It is said that congress should be the judge of what laws should be passed as well as of the constitutionality thereof," he continued.

"Of course this means the abolition of all constitutional restrictions. What is the necessity of a bill of rights which declares among other things that no person shall be deprived of life, liberty or property without due process of law, or that private property shall not be taken without just compensation, if the men who passed the law are for themselves to decide whether it is constitutional or not? That is not constitutional government it is absolute, unlimited democracy without restraint.

"In the great evolutionary changes of political and industrial conditions in a rapidly developing civilization there are always dangerous agitations and radical suggestions of reform. Some are wise and some are needed, others are not. The political opportunist whose continuance in office is dependent upon successfully riding the wave of popular opinion does not always discriminate between the good reforms and the bad reforms, the practical and the impractical. It is easier for him to declaim against evils and many times to select the popular cry or reform than to study with care the history of his country and to be reasonably sure of his ground when changes are made."

Judge Malcolm E. Rosser of Poteau, Jean P. Day of McAlester and J. H. Cruthis of Talihina, a majority of the committee on judicial administration and remedial reform, made a report to the association, saying there was no deep-seated dissatisfaction with courts so far as their conduct in the trial of law suits obtained, but that the criticism was along the line of delay. If means could be devised to expedite trials, the report suggested, the people would be well satisfied with the courts as they were.

Arrests Without Warrants.

Motions for new trials, the committee suggested, should be filed in open court and passed upon as the term of court at which the trial was had, unless specially continued.

Sheriffs and other officers, the report suggested, should be allowed to arrest for violations of the prohibition law without warrant upon a reasonable suspicion that the law has been or is being violated. For the purposes of making arrests, it said, a violation of the liquor law should be classed as a felony. If this is not one the law requiring all officers to enforce the prohibition law and making them subject to removal for failure to do so, the committee said, should be repealed. The report also suggested that appeals to the supreme court be limited.

A resolution was offered by E. G. McAdams of Oklahoma City memorializing the legislature to continue the supreme court commission until February 1, 1915. Under the law the commission expires next September.

About 200 attorneys were attending the meeting. Among them is Charles W. Barnham of St. Paul, secretary of the Minnesota Bar Association and member of the membership committee of the American Bar Association. At the night session a number of papers were read.

PALZER-M'CARTHY FIGHT TODAY

Small Bets of 10 to 8 for Palzer Have Been Made, However.

Los Angeles, Dec. 31.—Al Palzer, of Ossian, In., and Luther McCarty, of Springfield, Mo., will meet in a twenty round bout at the Vernon arena tomorrow and the victor will be proclaimed white heavyweight champion pugilist of the world. Despite efforts to make Palzer favorite, even money was the rule tonight although small bets were made at 10 to 8 with McCarty the short ender.

Sporting experts seem very evenly divided in their predictions as to the winner.

McCarty will weigh in at about 205 and Palzer around 223.

Mr. and Mrs. Joseph Parker were guests at the Vinita hotel last night from Independence, Mo.

TWENTY-EIGHT NEW GOVERNORS IN OFFICE

Fifteen Incoming Executives Are Democrats, Thirteen Are Republicans.

Simeon E. Baldwin, democrat, of Connecticut.

Eugene N. Foss, democrat, of Massachusetts.

Adolph O. Eberhart, republican, Minnesota.

Coleman L. Blease, democrat, South Carolina.

Ben. W. Hooper, republican-fusion, Tennessee.

Oscar B. Colquitt, democrat, Texas.

William Spry, republican, Utah.

Francis E. McGovern, republican, Wisconsin.

Aram J. Pothier, republican, Rhode Island.

Elias M. Ammons, democrat, Colorado.

Charles R. Miller, republican, Delaware.

Park Trammell, democrat, Florida.

John M. Haines, republican, Idaho.

Edward F. Dunne, republican, Illinois.

Samuel M. Ralston, democrat, Indiana.

George W. Clarke, republican, Iowa.

Woodridge N. Ferris, democrat, Michigan.

Elliott W. Major, democrat, Missouri.

Samuel V. Stewart, democrat, Montana.

John H. Morehead, democrat, Nebraska.

William Sulzer, democrat, New York.

Locke Craig, democrat, North Carolina.

Louis E. Hanna, republican, North Dakota.

James H. Cox, democrat, Ohio.

Frank M. Byrne, republican, South Dakota.

Ernest Lister, democrat, Washington.

Dr. H. D. Hatfield, republican-progressive, West Virginia.

