

JUDGE WOOD AROUSED

Court Regards Orchard Interview as Attempt to Influence Jury.

ATTORNEYS DENOUNCE PUBLICATION

Defends Says Governor Gooding Should Be Cited for Contempt.

PROSECUTOR DEFENDS THE EXECUTIVE

They Say Publication Will Rest Upon Case of the State.

COUNTY ATTORNEY TO INVESTIGATE

Judge Says He Will Punish All Attempts to Interfere with Securing Jurors or Efforts to Influence Them.

BOISE, Idaho, May 17.—Judge Fremont Wood, who is presiding at the Steuenberg murder trial, today directed the prosecuting attorney of Ada county to make an investigation of the circumstances under which Harry Orchard was interviewed for publication yesterday and take legal steps that his inquiry showed to be warranted. Judge Wood drew attention to the publication of the interview with Orchard and the bench this morning and his request of counsel for advice as to the manner in which the court should deal with the incident brought from the defense the charge that Governor Gooding and certain newspapers, moved by the disclosures that there exists a prejudice against Harry Orchard, and sought to influence the jury by an attempt to bolster up the evidence that he had given to Orchard's story, and the suggestion that Governor Gooding be cited for contempt.

Counsel for the prosecution defended Governor Gooding and the newspapers included within the charge, and requested the applications for the interview with Orchard had been made weeks before the examination of the defendant and the prejudice against him. They in turn charged that while some of the talesmen were charged this morning men directly connected with the Steuenberg case were marked within their hearing that were calculated to influence them, and this affair is also to be the subject of inquiry by the county prosecuting attorney.

Few Talesmen Examined.

The other important development of the day was the raising of a question as to the right of the state to employ talesmen for the trial. The state formerly had been entitled to do so, but at the last session of the legislature, which was subsequent to the assassination of Governor Steuenberg, the law was amended, increasing the number to ten—the same as allowed the defense. The question now is whether this amendment constituted an ex post facto law. After argument, the court ruled that the law was not an ex post facto, and that the state had the right to use talesmen. In arguing the matter, Mr. Richardson said that the weight of authority was with the state, and that he intended to make the most of the point in the higher court if circumstances warranted, and made this assertion that the legislature of Idaho had amended the law because of the cases of Haywood, Moyer and Pettibone. Both Mr. Darrow and the state attorneys made statements and the judge said that the court would not for a moment assume the motives of the legislature had been improper.

The fifth peremptory challenge, representing a total of three by the defense and two by the state, was made late this afternoon, and at adjournment an effort to fill the places made vacant was in progress. United, there are fifteen more challenges to be exhausted and of the special venire of 100 talesmen, only 147-49 remain.

There will be a short session tomorrow and the case will then go over until Monday.

Judge Asks Suggestions.

At the opening of the trial today Judge Wood directed the prosecuting attorney of Ada county to investigate the circumstances under which Harry Orchard was interviewed for publication yesterday with a view of ascertaining whether or not there had been any attempt to influence the jurors in the case and take any steps he found circumstances to warrant. In drawing attention to the matter Judge Wood asked counsel if they could offer any suggestions as to the duty of the court. Mr. Richardson vigorously defended the state as a deliberate attempt to influence prospective jurors, suggested by the disclosure of prejudice against Harry Orchard and his testimony and inspired by Governor Gooding. Mr. Darrow took the same ground and suggested that Governor Gooding be cited for contempt. Both Mr. Richardson and Mr. Darrow protested the publication of the Orchard interviews grievously injured the defense.

Mr. Hawley for the state deplored the incident, but maintained that it would influence the prosecution more than the defense. He also drew attention to the widespread newspaper circulation in the state, and that the disclosures had been widely disseminated and the misstatements that had been circulated about Orchard, and said that he could see no harm in permitting the newspaper men to interview Orchard on general lines.

Sensor Borah said he could dispose of the misapprehension caused by the disclosure of the interview as part of a plan to give credence to Harry Orchard after it had been shown that certain talesmen were biased against him because the effort to see Orchard upon the part of the newspaper men had been in progress for some weeks before the trial.

