

ON A TECHNICALITY.

Senator Dietrich Legally Freed from Charges of Bribery.

The Jury Was Not Permitted to Try the Case on Its Merits, the Demurrer of the Accused Being Sustained.

Omaha, Neb., Jan. 9.—When United States circuit court convened Friday Judge Vandeventer handed down a decision sustaining the demurrer interposed by counsel for United States Senator Dietrich. The demurrer was made to the introduction of evidence on the ground that Dietrich was not actually a member of the senate when



CHARLES H. DIETRICH.

the alleged bribe took place. The effect of the decision is that a man is not an actual member of congress from the time of his election until he shall have taken the oath at the bar of the house to which he is elected, and that he is not amenable to the law as a member of congress and officer of the United States.

Immediately the verdict was ordered for defendant, District Attorney Summers announced that he wished to enter a nolle in the case of Jacob Fisher, postmaster at Hastings.

SYMPATHY FROM ROOSEVELT.

In the Hour of Sorrow the White House Occupant Sent Message of Condolence to His Predecessor.

Princeton, N. J., Jan. 9.—The funeral of Ruth Cleveland, who died Thursday of diphtheria, was held at the family residence Friday forenoon. The service was brief and simple and was conducted by Rev. Maitland Bartlett, pastor of the First Presbyterian church. In addition to the family a few of the closest friends of the family were present. The interment in the Princeton cemetery was private and took place immediately after the service. At the request of her physician Mrs. Cleveland did not go to the cemetery. Among the hundreds of messages of condolence from friends one was from President Roosevelt.

CONSCIENCE SMOTE HIM.

Salvation Army Recruit Surrendered at St. Louis for a Crime Committed Three Years Ago.

St. Louis, Jan. 9.—Apparently conscience-stricken and his mind aflame with religious ardor, William Wilson, aged 32, a Salvation army recruit, walked into police headquarters yesterday and confessed that on July 5, 1901, he had set fire to the Occidental hotel in Forsythe, Rosebud county, Mont., which resulted in the death of one person and injury to 20. Wilson declared that another man is in the penitentiary serving a sentence for the deed and that it is to ease his own conscience and give this man his freedom that he surrendered himself.

MUST AID THE POLICE.

At Bloomington, Ill., the Mayor Requested Aldermen to Help Maintain Order During the Strike.

Bloomington, Ill., Jan. 9.—The electrical workers and light trimmers have declared a strike in sympathy with the street railway strikers.

Mayor Morrison has served notice upon every member of the board of aldermen, numbering 14, that they will be required to serve as peace officers. The sheriff has been compelled to call in his country deputies to serve owing to the impossibility of securing the required number from local citizens.

An Old Patriarch Goes to His Reward.

Guthrie, Ok., Jan. 9.—A special dispatch from Stillwater, Ok., announces the death of Rev. J. S. McFarland, the oldest Christian minister in the Arkansas-Indian territory district and who leaves more than 60 living descendants. He was born in Crawfordsville, Ind., in 1818.

Crawford Theater at Topeka Closed.

Topeka, Kan., Jan. 9.—At a special meeting of the city council the Crawford theater was ordered closed until better fire protection is afforded audiences. This theater had a full book of attractions for the remainder of the season.

REED SMOOT DENIES ALL.

Utah Senator Makes Vigorous Reply to Charges of Polygamy and Oath of Mormon Church.

Washington, Jan. 10.—The following answer of Reed Smoot to the protest against his retention of a seat in the United States senate was filed Saturday:

"This respondent is advised and avers that but two of the charges made against him in said protests, either directly or by implication, are such as, if true, could legally affect his right to hold his seat in the senate. These two charges are:

"1. That the respondent is a polygamist.

"2. That he is bound by some oath or obligation which is inconsistent with the oath required by the constitution which was administered to him before he took his seat as a senator.

"Both these charges respondent denies. As to the charge that he is a polygamist, the respondent says that he was married on the 17th of September, 1884, to Alpha May Eldridge. She is still his wife, and is the mother of all his children. He has never had another wife and has never cohabited with any other woman.

"Respondent further alleges that since the manifesto of President Willford Woodruff was issued in 1890 neither a belief in nor a practice of polygamy or polygamous cohabitation has either been taught or encouraged."

THE DEATH OF GEN. GORDON.

The Remains of the Noted Confederate Will Lie in State in the Statehouse at Atlanta, Ga.

Atlanta, Ga., Jan. 11.—The remains of Gen. John B. Gordon, who died Saturday night at his winter home near Miami, Fla., will lie in state in the statehouse for several days preceding the funeral, the family of the deceased chieftain having agreed



GEN. JOHN B. GORDON.

to the request that the former followers of Gen. Gordon may view his remains.

