THE OMAHA DAILY BEE

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RIDERS RAID TOWN

Russellville, Ky., Scene of Third Outrage of Tobacco War.

TWO WAREHOUSES DYNAMITED

Fire Set to Debris Which Spreads to Other Buildings.

POLICEMEN ARE OVERPOWERED

Masked Men Also Take Possession of Telephone Exchange.

THREE CITIZENS ARE INJURED

Tobacco Growers Have Large Supplies on Hand and Some of Them Are Preparing to Sell Out.

RUSSELLVILLE, Ky., Jan. 3.—Night riders, 100 strong, swooped down on Russellville, Logan county, early this morning and after overpowering the three policemen and providing against the giving of an alarm, dynamited and burned the two independent tobacco concerns in the city and several other establishments and rode away out the Hopkinsville and Clarksville pike.

Three men were wounded and the telephone girls and police were held prisoners for nearly three hours. The following buildings were destroyed:

Frank G. Work, tobacco warehouse; building and contents; loss, $15,000.

American Snuff company, factory and contents; loss, $15,000.

Roberts & Brown, planing mill; loss, $12,000.

Alfred Underwood, grocery; loss, $2,000.

Landing & Proctor, stable.

Joshua Knowles, cottage.

The wounded persons are:

Dr. Charles M. Roberts of Evansville, Ind.

J. R. McLean, Russellville.

J. H. Moseley, Russellville.

Chief of Police Overpowered.

Captain W. R. Bruce, the chief of police, as soon as he heard the noises hastened to the fire tower, where he attempted to sound the alarm, but was overpowered by four of the masked night riders.

Two merchants, J. R. McLean, proprietor of a grocery store, and J. Henry Mosely, proprietor of a dry goods store, did not hurry into their homes as fast as the night riders desired and were shot.

The most seriously injured was Dr. Roberts, who was a guest at the Forest house. He was wounded about the head and face by a charge of buckshot fired as the night riders were leaving town. He heard the confusion and, thinking that the raiders had departed, ran out to see what had happened. He came face to face with a group of the departing mob and as he started to run was shot.

It was said that the mob came to Russellville from the direction of Cave Springs, near where the members are said to have had their rendezvous. The mob seemed to be well organized with a head and lieutenants. All the men were mounted and wore white caps, false beards and masks. Except for the shots at those who appeared on the streets there was little shooting, the chief business of the mob seeming to be the destruction of the two tobacco houses.

Defiance of State Government.

This is the third raid which has been made by night riders in western Kentucky and comes in the face of the announcement by the governor that disorder must cease. At this time a court is in progress at Hopkinsville investigating a similar raid which was made on that city several weeks ago. Troops are now on guard in Hopkinsville.

The night riders are attempting to influence or intimidate certain tobacco growers into holding their crops for higher prices, or not to sell to the American Tobacco company. The situation is particularly acute at this time, as many of the growers have two years' crop on hand. Warehousemen have been notified from time to time to refrain from buying any tobacco, and many of them who defied the notice have had their houses destroyed by fire. Nearly all the tobacco growers are members of the Tobacco Growers' Protective association, but this organization discountenances such acts as have been credited to the night riders.

HOPKINSVILLE, Ky., Jan. 3.—State Fire Marshal Mott Ayres left today for Russellville, Ky., to investigate the night riders' raid there last night.

PENALTY FOR TRIPLE MURDER

Nineteen-Year-Old Kentucky Boy Hanged at Louisville Because of Crime.

LOUISVILLE, Ky., Jan. 3.—Clarence Sturgeon, 19 years of age, was executed in the jail yard here today. His extreme youth was the basis of many unavailing efforts to procure his pardon.

The execution was delayed and rendered extremely painful for those present by reason of failure of the mechanism to work and a consequent delay of several minutes, while the condemned man stood rigidly awaiting the end. Sturgeon was so light that the drop did not break his neck and he was not pronounced dead for seventeen minutes.

Sturgeon murdered Ira Bruner, James Blackerly and Wilfred McMichael one year ago. The youth went to the scaffold with a calm trustfulness showing on his boyish countenance. Even the last interview with his aged father and mother and farewells to his seven brothers and two sisters failed to affect him.

SHIPWRECKED SAILORS FOUND

Seven Men, Survivors of Crew of Sixteen of Norwegian Bark Germanic, Saved.

NEW YORK, Jan. 3.—Seven shipwrecked sailors, believed to be the only survivors of the crew of sixteen of the Norwegian bark Germanic, were brought here today by the oil tank steamer Hothan Newton. They were picked up in midocean on December 17 in a terrible condition from exposure, eight days after their vessel had been abandoned. Another boat, which contained eight men, has not been found. The captain of the bark, who remained on board until all the men found places in the small boats, went down with his ship.

