ASKS FULL REVIEW

Schley Urges President to Consider All of Court's Firdings.

BASES HIS APPEAL ON DEWEY'S REPORT

Be Done to Him.

POINTS OUT ERROR OF SECRETARY LONG

Wants Endersements by Manie Inquiry Report Annualled

QUESTIONS OF AUTHORITY AND A

Text of the Admiral's Appeal to Pres. dent Roosevelt is Made Public and Navy Department is Considering It.

WASHINGTON, Jan. 29 .- The Navy de-Schley's appeal, delivered to the president about a week ago. The department's comment will be published in a day or two. as the chief executive and commander-inchief of the army and navy, vested with best Interests not only of the common he asks that the president review the findings of the court. He asks this on three grounds, in each case basing his appeal on the findings of Admiral Dewey as opposed to the majority report. These three grounds are set out in the petition, which fills about eight printed pages of a pamphlet, and is signed by Admiral Schley and by Messrs, Rayner, Parker and Teague of his counsel. Attached to the petition are three exhibits, "A." "B," and "C," each made up of copious extracts from the testimony taken by the court of the prince's presence, as the demand for inquiry and intended to confirm the stateinquiry and intended to confirm the statements of fact made in the petition itself.

First Ground of Appeal.

In this latter document the first ground of appeal is the holding of Secretary Long in his endorsement on the court's findings that "the conduct of the court in making no finding, and rendering no opinion on those questions (that of command or credit for the victory) is approved-indeed it could, with propriety, take no other course, evidence on these questions during the inquiry having been excluded by the court." On this point the petition says that the secretary of the navy was in error in stating that the court excluded testimony to show that, as Dewcy said, Schley was the senior officer in the battle of Santiago; was in absolute command and entitled to the credit due for the glorious victory which resulted in the total destruction of the Spanish ships. On this point the petition says:

"Therefore, the petitioner asks the president to annul Secretary Long's endorsement on this point and that he specifically approve Admiral Dowey's statement declaring that Schley was in command. He says that only in this way can exact justice be done him under the precept."

The second ground relates to the alleged withdrawal of the squadron at night from Santiago bay and the character of the blockade and the propriety of Commodore Schley's conduct in the premises. This was one of the points upon which Admiral Dewey specifically dissented. The petition recites the findings of the court to the effect that the flying squadron did not withdraw at night and declares that by this statement the court obviated the necessit; of expressing its opinion as to whether or not a close or adequate blockade was established and the propriety of Commodore Schley's conduct in the premises. It is declared that under this specification—the eighth-more than a majority of all the witnesses were examined and about onethird of the whole period of the inquiry was consumed in its consideration. Yet notwithstanding the facts herein set forth. all of which appear upon the record of the said court, the concurring members thereof have failed utterly and entirely to discharge the most important duty imposed upon them by the terms said specification, which duty was to report their opinion upon the question of whether or not a close or adequate blockade of said harbor to prevent the essape of the enemy's vessels therefrom was established and the propriety of Commofore Schley's conduct in the premises

Therefore Admiral Schley asks the president to annul the secretary's endorsement, which "makes valid the failure of the majority members thereof to report their opinion upon that portion of the said eighth specification." And it is also asked that here be substituted therefor Admiral Dewey's holding that "the blockade of Santiago was effective."

Stands on Dewey Verdict.

The third ground recites Admiral Dewey's opinion to the effect that: "The passage from Key West to Clenfuegos was made by the flying squadron with all possible dispatch, having in view the importance of arriving off Cienfuegos with sufficient coal; gain information; and, finally, that the passage from Cienfuegos to a point of Santiago was made with as much dispatch as possible, while keeping the squadrou The petition declares that this opinion, being at variance in certain points with the majority opinion, is the only one justified by the evidence and facts before the court and it is asked that the secretary's approval of the majority findings be set aside and annulled in each instance where it is at variance with Admiral Dewey's opinion and that the latter's opinion should be approved for the reasons heretofore set out in the bill of exceptions filed with the secretary of the navy. siso asked that the president annul that portion of Secretary Long's endorsement which states "as to points on which the Union Pacific, testified. All the witnesses presiding member differs from the opinion of the majority of the court, the opinion of the majority is approved," and that in place he substitute and approve the dec- plained the methods by which the lower laration of Admiral Dewey on these points rates were actually accorded and contended above referred to, connected with the passage from Key West to Cienfuegos and that there were favored shippers on most thence to Santiago.

The petition concludes:

And your petitioner most respectfully states that only by the action for which he prays in this relation can exact justice be done him within the contemplation of the precept under which the said court sat and whence it derived its authority.