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When Mr. Hawley had again taken his seat Mr. Richardson of counsel for Haywood said:

"I don't know and I don't say that those who are now and always were opposed to the publication of anything at any time tending to prejudice possible jurors," he said. "Just how the court can prevent a recurrence except by a public request to the newspaper men, I don't see."

"If the purpose of these publications was to influence the jury there is a way to reach it," he said significantly.

"If the court's request does not prove sufficient," said Mr. Hawley, "its power might well be exercised to prevent any recurrence in the future. We of the prosecution will heartily assent to any method the court may adopt."

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SUMMARY OF THE BEE

Saturday, May 18, 1907.

Table with columns for days of the week and numbers 1 through 31, representing a calendar or summary of events.

THE WEATHER.

FORECAST FOR NEBRASKA—Partly cloudy Saturday, possibly showers and rain Sunday. FORECAST FOR IOWA—Partly cloudy Saturday, probably showers; cooler in east and south portions. Sunday fair.

TEMPERATURE AT OMAHA YESTERDAY:

Table showing temperature readings for different times of the day (Hour, Deg., Hour, Deg.) for various locations.

DOMESTIC.

July, September and December wheat put on the market in Chicago by the Board of Trade exceeded that of any day during the latter corner. The high mark for July was 1.02 3/4 and the close 1.00 3/4.

DEFENSE IN HAYWOOD CASE ALLEGES INTERVIEW WITH HARRY ORCHARD IS AN ATTEMPT TO INFLUENCE PROSPECTIVE JURORS AND ASKS THAT GOVERNOR GOODING BE CITED FOR CONTEMPT.

The prosecution replies with counter charges and court orders an investigation by the county prosecutor.

MARY ADELAIDE YERKES MINNER IS GRANTED A DIVORCE FROM WILSON MINNER, THE YOUNG MAN WHOM SHE MARRIED SHORTLY AFTER THE DEATH OF HER FIRST HUSBAND, CHARLES T. YERKES, THE TRACTION MAGNATE.

Four hundred men employed by White Star line join strike of longshoremen in New York. One man was fatally shot in riotous demonstration.

SECRETARY TAFT WILL PASS THROUGH OMAHA ABOUT JUNE 18, EN ROUTE FOR FORT MEADE TO FORT LEAVENWORTH.

President Roosevelt and family will spend four days at their country home at Pine Knob, Va.

GENERAL CHARLES F. MANDERSON IN WASHINGTON AND DISCUSSES THE POLITICAL OUTLOOK FOR 1908.

Burlington news is sending out passes to doctors, holding it is not a violation of the anti-pass law. Coal dealers want the new law regarding truck scales enacted. Dan C. Despain resigns the position of deputy commissioner of labor.

THOMAS A. CROIGH OF OMAHA IS ELECTED COMMANDER OF THE NEBRASKA DEPARTMENT OF THE GRAND ARMY OF THE REPUBLIC. OTHER OFFICERS ALSO CHOSEN.

Clifford Holman, a colored janitor at Alton, Ill., is killed by a falling beam with whom he had been living.

GOOD PROGRESS MADE IN THE BUNDY MURDER TRIAL AT TEKAMAH AND TESTIMONY WILL ALL BE IN TODAY.

Rains are reported from a number of points in Nebraska, effectually breaking the drought.

COSSACKS FIRE UPON OFFICIALS AND EMPLOYEES OF SPINNING MILL AT LODZ, KILLING TWENTY-ONE PERSONS AND SERIOUSLY WOUNDING FORTY-SEVEN. THE WANTON ACT WAS IN REVENGE FOR KILLING ONE MEMBER OF COSSACK PATROL BY BAND OF TERRORISTS.

Announcement is made that first money raised by "Streets of Paris" exhibition will be used to put a tile roof on the Auditorium.

CONTRACT IS LET FOR \$125,000 WAREHOUSE FOR FAXTON & GALLAGHER TO REPLACE THE BUILDING THAT RECENTLY COLLAPSED.

Shoux Falls likely winner of South Dakota track meet, having a good lead on first day's results.

