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THE JOURNAL

VOLUME XXVIII—NO. 189. LUCIAN SWIFT, MANAGER. J. S. McCLAIN, EDITOR. PUBLISHED EVERY DAY. SUBSCRIPTION RATES BY MAIL. Daily and Sunday, one month, \$4.00. Daily only, per month, \$1.25. Sunday only, per month, \$1.25.

THE COAL STRIKE SITUATION. The coal strike situation, to a benighted westerner who expects to pay the freight whichever side wins, is as clear as unfiltered Mississippi water.

loading the cost upon the public. The market value of these properties must be based on their earning capacity and their earning capacity is based on coal.

Senator La Follette's Speech. The three days' speech of Senator La Follette upon the railway rate bill marked a point in that discussion when the technical questions of broad and restricted court review were abandoned for a while, and the senate got back to the starting place, which is the right and duty of congress to make rates.

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MINNEAPOLIS & ST. LOUIS ROAD MAPS SOUTH DAKOTA EXTENSION

The first map of the South Dakota extension of the Minneapolis & St. Louis road shows that the new line will pass thru some of the most fertile and most valuable agricultural lands of the state. It shows also that, in addition to the 250 or more miles of road which the Winston Brothers company of Minneapolis has contracted to build, an additional sixty miles west of Leola have been surveyed by the engineering department.

One of the difficult duties before Manager L. P. Day has been the selection of names for the new stations of the extension, but the Sioux language has been appealed to, and many names have been secured which are significant as well as euphonic.

Minnesota Politics. Three Candidates for Governor State Their Positions on Drainage—Democrats Want McDonald for Johnson's Running Mate—A Hennepin Convention Chairman.

Three candidates for governor, all from southern Minnesota, are on record as to the drainage question, in reply to a letter of inquiry sent out by H. G. Hays, secretary of the Minnesota Drainage League.

George W. Somerville says: "There is absolutely no doubt as to what answer should be given to the question proposed. The swamp land should be reclaimed. It would seem that no one who has familiarized himself with the situation can do other than favor the expenditure of a part of our public funds for the purpose of reclaiming these swamp lands. The chief argument for doing so is that it will pay. Doubtless accurate surveys should be made, as I understand are being made, and the money should be used with impartiality. It has also occurred to me that some method should be devised by which private owners and railroad corporations should be compelled to pay for any benefits which their land might derive by reason of the drainage of the state lands."

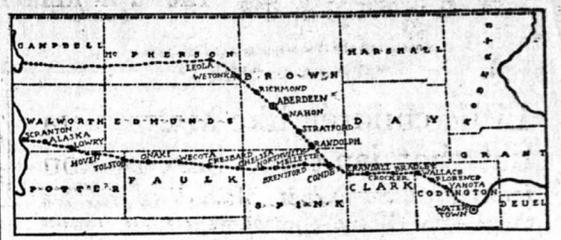
James M. Diment says: "I believe in treating state property with the same business judgment as would that of a private property. Some one has said that man who makes an acre of waste land fertile is greater than he who makes a fertile acre of waste land sterile. So it is with the state. Every acre of land in this state that can be drained at a cost not to exceed the increase in the value of the land that will accrue from such drainage, should be drained. It means more homes, more people, more prosperity, a greater state, more business, more happiness. I believe in the development of all our resources of whatever nature, whenever it can be done profitably."

If C. F. McDonald of St. Cloud will accept the nomination, he will undoubtedly put on the democratic ticket as Governor Johnson's running mate, making it an editorial ticket. Mr. McDonald is editor of the St. Cloud Times, and was a leading public speaker in the campaign. He has also served as president of the Minnesota Editorial association.

There is a movement on foot in Hennepin to select a chairman for the county convention who will be free from the influence of any candidate or faction. The name of George W. Somerville is being advanced for this purpose. He is a public sentiment that will result in his choice without a contest. Among those suggested are M. E. Eastman, W. W. Hoefflinger and Thomas Voegel.

AMUSEMENTS. Foyer Chat. Of all the many operative celebrities before the public today, none seems to have secured the eminent and financially successful position unanimously accorded Richard Carle, the popular author-comedian, who will be seen at the Metropolitan for the half week commencing tonight. He is in his latest and most successful piece, "The Mayor of Tokio." From all accounts this piece may be accredited as being the most emphatic triumph of the season, and it will be given here in the original production and cast of ninety people seen during the long runs in Chicago and New York.

At the Metropolitan for three nights and Wednesday matinee, beginning next Monday evening, there will be presented a remarkable play, entitled "The Little Soldier," which was recently successfully produced at the Garrick theater, New York. This play is by Channing Pollock, who wrote "The Pit" and "In the Bishop's Carriage," and will be presented here by the case of an entire excellence. Seats for this engagement can be secured today.



the line to Condo, on the North-Western line from Doland to Grotton. Condo will be the junction with the Leola branch. The first station west of Condo will be the Bradford, Mellette, on the Milwaukee's Aberdeen north-and-south line; Northville, Chelsea, Cresbard, Wadena, meaning "host," just east of the crossing of the Milwaukee's Orient-Eureka line; Onaka, meaning "garner"; Tolstoi, a Russian settlement; Haven, in Potter county; Lowry, named for Thomas Lowry, president of the Soo line, across the border in Walworth county; Akaska, meaning "gorge," and Scranton, the terminus at the river, are the special towns carrying laborers.

