THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, SATURDAY MORNING, MARCH 20, 1897—TWELVE PAGES. SINGLE COPY FIVE CENTS.

HEMP AWAITS THEM

Jackson and Walling Must Both Die on the Gallows Today.

GOV. BRADLEY DECLINES TO INTERFERE

Kentucky's Executive Decides to Let the Law Take Its Course.

PRISONERS' LAST APPEAL OF NO EFFECT

Murderers of Pearl Bryan Must Expiate Their Fiendish Crime.

MILITIA AT THE SCENE OF EXECUTION

Friends of Dr. Wagner, Implicated in the Confession, Claim to Be Able to Prove His Innocence.

NEWPORT, Ky., March 19.—All efforts having failed for interference tomorrow with the execution of Scott Jackson and Alonzo Walling for the murder of Pearl Bryan, there is much excitement here tonight over the coming event. Ever since the arrival of the prisoners this afternoon from the jail at Alexandria, the jail has been surrounded by large crowds. Many are coming into the city tonight, and enormous crowds are expected in the morning. Jackson and Walling concede that they have appealed to the court of last resort in vain and their doom is sealed. But they are as defiant and indifferent as ever. Both of the men retired after darkness and were reported to be spending the night with their death watch and the guards in their usual manner. They were not at all concerned about the large crowds that surrounded the jail. The militia arrived tonight and is on duty. Sheriff Plummer will not announce the hour of execution, but it is thought the men will be hanged together tomorrow morning early.

FRANKFORT, Ky., March 19.—Governor Bradley has issued an official statement of about 700 words, refusing any further executive action in the case of Jackson or Walling, who will hang at Newport, Ky., tomorrow. The friends of Dr. Wagner were among those who asked for a respite, in order to give Dr. Wagner an opportunity to prove that he had no knoweldge of the crime.

The riot alarm sounded, calling the militia together at 2 o'clock this afternoon, and before them the governor gave his final refusal to interfere in the Jackson and Walling cases. The soldiers left at 3 o'clock, carrying with them the decision of the governor, which said in so many words, that the execution must go on tomorrow. The militia marching through the streets was the first intimation local people had that the fate of Jackson and Walling was forever sealed.

GOVERNOR BRADLEY'S MESSAGE.

The following is the full text of Governor Bradley's refusal to respite Jackson and Walling:

The common law concerning the crime admitted in the confessions to have been committed is in force in this state. The confession shows that Pearl Bryan was killed by drugs administered to produce abortion. If this be true, she being quick with child, as shown by the evidence, the child was killed also. Her death was caused by drugs deliberately administered, the effect of which clearly manifests an utter disregard for human life. The agency employed was not only one from which death or great injury would probably result, but from which, considering its rapid operation, death would necessarily result. Either the physician who administered the drug knew, or had every reason to suppose, it would cause death, or should have known it. Under either state of the case he was guilty of murder and Jackson and Walling were and are equally guilty under the statute of Kentucky. All this must be conceded if the confessions are true.

The confessions, however, are inconsistent and contradictory, utterly at war with every statement that each of the defendants made on the witness stand. It is urged that this should be overlooked, because they were then swearing for their lives. Conceding that their false statements were made to escape danger then pending it may well be asked how much greater is the danger that now confronts them when they stand in the shadow of the gallows. If they are excusable for false swearing then, how much more are they excusable and how much more is it likely that they would speak falsely now.

One of them says that the body was taken away in a cab; the other that it was taken in a wagon. This conflict would be quite immaterial but for the fact that Jackson says they got inside the cab, while Dr. Wagner drove. The contradiction, therefore, becomes material. Walling says that Wagner and Jackson removed the head, while Jackson says that Wagner did it. The removal of the corsets might have taken place to distribute the blood more generally through the system, or they may have been loosened when the injection was administered and fallen when the girl was being conveyed to the place where she was found. The whole confession bears a striking similarity to the testimony of George Jackson, for it is now admitted that the body was removed by both Jackson and Walling and both were present when the girl was decapitated, thus destroying the defensive theory on the trial that the tracks were made by others. The note or letter said by Walling to have been received from Dr. Wagner, asking that the clothing of Pearl Bryan be sent to him and stating that she was under his care, is not produced, nor its absence in any way accounted for.

Not only is the confession a contradiction of the evidence of both defendants, but a flat contradiction of the letter of Walling, sent me only a few days since and claimed to have been written by him under a sense of rapidly approaching and impending death. These men have not only trifled with human life, but have trifled with the courts, trifled with the executive, and set at defiance the laws of God and man. If it be established that one criminal, after such conduct as this, can by a mere pretended confession obtain a respite, then every other criminal is entitled to like treatment, and this would result in frustrating justice and bringing the execution of laws into contempt. The wounded hand of Pearl Bryan solemnly and surely points to the fact that she was not dead when beheaded. That wound could have been inflicted only when, during the terrible agony of her decapitation, she raised it in order to ward off the cruel knife.

Dr. Wagner is in the asylum and is the man, of all others, by reason of his condition, at whose door the defendants would most naturally lay this horrible crime.

To grant a respite in order that the defendants might be used as witnesses to procure his conviction would result in a delay of at least a year, as experience in the trial of the defendants has demonstrated. In view of the various conflicts in defendants' statements, no jury would, or could, believe any statement that either of them might make, and consequently Wagner would not be convicted. Such delay would only add fuel to the flames and furnish a further incentive to mob violence in this state.