Question of Command. Exhibit "A" is an argument concerning the question of command during the battle of Santiago and comprises fully two-thirds of sixty-two printed pages which make up

the petition and exhibits. It discusses the (Continued on Second Page.)

J. A. Munroe Argues for Union Pacific Before Interstate Commerce

Commission.

(From a Staff Correspondent.) WASHINGTON, Jan. 29.—(Special Telegram.)-J. A. Munroe, general traffic manager of the Union Pacific, appeared before the Interstate Commerce commission today Says in No Other Way Can Exact Justice in what is known as the Kansas City grain case. The case seeks to adjust the rates on grain from points in the Missouri valley to points east. At present through grain rates from Kansas points to Missouri river territory and points east are, as a rule, I cent per 100 pounds less than the local rates from Kansas points to Kansas City plus the proportional rates east of Kansas City. The Kansas City Board of Trade contends that this constitutes discrimination against

Kansas City and like points and in favor of St. Louis and Chicago. Mr. Munroe held the undivided attention to commission. He explained that in to move the Kansas grain crop tly and to serve its patrons properly his company had availed itself of the cluding loss to business. The fall of sleet facilities at Kansas City, Kan., which had amounted to about five inches. Little Rock the effect of relieving the car pressure by getting prompt unloading and the return of empty cars to the interior for reloading, partment has made public Admiral thereby protecting the through rate east and south and giving the same rate as The Little Rock Telephone company has would obtain on shipments handled in not a line operating in the city. Most of through cars without transfer. He said its wires are broken and many of its poles Admiral Schley appeals to the president the present plan resulted from years of experience and was believed to be to the street falling with a crash this morning.

> as to what should be done. Fear is growing among those who are charged with the arrangement of Prince Henry's itinerary that he is contemplating too far a journey into the interior of the United States. Today his journey was vailed throughout the lower portion of the shortened and Milwaukee, St. Louis and Ohio river valley this morning and as a Chicago are the cities now on the list for visitation, cutfing out all cities farther west. It is now thought that the cities agreed upon will have to forego the pleasure to such proportions that the German ambassador is overwhelmed with invitations and he has transferred the whole matter to were unable to move during the early part the State department. Omaha, therefore. will have to content itself without enjoying the distinction of seeing the brother of Em-

peror William. Senator Millard's bill granting an increase

favorably today. F. C. Luck, chairman of the National Cattle Growers' association, appeared today before the committee on public lands in advocacy of Senator Millard's grazing bill, which he introduced at the request of the cattle growers of the west.

Senator Dietrich recommended the following postmasters: Barnston, Edmund Hubbard, to succeed himself; Bladen, W. M. Bennett, vice O. J. Johnson. Colonel J. H. Pratt and daughter of

Omaha are guests at the Fairfax. Rev. E. A. Fogelstrom and daughter of Omaha are in Washington. Dr. Fred F. Tron was today appointed

pension examining surgeon at Chamberlain. The proposition of Mrs. Mary Greek to furnish quarters on the east side of Main street between Fremont and Broadway for

the Denison (Ia.) postoffice has been accepted by the Postoffice department for term of ten years. Major Edgar A. Mearns, surgeon, is ordered to Fort Yellowstone for duty, relieving Contract Surgeon James Ferguson, who will proceed to his home in Olivia,

PLAN FOR CARNEGIE INSTITUTE

Minn., for annulment of his contract

Trustee and Donor of Fund Hold Consultation Regarding Pro-

posed University.

WASHINGTON, Jan. 29.-Andrew Carnegle and the board of trustees of the Carnegie institution, the new national university of post graduate studies which Mr. Carnegie has founded with an endowment of \$10,000,000, held their first meeting here to day.

Besides receiving a large number of callers, including Secretary of Agriculture Wilson, Senators Scott and Elkins of West Virginia, and Governor Budd of California Mr. Carnegie spent most of the forencon in an informal conference with the trustees. He announced his definite purpose to entrust them with the absolute control of the endowment and stated that he did not wish to influence their judgment in any way. Mr. Gilman, the former president of Johns Hopkins university of Baltimore, to whom Mr. Carnegie confided his plans before the project was announced, and Dr. Charles D. Walcott, director of the United States geological survey, who has been the spokesman for Mr. Carnegle in the announcement of the plans and virtually secretary, of the board, stated that to their knowledge no member of the board has come to Washington with a tentative plan of organization drafted.

