# THE OMAHA DAILY BEE.

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## YARN OF OLD CRUISE

**Admiral Schley Sails Again from Cienfuegos to Santiago Harbor.**

**SEA FIGHTER PATIENT DURING THE INQUIRY**

**Judge Advocate, However, Presses Witness with Keen Questions.**

**FIRE SHOWS UNDER ADMIRAL'S CALM FRONT**

**Retrograde Movement to Key West is Brought Out Fully.**

**RESPONSIBILITY IS TAKEN BY COMMODORE**

**Information from Sigsbee and Cuban Pilot Indicates That Spanish Fleet Was Not Sheltered in Santiago.**

WASHINGTON, Oct. 29.—The cross-examination of Admiral Schley was continued throughout the session of the court of inquiry today. The progress made was exceedingly slow. Practically the whole day was consumed in questioning the admiral about the cruise from Cienfuegos to Santiago and the motives and influences that governed him in turning back after his squadron had arrived in the vicinity of the latter port.

This latter branch of the cross-examination had not been concluded when the court adjourned.

The blockade at Santiago, the reconnaissance of May 31 and the battle of July 3 still remain to be covered. It is hardly probable that the judge advocate can conclude before adjournment tomorrow. After he finishes quite a number of questions prepared by the members of the court will be submitted.

The judge advocate in conducting the cross-examination used a carefully prepared typewritten list of questions. They called for a comparison of statements Admiral Schley has made either in his direct testimony, in his communication to the senate or in his dispatches to Admiral Sampson or the Navy department, with the testimony of witnesses who have preceded him and the logs and signal books of the other vessels of the fleet.

The questions were not asked in chronological order, but jumped from one subject to another. Throughout the strain to which the witness was naturally subjected while under examination the admiral retained his customary composure. Only once did he display impatience or weariness. At one point when asked a question he replied that he had been asked the same question yesterday, at the same time telling what his reply had been then.

At another time when being searchingly interrogated as to his distances from shore at Cienfuegos and as to whether the distances were a matter of record he responded rather tartly: "Oh, no; I did not know they would ever become a matter of importance or I would have plotted them and made a memorandum, as I should of many other things."

**Two Points of Inquiry.**

The main points to which the cross-examination was directed today were the ability of the ships to coal off Cienfuegos and the reasons for what is known as the retrograde movement.

The latter point was dwelt upon with much emphasis and had not been disposed of fully when the court adjourned. The admiral gave three reasons for turning back: First, the statement of Captain Sigsbee, who commanded St. Paul, that the enemy was not in Santiago; second, the opinion of Nunez, the pilot, that the entrance was too narrow and shallow for the Spanish ships to enter and, third, the ambiguity of the department's telegram.

In the course of the cross-examination the admiral said he regarded the department's dispatch rather as a suggestion than as an explicit order, a suggestion which he carried out after the sea had abated and the coal supply of the ships had been replenished.

The first question the judge advocate asked was in connection with Admiral Schley's examination in chief, regarding the meeting with Eagle after the flying squadron left Key West.

"You said you had a distinct recollection that Eagle passed within hail in the Yucatan channel and that it reported no news."

**Eagle Reports No News.**

"Not in the Yucatan channel. We passed Eagle soon after leaving Key West."

"It passed within hail?"

"That is my recollection."

"And reported no news?"

"Yes."

The judge advocate then jumped to Cienfuegos, examining him upon his statement that upon the arrival of the squadron there Scorpion was sent in as a picket boat and asked him to reconcile that statement with the entry in the log of Scorpion to the effect that from midnight to 4 a. m. "drifted in company with the fleet for the remainder of the watch."

The admiral explained that that entry did not necessarily mean that the Scorpion was absolutely in touch with the fleet. As he recalled it all the ships were drifting.

"Did you regard it under these circumstances as a picket boat?"

"I did. It was drifting in shore."

"How far inside?"

"That would be a guess. Perhaps a mile."

Going back to Adula's appearance at Cienfuegos Captain Lemly asked about the war bulletin brought by that vessel and asked if it had not stated that the Spanish fleet had left there on May 20. This the witness admitted was true, as he did also that he had said that the distance from Cienfuegos to Santiago was from thirty-six to forty-eight hours. Then Captain Lemly asked:

"Would not the fact that from thirty-six to forty-eight hours was necessary in covering this distance have brought the Spaniards to Cienfuegos after your arrival there?"

