ATTACK MERGER BILI

Big Delegation from South Omaha Storms

the Legislature.

PROTEST AGAINST JOINING TWO CITIES

Insist Agitation is Hurtful to Property

Values in Magic City.

GIVEN PRIVILEGE OF ADDRESSING HOUSE

ESTABLISHED JUNE 19, 1871.

OMAHA, FRIDAY MORNING, MARCH 10, 1905-TEN PAGES.

SINGLE COPY THREE CENTS.

Report from New Ohwang Says Kouropatkin Must Surrender in a Week.

NOGI'S DIVISION MAKES FORCED MARCH

Veterans from Fort Arthu Surround

Eighty Thousand Muscevites. ISLANDERS CUT ROAD NORTH OF MUKDEN

Russians Now Face Enemy on There Sides of the Town.

LITTLE NEWS REACHES ST. PETERSBURG

Muscovite Capital is Prepared for the Worst, but Still Hopes that Army May Escape Annihilation.

### BULLETIN.

NEW CHWANG, March 9.-(Via Tien has been invested by the Japanese and that General Kouropatkin, having no alternative, will probable be forced to surrender within a week.

The Russians have not been reinforced from the direction of Harbin since March 1. conjunction with General Oku's army sur-

of Tie Pass and cut off their supplies. The hurrying Japanese armies passed a division of Russians without giving it any attention until the enveloping movement was completed when they crushingly attacked the Russians on all sides.

BULLETIN. TOKIO, March 9.-(4 p. m.)-The Japanese have cut the railway north of Mukden.

Japs Reach Hun River. MUKDEN, March 9 .- Noon .- The Japanese army bombarded the bridge at Fu pass on the Hun river twelve miles east

of Mukden. Russian artillery replied vigrously. The cannonade lasted an hour. At present the Japanese are making most energetic attacks south of the Hun river, It is rumored that they have transferred By Strict Party Vote Santo Domingo thither some of their forces from the northwes in anticipation of a night attack.

stussian forces in the district of regiment allowed the Japanese to approach against it. All members of the committee within 200 paces and then discharged a vol- were present and the vote stood: ley from their rifles and opened on them with quick-fire guns, simply mowing down the Japanese, who were repulsed.

Among the prisoners brought in Wednesday were a number of privates in new uniforms, who were from a recently organized Japanese reserve division. There is reason to believe that another division being landed in the northern part of corea for the purpose of making a demonstration against Vladivostok. On Wednesday there were furious attacks northwest of Mukden against the villages of Santaitse, Yangshihtung and Unshuntun. These at-

tacks were all repulsed. Question of Endurance. a. m.-Midnight closed the tenth day the .itanic struggle for the possession of Mukden and the mastery of a vast empire, the tenth day of unceasing conflict can government was prohibited from inunder exploding shrappel, the roar of cannon and the whistling of builets; the tenth debt without like consent of this governday without sleep and without food. The ment. That provision has been amended combat is fast reaching a point where it to read as follows: s a question not so much of turning colans, of tactics and of strategy as of whose strength, energy and cartridges will of the president of the United States." last the longer.

Gray-coated Russians, patient, uncomplaining, strong of soul, clung doggedly to positions against an enemy whose attacks go to the very point of insanity and desperation. For forty-eight hours the Japanese have not eaten. They are starving and exhausted, but Field Marshal Oyama. himself has told them that the city will fall and the slaughter stop on Friday and their senfidence in their leader increased their

Today the Japanese are pushing their columns north and northeast, bombarding villages which are keys of the defense and hurling men, some of them veterans of the year's campaign, and others middleaged reserves fresh from Japan, against Russian positions. Often they are repulsed and sometimes they master the advanced line, but at enormous cost.

Japanese Celebrate Victory. TOKIO, March 8.-Although the actual extent of the success gained by Field Marshal Oyama s army is unknown, Tokio is already celebrating the victory. Flags are going up all over the city and crowds are editions of the local papers and congratulations are pouring into the office of the minister of war and to the army staff headquarters.

It is rumored that General Kouropatkin's retreat has been partly cut off, insuring Captain Kirkman, now under trial by court heavy loss of supplies and the capture of many prisoners, but this it is impossible to

An official announcement of the result of Field Marshal Oyama's pursuit of the Additional charges of a serious nature have Russians is expected here later in the day. Field Marshal Oyama, in an order directing the pursuit of the retreating Russians to the present court for consideration. yesterday, prohibited his troops from entering Mukden in masses, in order to preserve the respect of the tombs and sacred places of the imperial Chinese household and to protect the welfare of the inhab-

Report from Headquarters. 4 p. m .- The headquarters of the Japanese armies in the field reported today as

follows: In the Singking (Yedden) direction our force, after defeating the enemy at Maghuntan is still pursuing him in the Shakne river direction. East of the railroad, the enemy showing signs of retreat, our whole line opened a geenral attack from midnight March 7, and dislodged the enemy from his positions, pressing his force toward the lium river. positions, pressing his force toward liun river, he whole district west of the railroad a south of the Hun river is in our

hands.
On the right bank of the Hun river the operations continue.

