

WALKOUT OF ENGINEMEN TEMPORARILY AVERTED

Offers for Mediation From Federal Authorities Accepted by Both Sides.

RAILROADS APPEAL TO GOVERNMENT OFFICIALS

As an Eleventh Hour Measure to Prevent What Threatened to Be One of the Greatest Strikes Since 1894, Managers Induce Knapp and Neill to Intervene-- To Decide What to Arbitrate

Chicago, March 15.—Danger of an immediate strike of 27,000 locomotive firemen, the throwing out of employment of more than 125,000 other employees and the temporary suspension of business on practically every railroad between Chicago and the Pacific coast, was averted today through the acceptance of offers for mediation from the federal authorities. At the request of the general managers of the 47 railroads involved, Chairman Knapp of the interstate commerce commission and Commissioner of Labor Neill telegraphed an offer of mediation to the union officials. This offer was accepted, W. S. Carter, president of the Brotherhood of Locomotive Firemen & Enginemen, stipulating, however, that action must begin at once. The appeal to Washington was taken as an 11th-hour movement to prevent a walkout which, it was declared, threatened the greatest railroad strike since 1894.

Thirty-seven members of the Western Federated board of the brotherhood at midnight last night formally voted for a strike. The hour for striking had been set for next Monday morning and the members were prepared to start for their homes to put the strike into effect when the mediation steps were taken. It is stipulated that the mediators come to Chicago. According to Mr. Carter their function will not be to arbitrate the matters in dispute, but to determine what shall be arbitrated. The questions involve wages, which both sides have agreed upon as arbitrable, the other technical points involving promotion and representation in the union, which the brotherhood contends are arbitrable, but which the railroads say are not. "If the mediation fails through the strike will go on as planned," said Mr. Carter.

Offer Accepted. The acceptance of mediation was contained in the following telegram sent by the brotherhood to Messrs. Neill and Knapp: "Matters in controversy involve conditions of employment and increase in wages. Committee to leave city but if assurance is given that mediation will begin immediately and in the city of Chicago authority for the men to leave the service of the companies will

be temporarily withheld. The fact that we have proposed arbitration on all matters in controversy and the fact that the managers' committee has rejected our proposition does not lead our men to expect settlement from mediation, but as evidence of our fairness will accept your friendly offers under the conditions named herein. Please answer promptly. (Signed) W. S. CARTER." The committee sent the following telegram to the general managers: "W. C. Nixon, chairman of the managers' committee: "Dear sir: Your letter of March 15 has been received, in which you communicate the information that the managers have invoked the aid of the Erdman act and the honorable chairman of the interstate commerce commission and the honorable United States commissioner of labor have been requested by the managers to tender their good offices. This is to advise the managers' committee that the chairman of the interstate commerce commission and the commissioner of labor have tendered by wire their friendly offices in an endeavor to settle through mediation the pending controversy.

Evidence of Regard. "The proposition of our committee that matters in controversy be submitted to arbitration is evidence of the regard we have for the interests of the public and after giving the matter further consideration our committee instructs me to notify the managers that it has accepted the good offices of the chairman of the interstate commerce commission and the commissioner of labor in an effort to arrive at an amicable adjustment of the matters in dispute, provided that such mediation shall be conducted in the city of Chicago and without delay. "Our committee again insists that aside from the interests of the public there are no other parties concerned in this dispute except the railroads represented by the managers' committee and the employees represented by our committee."

In a statement given out today the general managers said: "All prospects of a strike are over. There will be none. Settlement of the whole controversy by mediation and arbitration is assured."

ACCUSED COLLAPSES WHEN HE'S SENTENCED

Indianapolis, Ind., March 15.—As sentence was pronounced on him by Judge Anderson in the United States district court today Paul C. Gall collapsed and slipped to the floor between the deputy marshals who were supporting him. Gall's face grew livid in the progress of Judge Anderson's scathing denunciation and his knees bent under him when the court said: "I sentence you to five years in the federal prison at Leavenworth." Gall was convicted last week of having aided Mix P. Emmerich, a book-keeper of the Capital National bank of this city, in abstracting \$10,000 of the bank's funds. Gall, a tobacco merchant, was a depositor in the bank and he over drew his account \$3,000. Emmerich covered up the overdraft. He is serving a sentence in the Leavenworth prison.

UNANIMOUS REPORT ON HAWAIIAN BILL

Washington, March 15.—A unanimous report in favor of the Hawaiian government bill with minor amendments was foreshadowed by today's action of the house committee on territories. The committee took up the report of the sub-committee to which the bill was referred and there was no serious disagreement over any of its provisions. The question whether the government should extend aid for building railroads in Hawaii caused some discussion and an effort will be made to settle that point at the next meeting. The bill was passed by the senate. It regulates the sale of public lands, fixes compensation of public officials and makes other changes in the governmental system.