OMAHA HIGH SCHOOL BALL TEAM DEFEATS SOUTH OMAHA BY A SCORE OF 4 TO 2.

Creighton university loses a game to Minnesota university, 3 to 3.

MISS MARY BUCKEN, THE TENNIS EXPERT, SAILS FOR ENGLAND, WHERE SHE IS TO PLAY IN A NUMBER OF CHAMPIONSHIP MATCHES.

Results of the ball games: 2-Denver vs. Omaha—4. 3-Pueblo vs. Omaha—4. 4-Denver vs. St. Louis—1-0. 5-Chicago vs. St. Louis—1-0. 6-Chicago vs. Brooklyn—4. 7-Cincinnati vs. Philadelphia—4. 8-Kansas City vs. Toledo—2. 9-Milwaukee vs. Columbus—0. 10-Minneapolis vs. Indianapolis—3. 11-St. Paul vs. Louisville—4. 12-Washington vs. Chicago—4. 13-St. Louis vs. Philadelphia—4. 14-Cleveland vs. Boston—2.

COMMERCE AND LABOR INDUSTRIAL.

Dun's review of trade says retail business improves with the advent of seasonable weather. Wholesale trade in fall goods is active at all points except where damage to crops is reported.

LIVE STOCK MARKETS.

Grain markets. Stocks and bonds.

MRS. MIZNER GIVEN DECREE

Supreme Court of New York Grants Her the Name of Mrs. Yerkes.

NEW YORK, May 17.—The supreme court today granted an interlocutory decree of divorce to Mary Adelaide Minner from Wilson Minner.

The testimony in the case and the decree simply states it is granted by reason of the defendant's adultery.

Mrs. Minner is permitted to resume her former name of Mary Adelaide Yerkes and she may remarry if she chooses.

SCHMITZ MAYOR IN NAME

He Has Relinquished Reins of Government to Committee of Seven.

CITY CONTROLLED BY BUSINESS MEN

Capitulation of Chief Executive is Complete—Dr. Joseph Pohrn Has Furnished Details of Mayor Schmitz's Doings.

SAN FRANCISCO, May 17.—In a statement to the Evening Post Mayor Schmitz this afternoon said: "The statement that I have handed the reins of government to any person or committee is an unqualified falsehood. I called the committee of fifty together some time ago in order that I might take advantage of the wisdom and advice of the best citizens of the city in a financial and industrial crisis. This committee of fifty selected subcommittees to study the important work might be systematized and carried out and one of the committees is the so-called committee of seven. I have not resigned, nor yielded my prerogative to anybody and any statement to the contrary is a malicious falsehood. There is no reason why I should pass over the reins of government to other people."

"As for Ruef's charges, I will say he has never paid me any bribe money and he knows it. If he says he paid bribe money to me he simply lies. I only know that he has made such charges from what I am told and from the newspaper reports."

SAN FRANCISCO, May 17.—The Call today says:

From this time forward Eugene Schmitz is the mayor of San Francisco in name only. He has relinquished the reins of government to a committee of seven, representing the five great commercial organizations of the city. Beginning with today, the city is under the control of men whom he selected to administer the city's affairs upon the lines demanded by the public. The capitulation of the mayor is a complete surrender to a power of attorney, to the following citizens: F. B. Anderson, F. W. Dohmann, J. Morgan, F. W. Van Sicken, Louis Rosenfeld, C. H. Bentley and Charles W. Slick.

On the committee of seven is a representative from each of the following commercial bodies: Merchants exchange, Chamber of Commerce, Board of Trade, Merchants' association, Manufacturers and Producers' association.

Today the details of the plans of the city's new custodians will be made public.

Dr. Joseph Pohrn, a former police commissioner of this city, has it is said, furnished Detective William J. Burns details of Mayor Schmitz's action in compelling Ruef to give up the French restaurant licenses and the Pillsbury street house shortly before 3 o'clock, when in the charge of Special Agent Burns, Edizor Biegy and another guard, where he took the witness stand and submitted to an examination that lasted from 3:30 o'clock until after 5 p. m.