The enemy in the neighborhood of Yangshitung and Likuanpao still makes a stubborn resistance. The stremy has made
several counter attacks, but we repulsed
them, inflicting heavy loss. Our force is
now pressing the enemy toward Mukden.
In the district north of Mukden, despite

Continued on Becond Page

General Kouropatkin's Army is in Critical Position-No Direct News for Several Hours.

Mukden at noon yesterday was still oc opied by the Russians. Fu pass, twelve miles to the eastward and on the Hun river, a vital point for General Kouropatkin in the retreat of his eastern wing, was bombarded by the Japanese for one hour early in the day, Russian artillery replying vigorously. The outcome at this point seems to be in doubt. A windstorm of hurricane fury was in progress during the day. No reports from the commander-inchief later than Wednesday have been given out at St. Petersburg.

Associated Press dispatches from Mukden Indicate that considerable Japanese forces are well north of the city of Mukden and that the rallway upon which depends so much for the Russian army is seriously threatened, if indeed it is not already cut.

#### SENATOR BATE PASSES AWAY Tennesseean Dies at Washington as Result of Illness Contracted

March 4.

WASHINGTON, March 9.-United States Senator William B. Bate of Tennessee, twice governor of his state, a veteran of both the Mexican and civil wars, rising from private to major general in the latter, and for eighteen years a conspicuous member of the upper house of congress, died at his Tsin.)-It is reported here that Tie Pass hotel apartments in this city today. He was 78 years old. Death was due to

pneumonia and defective heart. Senator Bate attended the inaugural ceremonies on March 4, and his death is believed to be due primarily to exposure on that occasion. He suffered a slight chill on that day. He, however, continued his official duties and occupied his seat in the senate last Tuesday. He became suddenly General Nogi's army made a forced march ill at the dinner table that evening and of twenty-five miles daily and acting is immediately called for a physician. He was put to bed and his condition was recognized as serious. Despite the efforts of his physirounded \$0,000 Russians in the direction clan he became steadily worse and all hope for his recovery was given up yesterday Senator Bate was entirely conscious until his death and realizing that the end was near asked that he be buried at his old

home in Nashville. Beside the widow, two daughters, Mrs. Thomas F. Masten, of Tennessee, and Mrs. Childs of Los Angeles, survive the senator. A brother, Captain Bate of Tennessee, and a sister Mrs. Harris of California, were sent for but were unable to reach here before his death.

Senator Bate's remains will be taken to his old home at Nashville and will be interred in the Mount Olive cemetery there. An official funeral will be held in the senate chamber tomorrow at 2 o'clock and the remains of the late senator will be taken to Tennessee tomorrow evening.

# COMMITTEE FAVORS THE TREATY

Agreement is Reported. WASHINGTON, March 9.- The senate committee on foreign relations 'today ache, north of the Mukden station, agreed to report favorably the Santo Dounder arms throughout the night. mingo treaty as amended. The vote was Shortly before dawn a large Japanese force on party lines, every republican voting for approached the Zaraltser regiment. This the treaty and every democrat voting

For the treaty—Cullom, Fry. Lodge, Clark (Wyo.), Foraker, Spooner, and Kean. Against the treaty—Morgan, Bacon, Money, Clark (Mont.) and McCreary, There is one vacancy on the committee, caused by the election of Senator Fairbanks to the vice presidency.

All of the amendments heretofore agreed upon were formally adopted and one additional amendment, which was offered today was accepted. The latter was one of phraseology merely. It changes the last clause of article vii, in which it is declared that the present tariff and port duties may not be reduced except with the consent of the president of the United States, so long as the whole of the debt which the United States government takes charge of shall not have been completely paid. In the original protocol the Dominicreasing its export duties of its public

"Said export duties or its public debt shall not be increased without the consent

#### SHORT SESSION OF THE SENATE Committee Appointed to Arrange for Funeral of Senator Bate.

WASHINGTON, March 2.-After a seasion of seven minutes the senate adjourned at 13:07 p. m. today out of respect to the memory of the late Senator Bate.