The claim that Walling was under the influence of Jackson and therefore deserves clemency cannot be considered. He shows himself the willing and ready assistant. Each of them have clearly exhibited a reckless disregard for human life. Their confessions, taken in connection with the facts and circumstances proven in the case, show that they committed an atrocious crime. Life is precious to them, but no more so than it was to their victim.

Their poor mothers are entitled to sympathy, but no more than the mother of Pearl Bryan. The law has been set at defiance and the fair name of Kentucky stained with another bloody murder.

Twelve men have passed upon the guilt of each. The circuit judge and appellate judges have affirmed their action. My oath is that "I will see that the laws are faithfully executed."

The jury fixed the penalty. I have a plain duty to perform. It is not my province to make laws, but to enforce them. Neither is it my duty to fix the death penalty, nor is it proper that I should intervene to prevent its infliction, when the law and the evidence authorize. Respite refused. WILLIAM O. BRADLEY, Governor.

CONDEMNED MEN ARE COOL.

CINCINNATI, March 19.—Sheriff Plummer, with one deputy and the four guards of Jackson and Walling, left Alexandria today shortly before noon to make the journey to the Newport jail. The conveyance used was the open omnibus in which they were conveyed to Alexandria. Jackson and Walling were each handcuffed to a guard. Shortly before reaching the road leading to Fort Thomas, Jackson pointed to that road, saying: "That is where we turned off." If that was true, they must have reached the Locke farm by a circuitous route. As they passed the Locke farm they saw Farmer Locke and some members standing at the spot where Pearl Bryan's body was found.

Sheriff Plummer asked Jackson if he recognized the place. Jackson looked around coolly and answered: "I do not recognize the spot." When the party reached Newport a crowd estimated at several thousand had gathered near the jail to get a sight of the prisoners. Jackson and Walling were evidently frightened, and the sheriff had real difficulty in getting through the mass to the jail entrance, but there were no demonstrations on the part of the spectators. Inside the cell Walling was told that the last hope had gone. He made no comment on the news, but asked a reporter to come and see him soon. Jackson also heard the fateful news in silence.

COPYRIGHTED CONFESSION.

CINCINNATI, March 19.—Both the Enquirer and Commercial-Tribune print this morning confessions by Scott Jackson and Alonzo M. Walling, signed respectively by their authors. The text of these confessions is copyrighted. Jackson lays the blame for the condition of Pearl Bryan on William F. Wood, who, he says, solicited him by letter to give her relief from disgrace for his sake. He alleges that it was all Will Wood's notion to send her here and that out of friendship to Wood he undertook the task of concealing her shame. Up to Wednesday night, January 29, the story does not differ greatly from that already related in this case. He said he engaged Walling to find some one who would perform the operation; that on Wednesday Walling told him that he had sent Miss Bryan to a doctor.

On Thursday Walling received word to come out to Dr. Wagner's at Bellevue, Ky., near Newport. He and Walling both went out, but did not go in. They arranged, however, to be there again on Friday night, January 31. They both went there. Wagner sent him to a Fort Meyers drug store for some ergot and he went and obtained it. When he returned all were excited, the girl was unconscious and it was determined to take her away. Wagner obtained the wagon and the body was carried out the back way and put into it, and all three got in the wagon, Wagner driving. Arriving at the place on the Alexandria pike between Mr. Lock's and Mr. Stone's farms, they stopped and carried the body in to where it was afterward found. Wagner thought her dead and told Jackson to hold her head, which he did. Then Wagner severed the head from the body and wrapped it up in the girl's cloak. Walling carried the cloak to the wagon. Jackson says that when he let go of the body the head was at the top of the bank, but fell forward. Wagner let them out at Newport bridge. He and Walling went to Cincinnati and parted, Walling going to Hender's hotel and Jackson to his room with the girl's valise, which contained the clothing which he threw into the river. The blood inside the valise came from a sack worn by the girl, which was put in it. Wagner took the head with him.

WALLING'S STATEMENT.

Alonzo Walling's statement is that Jackson asked him to help a girl out of trouble into which she had been brought by Will Wood of Greencastle, Ind. He first heard of this trouble to Pearl Bryan some time in November, 1895, but was not asked to assist until after Jackson returned from Greencastle, early in January. He agreed to find some one who would perform the operation. Accordingly on January 27 he wrote to one of his friends, May Smith, asking her for such information. On January 28 he received a letter from her advising him to see Dr. Wagner of Bellevue and saying that she had written Wagner to call at the college. The same day Wagner called at the college and inquired for Walling, agreed to perform the operation and gave his address. On that afternoon Walling met Pearl Bryan on the corner of Fourth and Race streets and directed her how to go to Dr. Wagner. On the next day, January 30, Wagner asked him by mail to bring Pearl's clothes out to him, saying she was under his care. He and Jackson took the clothes, but did not go inside. Next evening, Friday, January 31, he and Jackson went out to Wagner's. Here Walling tells the same story as Jackson about Jackson's visit to the drug store, Pearl's unconsciousness and the trip to the country, ending with the decapitation. He says he was too much excited to remember particularly, but he knows that Jackson and Wagner removed the head. He stayed that night at Hender's restaurant in Cincinnati.

DISCREDITS THE STORY.