Fatal Case of Hydrophobia.

NEW YORK, Jan. 3.—His last thoughts on the presents he was going to buy for the doctors and nurses, Arthur Hennessy, 10 years old, died in a Brooklyn hospital yesterday of hydrophobia. He was bitten by a dog two months ago, and, the wound being slight, it was neglected. A short time ago the disease developed and then it was too late.

SUMMARY OF THE BEE

Saturday, January 4, 1908.

1908 —JANUARY— 1908

SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

THE WEATHER.

For Omaha, Council Bluffs and Vicinity—Fair and slightly colder Saturday.

For Nebraska—Fair Saturday.

For Iowa—Partly cloudy, with light rain or snow in east portion Saturday; cooler Sunday.

Temperature at Omaha yesterday:

Hour.	Deg.
5 a. m.	35
6 a. m.	35
7 a. m.	36
8 a. m.	38
9 a. m.	40
10 a. m.	43
11 a. m.	46
12 m.	49
1 p. m.	50
2 p. m.	50
3 p. m.	50
4 p. m.	50
5 p. m.	48
6 p. m.	46
7 p. m.	43
8 p. m.	39
9 p. m.	37

DOMESTIC.

Trial of Banker Walsh at Chicago shows evidence that his subordinates were taking advantage of his plight for their benefit. **Page 1**

Police of New York think they have solved the Harrison murder mystery, the woman found being at last identified. **Page 1**

Night riders again terrorize Kentucky town. **Page 1**

A plan has been devised for the continuation of the Westinghouse business in the hands of the stockholders. **Page 2**

A long trip is taken by a professor of the Smithsonian institute to view the eclipse of the sun. **Page 2**

Youth of 19 pays penalty for triple murder with his life at Louisville, Ky. **Page 1**

Shipwrecked sailors of Norwegian bark Germanic picked up in midocean. **Page 1**

A million dollars assets were added to the books of the California Trust company, according to a confession of Bookkeeper Storrs. **Page 2**

Senators and congressmen from public land states combine to combat the consolidation of land offices. **Page 1**

Plans are on foot to make Sunday school lessons graded as are ordinary school lessons. **Page 2**

Powers jury finds it impossible to agree and the fourth trial will probably be declared a failure. **Page 2**

Receivers of the Seabord Air Line railroad take possession of the property. **Page 1**

FOREIGN.

Prince Helie rejects duel with Count Boni de Castellane. **Page 2**

Editor Harden is given four months' imprisonment for libeling Count von Moltke. **Page 1**

Sensational stories about the location of the Japanese fleet printed in Paris are the cause of a statement by the Japanese ambassador that he has full confidence in the peaceful intentions of President Roosevelt. **Page 1**

NEBRASKA.

Expenses of express companies play a part in the case involving their rates, according to an opinion of Judge W. H. Munger. **Page 3**

Motor car near Holstein dashes off bridge, killing John Brown and mortally injuring G. F. Fisher. **Page 1**

COMMERCIAL AND INDUSTRIAL.

Live stock markets. **Page 9**

Grain markets. **Page 9**

Stocks and bonds. **Page 9**

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
NEW YORK	Pr. Irene	Barbarossa.
NEW YORK		La Provence.
NEW YORK		Noep. Prince.
QUEENSTOWN	Mauretania	Haverford.
PALERMO	San Giovanni	
NAPLES		Nord America.
COPENHAGEN	Hellig Olav	

BY WIRELESS.

Sable Island—Philadelphia, 795 miles east of Sandy Hook at 5:30 p. m.

MURDER MYSTERY SOLVED

Police Believe Woman Found at Harrison, N. J., Wife of New York Motorman.

NEWARK, N. J., Jan. 3.—According to the identification of a friend named Frank Elnert, the body of the mysteriously murdered woman which was found in the Passaic river at Harrison, is that of Mrs. Theodore Whitmore, wife of a Brooklyn motorman. Whitmore, on viewing the body, was unable to say whether the body is that of his wife, but he said that his wife wore a suit similar to the one worn by the dead woman and had scars on her body similar to those on the body in question. Whitmore said his wife had been missing for some time, and he believed she had left him for another man.

SCHENECTADY, N. Y., Jan. 3.—William B. Salter, a brother of Mrs. Theodore Whitmore, today identified a picture of the dead woman at Harrison as that of his sister.

