

HADLEY STARTS ON A NEW CHUTE

Brings Suits to Dissolve Merger of Various Gould Interests in Missouri.

WRITS RETURNABLE JAN. 28

GOULD SEES NO OCCASION FOR ALARM.

Jefferson City, Mo., Jan. 9.—Suits to dissolve the alleged merger of the Wabash, Missouri Pacific and Iron Mountain Railway companies and the Pacific Express company, to revoke the licenses and charters of the Pacific Express company, American Refrigerator Transit company, Western Coal & Mining company, High Hill Coal Mining company and the Kansas Missouri Elevator company, were filed in the supreme court by Attorney General Hadley today.

The petition alleges the stocks of the companies named are owned by the same interests, the Goulds, in violation of the provisions of the constitution and laws of Missouri.

Chief Justice Gantt of the supreme court made quo warranto writs asked by Attorney General Hadley returnable in the supreme court on Jan. 28, upon which day the defendants must appear and make answer to the allegations in Hadley's petition.

Purpose of the Suits.

Concerning the nature of the suits, Attorney General Hadley said: "These suits are brought for the purpose of forcing a discontinuance of the ownership of the stock of the Wabash, Missouri Pacific and Iron Mountain companies, and the control of these three companies, two of which are paralleling and competing lines, by the same interests, and to force a discontinuance of the ownership of the stock of the companies in the Pacific Express company, the American Refrigerator Transit company, Rich Hill Coal Mining company, Western Coal & Mining company and the Kansas Missouri Elevator company. By this stock ownership these roads have been engaged in business not authorized by their charters and prohibited by the constitution and laws of the state. The forfeiture of the charters of the companies and the Kansas Missouri Elevator company is prayed for, the license of the Pacific Express company and the American Refrigerator Transit company is asked for, but the forfeiture of the charters of the railroad companies is asked if they should refuse to discontinue in a certain time these illegal practices. These practices exist to a greater or less extent in a number of other Missouri railroads and action will be begun at once. These cases have been under consideration for over a year. Their institution, however, has been delayed by press of work incident to the Standard Oil and freight rate litigation.

Allegations in Petition.

The petition asking that the merger of the stock ownership of the roads be dissolved alleges that the Missouri Pacific, Iron Mountain and Wabash roads are corporations created by and existing under the laws of Missouri; that the Pacific Express company is chartered in Nebraska, but licensed to do business in Missouri; that the American Refrigerator Transit company is chartered in Illinois, but licensed in Missouri as a common carrier of cold storage products.

It states that the Wabash and Missouri Pacific roads between St. Louis and Kansas City are parallel and competing lines as to traffic between these two cities, and also as to much of the intermediate territory. It is alleged that the Missouri Pacific owns and holds 443,344 of the 443,900 outstanding shares of the Iron Mountain; that the Missouri Pacific owns 20,000 shares of preferred stock of the Wabash, the Iron Mountain \$5,000 others of the preferred stock of the Wabash, and \$5,435,000 of the debenture bonds of the Wabash; that the Wabash owns 24,000 and the Missouri Pacific 21,700 shares of the 60,000 shares of stock of the Pacific Express company; that the Iron Mountain owns 2,555, and the Missouri Pacific 1,217 shares of the stock of the American Refrigerator company, being the entire amount of stock issued by that company.

Have the Same Offices.

There is also an allegation that the Iron Mountain and Missouri Pacific have the same officers, have no general offices in the state, and that books and records of the companies are kept in the office in New York.

"The persons and interests in ownership and control," says the petition, "of the Missouri Pacific company, being members of the Gould family, of which Jay Gould was, until his death, the head, and other persons interested with the said Gould family in railroad, telegraph and kindred enterprises, have combined and conspired to bring under the control and dominion of the same persons and interests the Wabash and Missouri Pacific companies, for the purpose of preventing and destroying all competition between the said companies, and for the purpose of making the two companies as one in practical effect and so far as concerns and public interest involved."

Also, it is alleged, "the arrangements heretofore set forth, whereby the holders of the debenture bonds of the Wabash company are permitted to elect six of the thirteen directors of the said company, and the shareholders are permitted to elect but six of said directors, and the thirteenth director is elected by the twelve directors previously chosen, is unlawful and in contravention of the statutes and public policy of the state of Missouri, and is a usurpation by the said Wabash company, its president and members of franchises, powers and privileges, not granted by law and forbidden by law to be exercised or enjoyed by said company, its president and members."