At a conference here yesterday afternoon between Gov. Terrell and the relatives of Gen. Gordon it was decided to hold the funeral exercises in the house of representatives, when, in conjunction with the religious exercises, speakers prominent throughout the south and veterans of the confederate army will deliver eulogies.

Gen. Lee Succeeds Gen. Gordon.

New Orleans, Jan. 11.—In a general order issued last night by Lieut. Gen. Stephen D. Lee, commander of the Tennessee department, United Confederate Veterans, Gen. Lee assumes the office of commander-in-chief of the United Confederate Veterans' association, made vacant by the death of Gen. John B. Gordon. In his order Lee states that the staff of the late commander-in-chief is continued as the staff of the present commanding general.

EX-GOV. FOSTER DEAD.

While Visiting at the Home of Gen. J. Warren Keifer the Veteran Ohioan Was Stricken.

Springfield, O., Jan. 10.—Former Gov. Charles Foster, who was secretary of the treasury under President Harrison, died at the residence of Gen. Keifer here Saturday from the effects of cerebral hemorrhages. He was 75 years old and is survived by his wife and daughter. He was attacked Friday night while sitting in the library of Gen. Keifer talking and never regained consciousness. He had come here to spend Sunday with Gen. Keifer and to go with him to Columbus to attend the inauguration of Gov. Herrick, but he was stricken with cerebral paralysis and became unconscious.

YOUNG ON RETIRED LIST.

Veteran General Served at the Head of the Army Only Two Months When Succeeded by Chaffee.

Washington, Jan. 10.—After having served at the head of the army as chief of staff with the rank of lieutenant general for a little less than five months, Lieut. Gen. S. B. M. Young relinquished his duties Saturday to his successor in office, Gen. A. R. Chaffee, who has been acting as his chief assistant for several years past. The change is due to the fact that Gen. Young became 64 years old and therefore, under the law, was relegated to the retired list.

ONE MORE HORROR.

Seventeen Lives Crushed Out in Railroad Wreck at Willard, Kan.

Engineer of the Passenger Train Blamed for This Latest Catastrophe—Failed to Obey Orders to Wait for a Fast Freight.

Topeka, Kan., Jan. 7.—Seventeen dead and 37 injured is the result of the Rock Island passenger wreck at Willard yesterday morning. Most of the injured are in hospitals in Topeka. The dead are: Mrs. J. H. Hill, of Greensburg, Kan.; Mrs. W. S. Martin, of St. Joseph, Mo.; Mrs. Mary Harville, of Chillicothe, Mo.; Ben Harville, son of Mrs. Harville, aged 13; Tot Harville, daughter of Mrs. Harville, aged three; Mrs. Susan Reed, sister of Mrs. Harville; James Griffin, of Claremont, Mo.; E. E. Myer, of Buffalo, N. Y.; Raymond A. Martin, of Chillicothe, Mo.; W. S. Martin, of St. Joseph, Mo.; E. R. Rankins, of DeKalb, Mo.; William J. Wells, of Jacksonville, Ill.; Mrs. Mary Kaiser, Russian, address unknown; Gale Fuller, aged seven, of Brockton, Ia.; Grace Reed, of Chillicothe, Mo.; Lenora Reed, of Chillicothe, Mo.; unidentified boy, aged eight.

The single word "carelessness" will sum up the reasons for the tragedy. Instructed to meet a special freight train at Willard, the engineer and conductor of the ill-fated passenger, noting that a freight train stood on the sidetrack at Willard, rushed through, thinking that the cars they had seen were the ones which they had been instructed to pass. Failure to scrutinize the number of the engine was directly responsible for the wreck. Had the engineer compared the number of the train at Willard with his orders the catastrophe would have been omitted.

Upon seeing at Willard a freight train on the siding Engineer Benjamin threw open the throttle and the impetus of the full steam passenger train leaped out into the darkness and crashed along at a rate which the passengers declare to have been fully 65 miles an hour. Not a note of warning of the fearful impending disaster ever made itself known to the sufferers.

The greatest fatality was in the third car from the engine. This was a day coach and it was full of passengers. Immediately ahead of it was the smoking car and between that and the engine was the baggage car. The smoking car contained only a few passengers. The shock drove the smoking car through the coach and all the people in the front half of the coach were killed. This coach was so crowded that some men were standing. There were perhaps 80 persons in the car and 50 or more of them were killed or injured. From the middle of the car the maimed persons were taken out alive. In front of them all were killed. Behind them the passengers were thrown into a struggling mass. Some were wounded and others were trying to get out.

SKYLIGHTS DID NOT WORK.

Fire Inspector Says Failure of the Asbestos Curtain to Work Did Not Cause Iroquois Theater Disaster.