A general desire prevailed, said Dr. Gilman, that every detail of the organization should be freely discussed by the entire board and that the completed scheme of administration should be the result of such a discussion. He had understood, he said, from talks with Mr. Carnegie, what the that the blockade of Cienfugos was latter hoped might be done, but the subject effective; that the Adula was permitted to of practical organization had not been discussed

WILLING TO IMPROVE RATES

Western Officials Admit Existence of Arbitrary Schedule and Agree to Abolish It.

WASHINGTON, Jan. 29 .- Some important admissions of rate cutting were made at a hearing given by the Interstate Commerce commission today in continuance of the in vestigation begun at Kansas City on Jan-

uary 19. Vice President Paul Morton of the Atchison and J. M. Johnson of the Rock Island, and J. M. Monroe, traffic manager of the admitted that the published tarff rates on grain moving in and out of Kansas City. Mo., had not been observed. They exthat this was necessary.' They conceded of the trans-continental lines, but claimed the practice was the natural result of the competitive conditions of trans-continental traffic. The most serious cutting of rates. they said, prevailed between Kansas City and Chicago. The witnesses admitted that at a time when the published rate from Kansas City to Chicago was 12 cents per 100 pounds, there was practically no grain

or less of this traffic was carried at the rate of 6 cents. The officials expressed their willingness wipe out this arbitrary rate if the lines east of Kansas City would enforce rates.

moved at a rate above 7 cents, and more

KANSAS CITY GRAIN CASE SOUTH IS SWEPT BY STORM

Kentucky and Arkansas Scenes of the Worst Damage.

PROPERTY AND BUSINESS LOSE HEAVILY

Telegraph and Telephone Wires Are Torn Down, Cutting Off Many Towns from Outside Communication.

LITTLE ROCK, Ark., Jan. 29.-The heavlest losses ever sustained in Little Rock from a like cause are the result of the terrible storm of sleet and cold rain which has prevailed here for the past three days,

culminating last night. The business section of the city is a scene of desolation and business men on every hand are mourning heavy losses that cannot be recovered by insurance. The estimated damage will exceed \$400,000, inis practically shut off from the world. The Western Union lines are all down throughout the state. The Southern Telephone and Telegraph company reports a loss of \$25,000. are down, all for four blocks on Louisiana Crossed wires set fire to the office and the power to "regulate and direct the acts of carrier, but also of the grain dealers and fire department was called out and the the several executive officers thereof," and grain growers in the territory served. The flames were readily extinguished. Fully commission took the case under advisement 5,000 shade trees were demolished. Street cars were run irregularly today.

> Heavy Damage in Kentucky. LOUISVILLE, Jan. 29 .- An unusually severe storm of mixed sleet and rain preresult traffic is delayed and telegraph service is badly crippled. In this city the storm began at 10 o'clock last night and from that time until early today fell withtion for pedestrians and vehicles difficult. On some of the street railway lines cars of the day.

The temperature at 7 o'clock this morning was 27 degrees above zero, but it moderated rapidly and the streets soon became a mass of slush. Nearly every train comof pension to Julius W. Clark was reported ing into this city arrived from one to two hours behind time.

The local weather bureau reports a fail of sleet and rain of 1% inches in twelve hours. Telegraph south of Louisville is seriously interrupted, all communication being practically cut off.

The Postal Telegraph and Cable company sustained a serious accident tonight. Three poles on the river front, carrying the Postal's wires, which were covered with sleet, fell at 7 o'clock and the wires landed across some trolley wires. In an instant the Postal operating room was full of blue flames and then was cut off from the world. The Postal people could not say tonight what the damage amounts to or when they can again get communication with the rest of their system.

Lexington is in Darkness.

LEXINGTON, Ky., Jan. 29.—Lexington is in darkness and almost every street is night at 10 o'clock, after selecting Indianlocked with fallen trees and tangled wires. The storm which began last midnight continued without cessation all day and tonight. The few people who are out tonight carry lanterns. The mayor ordered all electric currents, except those supplying several street car lines, which are yet pen, cut off for safety. Beautiful trees, for which the city is noted, are falling by undreds.

PADUCAH, Ky., Jan. 29.-As a result of he sleet and snowstorm in this section, wires are down in every direction. A number of factories have closed and the street cars stopped, owing to shutting off of the electric currents. It is estimated the total damage in this city will reach \$100,000. The damage at Mayfield is \$60,000. with corresponding losses in other adjacent

KANSAS CITY BEATS ST. LOUIS

cities.

Captures Convention of National Retail Grocers for Next Year.

MILWAUKEE, Jan. 29.-The National Association of Retail Grocers, whose annual convention came to a close here today, voted to meet next year in Kansas City. . This decision was reached after an exciting contest between Kansas City and St. Louis, the former winning by a vote of 64 to 62. The convention voted to recommend that the 1904 meeting be held in San Francisco. The following officers were elected: President, Joseph E. Williams. South Bend, Ind.; vice president, William Gray, Brooklyn, N. Y.; secretary, Charles Pfeffler, St. Louis; reasurer, E. G. Ashby, Toledo, O.