When the ordeal was over he called the newspaper men around him and said that he had promised the grand jury to divulge nothing. District Attorney Langdon and Assistant District Attorney Henry refused to make any statement whatever. From Special Agent Burns it was learned that the only matter in which Ruef was questioned, was the alleged bribing of Chief Counsel T. E. Ford and another demanding and getting \$10,000 and Chairman Gallagher of the finance committee being paid \$15,000 for acting as go-between.

After the examination of Ruef was concluded the grand jury remained in executive session until 5:30 o'clock. Subsequently the statements of Ruef were officially confirmed, that indictments had been voted against four high officials of the United Railroads and Schmitz, as predicted by an officer of the prosecution two weeks ago.

Prison Chief is Cleared.

PEKING, China, May 17.—An investigation having approved the charge of accepting bribes brought against Prince Ching, president of the foreign board, and the various charges made against Tuan Chih Kwei, recently appointed temporary governor of Hai Lung Kiang, who were simultaneously removed from their posts. The censor who impeached them has been dismissed.

Tsun Chuan Sun, the new president of the Chinese of communications, one of the most prominent reactionaries, has taken over control of the ministry.

In addressing the members of the board who were educated in the west the president assured them of his cordial co-operation in their work.

STEPHENSON IS ELECTED

Nomination as United States Senator Ratified by Wisconsin Joint Assembly.

MADISON, Wis., May 17.—The nomination of Isaac Stephenson by the republican caucus last night as United States senator was today formally ratified in joint assembly. Mr. Stephenson received eighty-seven votes.

State Senator George W. Bird received the complimentary vote of the democrats. Mr. Stephenson received the vote of every republican present.

DETAILS OF TAFT'S JOURNEY

Will Leave Washington May 20 and Will Pass Through Omaha About June 18.

WASHINGTON, May 17.—Some of the details of the approaching western trip of Secretary Taft were announced today. The secretary will leave Washington May 20 for St. Louis, where he will deliver an address on May 30 before the National Millers' association, returning to Washington June 1.

June 9 he will leave Washington for Milwaukee, where he is to deliver an address the evening of June 10 before the Merchants and Manufacturers' association. June 11 he will be at Davenport, Ia., where he will speak at the Rock Island assembly, and the dinner given at the Tri-City Press club. June 12 he will be in Iowa City, where he speaks at the Iowa university. He will proceed thence to Minneapolis, where he delivers a speech at the Minnesota university June 13. June 14 he will visit Fort Snelling and dine with the Commercial club. He will arrive at Sioux Falls, S. D., on June 15. Lack of time will prevent the secretary from accepting the invitation of White Earth Indians to attend their pow-wow June 14. He will, however, make a careful inspection of the condition of the Ute Indians who are now quartered at Fort Hartsfield, on the Rock Island reservation. The Indians have been cared for by the War department ever since they left their reservation in Utah and it is now desirable that the Indian bureau will resume charge of them. It will be for Secretary Taft to determine whether this can be done safely. Leaving Fort Hartsfield the evening of June 15, Secretary Taft will pass through Omaha and arrive at Fort Leavenworth, Kan., on June 18, making an inspection of the post. He will leave the same day for Ottawa, Kan., and on June 20 will address the Ottawa Chautauque society.

COSSACKS SHOOT DOWN MEN

Sixty-Eight Innocent Men Shot by Maddened Soldiers at Lodz.

LODZ, Russian Poland, May 17.—Sixty-eight officials and workmen of Kutners spinning mills were shot down this morning by a patrol of Cossacks, because a band of terrorists attacked a mail wagon in the neighborhood, killing a Cossack guard and wounding another Cossack and two civilians.

While the wagon was passing through Lonkova street the terrorists suddenly appeared from a side street, opened fire on the Cossacks escort, seized \$1,000 from the wagon and escaped. A moment later a patrol of Cossacks arrived on the scene and inquired by the gate of their comrades, rushed into the Kutner factory, which was near the spot where the robbery occurred and began firing indiscriminately, killing twenty-one and wounding forty-seven persons.