NEW YORK, Jan. 3.—After seeing a photograph and some clothing of the murdered woman, Mrs. Mary Salter declared the woman was her daughter, Mrs. Theodore S. Whitmore. A daughter of Mrs. Salter declared likewise.

NO RATES GIVEN MERCHANTS

Western Passenger Association Declines to Make Reductions to Business Men.

CHICAGO, Jan. 3.—The spring and fall merchants' meetings which have for some years past been the means of bringing thousands of business men from smaller cities to Chicago and St. Louis, will be omitted this year. The executive committee of the Western Passenger association yesterday refused to grant the desired fare and a half rate in spite of the pleas of representatives of the Chicago Commercial and the St. Louis Merchants' associations.

The reason given is that the 2-cent fare laws of Illinois, Missouri and other western states have so reduced passenger earnings that it is no longer feasible to grant special rates. Last spring, when the railroads regularly charged 3 cents per mile, a rate of a fare and one-fifth was granted and 9,454 retailers from Chicago's trade territory came to this city. Last autumn no reductions in fare were granted and only 800 retailers came in to the meeting.

The falling off at St. Louis was less, as the Southwestern Passenger association has continued to grant the reduced rates.

Eight-Hour Day for Shop Men.

ALTOONA, Pa., Jan. 3.—All Pennsylvania railroad shop employes in this city engaged on repair work have resumed the eight-hour day system. Several thousand men are affected by the reduction.

OBJECTIONS FROM FORAKER

Ohio Senator is Not Pleased with Call for Primaries.

SAYS CONDITIONS ARE UNFAIR

Charges that Requirements of State Committee Are Not Authorized by Statute—Refuses to Be Bound by Action.

CINCINNATI, Jan. 3.—A flat refusal to be bound by the conditions of the call for the republican state convention which is to name a state ticket and select delegates-at-large to the national convention is the conclusion reached by United States Senator J. B. Foraker, as announced in a statement given to the press here tonight.

Primaries for a test of strength between Taft and Foraker as presidential candidates were provided for in the official call, and the method provided is sharply criticised by Senator Foraker.

The statement, in part, follows:

I am not sure I understand the call, although I have read it several times. If I do it is another case of asking for bread and getting a stone. My idea in requesting primaries was to have the election of delegates brought home to the people, so that in each ward, for instance, we could select our immediate representatives. This call makes all that impossible.

In addition, it prescribes requirements not authorized by the statute and not within the power of the state central committee. Some of the requirements are in direct conflict with the statute. Some of them are very burdensome. One in particular, is the requirement that before there can be a Taft ticket and a Foraker ticket there must be a petition signed by twenty times the number of the candidates for delegates and alternates. That would mean in this county about 4,000 signers or petitioners.

The unreasonableness of the requirement that there shall be 4,000 petitioners to authorize a ticket is shown not only by the fact that the law makes no such requirement, but that in cases where the law authorizes county and city officers to be nominated by petition only 300 names are necessary to nominate any county officer and only fifty names are necessary to nominate any municipal officer.

If in the contemplation of the law fifty signers are enough to authorize placing a man's name on the ticket for mayor of Cincinnati or Cleveland certainly it is beyond anything contemplated by the law that 4,000 signers should be necessary to nominate a lot of delegates and alternates to merely attend the state convention. Such a condition is unnecessary as well as burdensome. It should be enough for each party to select its own ticket and let the people vote their preference.

The counties are not bound to follow the order of the state central committee, but whether they will do so or not I am not advised. So far as I am personally concerned I shall make no effort to comply with such uncalled for, illegal and arbitrary conditions.

IOWA IS LINING UP FOR TAFT

Unless Shaw Asks Endorsement State Will Be for Secretary.

DES MOINES, Ia., Jan. 3.—The effort for the control of the first state convention is just now beginning to attract attention among party leaders. This is the last convention that will be held in Iowa under the old caucus plan. Under the primary law which goes into effect in June a new order of things is established. The first convention, which probably will be held in March, will select delegates to represent Iowa in the national convention.

Unless former Secretary Shaw asks for the delegation as a nucleus to his presidential boom there will be little question but that Iowa will line up for Taft, and will so instruct its delegates. On this point there seems to be little division of sentiment between the progressives and the standpatters.

Governor Cummins is understood to be for Taft, so are "Lafe" Young, George D. Perkins and a good part of the other standpat leaders. There was a time when it was supposed that the governor was not in line for the Ohio statesman, but it is said that as the result of a trip to Washington he now is actively in favor of the Roosevelt candidate.