Mr. Gorman presented the usual resolutions of regret at Senator Bate's death These resolutions also directed the appointment of a committee of twelve senators to make preparations for the deceased senator's funeral in the senate chamber at 2 p. m. tomorrow, authorized the extension of invitations to the president, the members of his cabinet, the supreme court of the United States, the diplomatic corps, the ranking officers of the navy and the and the house of representatives, and directed the sergeant-at-arms to escort the temains to Senator Bate's former home at Nashville, Tenn., for interment

Secretary Taft Declines to Accept the Resignation of Army Officer. WASHINGTON, March 9 .- Secretary Taft has declined to accept the resignation of martial at Fort Niobrara, Neb., on charges of scandalous conduct. The court has taken a recess until May 10 to await the arrival of certain evidence from the Philippines. been filed at the department against Captain Kirkman and these will be referred

# NEW ORDER MEANS BOYCOTT Oil Producers Indignant at Action

of Prairie Oil and Gas Company.

CHANUTE, Kan., March 9 .- The order of the Prairie Oil and Gas company to run no more oil below 30 degrees, which practhe Kansas field, will, it is believed, re- curve of One Hundred and Tenth street. suit disastrously to those individuals and The train was brought to a stop so suddenly ompanies which, figuring in a return of that many of the passengers were thrown full buying and better operations, had re- from their seats. sumed operations. E. C. Martin, one of the largest producers in the field, said: is another act of defiance. It is another effort to crowd the Kansas producer to the wall. It will bring independent refineries here and make a market for fuel oil." W. E. Connelly, a member of the adisory board of the Kansas Oil Producers' association, said the order was only another move on the part of the Standard

show its contempt for the Kansas op-

# SUMMARY OF WAR SITUATION SUBWAY STRIKE IS OVER

National Officers of Union Order Men Back to Their Posts.

SAY STRIKERS VIOLATED CONTRACTS

Local Officials Say Fight Will Be Kept Up, but Men Are Returning and Service is Nearly

#### Normal.

NEW YORK, March 9.- The most in eresting development in the subway and levated strike situation in New York today was the stand taken by some of the labor leaders in repudiating the action of the local leaders, who ordered and are onducting the strike.

The first intimation the public had the trike was not endorsed by the national mions came in a statement from Grand EVIDENCE OF DISCRIMINATION thief Warren S. Stone of the Brotherhous of Locomotive Engineers, to which the motormen belong. Mr. Stone insisted that the strike was a violation of the laws of the national union, the men having broken their contract with the Interborough company. He ordered the men to report for duty, failing which expulsion from the rganization is threatened.

W. D. Mahon, president of the Amalga nated Association of Street and Electric Railway Employes of America issued a statement tonight similar in tenor to that issued by Warren S. Stone. President Mahon says the strike was not authorized by the national body and that the strikers nust go back to work.

Chief Stone's Statement. The following statement was issued by Grand Chief Stone of the Brotherhood of Locomotive Engineers:

Locomotive Engineers:

The Brotherhood of Locomotive Engineers has no differences between its organization and the Interborough company at the presen time that could not have been adjusted in the proper manner.

The present strike now going on by men claiming to represent the Brotherhood of Locomotive Engineers is in direct violation of our laws. It is not recognized, nor will it be supported by our organization. The contract entered into September, 1904, between the Interborough company and the

contract entered into September, 1904, between the Interborough company and the Brotherhood of Locomotive Engineers we recognize to be as binding today as it was when signed, and loyal members of the Brotherhood of Locomotive Engineers are instructed to at once report for duty and comply with the terms of the agreement. Members refusing to do so will be expelled from membership in our organization. It has been reported to me that many of our members have been misted by statements that the grand officers had given consent to this strike. This is not correct, no request was made nor granted, nor were the officers of the Brotherhood of Locomotive Engineers consulted in the present situation.

Description of the Engineers consulted in the present situation.

This is the first time in the history of the Brotherhood of Locomotive Engineers that our members have repudiated their agreement with any railroad.

Labor organizations must keep their part of the agreements inviolate if they expect to succeed. Had our laws been compiled with conditions as they now appear could not exist on the lines of the Interborough company.

adopted would prevent that and the Standard could have to itself every town in which the independent man did not want to erect a tank."

The railroads in the transmissouri freight bureau are the Missouri Pacific, the Missouri could not exist on the lines of the Interborough in the Kansas & Texas and the Atchison.