GOULD SIMPLY LAUGHED.

Missouri Pacific Magnate Shows No Signs of Alarm.

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Later Mr. Gould laughed and remarked: "About the only thing I can see is the fact that Mr. Hadley failed to include the International and Great Northern and the Texas and Pacific railroads. He ought to have known these were Gould interests also."

"I am not at all surprised," he said, "if the state where people have to be shown. He will find that nearly all the stock owned by the Pacific Express company and the coal mines mentioned are not Gould interests."

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Idaho Legislature Begins Business With a Couple of Beautiful Little Spats.

(Special to The Herald.)

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No credit, no exchange, but 50c and 90c Music for 125c and 15c.

BEESLEY MUSIC CO., 46 S. Main.

Keep a can or two of MOUNT'S Pork and Beans handy. They are unsurpassed for emergency luncheons.

REALTY MEN SEE RELIEF AHEAD FOR COAL FAMINE

Continued from Page 1.

while new companies are entering the field.

"Your committee has discussed the subject with local coal dealers and others, and has been in correspondence with H. G. Williams, general manager of the Utah Fuel company, and W. H. Bancroft, vice president and general manager of the Oregon Short Line Railroad company. Mr. Williams made a full statement of the situation. Mr. Bancroft offers us his letter to the governor of Idaho dealing with the situation.

M. & M. Alarmists.

"As certain designing persons are seeking to make capital out of the coal shortage, and are offering a railroad commission as a panacea for all ills, it might be well to call attention to what is being done by the federal government in this connection.

"The new railroad rate bill, enacted by congress, provides that all railroad companies must go out of the coal business by Jan. 1, 1908. The railroads

POINTERS GIVEN TO LEGISLATORS

Messages of Johnson of Minnesota, Deneen of Illinois and Brooks of Wyoming.

REFORM ALL ALONG LINE

INSURANCE LEGISLATION BADLY NEEDED.

St. Paul, Jan. 9.—Governor Johnson's message to the legislature declared that the recent reductions of railroad freight rates had not gone far enough. The governor advocates a uniform 2-cent per mile passenger rate law; abolishment of all railroad passes excepting those to railroad employes and members of their families; and legislation to enforce reciprocal demurrage charges.

Governor Johnson recommended enactments requiring a standard life insurance policy, abolition of deferred dividend schemes of insurance; prohibition of political contributions from insurance interests; regulation of the company's investments and the officers' salaries.

The governor recommended removing the non-liability of masters for injuries sustained through the negligence of fellow servants; suggested a labor inspector for each congressional district; recommended a registry and income tax on mortgages and advocated a permanent state tax commission.

Other tax recommendations were: Income tax on royalties or mineral rights; increased tax on iron production; higher tax on sleeping car companies; penalties on telephone companies for non-payment of taxes; better system of taxing express companies; railroads to pay taxes semi-annually; annual license tax on all corporations; present fixed tax on mineral leases to be raised to a minimum of 50 cents per acre on a sliding scale; general affairs of state revenue from iron ore sources.

Governor Johnson asks that an appropriation be made to enable the attorney general to prosecute those responsible for alleged extortionate increase in price of lumber.

DENEEN'S MESSAGE.

Insurance Legislation Recommended by Illinois Governor.

Springfield, Ill., Jan. 9.—Governor Deneen, in his message to the legislature today, recommended insurance legislation along the line of the Massachusetts laws, including a yearly stock-division of accrued dividends, a statement of surplus to be furnished the policy-holders each year; making discrimination by life insurance companies a misdemeanor, and a thorough examination of the affairs of every company at least once every five years. He recommended a provision prohibiting any fire insurance company from owning the stock of another.

There has been, he said, a general demand for a more general supervision of the banking business of the state, not with the view of interfering with or impairing the conditions of sound business institutions, but to prevent the unscrupulous conduct of which all in the banking business should be treated alike and all be subject to inspection by the federal or state government.

He recommended legislation prohibiting the increasing capital stock, bonded and other indebtedness of railroads without regard to the actual value of the road, and also a law abolishing railroad taxes.

WYOMING'S EXECUTIVE.

Governor Brooks Suggests a Primary Election Law.