Despite the fact that there is little question as to the lineup of the state on presidential candidates, it must not be supposed that the standpatters are giving up all thoughts of controlling the national delegation. They do not propose to "harmonize" unless it may be determined between now and March that such "harmony" will be in the interest of Allison's re-election.

It is the belief of the leaders of the standpat faction that the majority are of their way of thinking and that control of the March convention will give the Allison cause, and incidentally the standpat state ticket, much prestige before the primaries.

The leaders are beginning to display considerable activity in regard to the delegation. The contest will center upon the delegates at large.

For two of the delegation at large the names of "Lafe" Young of Des Moines and George D. Perkins of Sioux City seem to meet with most favor among standpatters. Both of these men have been prominent in standpat councils. Mr. Young, as editor of the Des Moines Capital, has been called upon to make the fight for standpatism in Cummins' home county, while Mr. Perkins, equally prominent as an exponent of the principles of that wing of the party through his Sioux City Journal, has not hesitated to bear a large share of political burdens upon his own shoulders.

Both these editors are giving Mr. Taft their support, both are in accord with the administration, and both of them are representative Iowa republicans. That it is important, from the standpoint of that wing of the party, to bring together the divided elements of this faction is becoming plain.

The Cummins organization, which for present purposes is a unit in its support not only of the governor for United States senator but of the lieutenant governor as a candidate for head of the state ticket, seems to be entirely intact and prepared to go into the contest without any apparent hitch.

As opposed to this organization the standpatters are not able at present to present anything like a solid front. Thus far they have been unable to unite upon any candidate for governor, and it seems possible there may be several names presented representing to a greater or less degree the ideas of that faction.

The standpat leaders realize that if anything is done to oppose the Cummins-Garst organization work must commence at once, and that the first thing to be done is to make a strong fight for the control of the first convention.

It is believed that Young and Perkins are the strongest men among the standpatters for two of the delegates at large. Congressman Walter I. Smith of Council Bluffs and former Congressman Lacey of Oskaloosa have been suggested for the additional members of the "big four," but as yet no agreement has been reached.

Month More of Imprisonment.

ELY, Nev., Jan. 3.—Rescuers in the Alpha shaft are now working a short distance below the seventy-five mark, still averaging ten feet a day. The three entombed men, when told that it probably would be four weeks before they could be released, appeared satisfied that everything possible was being done.

COUNTESS OF YARMOUTH SUES

Sister of Harry Thaw Brings Action for Nullification of Marriage with Earl.

LONDON, Jan. 3.—The countess of Yarmouth, who was Miss Alice Thaw of Pittsburg, has begun proceedings for the nullification of her marriage with the earl of Yarmouth. The countess of Yarmouth is a sister of Harry K. Thaw.

The Yarmouth case is entered in the defended list for trial at the coming sittings of the divorce court. It will be heard in camera.

PITTSBURG, Jan. 3.—The news that the countess of Yarmouth is seeking nullification of her marriage did not create much surprise, as it had been known here for some time that all was not well between the couple.

It is said that the estrangement results from two causes, the first the action of the earl during the first trial of Harry K. Thaw, the countess' brother.

It is said when the trial was about to begin Yarmouth went to Egypt and lived in seclusion in the select colony of English folk who reside there during the winter months. The second cause is said to be the action of the Thaw family in determining upon an insanity plea for Harry Thaw.

From reports received here from London during the last month it is said Yarmouth objected to insanity figuring in the New York trial on the ground that it would have a direct influence on the succession of the Yarmouth estate in the event there was an issue from the marriage.

It is also said the earl's parents used every influence to prevent the institution of proceedings to nullify the marriage. The Yarmouths were married two and a half years ago by Rev. W. L. McEwan of the Third Presbyterian church, the family pastor, who also married Harry K. Thaw and Evelyn Nesbit.

WHERE IS JAPANESE FLEET?

French Newspaper Prints Story Vessels Are Cruising in Vicinity of Hawaii.

PARIS, Jan. 3.—The Patrie in its issue of this afternoon asks, in big head lines, "Where is the Japanese fleet?" and publishes an alarmist story based on reports that it has been seen cruising off Hawaii.

PARIS, Jan. 3.—Baron Kurino, the Japanese ambassador to France, today gave out a statement declaring that the Japanese government has too much confidence in the pacific policy of President Roosevelt to take any stock in the bellicose intentions attributed to the government at Washington by the sensational press. "We interpret the American battleship fleet's cruise, which has created such a stir," the baron continued, "more as a manifestation in favor of a larger navy, demonstrating the necessity of reinforcements in Pacific waters."

Nothing, he said, justified the so-called warlike preparations, and then announced the talk that Japan was coveting the Philippine islands as a fable.

