OVER THE STATE

SUPREME COURT ASKED TO INTERPRET LAW.

WHAT THE BRIEF HAS TO SAY

Gov. Mickey Not in Favor of Interfering in Murder Cases—Thinks the Law Should Be Upheld in Every Particular and Enforced Rather Than Hindered.

LINCOLN—The supreme court has been asked to express itself unequivocally on the legality of the Nebraska anti-trust laws, or, in other words, explain the opinion it handed down in the "grain case" some weeks ago.

The attorneys for the state, Attorney General Brown, John J. Sullivan and Jefferis & Howell make this request in a brief filed in the case. The attorneys hold the opinion was not definite in its decision and further, the syllabus and the body of the opinion were at variance.

The brief contains the following discussion of the opinion and the action of the court:

The body of the opinion until just before its close applies the rule stated to the several anti-trust acts which the defendants were accused of violating, and impliedly if not expressly holds that the acts are all valid save a portion of the Gondring act and the Loomis act of 1897. The opinion proceeding further says:

"It is not necessary in this case to determine which of the penalties imposed for violation of the criminal provisions of these statutes are applicable in case of criminal proceedings, or whether or not the 1897 law repealed by implication the act of 1887, or whether the Loomis act of 1897 is unconstitutional, as claimed by some of the defendants, or whether the Junkin act repealed both the 1887 and 1897 acts."

APPEALS FOR MURDERERS.

Gov. Mickey Discourages Movements in This Direction.

LINCOLN—Governor Mickey declared that verdicts of juries should not be tampered with when men commit murder. It is thought that he means to discourage appeals for mercy for Jay O'Hearn. He said:

"Where the evidence is conclusive that a man has commited a cold-blooded murder in an attempt to commit robbery and a jury finds a verdict against the defendant I do not believe anyone should interfere. The law should be upheld in every particular and it is the duty of an executive to see that the law is enforced rather than to hinder it.

"Law is for the protection of society and to many people who imagine they are deeply religious, fired by maudlin sympathy are always ready to come to the front to prevent the carrying out of a sentence of court and jury."

Doctor is Killed by the Cars.

O'NEILL—Dr. S. F. Hunt of Stuart was instantly killed in the railroad yards here while attempting to board freight train No. 63. The doctor was here as a witness in the Irwin murder trial and went to the depot to take the freight for his home at Stuart. The train had started when he reached the depot and he made a grab for the front end of the caboose, slipping on the icy ground and falling under the wheels. The rear trucks passed over his body just below the arms, instantly crushing out his life.

H. M. Mathew Dead.

LOUP CITY—Last night occurred the death of H. M. Mathew, one of the leading members of the bar of Loup City. His death came as a surprise to the people, as he had been sick only a day or two, and then only with what his friends considered an ordinary case of grippe. Mr. Mathew was one of the oldest residents of Sherman county, coming here in 1879.

Wilson Commends Plan.

James Wilson, secretary of agriculture, has writter a letter to State Superintendent McBrien highly commending him for his efforts to secure the teaching of agriculture in the normal schools so the graduates may be prepared to teach this branch of education in the various schools of the country.

Republican Committee Meeting.

LINCOLN.—Chairman Warner of the republican state committee announced he would call a meeting of that committee at the Lindell hotel, Lincoln, for April 5 at 8 p. m. At this meeting the date for the state convention will be fixed and the primary election proposition discussed.

Gold in the Gravel.

BEATRICE—Gravel containing gold has been found on the property of Ed. Dole in the north part of town. Some of the gravel was analyzed by K. C. Koons, a jeweler of this city, who discovered traces of the valuable mineral mixed with iron pyrites.

New Museum Building Located.

LINCOLN—The new museum at the University of Nebraska is to be located on the campus between Grant Memorial hall and Nebraska hall and will face south, the location having been staked out by Chancellor Andrews and his assistants. According to the plans the building which is to be erected now will be only a wing of an edifice which will cost in the neighborhood of $150,000. Several thousand brick have already been placed on the ground. Cost of this building is estimated at $50,000.

NEBRASKA BRIEFS

Furnas county land is rapidly increasing in price.

The John Meyer fruit farm at Beatrice has sold for $155 an acre.

