Experience is likely to be expensive—but anything is better than only to blink and breathe—Sagebrush Philosopher.

THE SALT LAKE HERALD.

"There will always be friction where there is power on its way to effect."—Exchange.

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AUTHORITY OF COMMISSION IS LIMITED

Land Robbers Can Be Held Accountable for Their Misdeeds.

COMMERCE AT MERCY OF DEEP SEA PIRATES

INTERESTING AND IMPORTANT DECISION RENDERED IN CASE OF IMPORTING COMPANY.

Washington, March 22.—A decision was promulgated today by the interstate commerce commission in one of the most important cases it has been called upon to determine for some time. It is that of the Cosmopolitan Importing company, a Philadelphia organization chartered under the laws of New Jersey, against the Hamburg-American Packet company; the North German-Lloyd Steamship company, the Wilson (Hull) lines and the Scandinavian-American lines.

The complainants' petition was filed with the commission nearly a year ago. Some time subsequently the defendants filed a demurrer attacking the jurisdiction of the interstate commerce commission. Oral arguments on the demurrer were heard by the commission, Ward W. Pearson appearing for the Cosmopolitan company, and Former Senator John C. Spooner, Judge William G. Choate and Harrington Putnam for the defendants.

Opinion by Lane.

The opinion in the case, which is very voluminous, was prepared by Commissioner Franklin K. Lane.

In brief and in effect, the commission decides against itself. It holds that it has no authority over oceanic transportation, and thus determines the case adversely to the contention of the complainant.

In this case the complainant alleged that the defendant steamship companies transport traffic through bills of lading between inland points of the United States and foreign ports and are thereby subject to the jurisdiction of the commission; that the defendants have made an arrangement for the pooling of eastbound export traffic maintained by rail to Atlantic ports and thence by steamship lines to points in Denmark, Sweden, Norway, Finland and German points in the Baltic; that this so-called "Baltic pool" arbitrarily determines the ultimate rates from such inland points of the United States to such foreign ports via the north Atlantic ports; and that the Hamburg-American Packet company maintains a monopoly of westbound and eastbound traffic forwarded on local and on through bills of lading between Germany and other continental countries and inland cities of the United States. The prayer of the petition is that the commission declare the "Baltic pool" to be an illegal pooling of freights under the interstate commerce commission act; that the monopoly of the Hamburg-American Packet company to declared unlawful, and that relief be granted to the complainant, which also is a trans-Atlantic steamship company doing a freight business between American and continental ports.

Demurrer of Defendants.

To this complaint the defendants demurred on the ground, first, that the commission has no jurisdiction on the subject matter or power to proceed against the defendants; and, second, that the complaint sets forth no matter which is cognizable by the commission or which it has been given authority to remedy.

The commission sustains the demurrer and directs in an order that the complaint be dismissed.

In his discussion of the reasons for the commission's action Commissioner Lane sets out these conclusions:

"This commission has no jurisdiction as to shipments moving from ports of the United States to a foreign country not adjacent when such shipments are not carried by rail or by rail and water from an inland point or origin to a port of transshipment. An inland movement of export or import traffic is a condition precedent to the attaching of jurisdiction.

"The commission may regulate interstate traffic, whether by rail or by a combined rail and water route, from point of receipt to point of delivery; but the commission in its control over foreign commerce is limited to the regulation of such traffic, whether by railroad or by a combination of rail and water carriers, from and to the point of transshipment.

"The pooling of traffic by water carriers is plainly a matter over which this commission has no jurisdiction.

"A rail carrier may control and connect with a line of steamships engaged in foreign commerce, with which it may interchange business as freely as with another rail carrier, and it may quote a combined rate for the through movement, the agent of the railroad company acting as the agent

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—Cleveland Plain Dealer.

Coming.

WROUGHT UP TO HIGHEST PITCH

Mount Pleasant Citizens Excited Over Burns-Jensen Tragedy.

(Special to The Herald.)

Mount Pleasant, March 22.—Excitement here over the James F. Jensen-Archie Burns shooting affray yesterday, in which Mr. Jensen was shot and instantly killed, is still intense.

Crowds thronged the streets until a late hour last night discussing the tragedy and anticipating some further excitement, and again early this morning people were out early eager for further news of the tragedy.

Fully 100 people were at the local depot this morning when the first Salt Lake train reached here, all anxious to get a copy of The Herald that they might read of the affair in print.

Wanted to Slay Burns.

