

THE EVENING TIMES STANDS FOR GRAND FORKS AND NORTH DAKOTA UNDER ALL CIRCUMSTANCES

THE EVENING TIMES

THE EVENING TIMES PLAYS NO FAVORITES. IT IS THE PEOPLE'S PAPER FROM START TO FINISH

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GRAND FORKS, NORTH DAKOTA, TUESDAY, MARCH 20, 1906.

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Family is Overcome by Escaping Gas

Associated Press to The Evening Times. Pittsburgh, March 20.—A family named Williams, consisting of the parents and five children, are reported to have been found unconscious in their beds at Glen Osborne, Pa., today, having been overcome by escaping gas. Up to 9:30 o'clock physicians had been unable to revive them. Williams was the station agent of the Pittsburgh, Fort Wayne & Chicago railroad at Glen Osborne, and when the station was not opened at the usual hour today the doors were broken open by the passengers, and the family, who lived above the station, found as described. Dr. Dewitt Nettleton, one of the attending physicians, said there appeared to be no doubt but that the family was overcome by gas fumes arising from the furnace. All will recover.

Fort Wayne & Chicago railroad at Glen Osborne, and when the station was not opened at the usual hour today the doors were broken open by the passengers, and the family, who lived above the station, found as described. Dr. Dewitt Nettleton, one of the attending physicians, said there appeared to be no doubt but that the family was overcome by gas fumes arising from the furnace. All will recover.

AN EXPERT'S VIEWS ON CANAL

Former Chief Engineer Wallace Talks of Panama Project.

INCOME OF TEN MILLION

Annually in Tonnage Would Warrant Excessive Sea Level Waterway.

Associated Press to The Evening Times. Washington, March 20.—John F. Wallace, former chief engineer of the Panama canal, appeared before the senate committee on interoceanic canals today. Mr. Wallace, in advocating an approximately straight, sea level canal of ample width and depth as the best, urged that any other plan which places restrictions upon the probable permanency of the canal itself as well as upon the speed, size and number of vessels passing through it, must render the canal far less valuable. "Assuming that the present tonnage through the Suez is say 10,000,000 tons per year would pass through the Panama canal, even at a dollar per ton there would be," he said, "an approximate income of \$10,000,000 which is sufficient to justify an expenditure of \$300,000,000."

The later figure he deemed ample to construct a sea level canal. As to the additional time involved, Mr. Wallace predicted that upon the basis of reasonable energy and the use of proper business methods of administration the sea level canal can be fully completed in ten or to be entirely safe, say twelve years, and a lock canal, even if only sixty feet above the sea level, would require only three years less.

TRAINS DUG OUT OF HUGE SNOW DRIFT

Passengers Stalled for Several Days in Illinois Are Rescued.

Associated Press to The Evening Times. Decatur, Ill., March 20.—The Cincinnati, Hamilton & Dayton passenger train due in Decatur from Indianapolis at 4 a. m. Monday and fast in a snow drift six miles east of Decatur all day Monday and Monday night, was dug out of the snow today. The Continental limited on the Wash from New York to St. Louis, due in Decatur at 4:20 p. m. Monday afternoon, passed Decatur at 2 o'clock this morning after being seven hours in a drift near Philo, Ill. The Illinois Central passenger train leaving Decatur at 7:15 Monday for Champaign is still in a snow drift at Argenta, twelve miles from Decatur. Four engines tried unavailingly all night to move it. The twelve passengers on the train are comfortable.

IM ON A FLOATER TRACK
THE WEATHER.
As reported by the Associated Press from Washington, D. C., for the coming 24 hours:
North Dakota — Rising temperature tonight and Wednesday; warmer.
Montana — Variable winds; warmer.
Minnesota — Fair and warmer Wednesday; light winds.

CREW SAVED FROM STRANDED SCHOONER

Boston, March 20.—The three-masted schooner C. C. Lane was discovered ashore on the Boston light ledge below Boston harbor shortly after daylight today. She was almost entirely submerged and although the weather was very thick three men could be seen on board. The Storey beach life saving crew went to the vessel and rescued the crew. The vessel is a total loss.

WARM TIMES IN MILWAUKEE ELECTION

Mayor Rose Has Contest for Nomination—Other Candidates Are Active.

Associated Press to The Evening Times. Milwaukee, Wis., March 20.—The hottest pre-convention campaign Milwaukee has ever known concludes with today's primary election. Five candidates are lined up for the mayoralty. Mayor Rose and W. G. Bruce are in a struggle for the democratic nomination. The contest for the republican nomination is between Sherburn M. Becker and W. J. Fiebrantz. The social democratic candidate is W. A. Arnold. He has no opponents for the nomination, having already been chosen by a referendum vote of his party.

