Battle of Words is Waged on the Philippine Question.

BCENES OF INTENSE EXCITEMENT PREVAIL

Tillman, Teller, Spooner and Longe Are the Lenders.

INDUEGE IN BITTER MALITIES

Tavelve Negro Issue, Barely " 'ag Fistic Excounters.

CHAIRMAN IS UNABLE TO COMMAND ORDER,

During Period of Peace the Senate Passes Nelson Measure to Provide Department of Commerce and Labor.

WASHINGTON, Jan. 28 .- A Philippine otorm was the central attraction in the senate chamber today for nearly three hours, but was void of definite results. At times it looked very serious and the spectators who thronged the galleries watched The insurgents left one man dead.

it with breathless interest. Acrimony in senate debates is not infrequent, but it has been years since there has been such a hurricane of bitter vitup- Missionaries Still Captives and Proseration, of personal taunt, of ugly charges and of unmodified criticism as was witnessed today. Not since the discussion of the resolutions leading up to the Hispano-American war have such scenes occurred in the chamber comparable with today. Even that debate lacked the personal bitterness manifested at times today.

Irritation was aroused on both sides of the chamber and once or twice personal encounters between senators seemed immi-

Once when Senator Teller taunted the republican senators by declaring that they knew the statements made in a recent dispatch from Manila, in which General Wheaton was represented as criticising the republicans were on their feet in an in-

Lodge Grows Defiant.

Senator Lodge, to whom taunt seemed aimed particularly, hurriedly crossed from his seat in the center of the republican side to the center of the main aisle of the senate and, white to the lips, challenged the statement of the Colorado senator and demanded that he withdraw it.

Senator Teller modified the statement, and hostilities at that time were

One of the sharpest colloquies was be tween Senators Spooner and Tillman. The race problem, involving the lynching of negroes, was interjected into the controversy and much feeling was manifested by both senators. In the course of the colrule were to be applied to the colored people in the Philippines as Mr. Tillman referred to in the south, then "God help the colored man in the Philippines."

"God help him in the Philippines now!" shouted the South Carolina senator passionately. "You have already butchered in three years three times as many as the Spaniards did in three centuries."

Lose Sight of Business.

"It is one thing," retorted Mr. Spooner, "to kill men with arms in their hands against the government and against the flag; it is another thing to burn them." Senators in their excitement seemed to have forgotten the subject of debate.

The chair (Mr. Frye) was able with diffculty to maintain order. When the discussion was ended for the day the chair felt called on seriously to admonish senators that the rules of the body had not been observed, and after reading the rule which had been violated he expressed the hope that in the future senators would have a care to observe it. Such admonition has not been made by

the presiding officer of the senate in many

Prior to the outbreak on the Philippine question the senate concluded the consideration of the bill establishing a Department of Commerce and passed it. The name of the new department was changed to that of the Department of Commerce and

Investigation of Philippines.

A resolution introduced yesterday by Mr. Lodge of Massachusetts authorizing the investigation of the Philippine question and ering the closing address. for that purpose to sit during the session adopted by the senate soon after it conwened today.

Mr. Bacon of Georgia offered a resolution

providing that the committee on printing consider the expediency of printing a special edition of the Congressional Record for sale to the general public at \$2 for the long sessions and \$1 for the short sessions He said that some action ought to be taken by congress to insure to the general public more complete information as to the doings

Under the present system, he said, it was impossible for the public to be kept informed upon the work of congress. It was no reflection, he said, upon the newspepers of the country to say they did not publish No newspaper could afford to present to its readers more than a brief synopsis of the with the developing and fostering of forproceedings in the two branches of con-

Mr. Hawley remarked that his newspaper experience extended back between forty and fifty years. When he was younger the newspapers of the country devoted considerable attention to the proceedings of congress and in a measure, at last, he thought they might return with interest to their old

The resolution was adopted.

Reject Labor Amendment. Consideration of the bill to establish Department of Commerce then was resumed. the pending amendment being that of Mr. Pettus, providing that the department of DECIDES AGAINST RUSSELL proposed new department. After a brief

Mr. Bacon then offered an amendment providing that the name of the new department should be the Department of Commerce and Labor. Mr. Nelson, in charge of the bill, agreed to the amendment and it

Mr. Hale withdrew his amendment offered a few days ago transferring the Interstate Commerce commission to the new depart He had been convinced, he said

(Continued on Fourth Page.)