Burlington surveyors have been operating in the vicinity of Seward.

Fourteen applicants for railway mail service positions took examinations at Beatrice.

Mayor Miles of Hastings has been nominated by the republicans for a third term.

The Nebraska Telephone company will build two lines between Beatrice and Wymore.

McClintock & Carter, druggists, Columbus, have been closed on an attachment for $3,200.

Most of the teachers of the Oxford schools have been retained another year at increased salaries.

A rumor is current in Boyd county that the Great Northern will be extended northwest from O'Neill.

The mayor and city council of Beatrice are considering the advisability of cutting down the fire department.

Fifty farmers comprise a committee which is soliciting funds for the new farmers' elevator at Hoag. The building is to cost $5,000.

The Y. W. C. A. of Omaha is canvassing for $125,000 with which to put up a building. One man and his wife sent a check for $10,000.

Mrs. Sarah Coon of Beatrice received a telegram from Marysville, Kan., stating that her brother, George Parks, had dropped dead at that place.

"Major" Johnson, charged with Burlington car robberies at Wymore, has been found guilty. He has made a statement implicating his accomplices.

The subscriptions to the Young Men's Christian association building at Fremont have reached $26,000. The committee is well satisfied with what has been accomplished.

G. W. Mayfield has tendered his resignation as postmaster of Louisville, which position he has filled for nine years, and W. C. Dorsey has been appointed to succeed him.

C. M. Shaw, one of the candidates for mayor of Tecumseh, has absolutely refused to make the race, as has also John L. Sherman, who was nominated for the board of education.

A barn of A. C. Records was destroyed by fire at Fremont and the excitement caused a team to run away and destroy two rigs before striking an ice wagon, which stopped it.

A number of Beatrice capitalists announced that plans were under way for the erection the coming summer of a new opera house at that place. The building is to cost about $40,000.

Fruit experts in the locality of Table Rock claim that the extreme cold and zero weather has destroyed the peach buds, which were almost swelled to opening by the previous warm weather.

The Presbyterian people of Fremont have decided to erect a new building this season to cost $20,000. A good portion of the money has already been subscribed and work will be begun this spring.

A. H. Merchant has tendered his resignation as secretary of the Omaha grain exchange and it has been accepted by the directors, to take effect as soon as a success to Mr. Merchant is appointed.

M. B. Thompson, president of the Albian National bank, who was stricken with paralysis and whose life has been despaired of by his friends, is improving and hopes are now entertained for his recovery.

Ed Brantner of Plattsmouth accepted the offer of Judge Wheeler to accept the sum of $8,000 from the Burlington company for injuries received while in the employ of the company as switchman at Pacific Junction.

J. K. Kealy, night yard master of the Burlington at Hastings, was killed while assisting in the switching of freight cars near the round house. He made a misstep in front of a moving car and was caught under the wheels.

At Central City, in the district court, Judge Reeder overruled the motion for a new trial for Thomas Riley who was found guilty of robbing the Chapman State bank on November 27, and sentenced him to the penitentiary for six years.

Since the grand jury found nearly all the druggists in York county guilty of selling intoxicating liquors and fined most of them from $250 to $500, there is a disposition among the druggists to quit selling liquor of any kind and in any shape for fear that the same grand jury or another might meet and they would again secure a fine for a larger sum than they just paid.

August Miller, who shot his brother-in-law, wife and mother-in-law near Stanton, was captured at Pender. Miller went to the home of his father-in-law, Fred Harnecke, and shot Harnecke, Mrs. Harnecke and his wife. The murderer's wife will die. He shot his father-in-law three times and mother-in-law twice. They may recover. He lived on a corner of Harnecke's farm and had trouble with the old folks. His wife had gone back to her parents, and he declared he would get his wife or blood.

Moses H. Sydenham has revived his Central Star of Empire at Kearney and is going to make it interesting with what he has seen and done in Nebraska for more than half a century.

Several of the York county farmers who are enjoying rural mail service and appreciate the same were considerably agitated over a report that the department intended to abolish all mail routes that did not have ninety families. They wrote to Congressman Hinshaw, who in an open letter published, states that no such rule has been adopted.