It is the fifth campaign for Mayor Rose. Four times he has been elected mayor. This time, however, he has a fight on for the nomination. The indications are that he will be successful in winning the nomination, but his chances of election are generally believed to be less than ever before. The spectacular part of the campaign thus far has been furnished by Sherburn M. Becker, the young aspirant for the republican nomination. This young man, the grandson of S. S. Merrill, whose genius made the St. Paul road, and son of Washington Becker, president of the Marine National bank, has set a new pace for campaign work in the Cream City. His career to date bears a striking analogy to the early years of President Roosevelt. Like Roosevelt, Mr. Becker is a Harvard man, and he also has had experience as a cowboy on the western plains. He surprised his friends four years ago by announcing his intention to run for supervisor. Nothing daunted, Becker started out determined to be elected, and he was. He signaled his term in office by unearthing a county printing steal, and the next year the county paid about \$5,000 for printing which had formerly cost it \$35,000. Tiring of the county board, Becker decided to run for alderman. Again his friends laughed. Again he was successful. Now they are laughing again at his determination to be elected mayor. He may not be elected, but there appears to be an excellent chance of his receiving the republican nomination. He has waged a campaign that has caused the old-timers to open wide their eyes.

Becker's opponent for the nomination, Fiebrantz, is an alderman with considerable strength in the northwest part of the city. W. G. Bruce, who is contesting the democratic nomination with Mayor Rose, is tax commissioner, proprietor of the school board journal, and a close student of municipal affairs. W. A. Arnold, the social democratic standard bearer, is a printer with a reputation for hard-headed common sense. There are many unblinded on-lookers today who would not be surprised if Mr. Arnold would be Milwaukee's next mayor.

RETRIAL FOR MALPRACTICE.
Associated Press to The Evening Times. Hagerstown, Md., March 20.—F. William Hermann, a druggist, and Dr. J. H. Tompkins, a colored physician, were placed on trial for the second time today on the charge of being responsible for the death of Miss Jean Maxwell, at Cumberland, Md., last June. A hung jury was the outcome of the first trial of the two men. The prosecution claims to have some new and important evidence to introduce at the present trial.

DOUBLES CAPITAL STOCK.
Associated Press to The Evening Times. New York, March 20.—The stockholders of the Southwestern Telephone and Telegraph company, the Bell company operating in Texas and Arkansas, held a special meeting in this city today and voted to increase the authorized capitalization from \$10,000,000 to \$20,000,000. The action is in line with that taken by nearly all the other Bell companies, which during the past six months have voted to enlarge their capital stock, the total increase amounting to several hundred millions.



SHOULD PROVE A STRONG COMBINATION. The Recent Merger of the Two Leagues Means Fast Ball for the Season of 1906.

TORNADO SWEEPS STATE OF MISSISSIPPI; A TRAIL 16 MILES WIDE IS LEFT

SNOW SLIDES IN MOUNTAINS OF COLORADO CAUSE GREAT LOSS — STORMS EAST AND WEST LEAVE TRAIL OF DEATH AND SUFFERINGS—PASSENGERS STALLED IN DRIFTS, TRAINMEN KILLED AND OTHER CALAMITIES ATTEND REVELRY OF THE ELEMENTS.

Hattiesburg, Miss., March 20.—A tornado passed over southern Mississippi last night. Whether there has been loss of life is not known here. The information came from Geo. M. Kennedy, who came late last night from New Augusta, Miss. From his account the tornado originated near Beaumont and sped across the country for sixteen miles cutting a swath a half mile wide.

Miners Flee for Safety. Denver, March 20.—Owing to the fear of snow slides all the mines in the

neighborhood of Silverton, Col., have been closed and 3,000 miners have fled to Silverton for safety. Sixteen men have been crushed or suffocated to death by avalanches in this district in three days. The property loss is now estimated at \$500,000.

Still in Snowdrifts. Bloomington, Ill., March 20.—The Cincinnati, Hamilton and Dayton train with four engines and fifteen passengers which has been in the drifts, six miles east of Decatur since Sunday night, has not been released. The snow which in eight days has

reached a depth of thirty inches, has ceased falling. Big Snowfall in New York. Buffalo, N. Y., March 20.—About nine inches of snow has fallen here since yesterday, by far the heaviest fall of the season. The snow fall was heavy throughout this section of the state. Killed by Snow Plow. Dayton, O., March 20.—While operating a snow plow on the Dayton and Troy traction road at Chambersburg, six miles north of here today, Wm. Humphreys, Bert Hoover and Gustav Nicol were instantly killed in an accident.

NEW YORK POLICE ROASTED BY THE METHODISTS

For Their Alleged Failure to Suppress White Slave Traffic in Gotham.