Major and Three Insurgent Lieuten ants Vield to Amer-

lenn Troons.

MANILA, Jan. 28.-Major Lot and three Filipinos, lieutenants, with ten rides, three revolvers and twenty-four bolos, surrendered to Major Anderson of the Sixth cavalry vesterday at Lipa, province of Ba-tangas. Lot was brought in. sick, on a litter. He was cordially hated at Lipa, where he looted \$55,000 worth of jewelry from prominent families.

Nicherson's scouts have captured Colonel Lot, a brother of Major Lot, near Batangas.

Lieutenant William K. Larnes of the Sixth cavalry has had a slight engagement with some Filipinos, during which he killed two Insurgents and captured a captain and two oldiers.

"be general outlook in Batangas provis decidedly-favorable. A party of inrgents, led by two renegades, recently entered Langulan, Leyte province, claiming they were constabulary, but not yet uniformed. The imposters were taken to terfained by the native sergeant in charge. At a given signal the repegades and insurgents fell upon the police, who, though outnumbered more than two to one, fought desperately and drove off their assailants after a hand-to-hand fight, in which bolos were the chief weapons. The victory was notable, as the police were completely surprised and also outnumbered. They lost two men killed and had one man wounded.

WOMEN ARE NOT RELEASED pects Are Less Reassuring of Early Preedom.

WASHINGTON, Jan. 28.-The State des partment today received a dispatch from the United States representatives in Turkey regarding the case of Miss Ellen M. Stone, the American missionary held by brigands, and her companion, Mme. Tsilka. Its contents were disappointing, the captives not having been released, as was hoped would be the case from the manner in which the negotiations looking to that end had been progressing lately.

Officials are averse to discussing the case freely, but it is understood the hestopponents of the government's policy in tation of the brigands in bringing the the Philippines, were true, a half dozen matter to a prompt conclusion is due to their distrust of the attitude assumed by the Turkish authorities.

The ransom money demanded has not been paid. The State department will continue to exert every effort to secure the release of the women, but immediate prospects are fess reassuring.

VIENNA, Jan. 28 .- A telegram has been received here from Sofia saying that the brigands wish the liberation of Miss Stone. the captive American missionary, to take place upon Turkish territory and that the Turkish government will not consent to this arrangement unless it be advised of the time and place of the passage of the brigands across that routier. The Turkish government also requires that a neutral escort accompany the brigands.

COLOMBIA IS ON THE ALERT Government Sends Strong Reinforce.

ments to Resist Attack on Colon. PANAMA, Colombia, Jan. 28.-The gov-

ernment steamers Boyaca, Chucuito and General Campo sailed from here this afternoon to attempt to break the blockade of Agua Dolce, where the revolutionary fleet was last seen and to communicate with Fassengers who have arrived here report

haring eeen a steamer towing two vessels off Chorrera. The government has sent strong rein

forcer ents to resist any attack on Colon. General Pinto, with 3,000 men, has marched from Cali to Bogota to reinforce the government troops at the capital.

ITS WORK NEARLY COMPLETE Pan-American Conference at Mexico Approaches end of Long

CITY OF MEXICO, Jan. 28 .- The Pan-American conference today practically finished its real work before it by approving the international sanitary measures and the important articles of the court of claims project.

The only thing it has still on hand is the report of General Reyes of Colombia on the means of improving fluvial communication in South America. On Friday afternoon will take place the closing session committee on the Philippines to make an of the conference, Minister Mariscal deliv

of the senate, was reported favorably and SCOPE OF THE NELSON BILL Will Bring About Number of Changes

in Departmental Atfairs.

WASHINGTON, Jan. 28 .- Senator Nelson's bill creating a Department of Commerce. which passed the senate today, was amended in various particulars. Probably the most important of the amendments was one of Commerce and Labor.

It provides for a secretary, who is to secretary and also the other officials and distribution of statistical information and of congressional investigation. eign and domestic commerce.