The only occurrence of the night that was unusual was the attempts made by Francis Jensen, a brother-in-law and very close friend of the murdered man, to get at Burns in his cell at the city jail and do him injury. Mr. Jensen stood at the side of his brother-in-law as he fell dead with the bullets from Burns' pistol in his body. He assisted in caring for the body and attending to other necessary sorrowful details, and by the time night arrived he was wrought up to such a pitch that he lost command of himself. Three different times he was intercepted at the jail by the special guards, L. P. Nelson and P. A. Larsen. Once he reached the corridor adjoining the cell room and was only induced to leave after a struggle and much argument. Today he is entirely at himself, although he still suffers very keenly from the awful affair. He has the sympathy of everybody, owing to the very peculiar situation in which he finds himself.

His Boy the Cause.

In addition to being a close friend and brother-in-law of James F. Jensen, he is the father of the young boy who was mistreated by Burns some time ago, which action was the cause of the estrangement which grew up between Burns and J. F. Jensen and led to the shooting. He also is stepfather of Mrs. Burns, wife of the man who killed Jensen. Through all the troubles which have led up to the culmination yesterday he has acted as a peacemaker and has made every effort to get the entire affair straightened up.

Sheriff Takes Charge of Burns.

Burns is now in charge of Sheriff Knudsen, who came in from Salt Lake this morning. Milton Burns of Manti, an older brother, arrived here this afternoon. The county attorney is also here, and an inquest will be held.

Burns could not be seen this morning. Late last evening The Herald re-

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KENTUCKY FARMERS DESTROY THEIR TOBACCO BEDS TO SAVE THEIR LIVES

Veritable Reign of Terror in the White-Burley District—Conditions Steadily Growing Worse.

Lexington, Ky., March 22.—Because of warning letters and visits from night riders, many farmers in nearly all of the forty-two counties in the white burley tobacco districts are busily destroying their tobacco beds and at the present time less than one-third of the number usually planted have been started. In many counties huge signs have been erected on buildings and in high places near by declaring the intention of the farmer not to raise a crop this season.

Realizing the difficulty of making a living for their families in case the decision to raise no tobacco is adhered to, many tenant farmers are preparing to move to other states, while many farm owners have placed their property on the market with the avowed purpose of leaving Kentucky.

The murder of Farmer Hedges in Nichols county yesterday, and the raids in Woodford and other counties last week, have increased the alarm. In announcing their determination to go elsewhere the tenants declare that it will be impossible to subsist from the proceeds of crops of hemp, wheat and corn.

In the neighborhood of Mount Sterling many farmers have received threatening letters, with which were matches, powder and poison, and in both farm districts and tobacco towns armed guards have been placed at the threatened points.

Conditions throughout the state are declared to be worse than at any time since the tobacco war began.

INDIANA WILL ENDORSE BRYAN

State Convention Will Meet at Indianapolis Next Wednesday.

Indianapolis, Ind., March 22.—The Democratic state convention will hold its first session Wednesday morning at 11 o'clock. Former Congressman Robert W. Miers of Bloomington will be temporary chairman and will deliver the keynote address.

Candidates for all the state offices will be nominated, a platform adopted, and delegates to the national convention will be selected and instructed for William J. Bryan.

The session Wednesday morning will be brief, the afternon being devoted to district caucuses and committee meetings. All committees except that on resolutions will report to a night session of the convention. The nominations will be made Thursday.

The candidates for governor are Samuel L. Ralston of Lebanon, L. E. Slack of Franklin, Carroll K. McCullough of Anderson, Thomas R. Marshall of Columbia City, Thomas H. Kuhn of Richmond, C. G. Connoel of Hartford and William O'Keefe of Plymouth.

The convention will consist of 1,131 delegates.

EARTHQUAKE SHOCKS IN IMPERIAL VALLEY

Los Angeles, Cal., March 22.—A special to the Times from Imperial, Cal., says:

Three distinct earthquakes were felt through Imperial valley this morning. No damage is reported from the various towns other than the breaking of a few dishes at Brawley and Calexico Centro.

The first shock occurred three minutes before 6 o'clock and was the most severe of the three. The second followed in five minutes and the third in fifteen minutes, each quake lessening in severity. At Brawley the people rushed out of their homes.

VESSEL GIVEN UP.

Las Palmas, Canary Islands, March 22.—The French fishing vessel Baleine, which was captured recently by Moors near Cape Juby, and to rescue which the French cruiser Cassard was ordered to the coast of Morocco, has been turned over to the Cassard, together with the members of the crew, without ransom.

CANTON PEOPLE FEEL DISGRACE

Indignation Over Action of the Government in Tatsu Maru Case.