Continuing, the ambassador said the San Francisco matter has been practically settled and that he could see no cause for a conflict. He predicts that three months will justify his optimism.

BERLIN, Jan. 3.—The next two months are regarded by the German Foreign office and the admiralty as constituting a critical period in the relations between the United States and Japan. If they pass without witnessing a break in the relations government officals are convinced that the United States and Japan will then enter upon an easier and safer basis of agreement.

HARDEN GIVEN FOUR MONTHS

Editor of Die Zukunfdt Found Guilty of Libeling Count Von Moltke.

BERLIN, Jan. 3.—Maximilien Harden, editor of Die Zukunfdt was today sentenced to four month's imprisonment on the charge of libeling Count von Moltke.

NOTES TO GO TO CREDITORS

Plan Whereby Westinghouse Company is to Go Again Into Control of Stockholders.

PITTSBURG, Jan. 3.—A plan was made public here today whereby the receivership for the Westinghouse Machine company may be dissolved and the business restored to the stockholders. There seems no doubt that the arrangement which is agreed to by the creditors' committee, the receivers, and by the president, George Westinghouse, will be successful. It contemplates issuance by the company of three-year 6 per cent notes covering its existing indebtedness. These notes are to be secured by the company's bonds at 85 per cent of their face value, as collateral. Claims of less than $1,000 are to be paid in cash.

On claims exceeding $1,000 the creditor will receive the three-year notes to the amount of the nearest multiple of $500 that is not in excess of the claim, the balance being paid in cash.

It is further agreed that the company pay no dividend to stockholders until provision has been made for the payment of all of the notes outstanding.

There are about 500 creditors with claims less than $1,000 and seventy-five with claims exceeding $1,000.

GOVERNOR FOLK AS FIREMAN

Helps Drag Out Furniture from Home on Fire Near the Executive Mansion.

JEFFERSON CITY, Mo., Jan. 3.—Governor Folk sprang into the role of a volunteer fireman on short notice today when a residence across the street from the gubernatorial mansion caught fire, and rushing into the burning dwelling he helped drag out furniture until the flames prevented further salvage work. Then he stood in the street and directed the firemen in their efforts to check the flames. But the firemen failed to stay the conflagration effectively and the residence of Roadmaster John Brandt of the Missouri Pacific road was totally destroyed and two adjoining residences were badly damaged. A defective flue started the fire.

MARRIED AFTER FORTY YEARS

Connecticut Civil War Veteran Finds Sweetheart of Younger Days After Search.

STAMFORD, Conn., Jan. 3.—Jeremiah O'Meara, 70 years old, and Helen Naughton, 68, were married here yesterday afternoon after a wait of forty years. They were sweethearts when the civil war broke out and O'Meara enlisted. When the war was over he returned, but could find no trace of the girl he had left behind. She believed that he had been killed, but was not able to confirm the belief. Neither ever married and it was only a short time ago that they found each other after forty years' waiting.

TOLD FILERS TO BE CAREFUL

Yeast Was Cautious in Relations with Old Soldier Entrymen.

GOOD PROFIT IN DECLARATORIES

Cattle and Land Owners Testify They Bought Declaratory Statements at from $10 to $36 Which Yeast Secured for $5.

That Perry A. Yeast, one of the defendants in the Yeast and Sutton land trial which is on before Judge Munger, was cautious in his relations with the old soldiers from whom he purchased declaratory statements was brought out by the evidence of witnesses at the hearing Friday afternoon. The evidence also disclosed that Yeast bought the declaratory statements from the veterans at $5 each and sold them to cattlemen who wanted to file on land at from $10 to $36 each.

One witness who had gone up to Grant county to see his land testified he met a secret service man who began to ask him pointed questions. He said Yeast cautioned him to avoid, as much as possible, being seen with him, Yeast. Letters were also read from Yeast to one or two of the entrymen cautioning them to use care about talking or writing too much in detail about the transactions.

Rufus Haney, a cattle and ranchman from Hyannis, Grant county, testified he had bought a declaratory statement from Yeast for about $15.

"I understood Mr. Yeast had some declaratories," he testified, "and he said he could get me one. I bought it and located it on land within my range. I furnished the description of the land, but did not put any improvements on the land."

One Witness Paid $36.

Captain Haskell, a ranch owner living between Hyannis and Paxton, said he paid $36 for a declaratory statement of Jacob Brown, an old soldier, and located it on his range. Arthur J. Abbott of Hyannis testified he paid $10 or $12 each for the statements he purchased of Yeast. C. L. Marrin, clerk of the district court at Hyannis, identified Yeast's signature on a number of land filing papers. J. Frank Garner and Mrs. Luella Bellmyer testified to having signed powers of attorney in blank.