Cheyenne, Wyo., Jan. 9.—Governor Bryant B. Brooks' message, delivered to the legislature today, recommends a state depository law, a primary election law, reappointment of a new banking law.

The message calls attention to the fact that railroad valuations in the state have remained practically unchanged for a number of years, and says that the railroads are not paying their just share of the taxes levied. The Ute Indians, whose journey across Wyoming last summer caused some excitement, are lawful citizens, and the legislature is urged to take measures to prevent a recurrence of such migrations.

"Irrigation," the message says, "has made more progress in the past two years than in six years previous," and various suggestions are made for legislation which will encourage settlement and discourage litigation.

An appropriation of \$40,000 for wolf bounties is recommended.

Special Announcement Regarding the National Pure Food and Drug Law.

We are pleased to announce that Foley's Honey and Tar for coughs, colds and lung troubles is not affected by the National Pure Food and Drug law as it contains no opiates or other harmful drugs, and we recommend it as a safe remedy for children and adults. F. J. Hill Drug Co. "The never substitutes."

First Rule of Health

Ask your doctor. "What is the first great rule of health?" Nine doctors out of ten will quickly reply: "Keep the bowels regular." While you are about it, ask him another question, "What do you think of Ayer's Pills for constipation?"

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HITCHCOCK WAS NO FLUSTERED

Secretary of the Interior Before Special Committee on Indian Affairs.

LAW EVIDENTLY VIOLATED

LEGAL OPINION OFFERED IN DEFENSE.

Washington, Jan. 9.—Secretary of the Interior Hitchcock appeared today before the special senate committee which investigated citizenship and property rights of the five civilized tribes. He declined to state his authority for withdrawing 4,000,000 acres of Indian lands from allotment in order to create the forest reservation, but said that Assistant Attorney General Campbell had prepared a report which would be made to congress, and that this report would justify his course.

All members of the committee differed from Mr. Hitchcock, and he agreed to send the report to the committee today, but declined to answer questions relative to the character of the report beyond declaring that he found legal authority for his action in an act of congress ordering that the land be opened to allotment.

Not Ready to Respond.

He explained that he was not ready today because he had not received the report of Secretary Wilson as to the desirability of creating the forest reserve until yesterday.

"What bearing can the report of the secretary of agriculture have upon the legality of your action?" asked Senator Brandegee.

"Two separate questions are involved, I know," said Mr. Hitchcock, "but they are so closely interwoven that congress should have the benefit of both reports."

"It was a very startling thing to think that the interior department could defy an act of congress and suspend an affirmative order, as was done in withdrawing this land," said Senator Clark of Wyoming, "and I should like to have your authority for it."

Mr. Hitchcock replied that he believed Mr. Campbell had found a precedent.

Neither Law Nor Precedent.

Mr. Clark answered that he had not been able to find any precedent, much less any law.

"If your investigation should convince you that the withdrawal would be permanent, what action would you take?" asked Mr. Clark.

"That is a matter for congress," replied the secretary, and added that it was his purpose to give congress the facts so that its own action could be modified if it were thought wise.

"But suppose that congress should not modify its action, would you withdraw your order?" asked Mr. Clark.

"I cannot say," replied the secretary. "I have not considered that question."

Pending action on the report from the secretary of agriculture, he declined to discuss the subject, but would modify his own order as to the amount of land to be reserved.

Motives Not Questioned.

Senator Clark assured Mr. Hitchcock that his motives in withdrawing the land were not questioned, but that his authority should be presented at once.

"I think I know the law on the subject now, but I would like to receive your opinion," said Senator Teller.

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Secretary Hitchcock remained unmoved, but said rather sharply: "You shall have the report of Mr. Campbell today."

"The committee adjourned to await the report."

Senators Fail to See It.

In compliance with his promise, Secretary Hitchcock forwarded Assistant Attorney General Campbell's opinion on the withdrawal of the Indian lands to Senator Clark's committee during the afternoon. Mr. Campbell cites a large number of cases of withdrawal of public lands, and he takes the position that the fact that the secretary has general control over the affairs of the Indians gives him the same rights to direct the policy to the purchase of public lands, and that he exercises in reference to the public domain.

Members of the committee refuse to accept this theory, contending that the fact that the lands in question are owned by the Indians as private property places them outside the control of the interior department.

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