The report of the ways and means committee, which was adopted, recommends that the same policy of soliciting donations as existed last year be continued and also that the per capita tax of 10 cents remain in force. It was also recommended that the executive committee fix the secretary's salary at \$1,200 per annum.

The committee on constitution and bylaws recommended that a committee prepare a new constitution to be presented to the next convention for adoption. A resolution favoring no change in the duty on raw sugar from Cuba was tabled. George L. Dingman of Minnesota adfressed the convention today on the benefits to be derived from a national pure food law and Daniel F. Keefe of California spoke on

SAYS WOMEN ARE AT LIBERTY Sofia Correspondent Reports Miss Stone and Mme. Tailka Are

Released.

mutual obligations.

LONDON, Jan 30.-The Sofia correspond ent of the Times, wiring under date of January 29, says: "It is reported that Miss Stone and Mme. Tsilka were liberated this morning on Turkish territory."

Bakers Are Locked Out.

KANSAS CITY, Jan. 29.—One hundred union bakers and bench hands employed by the six leading firms here were locked out tonight because of an attempt of the Industrial Council to form a union of bread wagon drivers. Hereafter the bakers say they will employ nonunion men

Found with Throat Cut.

CARTHAGE. Mo. Jan. 29.—H. Bushith, manager of the Deutsch Clothicompany, was found in the basement his store today with his throat cut razor lay nearby. Smith was 35 years and had been married less than a year.

Jury Has Jim Howard's Case.

FRANKFORT, Ky. Jan. 29.—The fate of Jim Howard, the alleged Goebel assassi-nation principal, was given to the jury at 6 o'clock this evening. A verdict is not ex-pected until tomorrow.

COMPEL SAVAGE TO APPOINT LIVES SAVED BY FIREMEN Writ of Mandamus is Sought to Force New Fire and Police Board Upon Omaba.

(From a Staff Correspondent.) LINCOLN, Jan. 29 .- (Special Telegram.)-Governor Savage was notified late this afternoon that an application would be made to the supreme court next Tuesday for a writ of mandamus to compel him to appoint a Board of Fire and Police Commissioners for Omaha. The notice was given by a delegation consisting of Frank T. Ransom, C. C. Wright and W. F. Gurley. Governor Savage tonight said he would be represented in the case by Attorney General Prout, but would vouchsafe no information as to what defense, if any, would be made. The notice of the contemplated proceedings was informal, though accompanied by affidavits setting forth the conditions of the controversy, and no papers have yet been filed in the supreme court. The attorneys said, however, that the application would be filed in due time for onsideration on the first day of the sitting. which will be Tuesday.

DETERMINED TO ENFORCE LAW Governor Van Sant Says Proposed

Merger is Hiegal and Deserves Defent.

ST. PAUL, Jan. 29.-Governor Van Sant today replied to the petition from Minnehis fight on the so-called ratiroad merger. The letter is addressed to Jenney, Semple, Hill & Co., and the governor says: I beg to acknowledge receipt of a petition

Hill & Co., and the governor says:

I beg to acknowledge receipt of a petition from you and namerous other gentlemen doing business in the city of Minneapolis proposing that no immediate action be taken against the Northern Securities company, and "that a fair opportunity for testing by experience, whether good or evil, will come from that company."

The consolidation of the Northern Pacific and the Great Northern Rashway companies, through the organization of the Northern Securities company, is clearly a violation of state statutes.

I obligated myself, when I was inaugurated governor of the state, to enforce the laws thereof.

It is my bounden duty to prevent, if possible, the consolidation is in violation of the clear and unmistakable provisions of the clear and unmistakable provisions of the laws which have been on the statute books for over a quarter of a century.

Not only is the letter of the law, but also the settled policy of this state, against the consolidation of parallel and competing railroad lines. Competition in the matter of rates has always been and ever will be beneficial to the people, and no spectous argument or statement from those desiring to do away with such competition is sufficient to meet plain facts derived from common experience.

However, the question of whether the law is wise or unwise does not confront me.

The law exists and has been violated; my

me.
The law exists and has been violated; my duty is plain.

I, therefore, must respectfully decline to comply with the requests contained in your petition and shall continue as vigorously as possible to vindicate the laws of the state.

AID FOR IOWA SUFFERERS Thousand Dollars Voted by Mine Workers for Widows and Orphans at Oskaloosa.