Starting from Condo, the stations on the Leola extension will be Randolph, Stratford, Nahon, meaning "here"; Aberdeen, Richmond, Wetonka, meaning "important," which is across the McPherson border, and Leola. The townsites beyond Leola have not been named.

populator, belongs to the magician class; the Ward trio are exceptional gymnasts, while the kinodrome is always interesting to the general public and photographers alike.

The Orpheum theater closes its second season Saturday night, May 12. Ferguson and Passmore, singers and dancers, are featured on the bill.

WHAT OTHER PEOPLE THINK. The Law of Contempt. To the Editor of The Journal. Two or three misapprehensions are apparent in your comment of yesterday on the Holland contempt case. First, the alleged bribing are not in contempt of court; they are also felonies, punishable by ten years in state prison, or a fine of \$5,000, both. Rev. Laws, sec. 4799 of the statutes, declares that "Persons proceeded against under this chapter are also liable to indictment for the same offense."

Second, no change in the law is effected by the classification of "direct" and "constructive," for it is one which the law has always recognized. In State vs. Ives, 60 Minn. 478, the supreme court, speaking of this statute, says: "It also recognizes the usual classification of contempt as direct and constructive, or consequential." In the same opinion, Justice Start says: "Direct contempt is those committed in the immediate view and presence of the court, all others being indirect."

Third, the statute has always affixed different penalties to the two kinds of contempt. The maximum in any case, and six months in jail; in one of these classes only a \$50 fine can be imposed, and no jail sentence. Now which one? As the statute has been printed ever since 1866, it would appear that direct contempt was the one punishable by the lighter fine only, but this is taken to be an obvious error. In the original act (Gen. Stat. 1894, 6155) all contempts are defined together, in twelve subdivisions. Only the first two of these relate to direct contempt, and the last two "committed in the immediate view and presence of the court."

Section 6156 reads: "But when the contempt is one of those mentioned in the first or second subdivision of the last section, it must appear that the right or remedy of a party has been defeated or prejudiced therewith, before the contempt can be punished by imprisonment by a fine of more than \$50." This was so plainly the reverse of what was intended that the revisers traced the section to its source and found that what was taken to be an error was a correction. It is in the printed report of the revisers of 1866, in the section of the former statute from which the provision was taken, and in the enrolled bill now on file with the secretary of state. It is, therefore, and always has been, the statute law of this state that the courts are restricted to a \$50 fine in cases of indirect contempt, precisely as stated in the new revision. —Daniel Fish. Minneapolis, May 3, 1906.

A Case in Point. In the way of suggestion, may I say to the committee of the thirteenth ward having in charge the cleaning and putting here by the case of an entire excellence. Seats for this engagement can be secured today.

Railroads

CONTRACTORS PUSH WORK

WATERTOWN IS HEADQUARTERS FOR CONSTRUCTION GANGS OF MINNEAPOLIS & ST. LOUIS EXTENSION. Special to The Journal. Watertown, S. D., May 3.—The Minnesota, Dakota & Pacific railroad is pushing the work of building its extension from Watertown to the Missouri river just as fast as possible. Every day the company brings into Watertown many carloads of material and grading outfits. Men and horses are being rushed to this city and from here are being sent out along the right of way, clear to the river.

Every evening the St. Louis passenger train from the twin cities brings in a special coach carrying laborers who have been engaged for the grading work. Thirty-five to fifty a day arrive. This has been going on for many weeks, and the number of men on thousands men working on the grade. The men camp on the site of their work, eating and sleeping in tents. Hundreds of carloads of scrap-iron, graders, wagons, etc., have been unloaded here and sent out from this city to make the trip overland to the places where they are needed.

Fifteen hundred carloads of ties are now stored in the company's yards in Watertown, and 1,800 more are expected, of which 800 are now en route between Minneapolis and Watertown. Ties and steel work sent out from here as fast as they are needed to lay track after the grading is done.

The first station out of Watertown will be at the outlet of the Grand Trunk. The second station will be a substantial town, and will be about twenty miles northwest and will be a general store, a bank, harness shop, blacksmith shop, newspaper and other enterprises are already being made.

ENGINEERS ARE BUSY

Two Great Systems Are Pushing for the Coast. Journal Special Service. Vancouver, B. C., May 3.—Authoritative advice has reached here that the Canadian Northern is organizing surveying parties with the object of locating a line this summer between the summit of the Rockies and the Pacific coast. Engineers have already begun to survey the route, and it is expected that the Yellow Head and Pine river passes. This means a lively race between the Canadian Northern and the Grand Trunk Pacific to get first locations which will give them enormous advantages in the way of gradients. The line which files plans first at Ottawa will have the choice of route. The Canadian Northern engineers will come to their labors in both passes as Grand Trunk Pacific parties are already on the field in those locations.

SENATE VOTES FOR RAILWAY

Bill Favoring Hill Roads Passes Canadian Upper House. Special to The Journal. Ottawa, May 3.—The senate railway committee yesterday had a discussion over the bill representing the Vancouver, Westminster & Pacific coast railway, which is J. J. Hill and the Great Northern. The bill provides for the building of several branches in British Columbia, and thru Yellow Head pass to Edmonton.

Additional Lake Service. Additional lake service will be begun by the Great Northern road, which will run from Minneapolis daily at 9:35 a.m., 2 and 6:10 p.m.; daily except Sunday at 5:05 p.m.; daily except Saturday at 7:30 p.m., and Saturday only at 9 p.m. Trains will leave Mound for Minneapolis daily at 7:20 a.m., 1:05 and 4 p.m.; daily except Sunday at 7:59 a.m.; daily except Saturday at 9 p.m.; Saturday only at 10 p.m.