In the department there is to be a new bureau of manufactures and many bureaus now included in other departments are ley, Marion county, Ia., and Dewitt Ward is transferred to this new department, including the life-saving service, the lighthouse service, the marine hospital service. the steamboat inspection service and the bureaus of navigation, of shipping and of immigration, as well as the control of the fisheries and the Chinese exclusion questions, all now within the jurisdiction of the Treasury department; the fish commission and the census bureau. The department also is given jurisdiction over the consular service so far as it pertains to commerce.

discussion the amendment was rejected-19 Ohio Supreme Court Sustains the Gar-

Seld Corrupt Practices Act.

COLUMBUS, O., Jan. 28 -The supreme court of Ohio today handed down a de-cision sustaining the Garfield corrupt practices act. The decision was given in the case of L. A. Russell against the state. intr Russell claimed that conformity to this act could not be required of candidates for ongress. The case comes from Cuyahoga

Nebraska Delegation Finds Office that Off from Candidate.

OMAHA AND ITS INDIAN SUPPLY DEPOT

Henry T. Oxnard Concludes Cubs Falls to Prove Claim-Senator Millard's Bill for Leasing Pubfic Lands.

(From a Staff Correspondent.) WASHINGTON, Jan. 28 .- (Special Telegram.)-A determined effort is manifest on watery condition of the lungs. the part of the Interjor department to reduce the number of Indian agents wherever this can be consistently done, and the San- asked Mr. Moore. tee agency in Nebraska is the first to fall under the ban of the department. Commissioner Jones announced today that the agency for the Santees in Nebraska ceased with the expiration of H. C. Baird's term and that hereafter the agency will be conpolice headquarters and were royally en- ducted by the superintendent in charge of the schools. He said this information had been furnished the delegation in congress, but neither Senator Dietrich nor Senator Millard knew anything about the abandonment of the agency until informed by a

reporter for The Bee. Senator Millard had chosen a successor to Baird in the person of George W. Saunders, and Senator Dietrich had joined him in this. The news of the department's action, therefore, stirred considerable controversy.

Just what action will be taken is not known, although it is intimated that Senator Millard will go before the Commission

on Indian affairs and seek to have the Santee agency restored. Omaha's Indian Supply Depot.

Commissioner Jones' attention was called to the recent action of the Commercial club of Omalfa in relation to the Indian supply depot at that place and today he said: "Bids for Indian supplies are opened in Chicago and New York, but for delivery at the places where the greatest demand for certain commodities prevails. Omaha is on of meeting Mr. Rice in Texas several years this list. The Indian depot at Omaha is running, and so far as I know will continue to run. Should the appropriation fail, how-ever, we will be compelled to shut down at witness that he represented Mr. Rice or the close of the present fiscal year, June 30.

General Manderson, speaking of the argument in the case of the Northern Securities company before the supreme court, wherein the state of Minnesota seeks to restrain the company from operating because its organization is in restraint of trade, said: "My observation of the supreme court practice leads me to the conclusion that if the justices are agreed that they should hear a more extended argument as prayed for by the attorney general of Minnesota, they will not indicate this conclusion until after the February recess, which begins next Monday. If, on the contrary, they should decide that no other argument is necessary, they will so announce at next Monday's sitting. Personally, I do not believe the state of Minnesota has made a showing sufficient to warrant the filing of briefs before going into the merits of the

At the conclusion of the hearings on the beet sugar interests today before the ways and means committee, Henry T. Oxnard "I are satisfied that the hearings have failed to bring out any satisfactory reasons why the Cuban sugar planters should enjoy a free market in this country for their product. The advocates of free sugar from Cuba have failed utterly to show that the United States has even remotely contracted their market. The Cuban sugar industry has at times suffered from low prices, just as the corn industry of Nebraska, Iowa and Kansas has 'suffered. Cuban sugar admitted free of duty will depress the sugar beet industry of this country without any compensating advantages. Cuban advocates have, in my judgment, utterly falled to present any reasons why congress should grant what they ask.' Senator Dietrich today recommended the following postmasters: Bladen, Webster ounty, William L. Bennett, vice A. P.

Johnston; Barnston, Gage county, Edmund Senator Mulard recommended the reappointment of Mrs. L. A. Reynolds at Arca-

dia. Valley county. Leasing Public Lands for Grazing.