"I did not wish to be understood that that time would have been necessary for the Spaniards to make the voyage. I meant simply to give the time consumed by the flying squadron in making the voyage."

Reverting to the blockade of Cienfuegos, Captain Lemly asked the witness how he estimated the distance of the blockading fleet to be between three and four miles from shore.

"In the day time I took a bow and beam bearing. This, together with the surf and the land, seemed to confirm that that distance was correct."

In answer to Captain Lemly, the admiral read abstracts from Brooklyn's log, with the view of showing that the admiral's

(Continued on Fourth Page.)

## ROYAL GREETING AWAITS THEM

**Preparations Made for a Great Reception to Duke and Duchess of Cornwall and York.**

LONDON, Oct. 29.—[illegible]orate plans have been made for the [illegible] of the duke and duchess of Cornwa[illegible] at Portsmouth and London. It is [illegible]ally felt that the tour of the du[illegible] duchess has been a success, as, on [illegible] whole, comparatively little interest ha[illegible] been taken in it, the war and other events having completely overshadowed the royal journey. The officials, however, are determined that it shall end in a blaze of glory. At Portsmouth an effective naval display has been arranged. Fifteen battleships and cruisers will sail tomorrow to meet the royal yacht Ophir and escort it to Portsmouth. Other ships there will join in the reception, and Friday evening the whole fleet in the harbor will be illuminated. King Edward and Queen Alexandra, with the duke and duchess of Cornwall and York and other members of the royal families on board the royal yacht, accompanied by a flotilla of other smaller yachts, will meet Ophir in the channel Friday and escort it into the harbor.

The royal party will take train Saturday and reach London at 1 o'clock in the afternoon. Here the troops will keep the streets clear for the procession from Victoria station, by way of Constitution hill, Picadilly and St. James street, to Marlborough house. All traffic on the London & Brighton railroad will be suspended between the time of the departure and the arrival of the royal train.

Newspaper correspondents who were with the duke and duchess of Cornwall and York's party contribute some remarkable letters to their papers here, highly appreciative of Canada, but they do not like the glimpse they got of the United States. Thus, the Morning Post correspondent writes: "Some of us crossed to Buffalo to see the exhibition, which was disappointing. Buffalo is a slovenly looking, if prosperous, city, in great contrast with the handsome Canadian cities we had recently visited."

## WEEK'S "BAG" IN SOUTH AFRICA

**Kitchener Reports Hard Tussle with Delarey and Kemp and Tells of Stricken Boers.**

LONDON, Oct. 29.—A dispatch from Lord Kitchener, dated Pretoria, October 28, says he has received reports of important fighting, October 24, near Great Marico, when Delarey and Kemp attacked a British force and were only repulsed after severe fighting, leaving forty dead on the field. The British lost twenty-eight men killed and had fifty-five wounded. The Boers carried off eight British wagons and appear to have paid special attention to the guns, as thirty-seven gunners and drivers were killed or wounded.

Lord Kitchener mentions a number of minor affairs and says this week's "bag" consisted of seventy-four Boers killed, sixteen wounded and 353 made prisoners. In addition forty-five Boers surrendered and the British captured 471 rifles, 7,950 rounds of ammunition, 216 wagons, 530 horses and eighty head of cattle.

## TAKE A LOOK UNDERGROUND

**August Belmont and Party Gather Data for Use in Building New York Road.**

LONDON, Oct. 29.—Messrs. August Belmont, McDonald, Bryan, Deyo, Van Vlieck and Stillwell having completed their survey of the underground railroads of Europe, will start on their return to New York tomorrow on the White Star line steamer Oceanic from Liverpool with much useful information for the benefit of New York City's underground road.

Mr. Belmont said today to a representative of the Associated Press: "We met with the greatest courtesy everywhere and all opportunities of seeing what we wanted to see were granted to us. We secured much valuable data, especially regarding stations and power houses. It would not be courteous if I made comparisons with the various roads we went over. You cannot compare London's 'tube' with the New York road, for our line is being constructed on an entirely different principle."