INDIANAPOLIS, Jan. 29.-The thirteenth annual convention of the United Mine Workers of America salourned sine die toapolis as the place for holding

tion next year. The delegates to the joint conference to se held with the operators of the country, commencing temorrow, are instructed to vote for Indianapolis for the joint conference next year. The convention before adjournment voted \$1,000 for the aid of the widows and orphans of the miners killed in the lowa disaster, adopted a ringing resolution against "government by injunction" and adopted a resolution favoring the re-enactment of the Chinese exclusion

The most important action taken by the United Mine Workers today was the adoption of an amendment to the constitution as recommended by the constitution com mittee, providing for the election of national officers by popular vote of the local unions throughout the country. Heretofore the officials have been voted for in the national convention. It was upon the suggestion of President Mitchell, in his annual report, that the amendment was proposed to the convention for its action.

SCHLEY BRAVES BAD WEATHER Passes Through Streets of Louisville

in Henry Sleet, Cheered by Thousands.

LOUISVILLE, Ky., Jan. 29.-Admiral Schley, in following the program prepared in his honor by the Louisville Board of Trade, moved through the heaviest sleetmiral's tired, but still ready and willing, the remainder of the reception at the side with the aged millionaire. of Mr. Taylor.

Among those in line were nine members of the National Association of Naval Vet- Rice's apartments when the old man was erans. To each of them the admiral de- at one time making depositions relative to voted especial attention. Luncheon at the Pendennis club followed

and tonight the admiral was the guest of Patrick and Rice never met. When Mr. honor at the annual banquet of the Board | Osborne, for the people, offered the 1896 will of Trade at the Galt house. He responded with a bow to the cheers that greeted his signature Mr. Moore, for the defense, obentry to the banquet room.

SAYS COMPANIES ARE SOLVENT Owner of Asphalt Securities Files Bill Charging Officers with

Fraud.

TRENTON, N. J., Jan. 29 .- Henry Spinks of Newport, Ky., today filed in the United States circuit court a bill charging the officers of the Asphalt Company of America and the National Asphalt company with fraud and collusion in having those companies declared insolvent and placed in re ceivers' hands.

Mr. Spinks is the owner of \$125,000 worth of the securities of the Asphalt Company

receivers for the companies. ceivers should be appointed.

People Caught is Bigh Building with Poer Chance of Escape.

CARRIED THROUGH FLAMES TO THE STREET

One of the Fire Fighters Drops from Fourth Story, Sustaining Number of Serious 12 m..... 10

Injuries.

CHICAGO, Jan. 29 .- Bravery shown by he firemen tonight saved a number of lives at a fire at 160 and 162 East Superior street. The blaze was in a six-story brick owned by the Zero Marx company, sign painters. It was partially destroyed, the damage being \$5,000 to the building and \$68,000 to the contents. Michael Cummings, a fireman, fell from

the fourth story, sustaining a broken leg and serious burns. Several persons rescued by the firemen and police were painfully burned. The fire originated in the basement, oc-

cupied by the sign company, and spread so rapidly that the persons on the upper floors were given but a slender chance for escape. On the second floor of the building were

Miss Anna Wilson, a stenographer, and John Driscol and Nicholas Ilg, employes of the Caldwell Novelty company. They apolis business men who asked him to cease made their way to the foot of the stairs, where their escape was cut off by flames All three were overcome by smoke and must have perished but for the firemen who carried them through the fire.

lives the safe door was left open. It is company at South Chicago early today, one not thought, however, that the gold will be man was killed and four others were so se-

ST. PAUL, Minn., Jan. 29.-The large house of worship of People's church, the Independent Congregationalist society, of which Rev. Dr. S. G. Smith is pastor, was destroyed by fire this afternoon. The building contained an auditorium, with seating capacity of 2,300, kindergarten and other branches, besides smaller meeting rooms, and was situated on Pleasant avenue.

The mansion of James J. Hill, on Summit avenue, is just back of the church site, but was at no time in danger. Hard work by the fire department, however, was necessary to keep the flames from spreading to the Farrington apartment building and resi-The church was built in 1888 and represented an outlay of \$105,000. The insurance was only \$50,000. Dr. Smith's valuable ortvate library was in his study and was con-

sumed. FIREMEN BURIED IN Nine Men Are Caught by Falling Walls and One is Killed.

ROCHESTER, N. Y., Jan. 29 .- A fourtory brick building occupied by the Rochester Machine and Screw company, and the W. H. Hutchinson & Co., carriage trimmings, and the Brighten Manufacturing company has been totally destroyed by fire. The loss is \$60,000, practically covered by insurance. Nine firemen who were at work near the walls of the building when the roof suddenly fell in were buried under mass of brick and iron and all badly injured Lieutenant William Bone died a few minutes after his rescue from the mass of wreckage. Two others were taken out in a critical condition and may die.