Senator Millard introduced a bill today providing for the leasing of the vacant part of the public domain for grazing purposes but reserving all rights of homestead and mineral entry, the rentals derived therefrom to be a special fund for irrigation.

No change will be made in the rules gov erning the leasing of Indian lands in South Dakota if Commissioner Jones has his way in the matter. After fully considering the question he has decided to recommend to ecretary Hitchcock that the department adhere to its original regulation in this connection. The commissioner bases his action on the belief that the leasing of Indian grazing lands in South Dakota will best subserve the interests of the Indian. "The plan has proved successful in Oklasaid Commissioner Jones, "and the Indians there annually derive large income

from this source." Louis Primeau, representing the Standing Rock Indians, was at the Indian bureau today to confer with the commissioner. He changing the title to read the Department advocates a rearrangement of the districts as classified, but if the secretary sustains the commissioner his mission will prove a be a member of the cabinet; an assistant failure. The Indians object more to the manner in which the lands have been clerks necessary. The proposed department divided than to the leasing plan. It is full reports of congressional proceedings, is especially charged with the collection and likely this matter may be made a subject

> Charles E. Hennig of Fairfield, Ia., has been appointed messenger in the Navy A postoffice is ordered established at Don-

> commissioned postmaster. William E. Lea of Holmesville and Thomas W. B. Eckett of Kearney, Neb., are appointed railway mail clerks. The First National bank of New York is

approved as reserve agent for the First Na-Monal of Volga, S. D. The proposition of the Citizens' State bank to lease quarters in the new building on Warford street for a postoffice at Perry, Ia., for ten years is accepted by the

Stark on Irrigation.

Postoffice department.

Congressman Stark has sent to George Levee of Grand Island, Neb., a letter, in which he says:

which he says:

I regret that press of official business has prevented me from taking up with you before this time the irrigation bill.

Historically there are two lines of the law affecting flowing streams. One is known as riparian ownership; that is, that there cannot be any appropriation of water from a flowing stream, but that it must flow undiminished in volume. A long time ago, time out of mind, a water wheel was introduced as a motive power in England, and there followed a public sentiment that flowing water must not be deflected from the stream, as that might stop the mill,

(Continued on Fourth Page.)

Doctor Refterates Statement that Rice's Longs Are Not Congested by Cold.

NEW YORK, Jan. 28 .- The cross-examination of Dr. Hamilton Williams, coroner's physician, who was present at the autopsy on the body of William Marsh Rice, was resumed today at the trial of Albert T. Patrick. In reply to questions by Mr. Moore of counsel for Patrick, Dr. Williams said it was possible that disease of the kidneys might so aggravate the lungs that death would ensue in an hour. The kidneys migh be diseased, although of normal size and color. A neglected cold might cause pneumonia, accompanied by congestion and a "Are those the conditions you found in the lung taken from Mr. Rice's body?"

"To a degree, yes." On redirect examination the witness said arrest, charged with forgery.
there were certain conditions in the lobe LINCOLN, Jan. 28.—(Special Telegram.) there were certain conditions in the lobe of the left lung that could not have resulted

of a gaseous irritant. abeth, the second wife of Mr. Rice. Mrs. Platte Valley bank's paper is held by the Rice had disposed in her will of certain First Mational bank of this city.

in 1898 and 1899. tled," sold Captain Baker. "Various amounts from \$250,000 to \$500,000 were spoken of by Patrick, but I told him Mr. Were at once communicated to Mr. Burnhad no doubt of winning the case in the search resulted in the claim that some Missouri.

The search resulted in the claim that some Missouri.

The association adopted resolutions urging the passage of a national pure food law ham, who immediately brought the matter to the attention of Secretary Royse of the proval on the proposed parcels post legis-United States court. I told Patrick I State Banking board. Bank Examiner would recommend a settlement of \$50,000 Hartwell was notified to go to Bellwood and to stop litigation."

"Did Patrick ever meet Mr. Rice when trict Attorney Osborne. . "Never." Patrick had told the witness before, but witness had never heard o Patrick meeting Rice within a year of the

that he was interested with Mr. Rice in any way. had a conversation of about twenty minutes. "Patrick," the witness continued, "said he felt that an explanation was due to me and he was glad to make it. I told him I should be glad to hear it. He referred to the litigation and to our meeting in 1899. After I went back to Texas he said he made up his mind that we could effect a settlement if he could meet Mr. Rice. I told him Mr. Rice was very olter against all who had taken part in the litigation, and that he was especially aggriswed at the executor, Holt, and at Patrick for the scandalous questions the latter had asked the witness examined by him."