Canton, March 22.—The greatest indignation prevails here against the government for yielding to the Japanese demands in the Tatsu Maru case, it being considered that the government's action in this matter has brought disgrace upon this province. The Self-goveriment society of Canton has organized several monster indignation meetings, at which resolutions were adopted that the anniversary of the release of the Tatsu Maru be observed as a day of public mourning. The resolutions also declared a boycott against Japanese goods.

Even the Children Ashamed.

More than 50,000 persons attended the mass meetings held yesterday; buildings were draped in mourning and twenty or more orators delivered denunciatory speeches. Among the speakers was a 12-year-old boy, whose declaration against the Japanese caused the greatest enthusiasm. A great number among those who had assembled thereupon divested themselves of Japanese-made garments, including caps and handkerchiefs, and made a huge bonfire of them. One dealer in Japanese goods offered to sacrifice his entire stock.

The meeting recommended the impeachment of Yuan Shi Kai of the board of foreign affairs, for weakness in yielding to the Japanese.

MOSSO QUESTIONED.

Paris, March 22.—The hearing of the case of an American giving the name of Mosso, who was arrested recently by the Paris police on the charge of having negotiated forged letters of credit on the bank of C. B. Richards & Co. of New York, of which he was a former employe, came up before an examining magistrate today. The magistrate interrogated the prisoner, but failed to elicit the names of his accomplices who cashed altogether twelve letters of credit, each valued at $15,000.

"DEATH TO MILUKOFF."

St. Petersburg, March 22.—The Znamya, the organ of the Union of True Russian People, today printed threats of assassination, headed by a black cross and the words:

"Death to Milukoff."

WILL RESUME LAW PRACTICE

Resignation of Congressman Littlefield of Second Maine District.

Rockland, Me., March 22.—Governor Cobb today received a letter from Congressman Charles E. Littlefield tendering his resignation as representative from the Second district of Maine. The resignation is prompted by Mr. Littlefield's desire to take up his law practice, which has been seriously interfered with by his congressional duties.

Letter to Committee.

In the same mail was a communication to the chairman of the Second district Republican congressional district from Mr. Littlefield, in which the latter gave as the reason for his resignation his desire to resume law practice, which in a large degree he has been compelled to abandon because of his congressional duties. In this letter Mr. Littlefield says:

"I have been a member of the house of representatives for nearly nine years. In order to properly discharge my congressional duties I have been obliged to practically abandon my law practice. The result has been what is to me a large financial loss. I now feel constrained, from a sense of my duty to my family, to resume the general practice of the profession.

Thanks to His Friends.

"In withdrawing from congress I wish to express my most profound thanks to my many friends, both in and out of the district, who have so cheerfully, generously, loyally and effectively supported me in the past, through good report and through evil report. I feel that I ought to make my resignation at this time in order to make it unnecessary for the district to be subjected to the expense and trouble of a special convention and election for the election of my successor for the unexpired term."

A meeting has already been called for next Tuesday by the district committee to fix the date for holding the district convention.

SAYS HAYTI IS TRANQUIL

President Nord Alexis Does Not See the Necessity for Foreign Warships.

Port au Prince, March 22.—President Nord Alexis, in an interview at the palace today, declared that conditions in the republic were absolutely tranquil. He said that he did not question his ability to preserve order and protect foreign interests here. Should the powers, however, decide to keep the warships in this harbor, he would not object, but he added that there was no necessity for such a thing; there was no possibility of a popular outbreak against the foreign residents.

The government, continued the president, did not intend to take further action looking to the prosecution of the participants in the recent revolution, except in the case of the disloyal soldiers, who are subject to militar punishment.

The government, he said, gave proof of its good faith in permitting the embarkation at Gonaives of General Firmin and his fellow conspirators without exacting any pledges from them. He thought the refugees in the legations here should welcome a return to their homes to resume their avocations.

REIDS DINE WITH KING.

Biarrits, March 22.—King Edward gave a private dinner tonight, the guests including Whitelaw Reid, the American ambassador to Great Britain, and his daughter, Miss Jean Reid.

JOE SULLIVAN JURY DESPAIRS OF AGREEMENT

Nine Men Stand for Conviction When Report Is Made to Court.

ARMSTRONG DECLINES TO DISCHARGE JURORS

SULLIVAN EATS HEARTILY AND SAYS HE ISN'T WORRIED ABOUT RESULT.

HOW SULLIVAN JURY STANDS

For conviction on the charge of murder in the first degree: Hyrum H. Evans, foreman; Joshua Hill of Sandy, Thomas Lowry, Thomas Alston, Robert Hazen, H. H. Ury, William A. Boggess of Union, William N. Davis and D. L. Murdock.