## Say Strike Will Continue.

The Amaigamated Association of Street and Electric Railway Employes and the Brotherhood of Locomotive Engineers have ssued a joint statement at strike headquarters in which they declare that Warren S. Stone did not issue any statement eturn to work and declaring the national oody not in sympathy with their strike The statement continues that the strike as just begun, that the men will fight to

the bitter end and that they are confident f winning William L. Jencks, head of the local Brotherhood of Locomotive Engineers, declared that he did not recognize Mr. Stone's statement as having any influence upon him r upon the strike. He said:

Mr. Stone cannot dictate to me. Shall he tell us whether we shall have supper or not? The men were ordered out, are out and will stay out until the strike is won. Things are going beautifully, and prospects were never brighter for us since the strike was begun.

Jencks made this statement in a midst of a group of strikers, who cheered him loudly when they heard his words. Timothy Healy, president of the Interna-

tional Brotherhood of Stationary Firemen when asked whether he would call out the members of his organization, replied: "No. I'm not going to call them out.

"Have you been asked by Mr. Pepper of Mr. Jencks or anybody else to call them out?" was asked.

"If Mr. Pepper asked me to call out the asked to do so by President Mahon. Mr. Mahon has not asked me to do so."

union of Locomotive Engineers, in an in- meter, support the great roof of this wonterview, supported Mr. Jencks, saying the derful exhibition palace. men would not go back to work until they serted, while dozens of the strike breakers 112-horse power was required. had quit and had been sent home by the local union.

#### Men Returning to Work. Notwithstanding the efforts of the local

leaders there were indications around strike headquarters that at least some of the men were ready to give up the fight against the company. Those who from the start On motion of Mr. Mallory the senate were opposed to the strike find the action then adjourned as a further mark of re- of the national leaders an excellent excuse to return to their posts. Early this evening some or the old subway motormen on the streets, cagerly buying the extra KIRKMAN MUST STAND TRIAL were found in charge of their regular trains and admitted that they had taken Mr. Stone's advice. The service in the subway onight was almost perfect, the local trains being run during the rush hours on schedule time, while the express trains maintained a three-minute headway. At no time was there anything resembling a congestion, the usual home-going crowds being handled without accident. On some of the lines service was not so good, this, however, being due to the fact that the company had decided to first perfect the cunning of trains in the subway.

Tomorrow it expects to bring the elevated service up to the regular standard. Messrs. Stone and W. B. Hurley left for Cleveland tonight. As they were leaving Mr. Stone said: "The strike is virtually over. We have accompalished our missiand are going home well satisfied."

Attempt to Wreck Train. Hugh R. Grace, who admitted that he was a striker, was arrested tonight, charged with maliciously putting the emermeans a renewal of the boycott of gency brake on an elevated train on the

By a narrow margin a rear end collision right at the structure's greatest height was averted by the nerve of the motorman the train following.

No Change in Missouri. JEFFERSON CITY, Mo., March 2.—
There was no adidtional break in the vote
for United States senator on the fortysecond ballot, taken today. The vote resuited: Cockrell, 76; Niedringhaus, 57;
Kerens, 15; Bartholdt, 5; Warner, 2; Dyer,
1; Lyons, 1; McKinley, 1. Total, 122 votes;

# INDISPENSABLE.

OMAHA, Neb., March 8, 1905 .-Bee Publishing Company, City: Dear Sirs-We are glad to furnish you an opinion on Bee advertising. We have been liberal users of space in The Bee want columns for several years and find, by experience, that it is a splendid investment

We have a large mail order business, through which we have an opportunity to learn the value of advertising and also to trace our results, and we find The Bee indispensable to our mail order, as well as our local, business, Yours

## THE GOLDMAN PLEATING CO., 106 South 16th St.

Kansas Roads Made New Rule Causing Trouble for Independent

TOPEKA, Kan., March 9.-In the deposiagainst the Atchison, Topeka & Santa Fe rallroad it developed that all of the Kansas callroads in the transmissouri freight bureau changed their classification and tariff sheets about the time the Kansas oil field began to give promise of becoming

petroleum which would be secured for transportation in tank cars was that destined to a "consignee who possessed storage facilities for the oll after it reached its destination." This order nearly prohibited independent refiners from distributing their oil, as they were unable to erect storage tanks in all of the towns to which they

purporting to come from a former emplove of the Standard Oil company at the completion of the Standard Oil company's pipe line an agreement was entered into between the Standard and the Santa to them this afternoon ordering them to Fe, the Missouri Pacific and the Missouri. of oil over these lines should be placed at an exhorbitant and prohibitive figure. The railways were to profit from this transrun through the Standard's pipe line. This petroleum a corresponding amount. Further