The evidence of the government is practically all in. There remains several rulings on objections by the defense to be disposed of and by agreement of counsel Saturday will be devoted to the argument of a motion of the defense to have the court instruct a verdict for the defense. The jury was excused Friday evening until 9:30 Monday morning. Most of the government witnesses were discharged Friday evening and permitted to return to their homes.

Ignorant of Where Land Is.

A remarkable fact brought out in the testimony Friday morning was that many of the old soldiers who filed for Yeast and Sutton on land did not even know what state the land was in and testimony showed not one of them ever had the remotest idea of occupying the land. It was the same old story of filing for so much per and getting the "per."

Judge John Rees, register of the Broken Bow land office, was the first witness called Friday. He simply identified certain records of filings in his office, most of which were on the declaratory statement record. Mrs. Bellmyer was recalled for a brief examination as to her knowledge of certain of these declaratories that she had solicited. The other witnesses were David N. Kennedy, Richard A. Shipley, David H. Callahan and other old soldiers of Quincy, Ill., who had made declaratory statements at the solicitation of Mrs. Bellmyer, Yeast and Garner, for which they each received $5.

REDUCED RATE IS ENJOINED

Railroads in South Dakota Win First Round in Their Legal Battle.

SIOUX FALLS, S. D., Jan. 3.—(Special Telegram.)—As the result of a hearing before him today, Judge Carland of the United States court, in this city, on application of the various railroads concerned, granted a temporary injunction preventing the railroad commissioners from putting into effect a proposed schedule of new passenger rates which would reduce the present rate in South Dakota from 3 to 2 cents per mile.

The temporary injunction succeeds a restraining order which was secured by the railroads last October, just prior to the time the railroad commissioners sought to put the proposed new rate into effect. The temporary injunction will remain in force until the hearing on the main case, when the railroads will strive to have the temporary injunction made permanent. The date for this hearing has not yet been fixed. Judge Carland sustained demurers to the action of the railroad companies in making S. W. Clark, attorney general of South Dakota, and William H. Stanley, secretary of the Board of Railroad Commissioners, defendants in the case, and therefore they no longer will appear in the case.

GALLAGHER SUES FOR LIBEL

Demands $25,000 of Daily News for Alleged Defamatory Editorial Concerning Him.

Andrew M. Gallagher, deputy clerk of the district court and a candidate for the clerkship at the last election, started suit in district court Friday evening against the Daily News for $25,000 for alleged libel contained in an editorial which appeared in the paper November 1.

Denying insinuations contained in the editorial Mr. Gallagher declares in the petition he was never suspected of nor guilty of bribery or of tampering with any jurors. The editorial appeared at the close of the campaign in which Mr. Gallagher was defeated for the clerkship by Robert Smith.

RECEIVERS TAKE POSSESSION

Seaboard Air Line Company Now in Charge of Men Named by Court.

NORFOLK, Va., Jan. 3.—W. A. Garrett, president of the Seaboard Air Line railway, which was yesterday placed in the hands of receivers, has been appointed "chief executive officer for the receivers" and a general notice was issued today by the receivers, that in pursuance of the court decrees the receivers have taken possession of the properties, rights and franchises of the Seaboard Air Line railway and its underlying, constituent or controlled companies.

Bombay Discount Rate Raised.

BOMBAY, Jan. 3.—The rate of discount of the bank of Bombay was raised from 6 to 7 per cent today.

PETTIBONE'S LAWYERS MUTE

Prosecution Spends Long Time Arguing, but Defense Will Say Nothing.

BOISE, Idaho, Jan. 3.—Intense interest marked this, the last day of the Pettibone trial. Before the prosecutions' argument by James H. Hawley was begun, Judge Hilton, for the defense, announced that the defense would not argue the case, and Judge Wood stated that the jury would be instructed as soon as Mr. Hawley finished.

Judge Wood announced that he would refuse the request of the defense that the jury be instructed that a verdict of guilty could not be returned on the ground of conspiracy if the evidence showed that Haywood was a member of the conspiracy and the latter's having been found not guilty. He granted the instruction asked by the state to the effect that if the defendant had in his possession evidence which was not presented the fact could be considered.

Attorney Hawley began his address by referring to the sudden termination of the case which left Darrow's opening statement "a jumble of broken promises."

He said Darrow had promised to show that Orchard was the most monumental liar of the age, but instead his testimony was uncontradicted except in regard to the Bradley explosion and the depositions in that incident, he said, when fully understood, corroborated and explained Orchard's testimony.