## PALLID KING KEEPS IN DARK

**Edward Drives to and from Palace Ceremonies in Closed Carriage, Disappointing Public.**

LONDON, Oct. 29.—King Edward today personally conferred the insignia of various orders on 250 to 300 officers and others recently decorated. The investiture was held in St. James and was attended by all the state ceremonial for which the king is such a stickler.

While the route between St. James and Marlborough house is only a few hundred yards long, King Edward disappointed the crowds today by driving from his residence to the palace and back in an entirely closed carriage. The king looked aged and pallid. An incident which evoked some comment was the presence of Sir Francis Lans, the king's physician, at St. James' palace. Sir Francis left the palace and drove to his home, opposite Marlborough, just before his majesty returned there.

## TO RE-PEOPLE THE TRANSVAAL

**Lord Milner Indicates British Designs to Subjugate South African Country.**

DURBAN, Natal, Oct. 29.—The imperial authorities have reached the conclusion that the early repeopling of the Transvaal and Orange river colonies is advisable, so that the normal industrial and agricultural life of the colonies may be resumed. In the course of a speech yesterday Lord Milner said it was useless to wait until the war was over in a formal sense. It might never be over, he declared, but it was burning itself out and in time we will show ourselves master in the house we have taken, by rebuilding it and can live in it.

## POLICE BREAK UP MEETING

**Irish Agitators Are Roughly Handled and Many Women Are Trampled Upon.**

DUBLIN, Oct. 29.—A force of constabulary broke up a United Irish league demonstration at Kilmain, County Mayo, yesterday, though the meeting had not been proclaimed. The police refused to allow John O'Donnell, M. P., or Peter Regan, a league organizer, to speak; William Redmond was thrown about and Mr. O'Donnell was assaulted and dragged through the street. Mr. Regan's hand was broken by a blow from a constable's baton and a dozen men, women and children were trampled upon.

## GIVES NEBRASKA ITS DUE

**Secretary Wilson Concedes It is Very Much in the Corn Belt.**

**SEEKS PLANTS TO ROTATE WITH WHEAT**

**President Roosevelt Entertains Colonel Grigsby of South Dakota—Insane Indians to Be Assembled at Canton.**

(From a Staff Correspondent.)

WASHINGTON, Oct. 29.—(Special Telegram.)—Secretary Wilson of the Department of Agriculture leaves for his home in Traer, Ia., tomorrow "to vote," said he, "and incidentally to make one or two speeches.

"I see," he added, "that some of the western newspapers continue to criticise me for alleged statements made regarding the crop conditions during the early fall. I am somewhat surprised at these attacks because my whole active life has been spent in the west and I am part of its restless energy. The country on the west side of the Dakotas, to my mind, is in the actual corn belt of the United States and any other geographical division would be misleading and any statement that would seem to reflect on Kansas, Nebraska, the Dakotas or Colorado attributed to me hardly merits serious consideration.

"With regard to the enormous wheat yield in Kansas, Nebraska and the Dakotas the department is giving that matter serious consideration. No country can grow wheat perpetually without diversifying and rotating. The department, with this general proposition in view, is anxious to get plants that will be at home in the wheat-growing portions of the section referred to. We have scoured the world to secure these plants so that the people in this corn belt will in the future have forage plants with which to rotate.

"I repeat that Kansas, Nebraska and the Dakotas are as pronouncedly in the corn belt as any states east of the Mississippi. Even this year, with a corn shortage, the finest corn grown was raised in the states mentioned and the department is glad to herald this fact."

**President Entertains Grigsby.**

President Roosevelt entertained at luncheon today at the White House his former comrade in arms, Colonel Grigsby of Sioux Falls, S. D., who organized and commanded the famous Grigsby Cowboys during the war with Spain. The affair was entirely informal. Mrs. Roosevelt presided, assisted by Miss Alice. Other guests, aside from Colonel Grigsby, were Mr. and Mrs. Page of this city, Mr. and Mrs. Groves of Boston and Lieutenant Commander Cowles of the navy.

O. S. Gifford of Canton, S. D., recently appointed superintendent of the insane asylum at that place, has arranged for removing to Canton the insane Indians who are now inmates of the government asylum in this city. It is believed the Canton asylum will be filled to its capacity from the start. The institute will accommodate seventy-five patients and it is expected it will be opened January 1.