# will be resumed in Topeka Monday.

Unique Structure at Portland Constructed of Undressed Logs

firemen," replied Mr. Healy, "I would not the Lewis and Clarke exposition grounds, do so. I would not recognize Mr. Pepper's and which is said to be one of the most power to make any such request. Before I unique structures in the world, has been would call out the men I would have to be completed. The building is constructed of logs of immense proportions and bearing Harry Johnson, secretary of the local forest, many of them over six feet in dia-

had won their point, the local union hav- five and six-feet fir logs, eight miles of ing sufficient money to carry on the strike poles, 43,000 fir shakes, 30,000 fir bark shinwithout aid from the national union. So gles. The largest log is seven feet nine far, he said, none of the strikers had de- inches through, and to raise it in place

# Big Illustrated Features in Next Sunday's Bee

# Sherlock Holmes Mystery The adventure of the Priory School with its strange ending.

Pablo Domenech, a story By CARMEN SYLVA, the brilliant Queen of Roumania.

Why Does Baby Gry? The answer also tells how to stop the needless crying.

Strangest Battle in History Fight at Karo La, on road to Lhassa, 19,900 feet above sea.

Divorces Among Actresses

## Where three and four times di vorced is not uncommon

Buster Brown and Tige Picture story of the precoclous youngster and his pet.

# MAY DECLARE OFFICE VACANT

Contest for Colorado Governorship Takes a New Turn.

ALEXANDER AMENDS MINORITY REPORT

Resolution is Adopted Asking Supreme Court What Will Be the Effect of Such Action.

office of governor vacant and what the ef-

fect of such action would be, and the de-

it should be adopted by the joint conven-

Alexander Amends Report.

Alexander's amended report declares that

but the resolution declaring Lieutenant

Governor McDonald "duly qualified gov-

ernor of the state" is omitted and the fol-

Under the constitution the Alexander

resolution would seem to have the effect of

continuing former Governor James H. Pea-

would be submitted to the supreme court

for adjudication before a vote is taken on

sembly. In the meantime the allegations of

The committee which has charge of the

investigation of this matter held a brief

meeting this afternoon after the session of

forth, chairman, announced that an ad-

journment had been taken subject to the

call of the chairman, or practically until

the governorship tangle has been straight-

As soon as the joint convention met this

afternoon Senator Alexander asked consent

the joint convention. Senator Arthur Corn-

Senator Richard W. Morgan, in regard to

the bribery will be held in abeyance.

out of office.

lowing substituted:

DENVER, March 9.-The joint executive convention has sought an opinion from the state supreme court on the question of whether it has the power to declare the

#### contest will be deferred until the court's answer is received. Mr. Alexander, a member of the commit-

Oil Refineries.

ions taken today in the case brought of importance.

Resolved, That the action of the joint as-sembly in declaring Alva Adams duly elected governor be hereby rescinded and revoked and that a vacancy be declared in the office of governor. By the change which was made the only shipped oil.

"It has been the custom of the Standard Oil company," said Frank S. Monnett, during the discussion today, "to have this rule adopted by the railroads in which it owns an interest, just as soon as it is evident that independent refineries are getting a foothold in the field. It is the same method that has been used by the company in destroying competition in eastern fields. The companies will accept demurrage on any other class of freight than oil. Usually an independent refiner ships his oil to a small town in his own tank car, has the car switched to a sidetrack and unloads and sells from his wagons until the car is empty. This rule, which it developed that all of the western roads dopted would prevent that and the Stand-

in the Kansas field. Attorney Monnett introduced a letter, Joplin. Mo. The missive alleges that on roads whereby the tariff for transportation action through distribution among the railways of 10 cents on every barrel of oil effect of eliminating competition to the the Standard made the producer stand this depositions in this case will be taken at

# FORESTRY BUILDING COMPLETE

is Now Finished.

PORTLAND, Ore., March 9 .- The Forestry building, the most admired building on the mother bank. Ninety-two giants of the

There are in the building two miles of

#### to amend his report, and he read the report as he wished it amended. This came like a thunderclap to the democrats, and they ask-d for and obtained a recess of fifteen minutes for consideration of the matter. After the recess objection was made to allowing Senator Alexander to amend his report in the manner indicated. However, the amendment was allowed by a vote of 64 to 32, one republican voting with the democrats in the negative. Supreme Court Asked for Opinion.