The prosecution falled be asked the description of any testimony where a book for \$65,000 purporting the high been gives by Rice to Patrick, or as to the will of 1896. The check for \$65,000 was never presented "Patrick," the witness continued, "said

for payment and the court ruled that it was not pertinent to the crime. Baker testified that, to the best of his belief, the will of 1900, the two checks for

\$25,000 each and the cremation letter were The recorder first admitted the will of 1896 in evidence and then reversed the ruling, saying that he thought it was the

1900 will that had been offered. Mr. Osborne said that his object was to ompare the two wills to show that the will of 1896 was taken as the basis for the will of 1900 and that the latter offered the will of 1896 to decline to contest the

FUNSTON DEFENDS WHEATON Kansas General Becomes Indignant

at Senate's Hint of Official Reprimand. KANSAS CITY, Jan. 28 .- General Fred-

erick Funston arrived here today from San he spoke a few words of greeting. Tele-Francisco. After a consultation with his grams from every station along the line physician he will continue on to Iola, Kan., the home of his parents, for a brief visit. He appeared in good health.

General Funston made the trip to Kansas City alone and arrived unannounced. He soon sought out his physician and submitted to an examination of the wound from which he has experienced 'trouble Whether or not another operation would be necessary the physician was not ready to state, saying that it might be two or three days before that question could be determined. In the meantime General Funston said he would remain in Kansas hand. City resting quietly. He expressed himself and the men who had not wished to soil the feeling perfectly well. He said that after undergoing treatment here and visiting his parents he would return west in CANNOT ACCEPT PRESENTS time to take a transport for Manila early in February. His leave of absence expires March 10.

General Funston, in an interview with reporter, said of the investigation con ducted in Washington recently regarding the killing of two Filipinos:

"The investigation of General Metcalfe is in the nature of threshing over a matter already settled. The whole thing is based on an affidavit made by Private Huskey. formerly of the Kansas regiment. Huskey swore that he saw Metcalfe shoot unarmed prisoners. That was in March, 1899.

"In March, 1900, Huskey appeared be fore a board of army officers appointed to investigate Metcalfe's connection with the affair. Here he stated that the previous affidavit was secured from him by a Kansas officer after the latter had gotten him drunk. Huskey said that he signed a paper, but had no knowledge of its content "This was the affidavit upon which the charge against Metcalfe was based. He de- State department, the gifts of foreign nied every statement made in the affidavit rulers.

at the hearing in March, 1900." General Funston was indignant at the hint of a reprimand from the senate for General Wheaton. He reviewed General New Functionary to Supervise Civil Wheaton's long career and said that he did not believe in subjugating the Filipinos by sprinkling them with josewater. General Funston was asked about hi plans for the future and replied:

only the regular army in sight." TO ACCEPT COLORADO DIOCESE

Rev. Charles S. Olmsted of Philadelphia Will Be Installed After Easter.

Rev. Charles S. Olmsted of Philadelphia eral through several administrations. has decided to accept the position of coad-

WAR IN THE SENATE FOUR OFFICERS SURRENDER SANTEE AGENCY FALLS FIRST INSISTS ON THE GAS THEORY PLATTE VALLEY BANK CLOSED CONDITION OF THE WEATHER POLICE BOARD HOLDS

Examiner in Charge at Bellwood and Cashier A. E. Gould Arrested.

ACCUSED OF FORGING MANY NOTES

Lincoln, Omaha and Other Nebraski Banks Said to Be Involved for an Aggregate of over \$40,000.