Chicago, Jan. 7.—"The overwhelming mistake of the Iroquois disaster was in the condition of the skylights and ventilators above the stage," said Fire Inspector Monroe Fulkerson. "Had the ventilators over the stage been opened or the skylights not been fastened shut," he said, "there would have been no loss of life by fire, regardless of the asbestos curtain falling to work. An employe of the theater failed to do his duty of closing the metal reflecting trough and thus blocked the curtain. But the skylights were blocked and wired so they could not open. The heat of the flames finally broke two panes of the skylight, with the result that there was instant relief from the deadly draft sweeping the auditorium. If the skylights had been entirely opened, the flames would have been diverted from the auditorium entirely."

NORD'S FRIENDS WERE TRUE.

Attempt to Create a Revolt at Port-au-Prince Met with a Sudden and Ignominious End.

Port-au-Prince, Jan. 7.—During the temporary absence of President Nord from the city, Gen. Malphasier attempted to create a revolt, but the soldiers were prompt to act and the revolt failed. The general's son and an accomplice were killed. Numerous arrests were made.

Father Shot His Boy.

Hutchinson, Kan., Jan. 7.—W. F. Mullin accidentally shot and fatally injured his five-year-old son here. Mullin was shooting at a target. One of the shells stuck in the gun and in attempting to remove it the gun was accidentally discharged. The bullet went into the child's bowels. The father is prostrated with grief over the accident.

WANTS THE LANDS OPEN.

Indian Commissioner Says It Is the Logical Way to Elevate the Red Man.

Washington, Jan. 9.—The question of opening the Indian reservations, comprising nearly 100,000,000 acres, was considered yesterday by the house committee on Indian affairs. The Indian commissioner was heard at length by the committee and he took the position that to throw these lands open to settlement was the proper and speediest way to elevate the Indian and to settle for all time the Indian question. He said this course should be pursued with the consent of the Indians, if possible, but if not, congress should take the action necessary to insure the settlement of the lands by whites, all property values to be guaranteed to the Indians who owned the lands.

OPPOSITION TO ROOSEVELT.

It Arouses the President's Friends to Activity—Pleased at Kansas Resolutions—Nebraska Factional Fights.

Washington, Jan. 9.—Efforts of the Roosevelt opposition to make trouble in states which have heretofore been conceded to him has aroused the president's friends to activity. The president expressed himself to Senator Long as being highly pleased with the resolutions adopted by the Kansas republican committee. The presentation of the resolutions was followed by the visit of Representative Hinshaw, of the Fourth Nebraska district, to the white house. There are several factional fights in Nebraska, but the Nebraska congressmen assured the president that no republican influences in the state could possibly hope to make any headway against him.

WOULD CLEAR HIS NAME.

Discarded Post Office Official Sues Payne, Bristow and Newspaper for \$50,000 Damages.

Washington, Jan. 9.—Michael W. Louis, formerly superintendent of the division of supplies in the post office department, but who was removed October 21 last as a result of the postal investigation, yesterday entered suit for \$50,000 damages against Joseph Bristow, the fourth assistant postmaster general; Henry C. Payne, postmaster general, and the Washington Post Newspaper company. The basis of the charge for which damages are asked is an extract from the report of Gen. Bristow dealing with the award of contracts on the division of which Louis was at the head for ink, ink pads, etc., at alleged excessive prices, etc.

ARMY GENERAL HOSPITAL.

Secretary Root Asks Congress for \$100,000 to Build an Institution to Treat Cases and to Train Nurses.

Washington, Jan. 9.—Secretary Root has transmitted to congress an estimate of \$100,000 for an appropriation for the purchase of land in the District of Columbia for a site and the erection thereon of an army general hospital "for the treatment of special classes of cases, for purposes of instruction in connection with an army medical school, for training enlisted men of the hospital corps in nursing and to serve as a base hospital in the time of war."

Convicts Cannot Draw Pensions.

Washington, Jan. 9.—Commissioner of Pensions Ware yesterday decided that all rights to pension are barred by conviction of crime and sentence to prison for life. The decision is made in the case of William B. Marsh, a convict in the house of correction in Detroit, serving a life sentence for robbing the United States mail in Idaho. But for this claimant's nine months of army service would entitle him to pension.

Kansas County Attorney Arrested.

Wellington, Kan., Jan. 9.—County Attorney E. E. Wilson was arrested yesterday on a charge of embezzling \$3,115 from the Citizens' bank, of Belleplaine. While acting as cashier of the bank in 1902 it is alleged that Wilson took the amount named from the bank's funds, making out notes to which he signed fictitious names. When arrested yesterday he was engaged in trying a case in court here.