SAYS CHECKS ARE FORGERIES

Banker Testifies that Name of Rice is Signed by Someone Eine.

NEW YORK, Jan. 29.-Captain James storm that Louisville has experienced in Baker again occupied the witness chair at many years. In spite of the bad weather the trial of Lawyer Albert T. Patrick for more than 2,000 persons visited the Board the murder of William Marsh Rice almost of Trade this morning and shook the ad- the entire two sessions of court being taken up with his cross-examination. The capright hand. A great crowd had gathered tain admitted that he had expressed no in and about exchange hall, where the ad- opinion as to the genuineness of the signamiral received the people. Marion E. Tay- tures of various papers bearing Rice's name lor, president of the board, made the in- and which he now calls forgeries, until he troductions and as the crowd filed before had obtained the opinion of handwriting him the admiral had a courteous word of experts. He furthermore admitted that greeting for each. Governor Beckham was Patrick, before his arrest, had told him he in the line, but was rescued early and stood desired a full investigation of his relations

The witness, too, declined to swear positively that Patrick was not present in litigation he was involved in. The prosecution has been endeavoring to prove that in evidence as to the genuineness of the jected, declaring that the ruling of the court of appeals in the Molineux case was pertinent. After listening to Mr. Moore, who argued that the document was improper and irrelevant as evidence, Recorder Goff sustained the objection.

Norman Meldrum, a banker, testified that the signatures on the \$65,000 and \$25,000 checks were forgeries. The trial will go on tomorrow

HOLDS PRISONER FOR CHARGES Sheriff Wants His Money Before Delivering Darrah to Ger.

ing Authorities.

DELTA, Colo., Jan. 29 .- (Special Teleof America. His bill is technically a bill gram.)-W. J. Owens, a Nebraska detective of intervention. He asked permission to and special agent of the B. & M., is here be allowed to come in as a defendant to the with requisition papers from Governor Ororiginal bill asking for the appointment of man for Albert Darrah, to take him back to Gering, Neb., to stand trial for grand He avers that the companies are per- larceny. There is a charge of \$52 expenses fectly selvent and that no receivers should against the prisoner, and Sheriff Hunt of have been appointed. A rule to show Delta county demands that these charges cause has been granted in connection with be paid before he delivers the man to De-Mr. Spinks' bill returnable February 10. tective Owens. Owens this morning wired The making permanent of the rule asked the governor concerning the matter. Atfor by Mr. Spinks would have the effect of torney General Post has informed Sheriff reopening the question as to whether re- Hunt that he is entitled to the statutory fee before delivering the prisoner.

Forecast for Nebraska—Fair Thursday and Warmer in Western Portion; Cloudy and Snow in North and West Portions; Varia-ble Winds. Temperature at Omaha Yesterday: Deg. Hour. 1 p. m..... 11 2 p. m..... 12 6 m. m..... 6 7 m. m..... 6 3 p. m..... S a. m..... S 4 p. m..... 14 5 p. m..... 15 9 m. m..... 8 10 m. m.... 9 6 p. m..... 14 7 p. m..... 14 11 a. m..... 10

TO FORM A GIANT COAL TRUST MERE EXPRESSION OF VIEW OF CONGRESS

S p. m..... 13 9 p. m..... 12

Barons of Northwest Said to Be Perfeeting Extensive Merger Scheme.

MINNEAPOLIS, Jan. 29.-The, Journal says today that a merger embracing practically the whole coal trade of the northwest, both anthracite and bituminous, has been brought so near accomplishment that there is no question of its success. It is part of the plan that there shall b

but one selling agency here and one in St. Paul. This will put all the retail dealers now purchasing supplies from the large companies out of business. President C. be general northwestern manager of the question whether a censorship of press disconsolidation.

the anthracite and bituminous branches of enacted, the debate for a time was very the trade separately. This having been ac- spirited. The secretary of war was quoted complished, the two are now to be brought as saying that no press censorship now extogether.

coal interests is general and that in other army, was presented by Mr. Beveridge of large districts it will be handled from Indiana, making the statement officially that convenient centers, as will be done in the there was no censorship of press dispatches northwest. Minneapolis is to be the head and that "the press is entirely free." office in this section.

floors. They were found and carried out Workmen in Steel Plant Are Covered by Flood of Molten Metal.