BELLWOOD, Neb., Jan. 28 .- (Special Telegram.)-The Platte Valley State bank closed its doors at about noon today, which has created considerable excitement among the citizens, especially the depositors. The bank is now in the hands of a state bank examiner. A. H. Gould, cashier, is under

-An investigation begun yesterday after- ham of Nebraska spoke of the doings of the noon, under the direction of President S. The witness relterated his belief that the H. Burnham of the First National bank of state. conditions found were due to the inhalation this city, resulted today in the arrest of Cashier A. H. Gould of the Platte Valley bility" was the title of an address by Captain James A. Baker of Houston, Tex., State bank at Bellwood on the charge of Colonel Robert Mitchell Fleyd of Boston estified that the firm of which he was a forgery. It is alleged that Gould has forged Colonel Ffoyd expressed the hope that in member had looked after Rice's affairs for notes for amounts aggregating between \$40 .- the near future the national association about forty years. The witness repre- 000 and \$45,000. Some of the paper which would be composed entirely of grocers and sented Mr. Rice while Patrick was rep- is said to be worthless is held by Omaha resenting the heirs under the will of Eliz- and New York banks. About \$5,000 of the

property in which Mr. Rice claimed she Mr. Burnham's suspicions regarding the had no interest. The witness met Patrick notes purchased from the institution were aroused yesterday, and a special messenger "Patrick thought the case should be set- was detailed to Bellwood to investigate. take charge of the institution. Mr. Hartwell arrived in Bellwood last night and toyou were present?" asked Assistant Dis- day closed the institution. Secretary Royse left for Bellwood this afternoon.

Loss of Lincoln First National.

Mr. Burnham estimates that the loss sus tained by his bank will not greatly exceed \$2,000, but he can give no definite figures and has no information upon which to base an accurate conclusion. He says he received a private message from Bellwood this morning to the effect that Gould ad-Captain Baker said he saw Patrick in Rice's apartments four days after Rice's death. David L. Short was with him. They business for many years and has been doing of them were wounded by the guards, Nich-

detective has been in Nebraska investigating the case, but it is not known whether the robbery has any connection with the events which transpired today.

SCHLEY IN BLUE GRASS STATE Admiral Receives Continuous Oyation Along His Route

from Chicago. LOUISVILLE, Ky., Jan. 28 .- Rear Admiral Schley, who, under the chaperonage of the Board of Trade and the Knights inducements for every one mentioned in Templar, will be Louisville's guest until Friday next, arrived here this evening. He was greeted by an admiral's salute and a shouting crowd of many hundreds at the

depot. The trip from Chicago was one long ovation and so vigorous were some of the handclasps which the distinguished seaman received en route that his right hand was "nearly out of business," as the admiral explained. The admiral made no speeches on the trip, although at some of the stone many of them stating that the schools had been closed to allow the children to see the admiral, were received. They asked that the admiral appear on the platform, if

only for a moment. At many points the best General Superintendent Lowell of the Monon, who was in personal charge of the train, could do was o slacken speed, but the passenger for hom all were looking braved the cold to appear and bow. At Lafayette, Ind., he insisted that grimy-handed machinisis who had rushed from the car shops, take his admiral's gloves cheered.

President Must Have Authority from Congress to Receive Gifts from Foreign Rulers.

WASHINGTON, Jan. 28 .- In the present epinion of the officials here President consevelt cannot accept any present from other Emperor William or Prince Henry ithout authority from congress.

An examination of the precedents is said disclose the fact that while in many instances presidents apparently received presents from abroad, they never have retained these except by express authority conferred by congress. In the other cases, where the gifts have not been returned to the donor, the presents have been deposited by the president in the Department of State or in the Smithsonian institution. A large number of medals and articles of value may be seen in the library of the

CENTRAL BOARD OF EXAMINERS

Service of Rural Delivery System.

WASHINGTON, Jan. 28 .- A central board of examiners to supervise the civil service work of the rural free delivery service of the postoffice department will be established here February 1. Clarence F. Dawson, private secretary to the postmaster general, will be appointed chairman of the board and several others with a similar long experience in the service will be de-tailed as members of it. Mr. Dawson DENVER, Jan. 28.-It is announced that has been secretary to the postmaster gen-

Mr. Payne announced after his appointjutor bishop of the Episcopal diocese of ment that his private secretary, Mr. Colorado, to which he was recently elected, Whitney, would continue as his secretary and he will be installed shortly after here. The latter will take charge in a few gaster.

Forecast for Nebraska-Fair in West, Snow and Warmer in East Portion, Wednesday; Thursday, Fair; Variable Winds.