THE CHIEF OF POLICE REMOVED FROM OFFICE

St. Louis, March 15.—Chief of Police Creecy was suspended by the board of police commissioners today on charges of divulging secrets of the investigation into the alleged shortage in the police relief fund to John M. Healy, who was indicted last week on the charge of embezzlement. Lieutenant Thomas J. McCormick, president of the relief association was also suspended. The charges against him were not announced. Chief Creecy is still at his home. The full list of charges against him was not made public.

STARTS ON A TRIP OVER RESERVATIONS

Washington, March 15.—To get the Indians in the northwest started in their spring farming, W. R. Logan, supervisor of industries in the Indian service, has left Washington for a trip through the reservations. Mr. Logan will endeavor to interest the Indians in the farming of their allotments, following out the theory of the Indian office that agriculture will make the red men self-supporting. The Indians on the Fort Peck (Montana) and the Devil's Lake (North Dakota) reservations have broken considerable ground for their early planting.

STAMP LAW UPHELD. Jefferson City, Mo., March 15.—The supreme court here today sustained the constitutionality of the law requiring a stamp of 25 cents on each deal in futures of grain, stock and provisions.

CHANGE FOR WORSE. Daytona, Fla., March 15.—There was a decided change for the worse today in the condition of Senator John W. Daniel of Virginia.

GLACIER NATIONAL PARK BILL IS REPORTED BACK FAVORABLY

Washington, D. C., March 15.—(Special.) The public lands committee of the house today favorably reported Senator Dixon's bill creating Glacier national park in Montana. The bill has already been passed by the senate and that it will now become a law there is little doubt, in view of the report of committee.



Cliffs, glacier and waterfalls, looking west at Gunsight Pass, on the Hudson Bay side, continental divide, showing characteristic country in which collections of alpine plants were made.

The action of the house committee practically gives assurance that the magnificent district around Gunsight Pass with its wonderful glaciers, waterfalls, rugged, snowcapped peaks and beautiful canyons will now be set aside as a national wonderland for the benefit of those who enjoy seeing nature in its rugged magnificence and imposing grandeur. The district which is included in the proposed park is just below the Canadian line in the heart of the mountain range of northern Montana. The district corresponds with a similar territory on the Canadian side of the boundary which has been set aside by the Canadian government as a national playground.

EFFORT TO SETTLE BIG STRIKE FAILS

CONFERENCES IN PHILADELPHIA COME TO NAUGHT—STATEMENT IS ISSUED.

Philadelphia, March 15.—The conferences with George H. Earle have not resulted in any plan or suggestion for the settlement of the carmen's strike and negotiations are therefore to be considered ended, was the official statement issued tonight by the general strike committee of 19. President E. E. Greenwalt of the state federation of labor, tonight issued a call to labor unions of the state to take a general strike vote and hold themselves in readiness to respond to a call for the state-wide sympathetic strike, authorized by the recent convention of the state federation at Newcastle. There was no change in the general situation today. While there were a number of desertions in the strikers' ranks, these, it was stated by the labor leaders, were more than counterbalanced by accessions to the ranks of the strikers. At the conclusion of the conference Mr. Earle, who is the city's representative on the traction company directorate, said: "Nobody's position has been changed, nor is there present prospect of settlement. This discussion, however, was carried on in the very best spirit and I think each side now fully appreciates the position of the other. "The union wanted all the men not only taken back but given their former runs. Mr. Kruger stated as definitely as he could yesterday that this would involve a breach of faith with the men who had remained with the company and the company would never agree to the demand."

W. D. Mahon, president of the Amalgamated association, who represented the carmen at today's conference, it is said, insisted upon the re-employment of striking carmen.

PAPERS ARE FILED.

Denver, March 15.—Incorporation papers have been filed by the Colorado Smelting company with a capitalization of \$1,000,000 and plans have been formulated for construction of a smelter near Ouray this year. The incorporators are: C. C. Goodwin, Lester P. Bryant, W. P. Smith, Herbert Wheeler, F. N. Carnes, A. L. Pierson and A. W. Stump.

DONLAN ANNOUNCES HE WILL RUN AGAIN

GIVES INTERVIEW SAYING HE WILL BE CANDIDATE TO SUCCEED HIMSELF.