The Enquirer this morning contains a special from Nicholasville, Ky., stating that Dr. Wagner, who is implicated by the Jackson and Walling confessions, formerly lived at Nicholasville and is the son-in-law of William Hendren, a wealthy farmer of that county. Wagner then was a minister of the Reformed church at Sulphur Well. About the middle of January, 1896, Mrs. Wagner wrote to her brother, Walter Hendren, that her husband was losing his mind and asked him to come to Bellevue. Hendren went and says that on January 23 he took Dr. Wagner with him to Nicholasville, or about two miles from that town, to the house of William Hendren, where he remained until February 3. This corresponds with the statement of the family when the "Bellevue clew" was first sprung near the time of the trial and which caused its collapse. On January 22, 1896, Walter Hendren, then at Bellevue, wrote a postal card to his father, near Nicholasville, saying that he would leave on the 23d for Nicholasville with Dr. Wagner. It is said that Miss Maud Wagner, daughter of the doctor, has a copy of this postal card, with a Bellevue date, addressed to William Hendren, his father, at Nicholasville. Furthermore it is said that a telegram is on file in the Western Union office at Nicholasville, dated February 3, 1896, addressed to Mrs. Wagner at Bellevue and signed by Walter Hendren, saying that Dr. Wagner would leave there on the 10:30 train that morning. No doubt the Wagner family and friends will clear up the matter by this means today if the allegations are not true.

CARD FROM HENDREN.

A special from Nicholasville, Ky., says: When Walter Hendren was waked this morning and told the full meaning of Jackson's confession he was much surprised. He is satisfied that the whole statement implicating Dr. Wagner is malicious. Walter Hendren himself first told Dr. Wagner of the Pearl Bryan murder while the doctor was visiting here a day or two after the crime. Hendren is thoroughly reliable and he has the respect of this town. The following telegram from Mr. Hendren has been received:

"NICHOLASVILLE, Ky., March 19.—While it is a rather difficult matter for any one to go back a year and establish the exact dates of a visitor's journey, I think we will have no trouble in establishing that Dr. George Wagner, my brother-in-law, was at the home of my father, William Hendren, near town, at the time the Pearl Bryan murder was committed. As nearly as I can remember, Dr. Wagner was here from January 23 to February 3, 1896.

"WALTER HENDREN."

ALEXANDRIA, Ky., March 19.—Judge Helm has just given orders to keep the prisoners separated. It is known the confessions were written while together, and the story shows the men agreed on the main points, evidently that they could raise a question that would cause a stay of execution at least. But their plan is apparently too transparent, and now, on their last day, while it is said an opportunity will be afforded for them to tell the truth, no one is permitted to see them today without an order from Judge Helm. Walling is in the upper room of the jail. The men are unable to describe Dr. Wagner or his house or even the cab or wagon in which they said the body was borne away.

HALF A HUNDRED DROWNED

Great Fatality Attends the Floods on the Lower Mississippi.

ALARMING REPORTS COME FROM MEMPHIS

Telegraphic Requests Received for Steamers to Rescue People—Government Boats Rendering Aid.

MEMPHIS, March 19.—Rumors of a sensational nature are afloat today as to the breaking of the levees above and below this city, in consequence causing serious damage to property and stock. So far these reports have not been verified in full, but sufficient is known to warrant the statement that before nightfall an additional 200 square miles of territory will be submerged. The points where the levees are alleged to have failed are remote from telegraph stations, making it impossible to get information. In the territory covered by the relief steamers under the supervision of the citizens' relief committee of Memphis, appalling facts came to light this morning. Drowning negroes, men, women and children, are reported until the list now numbers half a hundred.

The relief committee thus far has ample funds to feed and clothe all the needy, but the necessity is increasing because of the difficulty in controlling the ignorant refugees and preventing them from spreading over the city and soliciting alms of individuals.

Telegrams from points sixty-five miles south of this place ask for steamers to rescue people left by last trip boats. Two steamers were dispatched east and west and are expected to return at midnight with several hundred persons and a lot of stock, if the time can be spared to rescue the latter. The government is aiding the city in the rescue work. A dispatch from Washington authorized the government engineers to lend men and service to further the protection of life and property. The gauge this morning reads 37.1, a rise of .3 of an inch in eighteen hours.

A family of six found a water grave by the capsizing of a dugout while making for high land. Two of the family were infants in arms.

The Memphis levee is a sight wonderful to behold. For a distance of half a mile there is a congregation of negroes standing, sitting and reclining, awaiting individually turns for relief. No one is refused.

The government weather bureau says: It is probable that the river will rise slowly during the next twenty-four hours.

TWO NEGROES DROWN IN FLOOD.

Mississippi Continues to Rise and Now Covers an Immense Territory.

MEMPHIS, Tenn., March 18.—Two negroes lost their lives today as a result of the great flood which engulfs hundreds of acres of land in the Arkansas bottoms. The two men were drowned in Fifteen Mile bayou, near Marion, Ark.

There is no cessation in the rise of the river and tonight the gauge registers 37.2, a rise of one-tenth since the morning report. Cairo reports 50.4 feet, a rise of four-tenths of a foot in twenty-four hours since yesterday. Heavy rains continued last night throughout the entire region of the Ohio valley, the drainage from which swells the upper Mississippi. At Marked Tree, Ark., on the St. Francis river, there has been a rise of one foot in the twenty-four hours ending this morning.

Throughout Arkansas and Tennessee heavy rainfalls were the rule during the past twenty-four hours, as during the preceding. At Helena the rainfall was immense, measuring 3.65 inches. In Memphis it was 1.86 inches, with 1.24 inches at Nashville, and Chattanooga. Helena, Vicksburg and points below report a steady rise.

The first ray of sunshine in five days today penetrated the gloom which hangs over the overflowed country.