Temperature at Omaha Yesterday: Hour. Deg. Hour. D 5 n. m..... 2 1 p. m..... 3 p. m 5 p. m 7 p. m

8 p. m

9 p. m ADDRESS BY NEBRASKA MAN

7 a. m 3

A. M

9 m. m 5

10 a. m

11 a. m..... 8

12 m..... 9

Speech on Retail Grocers Made Before Convention by J. B. Conyngham.

MILWAUKEE, Jan. 28.—The National Retail Grocers' association, in annual convention here, today discussed many questions of interest to the trade, J. B. Conyng retail grocers and general merchants in that

"The Retail Grocer and His Responsithat they would carry on their national enterprise without the assistance of men not engaged in the distribution of food products. Albert J. Jans of St. Louis, Mot, also addressed the convention. Other papers were read by Frank J. Wickens of the New York State Grocers' association, A. Schier of Texas and Lieutenant Governor John Lee of

proval on the proposed parcels post legis-

Kansas City, St. Louis, Cincinnati, San Francisco and Buffalo are working hard to secure the next convention.

MAKE A BREAK FOR LIBERTY United States Prisoners Attempt Escape and Cruelly As-

SOUTH M'ALESTER, I. T., Jan. 28 .- One hundred and forty-two prisoners in the United States jail here made an unsuccessful break for liberty last night and two business for many years and has been con-sidered to be in excellent condition. It is capitalized for \$15,000.

anult Trusty.

struggle which ensued the cashier was shot in the breast, dying several hours

later. Rowe and Keiper were captured by citizens within two weeks; they were tried and convicted of first degree murder. Frank R. Sholey, an accomplice, pleaded guilty as an accessory and was sentenced to ten

years in prison. MOURNERS KILLED BY TRAIN Three Persons Returning from

CHICAGO, Jan. 28 .- Three persons were instantly killed and four seriously injured

by a Michigan Central train at a cross-

ing at West Hammond, Ind., late this aft Dead: MRS. MARY POLEK.

JOSEPH POLEK. JOSEPH SWISGAK. The party was in a closed carriage returning from a burial at Mount Carmel "Never mind that grease," he said, cemetery. Six persons were inside and one on the seat with the driver. The locomotive struck the carriage in the side with great force, demolishing it and throwing the occupants in all directions. The

driver escaped uninjured. ENGINEER KILLED IN WRECK Meets Death in Collision in Which

SYRACUSE, N. Y., Jan. 28.-The second ection of the New York Central limited. eastbound, struck a switch engine standing on the track in front of the Opelda station. Both engines and much of the stathe limited, Dorsey Welch of Albany, was killed. Fireman Cahill of Albany was intured. None of the passengers were in-

jured. The cars remained on the track. JUSTICE OF PEACE IN TROUBLE

Prominent Man is Charged with Em-ST. JOSEPH, Mo., Jan. 28 .- A special to

he Daily News from Maryville, Mo., says: Alwin Charles, member of a prominent family, aged 65 years, has been lodged in tail on the charge of embezzling \$1,600 funds belonging to the local Odd Fellows lodge, of which he was for thirteen years secretary. Charles is a justice of the peace and lived in Maryville all of his life.

Movements of Ocean Vessels Jan. 28 At New York-Sailed-Bovic, for Liver-At Naples—Arrived—Aristea, from Port-arid, Me., via St. Vincent, C. V. I. At Singapore—Arrived—Glenchiel, from Sacoma, Yokohama, etc., for London. At Cherbourg—Arrived—Kalser Wilhelm er Grosse, from New York, via Plymouth, for Bremen.

for Bremen.

At Glasgow-Arrived-Siberian, from Philadelphia; Mongolian, from New York.

At Yokohama-Sailed-Empress of China, for Hong Kong, Shanghal, Victoria and Vancouver.
At Scilly-Passed-Palatia, from New York, for Hamburg; Manitou, from New York, for London.

McDermott. The latter did not support. Bryan in 1898. Mr. McDermott was chosen by a vote of 13 to 4.

Governor Savage Declines to Appoint Omaha Fire and Police Commission.

ACTS ON ADVICE OF ATTORNEY GENERAL

Pront's Written Opinion Petent to Prevent Action by Executive.