"Why did they not put on the stand the great array of witnesses brought from distant states who sat in the court room day after day?" asked Hawley. "It was because they dared not to do it; they dared not with the testimony of these witnesses at the Haywood trial on record submit them to cross-examination."

The evidence of Orchard was next taken up, and the prosecutor said that under ordinary circumstances such a story would be taken with a grain of allowance, but the appearance and demeanor of the witness, who neither tried to shield himself nor to add to his crimes, gave the impression that he was telling the exact truth.

"Orchard," he said, "was cross-examined by one of the country's most able criminal lawyers, who had the testimony of the Haywood case before him, but the witness was not shaken, and on two occasions forced his questioner to admit that he was telling the truth when it had been charged that he had contradicted himself."

The law in the case was discussed at length by Hawley, especially the proof required to establish a conspiracy. Then a review of the corroborative evidence was begun.

LONG TRIP TO VIEW ECLIPSE

Smithsonian Professor Goes to Pacific Island, Where Sun is Covered Entirely.

WASHINGTON, Jan. 3.—In order to observe the eclipse of the sun today, which appears as a total eclipse in the tropical Pacific ocean, C. G. Abbot, director of the Astro-physo observatory of the Smithsonian institute has been sent to Flint Island, 400 miles northwest of Tahiti. The eclipse, is total between 11 and 12 o'clock today in that longitude which corresponds to between 4 and 5 o'clock Washington time. Mr. Abbot, who with an assistant joined a party headed by Prof. W. W. Campbell of Lick Observatory, California, sailed on the steamship Mariposa from San Francisco to Papeete, Tahiti, on November 22. The gunboat Annapolis furnished transportation between Tahiti and Flint Island.

Mr. Abbot's observations comprise an examination with the Langley bolometer of the sun's corona, especially toward its inner part, to help decide what is the most probable cause of its luminosity. For this coronal light three sources have been suggested, viz.: The reflection of ordinary sun light; the emission of light owing to the high temperature of small particles near the sun, and the emission of light by luminousness like that of the aurora borealis. It is proposed also to observe with instruments the peculiarities of sky light before the day of the eclipse so that even if clouds should obscure the eclipse there would still be something of value brought back from the trip.

RIOTING RESUMES AT MUNCIE

Street Cars Move with Difficulty, Men Being Stoned for Efforts.

MUNCIE, Ind., Jan. 3.—Rioting was resumed here today. The street cars were started on the regular schedule at 7 o'clock and were molested for several hours. A crowd attacked two cars in the outskirts of the city shortly after 10 o'clock hurling stones and other missles and after driving off the crowd, completely wrecked the cars. Squads of police were hurried to the place and over fifty arrests were made. The jail is nearly filled with rioters and orders were repeated to arrest every member of a street gathering that contained more than three persons. Two of today's rioters were badly hurt, one of them being cut in the throat with a knife, but not fatally hurt.

Several other outbreaks occurred about noon. Police squads in automobiles dashed back and forth quelling disorders and scattering crowds. Several shots were fired at the cars manned by strikebreakers but no one was hurt. A car was wrecked on East Main street shortly after noon and another on Walnut street. Traffic Manager Baldwin then ordered all cars withdrawn and made a demand that the troops held at Indianapolis be moved here at once. Adjutant General Perry wired Governor Hanly that the troops need not be sent unless more serious trouble developed.

SUICIDE DUE TO INSOMNIA

John W. Mueller Had Been Under Care of Doctor for Several Weeks.

MITCHELL, S. D., Jan. 3.—(Special Telegram.)—The body of John W. Mueller, who came to his death by his own hand at Lane yesterday, was brought to this city for interment, and the funeral will be held tomorrow morning under the auspices of the Knights of Columbus, in the Holy Family Catholic church.

The supposition was that Mueller killed himself because of financial troubles, but a statement from his physician, Dr. George Burleigh, gives the cause a different foundation. The physician stated today that for the past five or six weeks Mueller has been in a highly nervous and delirious condition and that he had treated him for insomnia and nervous disorders. He expressed it as his belief that Mueller was wholly irresponsible for the act he committed. Mueller carried $2,000 life insurance in the Knights of Columbus and the Home Guardians.

FIGHT FOR PLACES

Congressmen and Senators Oppose the Consolidation of Land Offices.

OTHER STATES ARE INVOLVED

Delegations to Unite in Effort to Prevent Carrying Out of Plan.

TWO IN NEBRASKA ON THE LIST

Conference with Secretary Garfield is Set for Monday.