No gubernatorial candidate in New Hampshire obtained the necessary plurality, and in consequence the choice of the governor devolves upon the legislature. The republicans will have control of the body and will elect Franklin Worcester, to succeed Governor Bass.

REPORTS ON FIVE CIVILIZED TRIBES

Many Live in Primative Conditions and Know but Little of Business Matters.

Washington, Dec. 31.—Most of the fullblood Indians among the five Civilized Tribes of Oklahoma live in the most primative condition, poorly clad and still more poorly fed, and it is the exception rather than the rule that their children go to school at all," says Dana H. Kelsey, United States Indian Superintendent in Oklahoma, in an annual report to Secretary of the Interior Fisher, made public today. He adds that "most of them have no knowledge whatever of business transaction" and that they "know nothing about their land except what some person who has secured a lease from them tells them."

Except that they wear the white man's clothes and live in log or frame houses instead of tepees, there is little difference, declares Mr. Kelsey, between the full-bloods of the Five Tribes and the full-bloods of many of the Western reservations.

The report says that many Indians who were blind for years now go about unattended, or have had their sight entirely restored as the result of the work of the two eye specialists who, during the past year, found the contagious eye disease, trachoma, very prevalent among the full-bloods. Mr. Kelsey adds that many members of the Five Tribes who are dying of tuberculosis might be cured or have their lives prolonged with proper attention.

J. George Wright, Commissioner of the Five Civilized Tribes reports that more than $3,000,000 in tribal funds were on deposit in banks at the end of the year. There has been allotted to enrolled Indian citizens 15,8[illegible],000 acres of land, the work of allotment, started years ago, now being virtually completed.

DYNAMITERS ARE OFF FOR THE PEN

Left Indianapolis For Leavenworth in a Special Train Yesterday—Next Move is Thursday.

Indianapolis, Dec. 31.—With the departuer this afternoon of the special train bearing the 33 convicted dynamite conspirators to the federal prison at Leavenworth, Kans., the scenes of activity in the famous case shifted. The next move here will come Thursday morning, when Federal Judge Albert B. Anderson will rule on the motions of the defense for a write of supersedas and of error.

Judger Seaman, of the United States circuit court of appeals of Chicago, will be here Thursday and has announced that he will consider the matter of an appeal for writs to prevent the incarceration in Leavenworth prison of the 33 men, who were given sentences ranging from one year and one day to seven years in the United States district court here yesterday.

The wives and relatives, after waiving the prisoners good bye as they marched to the special train at 12:10 this afternoon, returned to their hotels and rooming houses, preparatory to packing their things for the lonely journey homeward.

With their loved ones out of the city, many of the women said they had no desire to remain longer here, where their helpmates had been taken from them.

J. E. McClory, Cleveland, acting secretary-treasurer of the International Association of Bridge and Structural Iron Workers, of which 32 of the prisoners are officers or former officers, and Ed Lewis, San Francisco, executive board member, the only two officials of the union out of custody, stated this afternoon that efforts would be made to take care of the wives and families of the prisoners. McClory said official action to supply aid would be taken at the next convention o the organization. Neither would make any reply when asked when and where the convention would be held.

Unless United States Marshal Edward H. Schmidt, in charge of the prisoners, changes his mind after the train which has come to be known as the "dynamiters' special," is on its way, no word of the happenings in the two coaches will be known until Leavenworth is reached. Marshal Schmidt gave out word that the doors would be locked all of the time and that no opportunity would be given the newspaper correspondents aboard to file their stories with telegraph companies.

When the prisoners at 12 o'clock, were marched from the county jail to the train which was waiting on a side track nearby, the smile had faded from practically all their faces. Even "Big Ed" Smythe of Peoria, Ill., called the "wag of the bunch," who always had a smile for any friendly greeting, barely noticed his friends on the short march. Many women, including wives of the convicted iron workers, tried to cheer the men as they walked to the train, but few of the men had the courage to return the greeting.

Just before the start for the train was made, Marshal Schmidt called his fifty deputies together and outlined to them the "code of rules," which would govern the conduct of the officers on the trip.

"This is no picnic party," said the marshal. "It is my duty to deliver these prisoners at Fort Leavenworth prison and I intend to do so. I do not expect trouble, as the men did not get as severe sentences as some thought they would. We can't take any chances, however.

"No man must do a thing that will reflect on this movement that will detract from the grandeur the government has shown in meting out justice. I do not believe any man among you would show the 'yellow feather,' should action be demanded.