Mr. and Mrs. R. F. Kicke and daughter of West Point, Neb., are at the Raleigh. This is Mr. Kicke's first visit to Washington and he and family are thoroughly enjoying the historic surroundings.

Dr. and Mrs. Mackenzie of Watertown, S. D., are guests at the Raleigh.

**Department Notes.**

Rural free delivery service will be established January 1 at Central City, Linn county, Ia. The route embraces twenty-four square miles, containing a population of 610. Dudley D. Epperson was appointed carrier.

Postmasters appointed:

Nebraska—Anselmo, Custer county, R. N. Atkinson, vice H. Kelly, resigned.

South Dakota—Pringle, Custer county, Frances Cordingly; Shiloh, Sully county, O. D. Varne.

The Citizens' National bank of Des Moines was today approved as a reserve agent for the First National of Independence, Ia.

Charles W. Adsit of Fort Yates, N. D., was today appointed a carpenter at the Indian agency at Rosebud, S. D.

The corporate existence of the First National bank of Storm Lake, Ia., has been extended until October 29, 1921.

The secretary of the interior has ordered patents issued to the Union Pacific Railway company for three more lists of lands selected under its grant. The first embraces 89,425 acres in Cheyenne district; the second, 132,979 acres in the same district, and the third 69,791 acres in Cheyenne and Evanston districts, Wyoming.

## MEADE IS CALLED TO ANSWER

**Colonel in the Naval Corps Confronted with Serious Charges by the Department.**

WASHINGTON, Oct. 29.—The Navy department has made public the charges and specifications in the case of Colonel R. L. Meade, United States marine corps, who is to be tried by court-martial at the New York navy yard on November 12. There are two charges, "drunkenness on duty" and "scandalous conduct, tending to the destruction of good morals."

Under the first charge there are three specifications, alleging that on or about March 18, April 30 and June 18 Colonel Meade, while in command of the Marine barracks at the New York yard, was "under the influence of intoxicating liquor and thereby unfit for the proper performance of duty."

Under the second charge there are six specifications. They allege false testimony while under oath before the court of inquiry which investigated his case.

## MOURNING PERIOD IS OVER

**President Roosevelt Attends the Theater and Winter Gaiety Begins in Washington.**

WASHINGTON, Oct. 29.—President Roosevelt and party occupied two boxes at the New National theater tonight and witnessed Daniel Frohman's company in "Lady Huntworth's Experiment." This is the first time the president has attended any theater since his elevation and his entrance was warmly greeted by an audience that packed the theater.

The president was accompanied by Mrs. and Miss Roosevelt, Captain Greenway and Mr. and Mrs. Reginald Gray of Baltimore. The president's visit to the National brings to a close the period of mourning for the late President McKinley, as many members of the official family, as well as many leaders of society, heretofore have refrained from appearing in public.

## SHOULDER AN IMMENSE RISK

**Railway Underwriters Issue Huge Policy to Northern Pacific—Two Elements Are Negotiating.**

ST. PAUL, Oct. 29.—The Northern Pacific today received from the Railway Underwriters one of the largest insurance policies ever written in the United States. Its total was $13,400,000. It is the largest single policy the company ever gave. In addition to the above the company has also insured, out of its own fund, a large amount of property, the total being about $6,600,000, making a total insurance just provided of $20,000,000.

The insurance covers all property which is destructible by fire and includes rolling stock, merchandise in transit, warehouses, depot buildings, shops, roundhouses, etc. Insurance on railroad property is considered a good risk, consequently the amount paid in premiums was comparatively low.

The Northern Pacific's insurance fund at the close of the last fiscal year, June 30, 1901, was $578,326, an increase over the preceding year of $52,391.

**Two Interests May Agree.**

NEW YORK, Oct. 29.—The Evening Post says: "It developed today that conferences over the Northern Pacific situation have now reached slightly more favorable conditions for ultimate agreement of the two interests owning the company's stock. What this plan now taken up may be, those concerned were not today ready to indicate, and, of course, it may be superseded, as have so many other ideas.

For the present the active negotiations are being conducted by Mr. Hill and Mr. Harriman, and it is probable that until they agree on some basis of action which each is willing to accept, Mr. Morgan will not be brought formally into the conferences. Mr. Morgan holds the proxies for the combined holdings of the Northern Pacific shares and can put immediately into motion any plan to be worked out by the Great Northern and Northern Pacific officials and accepted by the interests over them.