A telegram from Modoc, where the levee was reported to have broken, calls for materials for strengthening the levee at this point. The levee is intact yet, though a break is feared. Arrangements have been made to send the necessary assistance.

The railroads are heavy sufferers from the high water. The Iron Mountain road is the only one available from the west. The Mississippi Valley road had to abandon the sale of tickets over its line on account of a washout near Lakeview. The Memphis & Charleston trains have been forced to stop running for the same reason.

The gloomiest feature of the distressing conditions is the fact that there is little or no hope of the abatement of the high water within the near future, because of floods reported in the upper valleys.

Today the most alarming reports concerning the condition of the levees above and below Memphis have been in circulation in Memphis. The levees are in most places built to extend three or four feet above the highest water mark in the locality where they are constructed. It seems now that this allowance of altitude has also been consumed by the rising water.

The United States engineering force for the districts south of this city has been doing everything possible to relieve the sufferers and protect the levees. The Mississippi River commission, complying with urgent requests, has transferred some $10,000 from the fund at its disposal to be used in the protection of those districts during the high water. There is very reliable information to the effect that at Modoc, Avenue, Hugheys and other points below Helena, the water has gone over the levee, and the levees being in such a mushy condition from the rains, it is not thought possible to protect them much longer from the ever-rising flood.

The government steamer Abbott has carried a large number of sacks of sand to the Modoc locality and to points below. At that place the government has only recently spent many thousands of dollars in completing the strengthening of the levees.

There is positive information that the levee constructed under the direction of the St. Francis Levee board near Caruthersville, Mo., has been cut, and the belief is prevalent in that locality that the work was done by persons living on the Tennessee side, who hoped, by making an opening for the flood in the Arkansas side, to decrease the flood and thus save the property on the Tennessee side.

The reported break in the levee at Glendale cannot be confirmed, and it is thought to be premature.

Hundreds of refugees were landed here by the relief steamers today and tonight, and are being cared for by the relief committees.

Tonight a report is current that the levee has broken at Hillhouse, Miss., flooding the fine farms in that locality. A steamer, with men and sand, has been dispatched to the scene of the reported break.

Rising Slowly at Kansas City.

KANSAS CITY, March 19.—While the Missouri river at this point is still low for the season, it is gradually rising and fears of a flood are expressed by river authorities. The river has risen about a foot a day for three or four days and today that mark was slightly increased, aided by heavy rains north of here. All points between here and Omaha report heavy rainfalls and it is feared that when the accumulated waters reach here damage will result. So far as known the river has not yet overrun its banks at any point within 100 miles of here. The Missouri here is five feet above low water mark.

Southern Rivers Still Rising.

WASHINGTON, March 19.—The Weather bureau reports show the following rises in rivers in inches: Cairo, 0.4; Nashville, 1.6; Memphis, 0.3; Helena, Ark., 1.0. They are above the danger line and rising at Cairo, 10.4; Nashville, 5.5; Memphis, 4.1; Helena, Ark., 10.7. Reports are missing from Shreveport, Vicksburg and Arkansas City. The following heavy precipitation in inches was reported: Knoxville, 1.42; Louisville, 1.38; Nashville, 1.34; Chattanooga, 1.24; Palestine, 1; Cairo, 1.16; Memphis, 1.86; Fort Smith, 1.16.

The heavy rains of the past forty-eight hours in the central valleys will cause a continued rise in the Tennessee, Cumberland, lower Ohio and Mississippi rivers and intensify the threatened flood conditions previously announced. It is probable that the floods in the lower Mississippi valley during the next ten days or two weeks will in many places equal or exceed in height any previous year. Additional warning is given to residents of the threatened districts in Louisiana, Arkansas and western Mississippi to remove from the region of the danger.

WISCONSIN RIVERS VERY HIGH.

Serious Damage to Railroads in Some Places.

MILWAUKEE, March 19.—Reports to the offices of the St. Paul railway say that all the rivers and small streams through the western part of the state are in a threatening condition. The ice in nearly all of them is going out very rapidly, and as a result of warm weather and heavy rains considerable damage is liable to result to railroad and other property on the lowlands. The first real washout of the season on the St. Paul road occurred this morning near Wausaukee, about twenty miles east of Prairie du Chien. About eighteen feet of a high bank was washed away to a depth of about six feet, causing a delay to trains of two hours. The trouble was temporarily overcome by the roadbed being cribbed up with timbers so as to permit the passage of trains until complete repairs can be made.

The reports at the general offices of the Wisconsin Central are to the effect that the water is exceedingly high and in some places threatening, but no damage to railroad tracks has been done.

A special to the Wisconsin from Richland Centre, Wis., says: The worst flood in years prevails here. Water is running through the streets, cellars are flooded and sewers overflowed. Teams and men are at work banking up the river, which is rising fast. Mills and lumber yards are in great danger.

A special from Black River Falls says: Black river is rising rapidly, and cellars and low lands are flooded. Should the ice move in the present flooded conditions a great disaster would result.

SOUTHERN TELEGRAPH LINES DOWN

Flood Supposed to Be the Cause of the Stoppage.

MEMPHIS, March 19.—All telegraphic communication with New Orleans was cut off today. The lines south on both sides of the Mississippi river were interrupted, the wires from St. Louis and Memphis being lost almost simultaneously. Nashville soon afterward reported the circuits from that city to New Orleans also brought to a standstill and no avenue left into the Crescent City. The floods were assumed to be the cause of the stoppage.

KEEPS WITHIN ITS BANKS.

Alarm Felt Here a Few Days Ago Being Gradually Dissipated.