For conviction of murder in the second degree: Hyrum Stoffer of Murray.

For acquittal: Charles Denny of Union and Samuel Oldham.

Considering the low character of the principal figures in the Sullivan trial, the wide interest in the case throughout the city is surprising. Yesterday afternoon and evening The Herald received more than 300 inquiries over the telephone as to whether the jury had reached a verdict. The information bureau of the Independent Telephone company received during the afternoon and evening about 150 inquiries every hour, and the Bell company answered more than fifty inquiries between 10 and 10:30 o'clock last night.

After thirty-one hours of deliberation the jury in the case of Joseph Sullivan, the alleged highwayman charged with the murder of Policeman Ford, was locked up last night at 11 o'clock at the Kenyon hotel, still as far as ever from reaching a verdict.

Nine men hold out for conviction on the charge of murder in the first degree; one man is for murder in the second degree, and two men insist upon a verdict of not guilty.

Yesterday afternon the jury asked to be taken before Judge Armstrong. The judge appeared in the court room at 4 o'clock, but there was a short delay because of the absence of the accused man. When Sullivan at last was taken into the court room and took his seat with his usual swagger and exaggerated look of smiling unconcern, Judge Armstrong, addressing the jury, said:

"Gentlemen of the jury, I have been informed that you desire to be brought into court. The statutes of the state permit you to appear in court on Sunday, a holiday, for additional instructions from the court. Concerning your verdict, I can have nothing to say. The court has no control over your verdict. But I desire to know if there is any prospect of an agreement."

Says They Can't Agree.

Hyrum H. Evans, foreman of the jury, rose from his seat.

"We have come to the conclusion," he said, "that an agreement as to a verdict is an utter impossibility. We have discussed the case thoroughly, and I can state emphatically that we cannot agree."

Judge Armstrong replied that he would not discharge the jury. "If you will read the instructions of the court," he said, "you will understand the nature of the duty you have been called upon to perform. I will ask you to return to the jury room and make another effort to agree upon a verdict."

The jury then filed out.

Owing to the deadlock in the Sullivan jury, Judge Armstrong will not be able to open court at Tooele today. The session of court there has been postponed until Wednesday.

This is accepted as indicating that Judge Armstrong will refuse to discharge the Sullivan jury until Tuesday if it continues to be unable to agree.

If it is necessary to discharge the jury, County Attorney Willard Hanson and District Attorney Loofbourow will have Sullivan placed on trial for his life again at the earliest possible moment.

A failure of the jury to reach a verdict will cost the county, according to an estimate made last night, cost $7,000.

Acquittal Seems Impossible.

As there are nine members of the jury who favor a verdict of murder in the first degree, it is believed that there is no possibility of the jury acquitting Sullivan. But if such an unexpected turn should be taken, a verdict of not guilty would not mean that Sullivan would be liberated. He would be held for trial on the caarge of rob-

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FIRE CHIEF VAIL IS EXPENSIVE IN PRESENT PLACE

Discredited Official Will Cost Business Men $35,000 a Year if Retained.

INSURANCE RATES HINGE ON HEAD OF DEPARTMENT

REDUCTION WILL BE 15 PER CENT WITH VAIL OR 25 PER CENT WITH BYWATER.

Attention has been called to the fact that there will be a reduction in the insurance rates for fire in this city speedily, and attention has likewise been called to the fact that the extent of that reduction depends upon the reorganization of the fire department. The amount of the reduction hinges on the retention of Chief Charles F. ail or his supersession by W. H. Bywater. That, in a nutshell, appears to be the insurance rate situation.

The reduction in insurance rates in Salt Lake would, it is understood, have amounted to 25 per cent had not Chief Vail blundered at the time of the Redman fire. That bit of work on Chief Vail's part led the board of fire underwriters to hold up its recommendations for the time being, but the policy-holders may not suffer greatly by the delay, because when the decrease is ordered it will be made retroactive.

The question, therefore, is pivotal on the point of whether the business district is to get a reduction of 25 per cent or, as generally understood, 15 per cent. If Chief Vail is retained, it is the open statement of those who not only assume to know, but do know, that the reduction will be on the basis of the smaller figure. If, on the contrary, assurance were given those who fix the schedules that a man competent to handle the department would be installed in office, the greater figure would be ordered in the reduction.

What It Amounts To.