DECREE OF SUPREME COURT PLAIN

Law Laid Down in Two Decisions Settles Points at Issue.

NO RIGHT TO ANTICIPATE REVERSAL

Opinion Furnished at Request of Governor Clearly Sets Futility of Action Proposed by Aspirante for Appointment.

(From a Staff Correspondent.) LINCOLN, Jan. 28.—(Special Telegram.)-At 1 o'clock today Governor Savage anfounced that, acting on the advice of Attorney General Prout, he would take no steps toward appointing a fire and police board for Omaha.

Governor Savage's statement to the public as follows: "The opinion of Attorney deneral Prout in regard to my duty to appoint a Board of Fire and Police Commissioners for the city of Omaha states clearly that I have no such authority. Deputy Attorney General Brown's opinion, which was rendered a few weeks ago, is to the same effect. Both these opinions were rendered after careful examination of the decrees of the supreme court on this much-tried and much-mooted question and after a careful review of the law and the authorities, and no matter what my personal wishes in the premises may be, I am bound to respect them and be governed accordingly. I have therefore determined not to jeopardize the peace and safety of the citizens and good order of the city of Omaha by precipitating a needless struggle for the control of the police authority of that city, and I shall therefore make no appointment of a Board of

Fire and Police Commissioners." Attorney General's Opinion in Full. Attorney General Prout's opinion, is as

followst Governor E. P. Savage, Lincoln,—Dear Sir: In reply to your request for the opinion of this office on your right to appoint fire and police commissioners for the city of Omaha I beg to say that the subject involves the consideration of three decisions of the supreme court. By an act passed by the legislature in 187 power was vested in the governor of the state to appoint such commissioners. In State against Moores, 55 Neb., 489, the state sought to enforce that provision of the act giving the governor such right. The case was regularly argued and submitted. The court decided that so far as the act assumed to confer power upon the governor to appoint fire and podice commissioners for the city of Omaha It was the constitutional and void. By that decision the appointees of Governor Holcomb were held to be introduced.

Hanged for Killing Cashler of a Harrisburg, Pennsylvania,

Bank.

HARRISBURG, Pa., Jan. 28.—Weston
Keiper sud Henry Rowe were hanged at
10:40 this morning in the presence of 1,000
persons. Rowe and Keiper for several
years worked in and around the mines at
Lykens, Pa During the morning of March
13 'ast they visited the Halifax National
bank of Italifax, this county, and, with
drawn revoivers, demanded of Cashler
Charles W. Ryan the cash in the vault. In
a struggle which ensued the cashler was

Judge Sullivan in delivation the appointees of Governor Holcomb were held to be intruders and
were ousted from office. The judgment was
final and effective.

Later, in State against Kennedy, 60 Neb.
300, the state sought to recopen the question
of the governor's authority to appoint those
officers. At this time Governor Poynter
had succeeded to the office of governor, a
new board of commissioners had been aplings were instituted to place them in office.
In that case it was urged by the state that
the doctrine of readjudicata could not be
invoked against the state. This argument
was not binding on it, for the reason that
the decision the appointees of Governor.
Include the presence of 1,000
of the governor's authority to appoint those
officers. At this time Governor Poynter
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ast they visited the Halifax National of the Islata, this county, and, with m revolvers, demanded of Gashier dee W. Ryan the cash in the vault. In ruggle which ensued the cashier was in the breast, dying several hours in the hours case, whether eight of the convicted of first degree muri-f- Frank sholey, an accomplice, pleaded guilty as accessory and was sentenced to tee; in price.

URNERS KILLED BY TRAIN in the Moores case, whether right of which is the matter of the defense of the price of the price of the price of the defense of the price of the pr

DRYDEN CARRIES THE DAY Gets Majority of Vote of Legislature for United States Senator in

TRENTON, N. J., Jan. 28 .- The two ouses of the legislature met separately today to ballot for the United States senatorship. In the house, John F. Dryden of New York, the republican nominee, 10ceived 46 vetes to 14 for Congressman Mc-Dermutt, the choice of the democrats. In the senate the vote was:

Dryden, 17; McDermott, 4. Previous to the session the democrate held caucus and selected Mr. McDermott as their candidate. Senator Gebhardt in a speech questioned the democracy of Mr.

New Jersey.