COULD NOT AGREE

THEREFORE HALF OF A MILLION MINERS WILL STRIKE.

CONFERENCE WITHOUT SUCCESS

Miners' Proposition for Two-Year Contract is Rejected—Bituminous Miners Affected by the Disruption Number 384,500.

INDIANAPOLIS — The joint meetings of the bituminous coal operators and miners of the central competitive district, composed of western Pennsylvania, Ohio, Indiana and Illinois, and of the southwestern district, composed of Missouri, Kansas, Texas, Arkansas, Oklahoma and Indian Territory, reached a final disagreement Thursday on the wage scale to go into effect at the expiration of the present scale on April 1, and the conference of the central district adjourned sine die while the joint scale committee of the southwestern district decided to report a disagreement to the joint conference of that district tomorrow. It is expected that this conference will at once adjourn sine die without an agreement. The action of the two conferences will directly cause the suspension from work after Saturday of 178,000 miners unless something unforseen, like submission of the differences to arbitration, should intervene; and indirectly will affect 206,500 more miners not including its effect on 150,000 miners in the antrracite field, who tonight were ordered to suspend work Monday.

A national convention of the miners will be held Friday to decide whether miners will be allowed to sign the advance scale demanded by them and today refused by all the operators with a few exceptions, and go to work where the advance is offered. Operators employing 25,000 miners in the central competitive field have openly offered to pay the advance during the joint conference sessions. The wage scales of all miners, both anthracite and bituminous, will expire Saturday, except those in Tennessee and Alabama, where the scale will expire in September. A national official of the United Mine Workers said: "It is a foregone conclusion that all the miners whose scales expire Saturday will cease work until officially notified by the national and district officials that contract arrangements have been made governing their scales."

The bituminous miners affected directly and indirectly by the disruption of the conferences number 384,500, distributed as follows: Pennsylvania, 160,000; Maryland, 5,000; West Virginia, 15,000; Ohio, 40,000; Indiana, 15,000; Illinois, 53,000; Iowa, 14,000; Michigan, 3,500; Kentucky, 4,000, and the southwestern states, 40,000. Of these 120,000 are unorganized.

The disagreement came after a struggle lasting ten days and not only disrupts the interstate agreement which has existed since 1898 between the operators and miners through which wage scales and other differences have been adjusted, but it affects 534,000 bituminous and anthracite coal miners, who will suspend work after Saturday unless something not anticipated or unforeseen intervenes in the interest of peace.

STATISTICS OF FAMINE.

Over a Million Persons Suffering as Result of Crop Failure.

TOKIO—The latest statistics procurable from the three prefectures most heavily affected by the famine are as follows:

Kukusshima—Complete failure of the crops over two-thirds of the whole cultivated area. The sufferers number 483,588 out of a total population of 1,170,598.

Miyagi—A complete crop failure, affects nearly the whole cultivated area. The sufferers number 190,422 out of a population of 749,927.

Gas Well Put Out.

INDEPENDENCE, Kas.—The Kansas Natural Gas company's big gas well below Caney, which was struck by lightning February 23, was successfully extinguished Thursday. The great difficulty now will be to build a derrick over the well, fish out the dropped tubing and retube and shut in the well. After the fire was put out the gas was turned loose and is now blowing into the air out of the top vent of the hood.

Fortifications Bill Passes.

WASHINGTON—Mr. Spooner concluded his speech in the senate on the railroad rate bill and the fortifications appropriation bill was taken up and passed. The bill carries an appropriation of $125,000 for the erection of a powder manufactory and Mr. Daniel spoke at length in support of the provision. He declared that the nation was entirely at the mercy of a powder trust and urged that the amendment should be adopted. The bill carries an appropriation of $5,278,993.

General Bell to Be Promoted.

WASHINGTON—An order issued at the War department directs Brigadier General Franklin Bell, in charge of the staff college at Fort Leavenworth, to repair to this city not later than April 9 and report to Lieutenant General Bates, chief of staff, for assignment to duty. April 14 is the date fixed for the retirement of Lieutenant General Bates, the promotion of Major General Corbin to the rank of lieutenant general and the installation of Brigadier General Bell as chief of staff by presidential designation.

LOCK CANAL MOST LIKELY.