The difference between the 25 per cent and the 15 per cent reduction in rates in the business district in Salt Lake, roughly estimated, would amount to $35,000 a year. As a matter of fact, the insurance men say, the new rates will not apply to dwelling houses, which are said to be carried at the lowest possible rate already. The merchants and the owners of the larger buildings are the ones that will be affected. The business district may be said to include the territory bounded by South Temple street on the north, Second East on the east, Fourth South on the south and the Rio Grande property on the west. There are, of course, scores of manufacturing plants, wholesale establishments and warehouses that are not included in this territory. Premiums amounting to $450,000 approximately are paid on insurance policies in Salt Lake. Eliminating, at a rough estimate, $100,000, that will not be affected by the reduction, there remains $350,000. It is a matter of simple mathematics, this showing that there is a difference of $35,000 between the 25 per cent and the 15 per cent decrease when it comes to paying premiums.

Politics Cut No Figure.

"A good deal of this talk about the 'hierarchy' and other influences having all to do with this fire insurance business," said a prominent agent yesterday, "is the veriest tommyrot. Do you suppose for a moment that the men who sit on the boards in San Francisco or direct the affairs of insurance companies from New York or Liverpool, for instance, care a continental what church Chief Vail attends or Bywater attends, or any other chief attends, or what their religious beliefs or prejudices are? Well, I would rather think not.

"Insurance rates are fixed according to a schedule of hazards in whose preparation are taken into account many things aside from the character of the buildings themselves, such as special fire protection credits. One of the chief of these, of course, is the efficiency of the fire department. The men who fix the rates base their action on statistics, and if it were shown that a Chinaman were chief of the fire department in Salt Lake with a clean record for preventing fires it would be all right with them. It is purely a matter of business. There is no trust or combine about it."

Prevention of Fire.

Another insurance man said: "When Bywater was chief he constantly had squads of men about the streets and buildings, learning the location of standpipes, roofs, windows, doors and generally becoming informed along this line. The consequence was that Bywater prevented fires—his knowledge of the buildings stood him in good stead when it was a matter of squelching a fire in the beginning. I am sorry that the records show that this is not the case now."

CAPTAIN AND CREW NEARLY PERISH ON WATERLOGGED LUMBER SCHOONER

New York, March 22.—The story of a strange shipwreck on the high seas and a narrow escape from death was told by Captain Griffis and the crew of five of the Baltimore schooner William H. Skinner, abandoned at sea, on their arrival here today aboard the Cunard liner Etruria from Liverpol.

The Skinner sailed from George, South Carolina, on Feb. 14, for New Haven, Conn., with a cargo of lumber. The next day the schooner ran into a heavy gale, and in the high seas the heavily laden craft began to leak. In the pitch and pound of the combers the seams of the Skinner began to open.

The crew manned the pumps, but the schooner filled rapidly and suddenly turned over on her port side. Captain Griffis and the crew scrambled up on the starboard side of the hull and lashed themseles fast. Swept by the seas, the men thus remained for three hours, when the schooner suddenly righted itself. Cutting themselves free from the lashings, the crew succeeded in reaching the schooner's deck.

Days passed and provisions and water, though carefully husbanded, gave only scant nourishment to Captain Griffis and his men. In a week's time they faced death from starvation. On Feb. 22, when hope was almost lost, the British steamer Brayhead, bound from Galveston for Belfast, was sighted. The Brayhead bore down upon the waterlogged schooner and took off her sailors.

The schooner William H. Skinner was abandoned in latitude 35.44, longitude 71.26. She was built in Baltimore in 1893 and was 222 tons burden.

INDIANA MAN MURDERS HIS MOTHER TO SECURE A FEW PALTRY DOLLARS

Fort Wayne, Ind., March 22.—Groyer C. Blake and Orsel Reynolds of Anderson, Ind., were arrested here today on the charge of murdering Blake's mother yesterday at Anderson.

Young Blake made a confession after his arrest, implicating Reynolds. He said he had been drinking with Reynolds and they both needed money. He went home and entered the kitchen, where his mother was cooking dinner, according to the confession, Reynolds standing guard outside. Blake says his mother accused him of having been drinking, and he went into another room and got a hammer. He returned, noiselessly crept up behind her and struck her on the back of the head. She fell insensible. He says he then opened her dress and grabbed a bag she had fastened around her neck which contained money and jewelry. While he was upstairs changing his clothes he heard a scream. He returned to the kitchen and found Reynolds standing over his mother's body, hammer in hand. He says Reynolds admitted having struck her when she moved. The two young men then came to Fort Wayne, spent the night in carousing and were arrested just as they were about to board a train for Michigan today. Blake says he secured $160 in money and some diamond rings.