Omahans who have feared for several days past that they would come downstairs some morning this week only to find their cellars flooded and household utensils floating around in an annoying manner, may bid their fears adieu. It is tolerably certain, as certain as anything can be without actually happening, that when the ice comes down the Big Muddy, no damage will be done in Omaha. Thursday things did look a trifle threatening, but the waters of the Missouri are going down faster than Corbett's reputation and the ice in the river is passing off as nicely as the Nevada fistic tournament.

Yesterday's observations show that the water of the river is falling again and in a very orderly manner. Thursday morning it had risen three or four feet higher than it had been on the morning before. That day and night, however, it fell continually. Yesterday it was three feet lower than Thursday morning and it is still falling. Up about Florence, where the observations are being taken, the water is about a foot above the normal stage.

This condition exists all the way up to Blair, where an ice bridge still spans the river. As soon as this breaks up there will be a rise, but it is predicted that it will do no damage hereabouts or to the south, for the reason that the river is clear of solid ice. The floating ice is passing this point without anything like a demonstration of trouble.

Some concern was felt about the smelters, the lumber yards, the car yards and the offices east of Ninth street Thursday, lest the waters of the Missouri should rise up in their might, like they did several years ago, and overflow the lower end of town. Even the janitors of the Union Pacific headquarters and some of the clerks on the first floor became restive yesterday as they heard others tell of the floods that came up that way a few years ago.

Local officers of the railroads are watching their tracks and bridges on the outside lines very closely today. Yesterday no serious accidents due to the floods had been reported. The Northwestern had a washout at Crescent, Ia., in the morning, which delayed train service between Missouri Valley and Omaha for a few hours. The train from Sioux City, due here at 8:15 a. m., was three hours late on account of this washout. The damage was repaired during the morning, and at noon train service was resumed and continued without further interruption.

The Union Pacific yesterday reported that the danger at the points along its lines that were threatened had passed. Assistant General Superintendent Sutherland has been out on the lines watching at North Bend and Columbus. It was reported yesterday that the ice had gone out of the Platte and the Loup and the water was falling rapidly at those points. Thursday night it was feared that the company might lose considerable track and a bridge or two, but yesterday it was believed that all the worry on this score was at an end.

Traffic on the Omaha road was interrupted yesterday by three slight washouts on three of the branch lines of the road. The washouts occurred early yesterday morning. They were at these points: Concord on the Hartington branch, Ponca on the Newcastle branch and Randolph on the Bloomfield branch. Gangs of workmen were sent out yesterday by Superintendent Jaynes and the damage to the tracks was speedily repaired. Traffic will be resumed on all three of the branch lines this morning.

The Elkhorn officials watched their line pretty closely yesterday for fear of trouble from the Elkhorn river. In Stanton, Madison, Antelope and Holt counties the line of the Elkhorn follows the Elkhorn river very closely. At Norfolk there is danger of considerable damage should the river get at all wild. No damage to the line has yet been reported, but all the bridges and the line close to the river are being watched day and night.

The Milwaukee road had a small washout yesterday morning near Sioux City. No notice of any blockade or interruption to traffic was received by the local office yesterday, so it is presumed that the damage is such as can be repaired quickly. The washout was on the Sioux City division and did not interfere with the traffic of the main line or other lines of the Milwaukee.

The local weather office reported last night that the river was full of ice yesterday morning which moved out slowly, but that it was practically clear in the afternoon. The river was reported to have been swollen to a considerable degree in the earlier part of the day, but falling in the evening. The water also contained a large amount of froth which was taken to indicate that the raging torrents of the upper rivers were finding an outlet into the Missouri.

Business Troubles of a Day.

ST. LOUIS, March 19.—W. E. Stephens & Co., lithographers, assigned today for the benefit of creditors. There is no preference shown, the property being turned over to Assignee Isaac J. Orr to be liquidated and divided according to the claims. The liabilities are about $35,000 and the assets are estimated at $45,000. Assignee Orr says creditors will receive 100 cents on the dollar.

RAIN FALLS IN TORRENTS

Report of a Serious Flood West of Davenport, Ia.

MISSISSIPPI RIVER IS RISING RAPIDLY

Large Part of the State of Iowa is Inundated and All the Rivers Are on a Rampage.

BURLINGTON, Ia., March 19.—It is reported here that a huge waterspout burst about 7 o'clock this evening twenty-five miles west of Davenport. Particulars unobtainable tonight.

A rumor gained circulation that a cloudburst had occurred at Durango, Ia., this evening, attended by heavy loss of life and property, the reports being unconfirmed, however. The village was visited by a downpour of rain, but no extensive damage was reported up to a late hour.

DUBUQUE, Ia., March 19.—The Mississippi river is gorged with ice four miles from here, and damage will result on the low lands unless the blockade gives way immediately.

KEOKUK, Ia., March 19.—The Mississippi river is rising rapidly here tonight. The Des Moines river is booming above here. The greatest danger to the low lands behind the levees will be due to the high water in the Des Moines river. The levees, however, can stand a rise of six feet or more in the Mississippi.

SIOUX CITY, March 19.—(Special Telegram.)—But for a heavy rainfall, which occurred early this morning, there would have been little apprehension of danger from floods in Sioux City, but with the rivers already overflowing it was certain that the rain would cause trouble. In this city the Floyd had endangered all the bridges near the stock yards, but they were saved by the use of dynamite to blow up the ice gorges. Reports from up the Floyd indicate that the river is rising and the worst is to come yet. It is considered probable that all the bridges will go out before morning, but there will be no lives lost, as the people have been getting ready for the flood.