Senator L. G. Campbell, a republican, at once submitted a resolution to submit to the supreme court the questions of the assembly took a fecess until tomorrow

morning At the forenoon session of the joint assembly B. J. O'Connell criticised the republican majority of the bribery investimade it impossible for all the independent gating committee, of which he is a minorcompanies to ship crude oil and had the ity member, for not proceeding promptly with the investigation of the charges made Standard Oil company. The theory is that by Senator Morgan and for adopting star chamber methods. Senator Arthur Cornexpense by raising the price of crude forth, chairman of the committee, explained its delay by saying that the republican members wanted to attend a caucus and Independence, Kan., Friday. The hearing the sessions of the joint convention and defended its course in holding secret sessions. An amendment by O'Connell to instruct the committee to proceed immediately with the investigation of Morgan's charges was declared out of order, because the question of adopting the majority report of the contest committee was before

Mr. Herbert is Indignant. James A. Herbert, president of the Colorado & Southern railroad, is indignant at the action of the legislature bribery investigating committee in failing to hear his witnesses and report promptly to the

general assembly concerning the charges made by Senator Richard W. Morgan. Twenty-five witnesses for Mr. Herbert were waiting to be heard last night, when Senator Arthur Cornforth, chairman of the committee, informed the other members that the meeting would be postponed until this evening. "Every publicity is given the charges against us," said Mr. Herbert, "but when we appear to defend our services we are not allowed to face our accusers, and everything that we have to offer in defense is kept by the committee as much a secret as possible.'

#### CORRUPTION IN CONNECTICUT Minister Tells Judiciary Committee Money Was Used in Many Towns During Recent Campaign.

HARTFORD, Conn., March 9 .- Rev. Newman Smyth, D. D., of New Haven, who appeared today before the judiciary committee of the general assembly in support of a corrupt practice bill, informed the committee that after careful investigation he had found that in the last convention 'money met money at the caucuses at considerably more than 100 of the 168 towns of

the state.

said, the notorious use of money and other valuable considerations in the last campaign, "not a single stroke of prosecuting pen has been made nor a fine imposed, not a jail door has swung open to receive a single political robber of Connecticut." One prominent candidate Dr. Smyth declared had not seen proper to comply with the law which requires all candidates, including those for United States senator, to make a sworn statement of contributions. He intimated that such evidence as was at hand might be laid at the door of the

He figured that the total sum used might

have reached \$150,000. Notwithstanding, he

#### WANTED AT ST. JOSEPH. MO. Expert Druggist Who is Accused of Robbing Employers Arrested at New York.

NEW YORK, March 9 .- James Upton Medlock, alias J. C. Mellier, was arrested here today. He is wanted in St. Joseph. Mo., for burgiary. He is said to be an expert druggist and has worked in various of the largest drug houses in the country. It is said he operated by procuring a position with the house and then secreting goods, especially proprietary medicines, which he disposed of through confederates.

# NEBRASKA WEATHER FORECAST

Partly Cloudy Friday, with Rain or Snow in Southwest Portion, Saturday Fair and Warmer.

Temperature at Omaha Yesterday: Hour, Deg lour. Deg. 5 s. m..... 37 6 s. m..... 37 Hour. 2 p. m..... 44 3 p. m..... 41 n. m . . . . . . 8 a. m ..... 38 4 p. m ..... 35 5 p. m..... 37 6 p. m.... 35 9 n. m . . . . . 44 10 m. m ..... 47 7 p. m..... 8 p. m.....

12 m...... 51

#### MRS. CHADWICK LOSES POINT Judge Overrales Motion by the De-

9 p. m..... 31

fense to Take Case from the Jury.

cision of the Peabody-Adams gubernatorial CLEVELAND, March 9 .- Andrew Carne gie is now definitely out of the trial of Mrs. Chadwick If she should be acquitted this time, Mr. Carnegle might appear at a subsequent trial, but as far as was allowed today to amend his amendment in favor of senting Lieutenant the existing case is concerned his pay is Governor McDonald in such a way that if waiting for him and he is at liberty to go

tion Governor Adams would be legislated United States Marshal Chandler today made out a check for \$64.40 to Mr. Carnegle's order and it is held in the marshal's office, pending Mr. Carnegie's call for it. If he does not call it will be mailed to there was no legal election for the office of

governor held in the state last November, The defense today made a desperate atby the court. After arguments lasting through the greater part of the day, Judge gave an object lesson in retreating which Taylor, just prior to the afternoon adjournment, overruled the motion. The decense also attacked two counts of the indictment and asked that certain parts of were jammed into representative hall; the the testimony offered by the government be stricken out. An admission from the judge that he did not regard the two counts tives were nearly all present. Several speakbody in office, his legal successor having as "good" was the extent of the satisfacnot been elected. That question, however, tion secured by the defense. The acquittal of the defendant was asked on the ground that the indictment charged her with conany of the reports before the joint asspiring to commit an offense against the United States in that she conspired with Beckwith and Spear to certify illegally checks of the Oberlin bank.