New York, March 20.—Resolutions denouncing the New York police department for failure to suppress the so-called "white slave" evil and arraigning "wealthy people who own the house leased to traffickers in human souls," were adopted by the Methodist preachers' meeting. The resolutions are based upon disclosures which grew out of the trial of Berthe Glatche for the murder of Emil Gerdon and the subsequent arrest of Robert H. Spriggs, the keeper of a negro resort. The resolutions assert that "dens of vice and crime are a danger to the city and that the wealthy owners of property used for immoral purposes should be held equally with the inmates."

TWO CREMATED IN CEDAR FALLS

Associated Press to The Evening Times. Cedar Falls, Iowa, March 20.—August Buhr and A. G. Serbert, employees, were cremated this morning in an explosion of the gas works, while a third man is missing. S. E. Christenson was severely injured.

AN AMENDMENT TO THE RAILROAD RATE BILL

Restraining Courts From Action Without First Hearing Answer.

Associated Press to The Evening Times. Washington, March 20.—When the senate convened today, Senator Overman presented an amendment to the railroad rate bill providing that in cases of a review of the findings of the interstate commerce commission by the courts "no writ of injunction or interlocutory order shall be granted by any district or circuit court without first giving five days' notice to the adverse party nor until a petition and answer are filed and hearing thereon had." The fortification appropriation bill was then taken up for consideration. Without other business of a preliminary nature the house today proceeded to the consideration of the legislative appropriation bill for amendment under the five minute rule.

JOINT CONFERENCE WITH MINERS TODAY

Operators Agree to Meet Their Representatives This Afternoon.

Associated Press to The Evening Times. Indianapolis, Ind., March 20.—The convention of the United Mine Workers of America was called to order today by President John Mitchell. President Mitchell said that the operators had signified their willingness to meet the mine workers in joint conference and it had been arranged to have this conference begun at 10 o'clock. The miners' convention then took a recess. At 11 o'clock the operators sent word to President Mitchell of the miners that they would not be ready to meet the miners in joint conference until 2 o'clock. The miners' recess was continued one hour.

RUMOR THAT WITTE HAS RESIGNED PLACE

Associated Press Cable to The Evening Times. St. Petersburg, March 20.—It is rumored in official circles that at a session of the council of the empire today Premier Witte tendered his resignation and suggested that Privy Councillor Kokovsov, former minister of finance, be appointed as his successor. The reason Count Witte gave for his resignation was that he is seriously ill with heart disease, having had an attack yesterday. If his resignation is accepted by Emperor Nicholas, Count Witte intends to leave Russia and have the disease treated.

Missionary's Trials in Trip From China

Associated Press to The Evening Times. San Francisco, March 20.—Miss Anna H. Coole, a young Baptist missionary who has been in the far interior of China for the past two years, arrived yesterday on the liner Coptic on her way to Cleveland, Ohio. With Miss Coole were Gretchen and Kathleen Wellwood, young daughters of Rev. Robert Wellwood, a missionary in Szechuen, not far from the border of Tibet, 2,000 miles up the Yang Tse Kian river from Shanghai. Leaving Sulfoan Jan. 15 in a native

boat, accompanied by a lifeboat in charge of soldiers, Miss Coole and the two little girls started down the river, traveling only by day. On the way down their boat was wrecked on the rocks and the party had a narrow escape for their lives, finally reaching Shanghai in safety. Miss Coole says there were no signs of trouble at Sulfo when she left and when the missionaries there received the cable from the state department advising them to be ready for flight they cabled back for an explanation.

BEER CITY TRIES PRIMARY ELECTION

Milwaukee, Wis., March 20.—The new primary election law is being tested in Milwaukee today for the first time since its enactment. Candidates for nomination on the city tickets and boards of aldermen and supervisors by several parties are being voted for after a vigorous campaign. The heaviest vote in the history of the city will probably be polled.

CORLIS' OPINION ON THE QUESTION OF CITY GAS

Well Known Legal Authority Agrees With City Attorney Upon the Matter.

The question of the right of the city of Grand Forks to regulate the price to be paid for gas is one of interest to residents of the city. City Attorney Geo. A. Bangs some time ago delivered an exhaustive opinion upon the question, the same being published in The Evening Times. The city attorney has had some correspondence with Judge Guy C. H. Corliss since then and the following self-explanatory letters will be of interest to readers of The Evening Times. From the reply of Judge Corliss it will be seen that the opinion of the city attorney to the effect that the city has not the power to regulate the prices to be charged for gas, is upheld. The letters follow: Hon. Guy C. H. Corliss, Grand Forks, N. D., March 19, 1906.