## NEW MANAGER FOR RIO GRANDE

**President's Offices May Go to St. Louis and Several Other Important Changes Impend.**

DENVER, Colo., Oct. 29.—President Jeffery of the Denver & Rio Grande railway today announced the appointment of J. H. Herbert as general manager of the entire Rio Grande system, to succeed J. H. Metcalfe, who will retire November 1. Mr. Herbert resigned the position of general manager of the Southern Pacific railway on the retirement of President Hays. He was at one time superintendent of the Gould line. Russell Harding, third vice president and general manager of the Missouri Pacific, has been made vice president of the Denver & Rio Grande as well as of the Rio Grande Western and it is rumored that the president's office may be removed to St. Louis. It is understood that within a few days other important changes will be made on the Rio Grande.

## LESSONS IN BUILDING ROADS

**Practical Demonstrations in Turnpike Construction Are Given Throughout the South.**

WASHINGTON, Oct. 29.—A special good roads train similar to the train recently run over the southern lines of the Illinois Central road was sent out by the Southern railroad with the object of giving practical lessons in roadbuilding in the southern states through which the road passes. The officials of the National Good Roads association, including President Moore and Secretary Richardson, are in charge of the train and will conduct good road conventions in the principal cities and towns visited.

## MOBERLY IS SAFE IN JAIL

**Negro Evades Fury of Avenging Party and is Conveyed to County Seat at Murphysboro.**

CARBONDALE, Ill., Oct. 29.—Thomas Moberly, the negro whom a mob tried to lynch in this city last night, was taken from his hiding place about 2 o'clock this morning and conveyed in a carriage to Boskydell, a small station six miles south of this city, where the fast mail train on the Illinois Central was flagged and the prisoner safely conveyed to the county jail at Murphysboro. The mob patroled the streets until late at night, but its members could not learn the whereabouts of the negro. It is not probable that any demonstration will be made at Murphysboro.

## BIG SALE OF TIMBER LANDS

**Iowa Parties Dispose of 81,000 Acres in Arkansas to Wisconsin Men for $1,125,000.**

LITTLE ROCK, Ark., Oct. 29.—One of the largest land sales ever recorded in the south has been made by Tom F. Doyle, representing the Hayward Timber company of Davenport, Ia. The deal involved 81,000 acres of timber lands situated in Grant, Hot Springs and Dallas counties, this state, the purchasers being the Gilkey & Son company of Merrill, Wis., Stewart Alexander Timber company of Warsaw, Wis., and the Merrill Lumber company of Merrill. The price paid was $1,125,000.

## SHOUP LEAVES COMMITTEE

**Idaho Member of Republicans' National Organization Resigns, Effective in December.**

SALT LAKE CITY, Oct. Oct. 29.—A special from Boise, Ida., says that ex-Senator Shoup has resigned as a member of the republican national committee from Idaho, the resignation to take effect between December 24 and December 31. The reason for the senator's resignation is not known. Chairman Gooding of the republican state committee has called a meeting of the delegates to the last national convention to take action in regard to Senator Shoup's successor.

## FOITOK TAKES A HOLIDAY

**Missourian Celebrates His Fiftieth Wedding Anniversary by Closing Shop Doors.**

ST. JOSEPH, Mo., Oct. 29.—Anton J. Foitok, prominent in banking circles of this city for thirty years, today celebrated the fiftieth anniversary of his wedding. He was once a prosperous Moravian manufacturer and failed, coming to this country penniless. He never took a vacation until today. Mr. Foitik is 70 years old and his wife 68.

## AGAINST BARTLEY BONDSMEN

**Briefs on Behalf of the State Are Filed in Supreme Court.**

**LIABILITY OF PAXTON, SWOBE AND TAYLOR**

**Litigation Now Presents a Novel Proposition of Law Never Before in This Action Cited to Attention of Tribunal.**

(From a Staff Correspondent.)

LINCOLN, Oct. 29.—(Special.)—Briefs on behalf of the state in the case against the bondsmen of former Treasurer Bartley were filed in the supreme court today. The action comes before the supreme court on error from the district court of Douglas county, where it was last tried before Judge Irving F. Baxter. By the decision of that court, given on June 25, 1901, Bondsmen W. A. Paxton, Thomas Swobe and Cadet Taylor were released from liability on the bond. Judgments were recovered against E. E. Brown, C. C. McNish and John H. Ames for $545,947.16.