The Sioux river is causing trouble to the Milwaukee railroad. The ice is breaking between here and Hawarden at several places and heavy gorges are being formed. At one place the water of the Sioux has been turned across the country toward the Missouri river and the railroad tracks are under water. The bridge at Riverside across the Sioux is in danger of going out at any moment.

News from up the Missouri indicates that the ice is breaking at several points, and as it is still intact here there is sure to be gorges. A great many acres of land have been flooded, but the farmers along all the rivers have moved their stock and household goods.

ALONG THE LITTLE SIOUX.

CHEROKEE, Ia., March 19.—(Special Telegram.)—The river has been rising all day owing to the rain last night, and today several of the houses on the low ground are surrounded by water and the approach to the new iron bridge is gone, with good prospects of the bridge following. A great many families in the flood district have vacated their houses and taken refuge on high ground. Others are preparing to move, and if the river keeps on rising every house on the bottom will be vacated before morning. The ice gorges were broken by using dynamite. Houses are being lashed to posts and trees in order to hold them in case a deluge comes. Trains on the Illinois Central railroad have been delayed on account of washouts at different places. The Sioux Falls express, due here twenty-four hours ago, has not arrived yet, and an extra working crew has been sent to the washout, which is near Matlock, to relieve the men that went up last night. The temperature is lower tonight and the river is not rising so fast, but shows no signs of lowering. Large crowds are out with boats and lanterns anxiously watching the water.

MASON CITY, Ia., March 19.—(Special Telegram.)—Streams in this locality are all out of their banks and rising rapidly. Railroads are fearing the floods. The Chicago, Milwaukee & St. Paul is catching it on the west end. Between Spencer and Everly the Little Sioux has submerged the track and trains can run no farther west. A bridge is out at Rock Valley. On the Sioux City & Dakota division much damage is reported.

DES MOINES, March 19.—(Special Telegram.)—The state of Iowa is flooded as it has not been since the spring of 1892. The Des Moines, Boone, Raccoon, Cedar and other large streams are out of their banks in many places and doing much damage. The trains of the Chicago, St. Paul, Minneapolis & Omaha road are running by way of Elmore, Minn., Webster City and Ames, Ia., to get from Minneapolis to Omaha, instead of over the regular route through Sioux City. At Lehigh today the large bridge across the Des Moines was swept away this afternoon and the river is rising at the rate of a foot an hour. The entire northern half of the state is covered with snow, in many sections three feet deep, and it 's going off rapidly. The Des Moines at this point has been rising all day, and the gorges above the city having broken and an immense body of water is coming down. A gorge at the dam in the middle of the city caused the flooding of a large part of the bottom lands in the upper part of the city, and many families have been driven from their homes.

WEBSTER CITY, Ia., March 19.—(Special Telegram.)—Two lives were sacrificed to the flood in this vicinity this afternoon. While attempting to ford the Boone river two miles west of Eagle Grove, Dr. Travis and Mr. Kerkberger and their team were swept down the stream and they were both drowned. Their bodies have not been recovered. The Chicago, St. Paul, Minneapolis & Omaha road commenced today running passenger trains over the Chicago & Northwestern road to and from Omaha through this city, forty miles from its line. It has been forced to abandon its track. Northwestern train No. 6 is abandoned tonight on account of a washout near Alton. General Manager Sanborn of this system today issued instructions to run no trains after dark in the flooded district. Reports reached here from Lehigh this afternoon that the big bridge at that place over the Des Moines river had been moved by the flood, and fears are entertained that it will be swept away. The Boone river is higher than it has been for two years. The ice is going out, and the waters are gradually rising, and are sure to reach a much higher point before receding. During the past few days a rise of seven feet has been noticed and this afternoon the record was for a time a foot an hour.

PEOPLE FLEE IN TIME.

PENDER, Neb., March 19.—(Special Telegram.)—The freshet of last evening, together with the going of ice and temperate weather, has increased the volume of the water of the Logan and Rattlesnake at this place so that the streams are overflowed and the low spots in south and west Pender are flooded with water, which is rising at a rapid rate. Previous experience has warned people residing in these low lands so that all are safe and generally quartered with friends outside of the flooded district. Damage to property will necessarily follow, as in a few instances the water has reached above the first floor of the buildings. A report has reached town of the perilous situation of stock on ranches near town. The city marshal and a large number of citizens are on the alert for any emergency.

FREMONT, March 19.—(Special.)—There were light showers here last night which have drawn the frost out of the ground. The country roads are heavy. The Platte river is still out of its banks and the current setting strongly toward the Dodge county side. In this immediate neighborhood no serious damage is reported.

PIERCE, Neb., March 19.—(Special.)—The east and north portions of the town are flooded with water from the Elkhorn river.

THE BEE BULLETIN.

Weath[illegible]cast for Nebraska—
[illegible]Showers; Colder; Northerly Winds.

Page.
1. W[illegible] and Jackson Hang Today.
F[illegible]owned in One Cataclysm.
F[illegible] Iowa and South Dakota.
B[illegible]ok the Biggest Warrant.
2. R[illegible] Commission Muddle.
3. Se[illegible]laxes Its Legislative Vigilance.
G[illegible]ar Ships Recalled.
4. Ed[illegible] and Comment.
5. Op[illegible]n to Captain Beck.
Co[illegible] Gets Down to Business.
De[illegible]s at Outs on Tariff.
6. Council Bluffs Local Matters.
Bill to Prohibit Prize Fight Pictures.
7. Commercial and Financial News.
8. In the Field of Electricity.
Play Hot Poker for High Stakes.
9. Activity in Black Hills Mines.
Many Miles of Railroad Projected.
Personnel of the Police Commission.
Active Work on the Exposition.
10. Bits of Feminine Gossip.
Notes on Current Literature.
11. On Tuberculosis in Cattle.
Blondin and Some of His Feats.
12. "Drumsheugh Buys a Wedding Present."