Congress Hardly Expected to Interfere in Plans.

WASHINGTON—Advocates of the lock level canal proposed by the minority of the board of consulting engineers of the Panama canal are apparently confident that this plan will be followed. They have ponted out that if no agreement is reached by congress the president, in his message transmitting the two reports of the board has given notive that the adminisration will proceed witn the construction of the lock canal.

Engineers who have been before the senate committee have not agreed as to the feasibility of constituting at Gatun the flight of three locks proposed by the minority plans and on this has hinged in large part the examination of the engineers.

FORT NIOBRARA, NEBRASKA, TO BE ABOLISHED

WASHINGTON—The war department officials are planning to abolish a number of the smaller army posts throughout the country, with a view of consolidating them with more important and centrally located stations. The idea is to maintain fewer but larger posts, Fort Niobrara, according to the plans now under way, is one of the posts to be abolished. It may be consolidated with either that of Fort Robinson or Fort Crook. Senator Burkett is making a vigorous fight against the plans proposed in Nebraska. He "sat up" with Secretary Taft for three hours and argued against the abolishment of Fort Niobrara or any other fort within the bounds of the state.

KILLED IN HIS PULPIT.

Rev. Lentz of Carson, Ia., Struck by Lightning While Preaching.

CARSON, Ia.—While in the midst of his sermon Sunday morning at the Latter Day Saints' church, Rev. John B. Lentz was struck by lightning and instantly killed.

The preacher was standing in the pulpit as usual when the bolt struck the church and ran down the wires. An incandescent light hung above his head about two feet. Suddenly he was stopped in his speech by an unseen power and fell prostrate. The congregation was almost panic stricken with fright. The members rushed forward and found him dead. At the base of the bulb overhead was a hole about the size of a bullet. While a number of people felt the shock in the church, none were much affected, and singularly there was not the least damage done to the church.

NEBRASKA SMOKERS CAN ROLL THEIR CIGARETTES

LINCOLN, Neb.—The Nebraska supreme court gave a decision on Nebraska's anti-cigarette law, which was tested in the courts by a young man arrested on the charge of rolling a cigarette. The effect of the decision is to sustain the law in general, making the sale and manufacture of cigarette sin this state illegal, but the rolling of cigarettes by individuals for their own use is not called "manufacturing." A few fines have been paid and sentences served under that part of the law, which is now declared unconstitutional.

MAGOON HIS CHOICE.

Taft Said to Favor Him as His Own Successor.

WASHINGTON—The belief continues to prevail that Secretary Taft will go upon the supreme bench in the next few months and the slate makers proceed to fill the war portfolio with Charles Magoon, governor general of the isthmus of Panama. He was identified with the war department for a long time, first as law officer of the bureau of insular affairs. Secretary Taft is said to have a high regard for him and will recommend him as his own successor in the department.

Plan for Devlin Estate.

KANSAS CITY, Mo.—A plan for taking the C. J. Devlin estate out of the bankruptcy courts and reorganizing the various interests which comprise it was discussed today at a meeting in this city of the creditors' reorganization committee and several of the principal creditors. No course of procedure was agreed upon, however.

Demurrer By Judge Deuel.

NEW YORK—Justice Joseph M. Deuel filed his answer to the specifications of the application by which it is sought to remove him from his position as justice of the court of special sessions. This application followed closely upon the Hapgood libel trial and was made jointly by the attorneys on both sides in that case, including District Attorney Jerome. Justice Deuel, who was a stockholder in the publication Town Topics, brought the action for libel against Norman Hapgood, editor of Collier's Weekly.

Teller Surrends Himself.

PITTSBURG—Thomas W. Harver, former paying teller of the defunct Enterprise national bank of Allegheny, for whom a warrant was issued jointly with five others, alleging conspiracy to defraud in connection with the failure of the bank, surrendered himself today.

Free Alcohol is Favored.

WASHINGTON—The free alcohol subcommittee of the house committee on ways and means agreed to report a free alcohol bill to the full committee.

ARREST PERKINS

NEW YORK BANKER CHARGED WITH GRAND LARCENY.

MAGISTRATE ISSUES WARRANT

Will Determine Legal Status of Insurance Campaign Subscriptions — Grand Jury Instructed to Go Ahead and Further Investigate Matters.