### COURT TURNS DOWN BRYAN Nebraskan Will Not Get Part of the

Estate of the Late Philo S.

Bennett. HARTFORD, Conn., March 9 .- The supreme court of Connecticut today handed. down a decision in the Philo S. Bennett will case, in which W. J. Bryan has figured as beneficiary to the extent of \$50,000 as at Janiculum the 500 South Omahans Bennett and finds no error. The decision upholds the superior court, which rendered brass band. They were admitted to the fund is the part of a residuary estate. Mr.

result is as previously stated.

court said that it would not be. right of the joint assembly to adopt the Today's decision doubtless ended one of the struggle began to have it excluded, government and their property interests several allegations which caused considers- would be injured by consolidation. ble surprise at the time being made by counsel for Mrs. Bennett.

It was even alleged that Mr. Bennett inhe was killed by a fall on a western moun-

# tain side.

Change in Classification Rules at Chicago Considered by State Warehouse Commission.

CHICAGO, March 9 .- An important meeting which will have a bearing on the fate of the big May wheat deal in the Chicago Board of Trade, was held here today at the rooms of the state railroad and warehouse commission. Every branch of the wheat trade was represented at the meeting. The hearing was in response to a call to the trade from the commission to present testimony bearing on the admission of Oregon grown red winter wheat to the grade deliverable on speculative contracts on the Chicago Board of Trade. The commission has been permitting the grading of the Oregon red Russian wheat as "red winter" at East St. Louis, while in Chicago the state inspection authorities have been following the precedent of the last twentyfive years and have classified the far west-

wheat as "Colorado." The rules of the state inspection department would admit the Oregon red Russian winter wheat to the classification of red winter, but Chief Inspector William Smille has throughout the season classified the wheat as Colorado, and it has been sold on its milling merit all the season below the price that it would have secured

if it were deliverable to speculators.

#### FAIRBANKS MAY RIDE GOAT Vice President Will Probably Take Additional Masonic Degrees at

Indianapolis Next Month.

INDIANAPOLIS, March 9.-Vice President Fairbanks may come to Indianapolis the latter part of this month to take intervening degrees in Masonry between the blue odge and the thirty-second degree. The spring convocation will be held for three days, beginning March 31. Vice President Fairbanks was initiated into the order on December 27.

# COLORADO JURY CANNOT AGREE

No Verdict in Case of Deputy Sheriff Who Killed Two Men Election Day.

CRIPPLE CREEK, Colo., March 9.-The jury in the case of James M. Warford, the deputy sheriff who shot and killed Christopher Miller and Isaac Loba at the polls judiciary committee of the United States in Goldfield on election day, was discharged today, having failed to agree after deliberating over seventy hours

> Movements of Ocean Vessels March 9. At New York-Arrived: Eingen, Louise, Genoa, Oceanle, from Liverpool. Salled: Le Lorraine, from Havre; Grosser Kurfurst, for Bremen.
> At Queenstown-Salled: Merion, for Philadelphia; Cedric, for New York.
> At Swansea-Salled: Majestic, for Philadelphia.
> At London-Salled: Minnetonka, for New York.

> York. At Queenstown-Arrived: Cymric, from Trieste-Salied: Giulla, for New York, Queenstown-Arrived: Baltic, from York. At Hamburg-Sailed: Armenia, for New York. At London-Arrived: Manitou, from New York.

#### Insist Present is Not Opportune Time to Make Such a Move. REPRESENTATIVE LEE CAPITULATES

His Committee Will Strangle the Appeaation Bill Introduced by Him, and South

Omaha Men Cheer.

(From a Staff Correspondent.) LINCOLN, March 9 .- (Special Telegram.) -Amid the plaudits of the house and senate assembled in joint session, a gallery full of spectators and 500 citizens of Bouth Omaha come to protest against H. R. 349 tempt to have the case taken from the and the consolidation of Omaha and the jury and a verdict of acquittal rendered Magic City, Representative Les of Douglas on the floor of the house this afternoon

Kouropatkin might with profit emulate. The half thousand of crusaders from South Omaha men women and children. members of the senate occupied seats there the galleries wer full and the representaers from the South Omaha delegation had eloquently proclaimed their reasons for opposing the Lee bill making annexation possible, when at the conclusion of these speeches Lee arose and asked the privliege of the floor, which none save Jackson of Antelope sought to deny him. In great good humor Lee declared that rather than force upon his neighbors a law which they did not want he would be the first to bow to the will of their fair city and not pro-

mote his bill. The elequent Irishman sat down amid a storm of applause in which the South Omaha people led and he was surrounded by his colleagues from all parts of the house as well as citizens from the packing city and carnestly congratulated for the stand he had taken.