The greatest indignation prevails here as it is claimed that the employees of the factory had nothing to do with the attack on the mail wagon.

SECRET AGREEMENT EXISTS

Great Britain and France Have Compact with Japan in Event of European War.

ST. PETERSBURG, May 17.—The Paris correspondent of the Russ in a dispatch published today announced that he had obtained information from authentic sources that Great Britain, France and Japan had entered into a secret agreement now in course of negotiation will contain secret conditions applying to the eventuality of a European war and binding Japan to place at the disposal of France 300,000 men, while the British will land a contingent of 200,000 to 300,000 men. Great Britain and France, it is added, not only guarantee the inviolability of Japanese territory, but also engage to float several loans.

The statements made are received with incredulity in diplomatic circles here.

MOTOR CAR RACER IS KILLED

Albert Clement, Prominent Young Automoblist, Suffers Fatal Injury During Trial Run.

DIETPPE, France, May 17.—Albert Clement, son of the well known automobile builder, was killed instantly today during a run in preparation for the Auto club's grand prize, which is to be competed for the electrifying of its 350 miles of street railway system in this city.

Outline of Trolley Deal. If Burns' understanding of Ruef's testimony is correct, the fallen boss told the grand jury that President Patrick Calhoun, assistant to the president, Thorwell Mulally; Chief Counsel T. E. Ford and Counsel William M. Abbott of the United Railroads paid or caused to be paid the sum of \$200,000 for the privilege named; that \$50,000 of this amount was Ruef's "fee"; that \$50,000 went into the pocket of Mayor Schmitz, and that the remaining \$50,000 was handed to the eighteen supervisors, sixteen of them receiving \$1,000 each, another demanding and getting \$10,000, and Chairman Gallagher of the finance committee being paid \$15,000 for acting as go-between.

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MANDERSON VISITS CAPITAL

Good Word for All the Republicans Mentioned for the Presidency.

NOMINATION BUT NO ELECTION FOR BRYAN

Attorney Baldwin of Burlington Takes Issue with Kellogg on His Conclusions on the Alton Deal.

(From a Staff Correspondent.)

WASHINGTON, May 17.—(Special Telegram.)—General Charles F. Manderon and Mrs. Manderon are at the Arlington. When asked about his views regarding the republican presidential nomination in 1908 he replied by saying that the present occupant of the White House was exceedingly strong with the people, but as the president had stated so often that he would not accept another nomination, he believed there was no question as to the earnestness of President Roosevelt's declaration.

"With the president eliminated," said General Manderon, "the republican party is still rich in candidates of fitting caliber. There is Secretary Taft, whose greatness, both along judicial and administrative lines, is unquestioned. I had really hoped to see him justice of the supreme court, if not chief justice, for his ability richly merits his going there. The country may prefer to see him in the presidential office, and that, too, he would adorn. Besides Mr. Taft, there is a large list of good and available men, all with large and enthusiastic followings."

Manderon on Bryan.

The general sees nobody in the race on the democratic side except Colonel Bryan, for whom he has great esteem as a man and a friend.

"Admitting Colonel Bryan's good qualities," said the ex-senator from Nebraska, "the fact remains that Bryan has a faculty for blundering, makes a great many hasty and unwise conclusions, and his peculiar notion of government in the opinion of thousands render him too unsafe to be entrusted with the greatest office in the nation. I do not regard Colonel Bryan one whit stronger than he was in 1900 and do not think it at all probable that he could poll more votes in 1908 than he did the year he was elected."

General Manderon comes east largely for the purpose of affording Mrs. Manderon an opportunity to attend the meeting of the regents of the Ladies of Mount Vernon association, of which Mrs. Manderon is a distinguished member. Owing to the general's illness last year Mrs. Manderon was unable to participate in the interesting meetings connected with the care and conduct of the home of the first president of the republic. As the general had business in Washington and Philadelphia, and feeling his old self, he decided to take the trip east and meet his old friends with Mrs. Manderon.

Baldwin on Alton Deal.