Helena, March 15.—(Special.)—State Senator Donlan of Missoula county, who was in Helena today, in an interview announced that he is a candidate to succeed himself. He said the rumor that he was going to retire from politics was unfounded and he was in the game to stay. Talking about the election of a federal senator to succeed Senator Carter, Mr. Donlan said: "As a republican interested in the success of the party I would like to suggest that the republicans devote less time to bothering about the state convention and more to the men who will be sent to the legislature. We want good men, and then we can leave it to their judgment to select a United States Senator. I am opposed absolutely to the state convention interfering any man for that position. It is not fair to the state in general, nor to the candidates. The republican party has plenty of first-class senatorial material. What we want to do is to select first-class legislative tickets. If we do this we can depend upon their judgment. Let the fight for the senatorship be an open one with success perching on the banner of the best man. "I will not be a candidate for governor two years hence," declared Mr. Donlan, when asked about it. "Not but that I would appreciate the honor," he continued, "but Missoula and western Montana will have a candidate for a bigger office—Joe Dixon will be a candidate to succeed himself as United States senator—and it's up to western Montana to get busy and see that he again lands in the senate. He's done more for our part of the state than any other man, and the residents of that section appreciate it. He's shown he has the ability, and so, as far as the rest of us are concerned, it is a clear track for Joe, with western Montana solidly back of him."

KILLED BY TRAIN.

Plains, March 15.—(Special.)—An Italian under-boss, was run over and killed by the North Coast Limited at Kildee station, west of here, this afternoon. A section laborer was injured at the time. Coroner Hattery left tonight for the scene to hold an inquest.

WITNESS FURNISHES SENSATIONAL EVIDENCE

SPOKANE MAN GIVES MUCH IMPORTANT TESTIMONY IN MAYBRAY HEARING.

Council Bluffs, Iowa, March 15.—Howard Simpson, a Spokane real estate dealer, furnished the sensation in the trial of John C. Maybray and associates in the United States district court, charged with fraudulent use of the mails. No witness called thus far has received the attention accorded Simpson. Considerable mystery surrounded the manner in which he secured information he vouchsafed in the case, and neither side attempted to show how he came into possession of it. He indicated clearly, however, that he had been in touch with the leading defendants for many years, was perfectly familiar with their handwriting, their methods of operation and in most cases with their personality. Mr. Simpson said he was a man of wealth and standing in his home city.

The government introduced a directory of about 200 names of men who are alleged to have been identified with Maybray in his operations. This directory was taken from Maybray's effects when he was arrested at Little Rock and was compiled, according to the chronology by various persons. Simpson unhesitatingly identified the handwriting of each person and the defense made no effort to combat his testimony.

Colonel Temple, prosecuting attorney, stated he considered Simpson's evidence the strongest he had yet introduced. It is said Simpson will give further testimony in cases to come before the court later.

SEVERAL PERSONS HURT.

Springfield, Ill., March 15.—The New York Express of the New York, New Haven & Hartford railroad, due in this city at 12:38 p. m., jumped the track at Pecowise this morning. Several persons are reported injured.

STANDARD OIL RAILROAD BILL SEVERELY SCORED OPPOSED BY CUMMINS

FRANK B. KELLOGG ARRAIGNS OCTOPUS BEFORE THE SUPREME COURT.

SENATOR FROM IOWA DECLARES HIS INTENTION OF FIGHTING THE MEASURE.

ARGUES CASE AT LENGTH

Government Has Its Inning in the Suit to Dissolve the Monster Oil Corporation—Points of Law Are Discussed in Minute Detail and Members of Bench Show Interest.

MAKES LENGTHY SPEECH

Declares He Will Work Against Administration Act Even Though It Result in an Effort to Read Him Out of the Party—Speaks Two Hours on Measure.

Washington, March 15.—Holding up the Standard Oil company of New Jersey as a danger to the country and its organization as a commercial precedent that should be eradicated from the business world, Frank B. Kellogg today arraigned the corporation before the supreme court of the United States. It was the government's turn to be heard in the argument over the dissolution of the company, as decreed by the circuit court of the United States for the eastern district of Missouri. Except about 20 minutes that John Milburn consumed at the beginning of the sitting in the conclusion of his opening address and about an equal length of time occupied by D. W. Watson at the close of the day, both in defense of the Standard Oil, all the time was taken up by Mr. Kellogg. He gave a history of the Standard Oil and its activities, with frequent comments on the law of the case. He seemed inclined to leave many of the legal points for discussion by Attorney General Wickersham, who is to close the case for the government tomorrow. Particularly was this true of the principle of common ownership of Standard Oil property urged by the defense to have existed both before and after the organization of the alleged illegal combination in 1899.

Keen Interest. Time after time the court manifested keen interest in the case by subjecting counsel to a series of questions. They were anxious to know about the common ownership by the Standard Oil counsel, and to get the various interpretations of the meaning that should be given the word "monopoly" as used in the Sherman antitrust act. The day brought out a sharp conflict of purposes between the government and Standard Oil. Mr. Kellogg, on behalf of the government, dwelt upon the activities of the corporation to prove an intent to monopolize.