NEW YORK—On a charge that his connection with the contribution of $48,702.50 from the funds of the New York Life Insurance company to Cornelius N. Bliss, treasurer of the republican national committee in the campaign of 1904 constituted grand larceny in the first degree, George W. Perkins, a member of the firm of J. P. Morgan & Co., and until recently first vice president of the New York Life Insurance company, was arrested on a warrant issued by City Magistrate Moss. When a detective went to serve the warrant upon Mr. Perkins he found that a writ of habeas corpus had already been obtained from Justice Greenbaum of the state supreme court and the matter was immediately taken out of the magistrate's hands. Mr. Perkins appeared before Justice Greenbaum and at the request of his counsel the hearing in the case was adjourned until Friday. Mr. Perkins was paroled in the custody of his personal attorney, Lewis A. Delafield.

The warrent of Mr. Perkins' arrest was applied for Tuesday by District Attorney Jerome. Magistrate Moss would not act, however, until affidavits were filed. These were presented to him Wednesday. They were signed by Darwin P. Kingsley, vice-president of the New York Life; Edmund D. Randolph, treasurer of the company, and by Thomas A. Buckner, also a vice-president.

Mr. Perkins' counsel admitted to Justice Greenbaum that Mr. Perkins had advanced the sum named to Mr. Bliss upon the request of the late John A. McCall, president of the New York Life. He was afterward reimbursed through the action of the company's finance committee. It was contended that Mr. McCall had executive authority to order the payment and that if any crime was committed it was participated in by every member of the finance committee present when the matter was acted upon. In response to questions from the magistrate Mr. Delafield said that the payment was entered on the ledger of the New York Life Insurance company, but that the record did not show the nature of the transaction.

Despite the action of Mr. Jerome in applying for a warrant for Mr. Perkins and thus taking the matter to the higher courts of the state, Judge O'Sullivan in the court of special sessions again addressed the grand jury which is considering life insurance matters and instructed them that it was their duty to continue the investigation to the end. He told the grand jurors it was their right to demand that the district attorney subpoena witnesses to be examined before them in any matter they may have under consideration.

FOR 2-CENT RAILROAD FARE.

President Rosenthal, N. C. T., to Organize Topeka "Drummers."

TOPEKA—R. A. Rosenthal, president of the National Commercial Travelers' League, is here to organize branch among traveling men who make Topeka his headquarters. The object of the league is to arouse sentiment in favor of a 2-cent fare and a law requiring railroads to carry 250 pounds of baggage free.

SECRETARY ROOT WILL GO TO SOUTH AMERICA

WASHINGTON—Secretary Root has decided to sail for South America on board the protected cruiser Charleston from either New York or Hampton Roads, about the middle of July, provided he can arrange his plans. The trip will include a cruise up the west coast to Panama upon the construction of his visit to Rio Janeiro, where he will attend the Pan-American congress.

Morris Buck Will Be Hanged.

LOS ANGELES—Morris Buck, who shot and killed Mrs. Canfield, the wife of the oil millionaire, was sentenced to be hanged June 1.

Naughty Woman from Nebraska.

CHICAGO, Ill.—Mrs. Vernon J. Barlow got a divorce here because her husband, while he was traveling with her on the cars, wrote notes, she says, to Miss M. A. Putnam of Lincoln, Neb., and the latter answered him. These notes were written on a fly leaf of a book. Mrs. Barlow found it and read them. Barlow's note told Miss Putnam to put on her kimona and come into the next car. Mrs. Barlow waited till he went to keep the date and followed, finding him and Mrs. Putnam there.

Advocates Increase in Navy.

WASHINGTON — Secretary Bonapart appeared before the house committee on naval affairs in support of an increase of the navy. He advocated an appropriation this year for two 16,000 ton battleships and in case congress does not see fit to provide for two such ships, he urged the construction of one 19,400 ton battleship. In the main, Secretary Bonaparte's recommendations were in harmony with those included in his annual report. The secretary's estimation for construction aggregates $23,300,000.

MAYOR OF OMAHA DEAD.

City Chief Executive Passes Away After Long Illness.