CHICAGO, Jan. 29.-In an accident known as a "slip" at the plant of the Illinois Steel lost and the members of the firm did not verely injured that they probably will die. The dead: MICHAEL OBRANSKI.

The identified injured: John Polackowich, expected to die at any

oment. Cold weather is thought to have been the immediate cause of the accident. It is supposed that the molten iron at the top blast furnace No. 10 became chilled and clogged at the top.

Then when the men opened the vent at the bottom to draw off the metal the whole mass fell down, covering the workmen from head to foot with the white hot metal. Polackowich became crazed with pain and. wrapped in a sheet of flame, ran screaming toward the lake. He was overtaken and with the injured men was carried to the company's hospital.

MANY TO BE TRIED FOR BRIBERY

More Indictments Anticipated in Connection with St. Louis Suburban Railway Bill.

ST. LOUIS, Jan. 29.-Circuit Attorney ery matter before night. It develops that RUINS Emil A. Meysenberg was not indicted on a charge of bribery, but on another charge thorities say they are not ready to disclose. According to Mr. Folk the \$135,000 in bills locked up in two safe deposit boxes for bribery purposes in the Suburban bill affair cannot be claimed by anybody without

to be guilty of a felony. "The only way to dispose of that money." says the circuit attorney, "is by act of the legislature. Personally, I think should be devoted to eleemosynary pur-

poses. THIRTY-THREE YEARS APART

Sisters About to Be Reunited in Fairbury After a Long Search of the Country.

PUEBLO, Colo., Jan. 29 .- (Special Telegram.)-After thirty-three years' separation, two sisters, Mrs. Leonia Beard and Mrs. Mollie Kirk, nieces of Senator Blackburn of Kentucky, will soon be reunited in Fairbury, Neb. The separation dates from the death of the mother of the girls, when Mrs. Kirk was a mere infant. They were adopted into different families and when Mrs. Beard, the oldest, became old enough to make inquiries concerning her sister and the aunt who had adopted her, they

had gone. She began a search, which continued wenty years without success, until she stumbled upon a clue that brought her to Pueblo. She found that her sister, Mrs.

Delegation of Louisiana Purchase Fair Pushers Arrives in

Ohio

COLUMBUS, O., Jan. 29.-The delegation of St. Louis business men who are looking after the interests of the Louisiana Purchase exposition reached Columbus shortly before noon and were given a warm reception at the Chittenden hotel. The members of the delegation at once proceeded to the state house, where they were in consultation with the governor and executive committee on finance. Considerable interest is being manifested in the committee and its mission here. pending bill to appropriate \$200,000 for Ohio xhibits at St. Louis is being very fa-

Movements of Ocean Vessels Jan. 29 At Genoa-Arrived-Trave, from New York. At Queenstown-Arrived-Noordland, from Philadelphia. hiladelphia. At the Lizard—Passed—La Savoie, for Southampton-Arrived-Philadelphia, Southampton—Arrived—Philadelphia, New York. Havana—Arrived—Prinzess Victoria, from New York, via San Juan, etc. London—Arrived—Monsyune, from le, Yokohama, etc. St. Vincent—Arrived—Elba, from Ta-Coronal, etc. na, Coronel, etc. tt Funchal—Arrived—Auguste Victoria, om New York, for Malaga, etc. (on Mediteranean cruise). At Liverpool-Salled-Cymric, for New

Section of Dingley Bill on Treation Pre-

nounced Unconstitutional.

Interference with Power of the President and the Senate.

This Provision.

Illinois Senator Defines Difference Between Bill and Treaty and Power of House in Revenue Legislation.

WASHINGTON, Jan. 29 .- For an hour to-Wales of the Pioneer Fuel company will day the senate had under discussion the patches exists in Manila. While no such The plan followed has been to consolidate turbulent scenes as those of yesterday were ists in the Philippines and a letter from It is believed that the combination of General Greeley, chief signal officer of the

It was contended by the opposition that a press censorship did exist in the Philippines ONE DEAD AND FOUR DYING and that copies of every news dispatch filed with the cable company was filed with the military authorities. That, it was maintained, constituted a virtual censorship. Mr. Cullom, chairman of the committee on foreign relations, delivered an extended and carefully prepared speech on the his-

tory of the reciprocity negotiations. Wording of Provision Mixed.