The river had been rising all day, caused by the melting of ice and snow in its tributaries. About 1 o'clock this morning it commenced to rain hard and the river overflowed its banks. In some portions the water has risen four feet and is still rising. In the lowest parts the water has reached the first floors and the occupants of the houses are leaving the best way they can—some by horses and others by rafts. The water has risen quite high at the mill, which shut down last night. The mill yards are under about a foot of water and a boat has to be used to get from the office to the mill or from the office to the town. Willow creek, south and west of town, is on the rampage and is washing away the farmers' haystacks.

RANDOLPH, Neb., March 19.—(Special Telegram.)—A heavy rain and warmer weather during the night caused the already swollen streams in this county to overflow. Several county bridges are reported to have been washed out. The Pacific Short Line bridge between here and Osmond and two or three bridges between here and Dixon sustained damage. The eastbound express on that line has been tied up here since noon. The Omaha line bridge, one mile north of town, is damaged, and pile drivers are now at work repairing. The regular train is tied up at Bloomfield. The water is the highest ever known. Rain is threatening again tonight. Wagon roads are impassable.

TORRENTS OF THE RAGING JIM.

YANKTON, S. D., March 19.—(Special Telegram.)—Melting snow and heavy rains caused a suspension of traffic on the three railroads entering Yankton and have caused a general suspension of business throughout the southern part of the state. Bridges and culverts have been washed away and tracks are inundated. Between Yankton and Vermillion water covers the tracks of the Milwaukee & St. Paul and the Great Northern roads. The Northwestern track is all right, but was considered unsafe and the trains were abandoned today. The ice in the James and Missouri rivers still holds firm, although covered by ten feet of water. The Milwaukee train from Aberdeen was abandoned at Mitchell, because of a derailed freight train and washed-out culverts.

CANTON, S. D., March 19.—(Special Telegram.)—The highest water known for years in the Sioux river was recorded today. All bridges are in danger and railroad traffic is at a standstill.

WOONSOCKET, S. D., March 19.—(Special Telegram.)—The floods have begun here, although very little snow has melted between here and Alpina. The water covers the track for a long distance. Roadmaster Brennan says the water is flowing across the southern Minnesota division tracks at three different places between here and Jackson, Minn. Washouts between here and Sioux City have cut off communication south. All bridges on the James river are expected to be taken out soon.

VERMILLION, S. D., March 19.—(Special Telegram.)—Nearly every person moved from the bottom lands to the hill tonight. The Missouri river is still rising, with the ice solid. All the bridges on the Vermillion are more or less damaged. Vermillion bottom lands north of the city are under four to six feet of water. In places the river can be crossed by teams. One Nebraska farmer came across this morning with a heavy load. All sorts of reports are coming down from the country above, which tend to make the settlers on the bottom land here greatly apprehensive of an overflow. Word was received last night from Armour that a half mile of track on the Milwaukee was under a foot of water from a creek near the Missouri. Another sensation was created by a message received by people in this city from relatives living on the James river, fifty miles north of Yankton, that the water had swept away all their grain stacks and the family was compelled to leave the house for the hills. Conflicting rumors are heard on all sides. The weather still remains warm and a steady rain has set in tonight.

PADUCAH SURROUNDED BY WATER.

Thousands of Dollars Damage Done, but No Lives Lost.

PADUCAH, Ky., March 19.—Paducah is both surrounded and invaded by water. Every inch of lowland in McCracken is covered. Every stream in west Kentucky is out of its banks. Streets are flooded, bridges swamped, houses wrecked, fences swept away and roads rendered impassable. No lives have yet been lost, but every hour may bring news of drownings and fatal disasters. The loss to property within a radius of five miles around this flood-ridden town already amounts to thousands, and still the skies are overcast and the raindrops come down to make the high tide of the torrent climb higher. The river now stands nearly sixty-nine feet on the gauge and is rising rapidly.

Raining Steadily at Pittsburg.

PITTSBURG, March 19.—It is raining here and at all head water points. It has been raining here intermittingly for twenty-four hours and the indications are for a steady rain all day. Up to 8 o'clock this morning the fall was .35 of an inch. The rivers are rising slowly with eight and one-half feet on the Davis Island gauge. Rain is reported at all points between Pittsburg and the head waters of both the Monongahela and Alleghany rivers.

PLEASES WYOMING REPUBLICANS.

Satisfaction Over the Appointment of Judge Van Devanter.

CHEYENNE, Wyo., March 19.—(Special Telegram.)—The appointment of Judge Willis Van Devanter of this city to be assistant attorney general for the Interior department gives great satisfaction to republicans of Wyoming. Judge Van Devanter left here for Washington Friday last and met Attorney General McKenna on Tuesday for the first time.

Judge Van Devanter is 38 years old and has lived in Wyoming thirteen years. He was chief justice of the state supreme court at the age of 30, resigning in 1891, since which time he has been the leader of the Wyoming bar. Judge Van Devanter was chairman of the republican state committee in the 1892 and 1894 compaigns and is now a member of the republican national committee for Wyoming.