"No nippers to be used. I want to treat these prisoners like men, as their conduct has been the best. Take the men by the coat sleeve and keep hold of his arm."

Marshal Schmidt said the prisoners would not be handcuffed tonight unless occasion demanded.

Sixteen of the prisoners with their guards occupied the first coach and seventeen and their keepers were marched into the rear coach. The prisoners sat two in a seat, rode backwards and directly opposite them rode the two guards for each two prisoners. In the baggage coach which made the third car of the train, was stowed the lunches for the prisoners and officers.

GIRL ATTACKED BY NEGRO.

Suspect is Taken to Huntsville, Mo., to Thwart Lynchers.

Moberly, Mo., Dec. 31.—Grant Dirk, a negro, is in the Huntsville jail charged with an attack upon a white girl, Laura Clark, 12 years old, Sunday evening. The girl was returning home from a neighbor's near Jacksonville, and at a lonely place in the road she met a negro, who grabbed her. She screamed and, jerking loose, ran, only to be overtaken. Dirk was later frightened away by persons who heard the girl's cries.

George Clark, father of the girl, swore out a warrant for Dirk's arrest, and he was taken into custody today. Talk of lynching caused the prisoner to be removed to Huntsville.

DEAN IS READY TO MEET GORDON

Both Men Finish Their Training For Tomorrow Night's Go—Should be a Great Battle.

Ernie Dean, the Kansas City tornado has laid aside his gloves and is waiting for the gong that will send he and Gordon together tomorrow night. After a six mile jog this morning and a rub down he declared that he is in first class shape for the go. "I am going from here to Bartlesville to meet Art Magiri and from there to McAlester to meet Tom Abbott, so I can't afford to lose here," he told the reporter for the Chieftain this morning in answer to a query as to his plans in regard to this fight and after.

Gordon did some hard road work this morning and will box this evening. He says that he needs the work after his long rest. He will have about five pounds advantage in weight over Dean but the latter does not fear the handicap. But whether he fears or not if the bout goes over ten rounds the extra poundage is bound to be a big advantage to Gordon, who seems at his best in a long go. Then again the fans point out that Gordon had a hard time getting through the third round in his first bout here with Burns and if Dean gets him in that shape the advantage he would have had in a long fight will never be known. However there are two sides to that story and they will be well argued tomorrow night.

THE NEW YEAR IS WELCOMED IN

Amid the welcoming din of bells and the reports from firearms and the lusty whoops of Vinita merry-makers the new year of 1913 was ushered in last night, with all its hopes of success and prosperity. But aside from the noises the new year came in decently and sanely. There was but little drinking and disorderly conduct heard of throughout the evening and the streets were almost deserted. There were a number of watch parties and at these the merry-making and the enticing strains of dance music ceased as the hour for a new beginning approached and the entire company saw the new year safely in before resuming their gayety.

From what can be gathered from the conversation on the streets and in the business houses the number of new year resolutions will be greatly on the increase this year. The seats on the water wagon were full at an early hour today and standing room was going fast. There were a number of them that said they would not even get off to get the whip if it were dropped. There is to be a reform in this city on the use of profanity and the late hours and, in fact, all the little bad habits that are blamed for the troubles of the old year will die with it and this is to be in reality a new beginning.

The police say the new year came in very quietly for them and as yet the records of 1913 are blank. If you have not made your resolutions, better do so at once and be on the safe side.

Mixed Farming in Canada.

Edmonton, Alta., Dec. 31.—British capilists are back of a plan to develop and settle 600,000 acres of mixed farming and ranching lands bordering on the foothills of the Peace River country. Captain H. T. Munn of Toronto, who has just returned to Edmonton from the Pouce Coupe district, reports that the lands are adapted to various forms of agriculture. His report to his principals in London will show that dairing and cattle raising can be made highly profitable industries, also that there will be markets for all grain that can be grown. The district, he says, will be served by the Edmonton, Dunvegan & British Columbia and the Alberta, Peace River and Hudson's Bay railways and connections with transcontinental lines before the close of 1915.

WILLOW CALF BUTTON BOOTS

Our "big misses" low-heel, mannish shoe which has been such a favorite this fall is again in stock—all sizes and also

SEVERAL OTHER NOVELTIES

MILFORD - BERGER SHOE COMPANY

Everybody

BOOST

For the

Good Roads Meeting

To Be Held At The

Grand Theatre

Monday Afternoon January The 6th.

Sanders-Wright

VINITA'S BIG DEPARTMENT STORE