Were These Girls Kidnaped?

Chanute, Kan., Jan. 9.—Two girls, Irene Stacey and Rena Douglas, of Fon-du-Lac, Wis., have been kidnaped by three men, who have taken them to the Indian territory from their home, according to a letter found near the railroad track south of Chanute. The letter evidently had been thrown from a southbound Santa Fe passenger train by the two girls.

Convicted an Ex-Congressman.

New York, Jan. 9.—After deliberating 45 minutes yesterday a jury found former Congressman Edmund H. Driggs guilty of accepting money to procure a contract between a private company and the government while serving as a member of congress. The jury recommended mercy.

REBUFF FOR GEN. REYES.

Secretary Hay Tells the Colombian Representative That the Panama Question Will Not Be Recopened.

Washington, Jan. 8.—Gen. Rafael Reyes, the Colombian special envoy, has received the answer of the Washington government to his note charging the United States with open violation of the treaty of 1846. The answer, which was prepared by Secretary Hay, though couched in the most diplomatic terms and expressing the wish of this government to deal justly with Colombia, is an emphatic refusal to reopen the Panama question. Prior to the receipt of the reply, Gen. Reyes wrote to the state department requesting that the correspondence be transmitted to the senate for its consideration. Pending an answer to this request, the correspondence will not be made public.

RUTH CLEVELAND DEAD.

Oldest Child of the Ex-President a Victim of Diphtheria at the Family Home in Princeton.

Princeton, N. J., Jan. 8.—Ruth Cleveland, the eldest child of ex-President Cleveland, died at the Cleveland home here Thursday very unexpectedly, the immediate cause of death being a weakening of the heart action during a mild attack of diphtheria. Dr. Wickoff, the attending physician, said that Miss Cleveland had been ill with a mild form of diphtheria for four days and that the heart affection was not anticipated. She was 15 years old.

As "Baby Ruth," Mr. Cleveland's first-born possibly was the most talked of child in the country in her infancy. She was born at 816 Madison avenue, in New York, soon after the expiration of Mr. Cleveland's first term.

KNEW WRECK WAS COMING.

Rock Island Dispatcher at Topeka Sent Surgeons to Maple Hill Eight Minutes Before Trains Collided.

Topeka, Kan., Jan. 8.—Dr. J. M. Kemper and Dr. C. E. Menard, Maple Hill physicians, are both members of the coroner's jury to investigate the cause of the Rock Island wreck. "We were called to the scene of the wreck from Maple Hill just eight minutes before it occurred. When the cattle train was reported through Maple Hill and the passenger train through Willard, the dispatcher in Topeka knew that a wreck was coming. He immediately called the operator at Maple Hill and told him to notify us of a wreck between Maple Hill and Willard. We started at about the time the wreck occurred and arrived at the scene about 30 minutes later."

LEPROSY KILLING NATIVES.

French Government Sends Three Expert Physicians to Tahiti Where Disease Is on the Increase.

San Francisco, Jan. 8.—Three French medical experts in the service of the French government departed on the steamer Mariposa for Tahiti, where they will endeavor to check the ravages of disease among the natives. These men are authorized on leprosy, elephantiasis and tropic diseases and have been sent out to the French possessions in the south seas because of the increase in mortality among the natives of late. The doctors will be stationed in different parts of Tahiti and will be given certain judicial powers in order to aid them in enforcing such sanitary laws as they may adopt.

GETS SERVICE ON HEATH.

Former Assistant Postmaster General Must Tell What He Knows of Postal Scandals.

Salt Lake City, Jan. 8.—A summons in the case of the government against Former Superintendent of Rural Delivery Machen was served on Former First Assistant Postmaster General Perry S. Heath by United States Marshal Heywood Thursday. Mr. Heath had just arrived at his home from Denver. He was immediately told of the reports that subpoenas had been issued for him, and presented himself at the marshal's office and asked that the papers be served. Mr. Heath left for Washington at once to give testimony in the case.

ONLY A TRIVIAL MATTER.

H. Frazee Responsible for Iowa State Capitol Fire, But He Will Not Be Prosecuted.

Des Moines, Ia., Jan. 8.—H. Frazee, an electrical worker, is found responsible for the \$250,000 fire at the state capitol. Frazee is found to have dropped a lighted candle near the locality where the blaze was first discovered. He will not be prosecuted.

Think Hazleton Is Lost.

St. Louis, Jan. 8.—The family of Henry Hazleton, the St. Louis lace importer who mysteriously disappeared in Paris, France, have given up all hope of ever seeing him alive. Mrs. Hazleton is in a serious condition from grief. She collapsed when news was received that her husband's hat, coat and keyring had been found on the bank of the river Seine.