W. W. Baldwin, one of the leading citizens of Burlington, and a railroad attorney of years' experience, is at the Arlington. Speaking of the sensational statements of Messrs. Kellogg and Severance on the so-called Alton deal, with which Mr. Harriman's name has been connected, Mr. Baldwin said that he had never had anything to do with the provisions of the inheritance tax law there is due the government \$43,466 which together with the accrued interest since that time brings the total due up to about \$59,000.

Daniel Wells died in May, 1902, two months prior to the repeal of the inheritance tax law.

WOMAN'S CLUB ELECTION

Mrs. Gertrude Nash of Audubon President of the Iowa Federation.

OSKALOOSA, Ia., May 17.—(Special Telegram.)—The following officers were elected by the Iowa Federation of Women's Clubs: President, Mrs. Gertrude Nash of Audubon; vice president, Mrs. E. L. Johnson of Waterloo; recording secretary, Mrs. Jennie T. Berry of Cedar Rapids, corresponding secretary, Mrs. E. D. Chase of Wallingford; treasurer, Mrs. M. E. Wagoner of Des Moines; secretary, Mrs. B. B. Clark of Red Oak; auditor, Mrs. Horace M. Towner of Corning.

Invitations for the next biennial were extended from Ottumwa and Davenport. The decision will be made later by the board of directors.

STREET CAR JUMPS TRACK

Accident Occurs at Evansville, Ind., as Result of Trouble Caused by Strike.

EVANSVILLE, Ind., May 17.—A street car jumped the tracks at the corner of Eighth and Walnut streets this afternoon, dashing into a building and wrecking the entire front. Two men were buried under the debris and had their heads crushed by a baby, who was in a child's buggy in front of the building, was buried under a pile of bricks and fatally hurt.

The accident occurred as the result of a fight on the front end of the street car between a union sympathizer and the non-union motorman.

When the car struck the curve it bounded across the street into the building.

"SHORTY" M'PEAKE IS DEAD

Veteran Tramp Printer Falls Under Wheels of Train at Morrisborough, Illinois.

MURPHYSBORO, Ill., May 17.—Peter A. McPeake, veteran tramp printer, known in practically every printing office of any size in the country, and in many of the smaller ones, died here today from injuries received yesterday, when he fell between the wheels of a train. "Shorty" McPeake, as he was generally known, has been a roving printer for more than fifty years. It was his boast that he has worked in more printing offices than any other printer in the country.

CONGER IS SLOWLY DYING

Former Ambassador to Mexico Hovers Between Life and Death.

PASADENA, Cal., May 17.—E. H. Conger, formerly United States ambassador to Mexico, is still hovering between life and death at his home here.

"He is growing weaker," was the official statement made today. "His condition, if there has been any change, is worse."

PEARY THINKS HE WILL WIN

Declares He Has Effected Plans that Are Certain to Land Him at the North Pole.

BOSTON, May 17.—Commander Robert E. Peary has decided upon some changes in his next attempt to reach the north pole, according to an interview with the explorer published today.

"The main improvement over the last plan," said the explorer, "will be that I shall continue farther to the westward along the North front. Land east, and then when I take to the ice I shall bear always to windward, and thus offset the continuous drift to the east."

"The second great difference will be that I shall so arrange matters that there can be no recurrence of the unfortunate contingency that cost us the prize last year. There will be no separation of the parties this time as there was last, and I shall have the relay system so perfected that at that time, in any event, I can reload ample supplies from the supporting sledges and press forward with the pole party. For the rest, there will be dogs and the Equimauk, as on the former expedition. This time I shall use men."

Commander Peary said he thought the necessary \$100,000 to equip the expedition, half of which has already been subscribed, would be forthcoming soon. He denied the reports that his wife would accompany him upon the next polar expedition.

ONE DEAD RESULT OF STRIKE

Longshoremen's Difficulties Result in Death of Innocent Bystander Near Scene.

NEW YORK, May 17.—One man was shot and instantly killed and another wounded as a result of a row growing out of the longshoremen's strike in Hoboken today. The dead man was Harry Marshall, a bystander.

The man who fired the shot and was himself wounded while resisting arrest is Benjamin Vincent and is said to have been employed by a detective agency.