On the other hand, the Standard Oil counsel contended that such matters were not before the court for review. Mr. Kellogg charged that the Standard Oil, since its pipe lines had been made common carriers, had established stations at outlandish places, where nobody ever had a refinery. Their rates were prohibitive, counsel said, and that was the reason applications to use the pipe lines had not been made by independents. Railroad rates as a means of unfair competition, were next considered. He spoke of the number of Standard Oil officials in many railroads. From the railroad question he returned to what he called the unfair methods of competition. As an example, he told of the Standard selling oil at a loss in Los Angeles, where there was competition, and at a profit in Portland and Seattle, where there was no competition.

Is Dangerous.

"They may say that it is only competition, but we say it is competition that is dangerous in the hands of a corporation spreading all over this country."

Mr. Kellogg then turned to a discussion of the purely legal phases of the controversy. He argued that the Northern Securities decision applied squarely to the case. In touching on the claim of common ownership, he said that at times when it was convenient, the defendants dwelt upon corporate entity, but in the present instance they were anxious to go beyond the corporation to the individual. He argued that the action of the corporation was before the court.

Justice White and Justice Lurton questioned him on how he interpreted the two sections of the Sherman antitrust law in question. He answered that much depended on the degree of control possessed in each case by the corporations. The 29 minutes occupied by D. T. Watson for the company were devoted to the argument that the only thing the circuit court below held to be in violation of the Sherman antitrust law was the combination of 1899. He maintained no other point was before the supreme court, and as he described it, "the things Mr. Kellogg has spent three-fourths of his time talking about have nothing to do with the issues."

The plan tonight is for Mr. Watson to continue his address when the court meets at noon tomorrow. He is to be followed by Mr. Wickersham for the government, while John G. Johnson is to close at the end of the day for the corporation.

Washington, March 15.—That he would oppose the administration railroad bill even though it might result in an effort to read him out of the party, Senator Cummins of Iowa, in effect declared in the senate today in the initial speech on the railroad bill. He commented especially upon the history of the measure which he said had originated in the executive branch of the government rather than in congress.

After occupying its place on the senate calendar for 18 days the bill was taken up at 2 o'clock and this was launched the discussion of what the members of the senate regard as the most important legislation before congress. The Iowa senator had spoken for about two hours when he asked leave to suspend until tomorrow.

The leave was granted, but Senator Hale, chairman of the republican caucus, gave notice that hereafter the bill would be kept constantly before the senate. In language just as positive, Mr. Bailey declared that the bill could not be rushed and declared that congress was liable still to be considering it when the "dog days" arrived.

In the main, Mr. Cummins' speech was devoted to a general review of the railroad measure, but it was preceded by a recital of the history of the proposed legislation, in which he criticized the course of the president and declared his intention of opposing the bill in its present shape, even at the cost of the displeasure of the chief executive.

"If the uncontradicted and apparently authorized statements of the newspapers be not in error, every republican, at least, is expected to vote for it just as it is, unless he dares to incur, not to be banished from the republican ranks," said Mr. Cummins. "I do not speak of this phase of the subject in a spirit of anger. I am conscious of no other sentiment than profound regret. I recognize that it is not only the privilege but the duty of the president of the United States to make such recommendations to congress as, in his judgment, will promote the general welfare. He is quite within his privileges and his duties in expressing his views upon such subjects as often as he likes and as emphatically as he pleases."

Is Doubtful.

"Whether he is within his privilege or his duty when he undertakes to prescribe the precise form that legislation shall assume may well be doubted. His great predecessor evidently thought that executive propriety did not permit it, for when he was dealing with the same subject in his message at the beginning of the first session of the 57th congress in 1905, he said: 'It is not my province to indicate the exact terms of the law which should be enacted, but I call the attention of congress to certain existing conditions with which it is desirable to deal.'"

"I would not, however, be inclined to attach much importance to the practice which now seems to be very general were it not that its cures, in the very nature of things, must be disastrous. Although a senator may be in full sympathy with the broad purposes which the executive proposes to accomplish, the moment he asserts his independent view of the best way to accomplish the purpose, he finds himself in direct conflict with the president and he must choose between losing the presidential favor and doing a thing in a way his conscience tells him it ought not to be done."

A Mere Form.

"I do not fear that in a single instance or during one administration the independent will of the members of congress can be overcome; but, if upon subjects like the one before us, the practice of having a bill prepared in the executive office and presented to congress for passage, accompanied with an implied message that punishment follows disobedience is continued from year to year, in the end congress will become a mere form in organized society."

"With the utmost respect for the exalted office of president of the United States and for him who occupies it at the present time, I record my protest here and now against a practice which I believe to be full of dangers and disasters."

Declaring to be extraordinary the circumstances connected with the (Continued on Page Four.)



Members of the supreme court of the United States before whom the Standard Oil dissolution suit is now being argued.