Dear Sir:—While you were Chief Justice, there came before the Supreme Court for determination the case of State vs. Brass (reported 2 N. D. 482, 52 N. W. 408) affirmed Sub. Nom. Brass vs. N. W. 408. This case involved the extent of the power of the State to exercise its police powers in regulating the charges for gas and electricity. The power exercised by the municipality in regulating the charges of public utility corporations is a delegation of the police power of the State to the State. In the case of State vs. Brass, supra, knowing that one aspect of this question was before the court, I presume so far as to ask your view upon the question of the power of the city of Grand Forks to exercise its police powers in regulating the charges for gas and electricity. Thanking you in advance I beg leave to remain, Respectfully, GEO. A. BANGS.

Grand Forks, N. D., March 19, 1906. Hon. Geo. A. Bangs, City.

Dear Sir:—I have your letter in which you ask my opinion on the question of the power of the city of Grand Forks to regulate the rates to be charged for gas and electricity to private consumers for gas. I have very carefully considered the question and give you the following conclusions: 1st. The power undoubtedly resides in the State to control such charges. In view of the fact that the business in the nature of a monopoly is affected by a public interest, and the gas company enjoys the benefit of its business as a public franchise, to wit: the transmission of the gas to the consumers.

My second conclusion is that such power may be vested in a municipal corporation like the city of Grand Forks, and the exercise thereof conferred upon the governing body of such a city. 3rd. The power to regulate gas rates is, in the last analysis, the power to determine the profits which the stockholder in the corporation carrying on the business shall earn. Of course no court would permit even the legislature to enact a regulation that would practically confiscate the property of the gas company by taking away its ability to earn enough to pay a fair rate of interest upon the stock; but before the rates and earnings of the gas company would be possible under the sovereign power to regulate rates. It is therefore, obvious that it is a power, the exercise of which may be fraught with momentous consequences to the corporation against which the power is exercised.

A purpose to vest such an extraordinary power in a municipal corporation could never be lightly presumed. On principle, and according to the authority of the courts, the exercise of such a power or the most necessary implication will suffice to vest a power of regulation in a municipal corporation. Another consideration why it should not be presumed that there was a purpose to vest such a power in the governing body of a city is that such a power is a power of eminent domain, and indeed, may be elected and placed in power upon the single issue of regulation of gas rates. Therefore the vesting of the power to regulate gas charges in the governing body of a city is practically the same as vesting the power in the representatives of the citizens who, as gas consumers, are interested in a reduced rate. These are considerations which should make the legislature hesitate

LOOT BANK OF LARGE SUM

Armed Posse Surround Moscow Institution and Make Haul Of

\$425,000 AND GET AWAY

Guards Held Off at Point of the Pistol By Band of Daring Robbers.

Associated Press Cable to The Evening Times. Moscow, March 20.—As officials were closing the Mutual Credit society's bank this afternoon twenty armed men surrounded the building, which is near the bourse, and covering the employes of the bank with pistols they pillaged the place, getting away with \$425,000 and made their escape in spite of the efforts of the bank guards to arrest them.

Camp Bird Mill Destroyed. Ouray, Col., March 20.—Fire broke out early today in the ruins of the Camp Bird mill, which was wrecked on Sunday by a snow slide, completing the destruction of the plant. The mill was erected in 1898 at a cost of \$500,000 by Thomas F. Walsh, who at that time owned the Camp Bird mine, which he subsequently sold to an English company.

Fire Destroys Nebraska City. Lincoln, Neb., March 20.—Nearly all of the business district of North Loup, Neb., was destroyed by fire today. The town is without fire fighting facilities and there was no way to check the flames.

before conferring such a power, so directly affecting private property on those directly interested in its exercise and who would be the beneficiaries of a reduced rate. Certainly it should require a clear case to show that this extraordinary power, which enables those interested in the purchase of gas to prescribe the terms on which it shall be manufactured and delivered, has been vested in such interested party.

An examination of the powers of the city of Grand Forks, under the statutes which exist at the present time, has led me to the same conclusion reached by yourself. In my judgment, at the present time, the governing body of this city has no power to regulate the rate which the Gas company shall charge for furnishing gas to private consumers. I feel that the present rate is excessive and that some measure of relief should be adopted as soon as practicable. Very truly yours, GUY C. H. CORLISS.

GERMANY YIELDS VITAL POINTS TO FRANCE

On Police Question in Yielding Seat of Headquarters.

Associated Press Cable to The Evening Times. Berlin, March 20.—Herr Von Radowitz and Count Von Tattenbach, German representatives at Algiers, have been instructed by the foreign officers here provided France meets the German views on the question of the police question to the extent of giving up Casablanca as headquarters of the inspector general but retaining the neutral inspectorship with the real powers of control over the police. Previous advices from Algiers have been acceptable to France. Therefore, although no dispatches have been received from Algiers today the foreign office here is convinced that a settlement is in imminent prospect.