OMAHA—Colonel Frank E. Moores, mayor of Omaha, died on Friday at his home, surrounded by the members of his immediate family. Conscious to the last, his life slowly and peacefully passed away.

As a man of robust constitution, six feet in height and well-proportioned, of commanding yet genial presence, he had scarcely known a sick day in his life until after the beginning of his third term as mayor, when the strain of a strenuous political campaign began to leave its marks upon him. For over a year, however, the mayor permitted no relaxation in his duties, but finally, upon the urgent advice of his physicians, sought rest. Long vacations, spent in his old Ohio home, and at Hot Springs, S. D., but temporarily checked the breakdown of his vigor. Finally an approaching attack of tuberculosis became deep-seated in the throat, and the mayor spent the winter a year ago in Arizona, in the hope of shaking it off, but all to no purpose. He was 65 years old.

OMAHA—Ten thousand persons of both sexes and all ages and conditions went to the city hall Monday afternoon through a heavy downpour, half rain and half snow, driven sharply by a cutting north wind, and passed before the bier of the late mayor, Frank E. Moores.

It is not recorded that there ever was in Omaha a more impressive manifestation of public regard than that given to the first chief magistrate of the city to die in office. Merchants, bankers, politicians, churchmen, housewives, school children, students, beggars, laborers, old and young, composed the long line that never ceased forming from 1 until 3 o'clock.

LAYING OF CORNER STONE TO TAKE PLACE APRIL 7

WASHINGTON—President Roosevelt will take part in the laying of the corner stone of the new office building for members of the house of representatives on Saturday, April 7. The ceremony will be almost identical with the laying of the corner stone of the United States capitol by President Washington, nearly 113 years ago. The federal Masonic lodge, which had charge of the ceremony over a century ago, will have the honor of directing the swinging of the corner stone of the house annex into place. Walter A. Brown, the grand master of the Masonic lodge of the District of Columbia, will superintend the exercises, and addresses will be made by the president and Speaker Cannon.

HE SWALLOWED THE WATCH.

Two Pottawatomie Indians Quarreled Over the Timepiece.

HOLTON, Kas.—Two Indians named Dear Head and Swift Horse had a fight on the Pottawatomie reservation about a small silver watch. Dear Head, who had the watch put it in his mouth for convenience, and swallowed it. Swift Horse claims the watch, and has had Dear Head arrested. The defendant still has the watch.

KILL TWO-CENT BILL.

Railroad Lobbyists Work on Floor of Iowa House.

DES MOINES, Ia.—The Sanky bill providing for a two-cent railroad fare in Iowa was killed in the house by a vote of 57 to 40, after a hot argument. Five railroad lobbyists worked hard on the floor of the house during the discussion of the bill. Statistics were presented to prove that the three-cent fare only paid expenses on Iowa railroads.

GIVES TWO MILLIONS MORE.

Andrew Carnegie Further Endows Technical Schools.

PITTSBURG, Pa.—It was announced in this city, that Andrew Carnegie had given two million dollars in addition to previous gifts for the maintenance of the Carnegie technical schools. Mr. Carnegie has already given upwards of a million. It was also announced that Mr. Carnegie expressed a desire that the Margaret Morrison Carnegie school for women meet the expense. It is expected the technical schools will cost about $5,000,000 when completed.

Attempt to Mob Preacher.

LA JUNTA, Colo.—Rev. W. Gouley Connell, former pastor of the Presbyterian church at Lamar, who is held for trial on a charge of immoral conduct, was safely landed in jail here Tuesday night, after having been hastily removed from Lamar to prevent a lynching. Connel left Lamar hurriedly two weeks ago. He was arrested at Waxachie, Tex., and was brought back to Lamar on Monday night. Several hundred men thronged the strets threatened to hang the minister.

Fire Loss of $3,000.

FAYETTEVILLE, N. C. — A fire which started in the Frank Thornton Dry Goods company's stores in the center of the city, destroyed eleven buildings. The loss is estimated at $300,000. Several persons were hurt.

Window Glass Goes Up.

PITTSBURG, Pa.—Representatives of eighty independent window glass manufacturers controlling 1,900 pots met in this city and voted to advance the price of their product 10 per cent.