TIME FOR DITCH CONTRACTORS

Delay in Securing Material and Inability to Hire Labor During the Summer Cause of Failure to Have it Done on Time.

(From a Staff Correspondent.)

WASHINGTON, Jan. 3.—(Special Telegram.)—An alliance of delegations in congress from public land states may be expected in the near future to resist the policy of the Interior department in consolidating public land offices.

Following the general policy of cutting down expenses wherever possible and consolidating the land offices in certain districts which have about completed the business for which they were established Secretary Garfield authorized the general inspection of all land offices in the public land states with a view of discontinuing those not needed. As a result of this inspection Nebraska was raked with a fine tooth comb and a report filed which contemplated the abandonment of at least two of the land districts in that state, Broken Bow and O'Neill. In several letters from the commissioner of the general land office to Secretary Garfield the following memoranda has been obtained: That such part of the Broken Bow land district as lies west of the range line between ranges 25 and 26½ west be transferred to the Alliance district and the remainder to the Lincoln district. This would discontinue the Broken Bow office and throw out John Reese, register, and Darius M. Amsberry, receiver; that all of the O'Neill land district is to be consolidated with the Lincoln land district, which would separate from the service Brantley E. Sturdevant, register, and Sanford Parker, receiver.

Other Lands Shifted.

Not content with these recommendations another letter has gone to the secretary recommending that townships 18 to 20 north, ranges 46 to 58 west, should be detached from the North Platte land district and attached to the Alliance land district in order to bring all lands under the North Platte reclamation project situated in Nebraska within one land district. John E. Evans is register and William H. C. Woodhurst receiver of the North Platte land district.

As outlined by The Bee's correspondent yesterday the Nebraska delegation does not propose to submit to these changes without the strongest possible protest, for they realize that notwithstanding the report of the inspector hundreds of homesteaders will be affected and 1,000,000 acres of land or more is involved in the project of consolidation. Following up their determination to have a straight hearing between Secretary Garfield and representatives of the land department the Nebraska delegation has arranged for a conference with Secretary Garfield at 10:30 Monday morning.

More Time for Bridge Company.

An extension of time of ninety days has been granted the Canton Bridge company of Kansas City, Mo., in which to complete its contract for the building of structures on the interstate canal, North Platte irrigation project, in Nebraska. The scarcity and low efficiency of labor and extreme difficulty in securing transportation of materials rendered the prompt erection of the structures impossible. The original contract called for the completion of the work December 31, 1907.

Messrs. Byal & Co. of Mitchell, Neb., have also been granted an extension of time to June 1 next in which to complete their contract for the erection of structures on the interstate canal. This work would have been completed January 1 but for the unfavorable conditions above stated.

Brown Goes to Annex.

Senator Brown goes to the senate annex, a building across the capital plaza, known as "Maltby," and considerably against his will be it said. He had hoped to remain in his location in the senate terrace, but Senator Bourne, Jr., of Oregon succeeded to the fisheries committee and in consequence Brown has to move out of the capitol to the annex, where he will have two splendid rooms, light and airy and quite a decided improvement over the dingy recesses of the capitol.

Minor Matters at Capital.

Elmer H. Wood of the Union Pacific is in Washington.

R. E. Boyd of Rapid City, S. D., arrived in Washington today. Upon the recommendation of Representative Parker of Deadwood, Mr. Boyd has secured an appointment as a member of the United States capitol police force.

J. H. Weise of South Omaha was the lowest bidder today for the erection of the public building at Albuquerque, N. M., at $100,000.

Rural route No. 2 has been ordered established March 2 at Wolbach, Greeley county, Nebraska, serving 350 people and 95 families.

Iowa postmasters appointed: Dillon, Marshall county, Svend H. Hager, vice M. L. Rhinehardt, resigned; Navan, Winneshiek county, Charles Lawrence, vice Hugh Lawrence, resigned.

The First National bank of Adel, Ia., has been authorized to begin business with $50,000 capital. J. W. Russell is president; D. A. Blanchard, vice president, and William Roberts, cashier.

SUNDAY LESSONS BY GRADES

This is Purpose of Workers in This Branch Now Convening in Boston.

BOSTON, Jan. 3.—Consideration of the plan of uniform Sunday school lessons was resumed today by representatives of the international Sunday school lesson committee, the Sunday School Educational association, the publishers of Sunday school periodicals and the international executive committee. The question is on retaining the plan instituted in 1897 or substituting for it a system adapted to graded Sunday school work. Whatever action is adopted by the conference will be reported to the next convention of the International Sunday School association, which will be held in Louisville, Ky., next summer.