Storming the capital like the Etruscans provided in a "sealed letter" left by Mr. swooped down upon the legislature just before noon, led by Mayor Koutsky and a judgment to the effect that the clause in house a few minutes before the noon recess Bennett's will containing the para- and Dr. McCrann stated that the purpose graph in regard to the \$50,000 to be left to of the visit was to impress upon the legis-Mr. Bryan is inoperative and that the said lature the opposition of the majority of the people there to Lee's bill. He then Bryan appealed from this decision and the submitted a petition signed by 3,000 persons who voiced the sentiments, he said, against Counsel for Mr. Bryan when asked tonight this measure. When the house reconvened if the case would be taken to any higher after noon the delegation returned and the

demonstration ensued. Gibson States Position. Alexander report and if it should be the most interesting cases ever fought out Dr. McCrann, acting as chairman, first Kansas & Texas and possibly other rail- adopted what its effect would be, especially in the courts of the state. Mr. Bryan was called on Senator Gibson of South Omaha who would then be governor of Colorado. a close friend of Mr. Bennett and was made to speak and the senator told in a few This resolution was adopted and the joint | the executor of his will. When it became | words why his people were opposed even to known that a "sealed letter" was deposited the agitation of the annexation proposition. in New York, bequeathing Mr. Bryan \$50,000. He said they were able for local self-

T. J. Nelan was then introduced. said the first reason why South Omaha was against consolidation was that it would tended to have the letter destroyed when increase its taxes and reduce the value of its property. He pointed out that the bonded indebtedness of Omaha amounted to \$6,659,000 and that of South Omaha to MAY AFFECT BIG WHEAT DEAL \$633,000, the per capita indebtedness of the respective cities to \$64 and \$21; that

Omaha's levy last year was 14 mills, while

"Before annexation should be brought

that of South Omaha was 11%.

about Omaha must be large enough for two business centers and it is not that large now," said Mr. Nolan, "Our people believe that if consolidation were effected now it would be the death knell to the business district of South Omaha, that within a very short time all the chief business interests would be transferred to Omaha and we would be left with nothing but our residences. This would ruin our property values. The time may come when these cities should coalesce, but that time is not yet. When Omaha's population shall have grown very much larger and that great stretch of country between the two cities is filled up with homes and people then it will be time enough for us to talk of this thing, but not till then. We not only want the Lee bill killed, but we want the Omaha charter bill so amended as not to leave the possibility of annexation. We think the people of South Omaha have demonstrated their ability for local self government and certainly they have shown you today that they are against the bill. Otherwise you would not have 400 business men down here, who had shut up their business for the day that you might see by their presence in your midst that they were not willing to have their town tacked on at this time to the mother city. I know you may be told that this consolidation is not possible until the proposition shall have been ratified by the majority vote of the electors of each city, but that does not remove the objection we have to this bill. So long as there is a law on the statute books making it possible for the two cities to be annexed, investors will be slow to invest their money in South Omaha property, apprehending, and rightly so, that it will only be a question of time until South Omaha will be swallowed up by Omaha. The people of South Omaha are satisfied with their local government and don't want it placed in the hands of Omaha, to which

in many ways, it is a model." Murphy Waxes Eloquent. Henry C. Murphy was the next speaker. He traced the history of South Omaha from its birth twenty-two years ago to the present day, and said it had shown by its 30,000 population that it was able to take care of its own affairs. Mr. Murphy, manifestly, was to be the word painter of the occasion. He rose to the flights of

oratory and proclaimed: "From Maine to Mexico, from the frozen zone of the Yukon to the honey-kissed hills of the southland, our fair town is known and hailed as the Magic City of the world." He said it would be sapping the life blood of the city to annex it to Omaha. "When our little city was an infant village, then a growing town, and still a young and struggling city, we needed the aid and strength of the mother city," Mr. Murphy, "but we did not get it. Now that we have grown to a full-fledged city of over 30,000 and do not need the protection of the parent city it seeks to embrace us with its arm and offer us succor. We repel this proffer of protection."

Mr. Fleharty said it was not so much consolidation of the two cities they were opposing as the agitation of the sub-

"This is an injury to our property interests, and we want it stopped," sain the