The address dealt particularly with the constitutionality of that portion of the Dingley act which authorized the negotiations of reciprocity treaties. He said that the wording of the provision was peculiar and mixed, but it seemed plain that all treaties negotiated must have been made and ratified within two years after the passage of the act. Therefore, if that act is to control, it would be useless to ratify the

treaty. Senator Cullom continued: ireaty. Senator Cullom continued:

In my opinion the fourth section of the Dingley act, so far as it attempts to confer, limit or define the treaty-making power, is not only an interference with the powers of the president and senate, but is anconstitutional because it comes in conflict with that clause of the constitution which says that the president "shall have power, by and with the advice and consent of the senate, to make treaties." We do not, therefore, derive our treaty-making powers from a law of congress, and no law of congress can, in any way, modify or limit those powers. The Dingley act cannot limit the time in which we shall be allowed to make a treaty.

allowed to make a treaty. Merely a View of Congress.

Mr. Cullom contended that the fourth section of the Dingley act should be taken as a mere expression of the view of gress and that the president did not neeauthority to make the treaties. He entered Folk said today that in all probability into a long discussion of the proceedings of more indictments would be found and bench the constitutional convention relative to the warrants issued against several other men treaty-making power and claimed that prein connection with the Suburban bill brib. cedents all showed such power was conferred solely upon the president and senate. The reciprocity treaties concluded with Hawaii, Mexico and Canada did not go into growing out of that affair. The exact na- effect until congress acted, but these ture of the indictment against him, the au- treaties contained express provision that they could not become effective without

congressional action. Mr. Cullom discussed the provision of the constitution, declaring that bills for raising revenue must originate in the house, and the claimant, by that act, showing himself said that it had not been definitely settled what was meant by "bills for raising rev-

enue." He added: Cites Supreme Court Decision.

From the decisions and statements of Justices Storey, Miller and Harlan I cannot see how this clause could make it necessary to submit a reciprocity treaty to the house before it becomes effective. The ianguage of the clause is that all bills for raising revenue shall originate in the nouse, and not all bills affecting revenue, or in which revenue may incidentally arise. A reciprocity treaty is not a bill. It is true that it reduces a duty which has been laid by law, but I maintain that the treaty-making power has authority to change a

laid by law, but I maintain that the treatymaking power has authority to change a
tariff law, the same as it has authority to
change any other act of congress, and we
have seen that it has been clearly held,
from the decisions of Chief Justice Marshall down to the present, that the president and senate, by treaty, can change or
modify a law of congress.

This question before us here has been before the senate for 100 years. The executive and that is that a treaty is the supreme law of the land. That position has
been sustained by the supreme court. On
the other hand, during all these 100 years
the house of representatives has, as a rule,
insisted that it should be considered in reference to certain duties. That does not relieve us, the senate, of the duty of standing for our prerogatives and our rights,
and joisting that the rights of the ing for our prerogatives and our and insisting that the rights of the

Treaty Supreme Law of Land.

Kirk, had been living here, but had recently returned to Fairbury, Neb., and she started for that place, to experience a joyful reunion.

FOR ST. LOUIS EXPOSITION

A treaty made by the executive and raticled by the senate is the supreme law of the land, as well as an act of congress. If the congress is not satisfied with the treaty it has a perfect right to repeal it, let the consequences be what they may. But until such action is taken the treaty remains a part of our municipal law.

At the conclusion of Mr. Cullom's speech a bill was passed providing \$3,200 additional for the establishment of a lighthouse and fog signal station at Brown's Point, on Commencement bay, Washington.

Addressing the senate, Mr. Money said the senator from Massachusetts (Mr. Hoar) made a statement a few days ago to the effect that the state of Massachusetts had furnished more troops in the war of the revolution than all that section south of what was known as Mason and Dixon's line. The figures had been taken, it was stated, from a report of General Knox, the

first secreary of war. Reads Figures to Prove.

Expressing his entire belief that the Massachusetts senator would not present anything to the senate but facts, Mr. Money read from authorities to show that the southern section of the country had furnished its full quota of troops, Virginia supplying 56,722 and South Carolina 31,131. The latter state had furnished thirty-seven out of every forty-two citizens capable of bearing arms, while Massachusetts had furnished thirty-two out of every forty-two. He read extensive extracts from historical authorities in maintenance of his position. Mr. Hoar explained that whatever he may have said on the subject referred to by Mr. Money, he had no purpose of instituting a comparison between any sections of the country. He had stated in passing what he wished he had not stated-that in At Gibraltar—Sailed—Fuerst Bismarck, from Alexandria, Genoa and Naples, for New York.—Sailed—St. Paul, for Southampton: Vaderland, for Antwerp. Arrived—Hohenzellern, from Genoa and Naples. addition to the force of sailors furnished by

CONDITION OF THE WEATHER PART OF ACT INVALID

ALLEGED DEFECT EXPLAINED BY CULLOM

Useless to Ratify Reciprocity Treaty Under

CONCURRENCE OF HOUSE UNNECESSARY