On the Road to Recovery.

NEW YORK, March 19.—The condition of Captain Berri, one of the survivors of the Ville de St. Nazaire, was said to be much improved at the Hotel Martin today. He is able to be about his room and has taken some liquid refreshment. The condition of Dr. Maire and Engineer St. Auts was also said to be greatly improved. Dr. Albarez, who is in attendance upon Joan Dios de Tejeda, said that his patient's hands and feet were swollen from long exposure to the cold and salt water and that his fever was high, but recovery was probable.

TAKEN BY BARTLEY

Mystery in Connection with the Missing Money Clearing Up.

EMBEZZLES SINKING FUND WARRANT

Two Hundred Thousand Dollars Stolen at a Single Swoop.

DETAILED ACCOUNT OF THE TRANSACTION

Deliberate Haste of the Ex-Treasurer to Lay His Hands on the Cash.

DEFRAUDS STATE IN COMPUTING INTEREST

Ignores a Plain Law and Increases the Sum Total of His Theft by Two Per Cent on the Principal.

LINCOLN, March 19.—(Special.)—Since Governor Holcomb sent his special message to the legislature on the treasury shortage, people in and out of the statehouse have been puzzling their heads over the whereabouts of the $537,000 for which ex-Treasurer Bartley has failed to account. The disappearance of the $336,000 of permanent school money is easily explained, because Bartley had undisputed possession of the school funds and always insisted that it was his prerogative to do with them as he pleased. The $201,000 represented by the hole in the sinking fund, however, has thus far been practically a mystery. The payment of this money from the general fund into the sinking fund should have been merely a formal transfer on the books, and if a warrant was drawn it should have been drawn to the state and at once turned into the sinking fund. Under no possible theory could the treasurer assume the right to take such a warrant in his individual capacity, much less to dispose of it to other parties and convert the proceeds to his own use.

So far as the books in the treasurer's office are concerned, they show simply that the money for this appropriation was drawn out of the general fund, but was never credited to the sinking fund nor turned back to the treasury. It now transpires that the warrant in question was illegally drawn, as well as that the interest paid upon it was computed in direct violation of the law.

ACCOUNT OF THE TRANSACTION.

The act under which the sinking fund was to be reimbursed was one of the general appropriation acts passed by the legislature of 1895 and called for the payment out of the general fund of $180,101.75 to reimburse the sinking fund for that amount of money which had been lost through the collapse of the failed Capital National bank. The warrant was drawn by Mr. Bartley upon the 10th day of April, 1895, and registered by him on the same day. The stub in the auditor's office reads as follows:

No. 95241. $180,101.75.
Lincoln, Neb., April 10, 1895.
State Treasurer pay to
J. S. Bartley
or order
For To reimburse state
sinking fund.

The warrant which was attached to this stub is in the hands of State Treasurer Meserve, who has declined to show it to The Bee representative, except upon order of the attorney general. The warrant was held from April 10 until January 2, when it was paid, together with interest at 7 per cent, amounting to $21,782.30, or a total of $201,884.05. The call under which this warrant was paid was issued by Treasurer Bartley about a week before the expiration of his term and provided that interest on the warrants in question should cease January 9. As a matter of fact, therefore, the warrant was paid seven days before it was legally due under the call.

WHEN THE WARRANT WAS SOLD.

The books show further that on the day the $201,000 warrant was paid, the state deposit in the Omaha National bank was decreased by that sum. According to information that comes from J. H. Millard, president of the Omaha National bank, Bartley notified that institution in April, 1895, shortly after the appropriation had been made by the legislature, that he had a registered state warrant for $180,101.75 which he wanted to dispose of and the Omaha National negotiated the sale of it to the Chemical National bank of New York City. The warrant was held by the Chemical National until shortly before the election last November, when it was forwarded to the Omaha National for collection. When pressed for payment, Bartley, notwithstanding the fact that he had over $1,500,000 of cash on hand in the general fund, pleaded lack of means and kept putting it off on one pretext or another. In the interval the deposit of state money which he kept with the Omaha National was, according to President Millard, gradually increased, till finally on January 2, 1897, Treasurer Bartley remitted a check upon the Omaha National to take up the warrant, and the warrant was returned to the state treasury. The $201,000 paid out in January, 1897, therefore went to make good with interest to the Chemical National bank of New York what it had advanced in April, 1895, on the $180,000 state warrant. What Mr. Bartley did with the money realized from the sale of the warrant in April is not clear. He must have used it for his own purposes, because he has left no record of its disposition in the treasurer's office. How his appropriation of this warrant and its proceeds can be viewed as anything but bold theft is not comprehended by those who have knowledge of the facts.

STOLE TWO PER CENT INTEREST.

This is not all, however. In computing the interest on this warrant at 7 per cent for the twenty months that it was outstanding Treasurer Bartley committed another flagrant violation of the law. State warrants had been drawing 7 per cent interest up to 1895, when the legislature passed two acts reducing the rate of interest to 5 per cent. The first act, which became a law April 4, 1895, was without the emergency clause and was followed by another act, with the emergency clause, which became a law on the 10th day of April, 1895. The appropriation under which the $201,000 warrant was drawn was by virtue of an act which also became a law on the 10th day of April. The records in the governor's office, however, show plainly that the law reducing the rate of interest to 5 per cent went into effect before the law authorizing the reimbursement of the sinking fund.

The record shows that house roll No. 31, reducing the rate of interest from 7 per cent to 5 per cent, was approved by the governor on April 10, 1895, and received by the secre-