The litigation now presents a novel proposition of law regarding the liability of Paxton, Swobe and Taylor which has never before in this action been cited to the attention of the supreme court. It is contended by the attorneys for the defendants that on January 3, 1895, Bartley filed his official bond. They insist the evidence shows it was approved the same day and that Bartley immediately began the discharge of his duties. Later, on January 9, the names of Paxton, Swobe and Taylor were added to the instrument and the bond was again approved. These facts, they say, will not be disputed by the state's attorneys. Taking up the legal side of the question it is asserted that the filing is the dominant act incident to making a bond effective, and that the act of approving it is only subsidiary. Further the law is cited that there must be a consideration before a contract is binding. This consideration may be something paid or something suffered. From these various propositions it is argued that the names of Paxton, Swobe and Taylor, having been added after the bond was approved in its original form, cannot be held as binding because the contract had already been formed and completed.

It is a neat little point of law and was treated by Judge Baxter, in his instructions to the jury, as follows:

If you find that the bond sued on was filed in the office of the secretary of state January 3, 1895, and that thereunder on that day Bartley entered upon the discharge of his duties as state treasurer, the addition afterwards of the signatures of Paxton, Swobe and Taylor was without consideration, and said Paxton, Swobe and Taylor did not become liable, although the governor subsequently approved said bond.

**Claim of Prejudicial Error.**

In the brief field by the state it is alleged that the bond in suit is a valid instrument under the law and facts in evidence and that the jury should have been so instructed. It is further insisted that the instruction by the court was prejudicially erroneous. In support of this latter contention the following argument is presented:

The theory tendered in its support was that the bond in question was delivered to and accepted by the state January 3; that Paxton, Swobe and Taylor having signed it after that date, and therefore after its delivery and acceptance, their signatures were without consideration. The sole evidence to sustain this theory was the endorsement on the bond, which was as follows: "State of Nebraska, Secretary's Office, ss.: Received and filed for record this 3d day of January, A. D. 1895, and recorded January 9, A. D. 1895, in record book C, at page 486. J. A. Piper Secretary of State: J. E. Evans, Deputy." But this was not all the evidence on the question of delivery and acceptance. Conceding that the bond was handed by Bartley to the secretary of state for the purpose of making the above endorsement, and was by the secretary of state endorsed, "received and filed January 3," still it was not such a delivery or acceptance as the law contemplates to complete the bond contract, for the reason that the bond was not left with the secretary of state January 3, but was immediately withdrawn. The most favorable construction that can reasonably be put on this act is that it was a partial or tentative delivery; that is to say: The bond was delivered on that day to the secretary of state for the sole purpose of having him endorse it, "received and filed January 3," and not for the purpose of having him retain it in his office, nor for the purpose of having it accepted by the state. That must have been Bartley's purpose, else he would not have withdrawn it, and it must have been the purpose of the secretary of state, else he would not have surrendered it. The principal and his sureties had not yet surrendered control and dominion over it, and therefore there was no legal and final delivery. The evidence is undisputed that after January 3 Bartley had the bond in his possession, carried it to Omaha, and on the 8th day of January these defendants in error—Paxton, Swobe and Taylor—added their names thereto, with the knowledge and consent of the original sureties, as evidenced by their written waiver. Subsequently he returned it to the governor for approval. It was approved and then delivered to the secretary of state and by him recorded January 9, 1895. This was the act that completed the delivery which gave the bond vitality. Then for the first time had all things been done necessary to be done to make the bond binding on all the sureties, because this was the first time the bond had actually and finally been delivered to the state. Prior to this hour the bond was under the control and in the custody of Bartley, but after this time it could not be recalled or revoked by its maker.

## MINERS HAIL THEIR CHIEF

**Mitchell Day is Observed by Parade in Which Fifteen Thousand Operatives Take Part.**

WILKESBARRE, Oct. 29.—Mitchell day was observed here by the United Mine Workers by a parade, in which 15,000 miners marched and which was headed by John Mitchell, the president of the union. It was the greatest outpouring of miners ever seen here.

After the parade there was a mass meeting, at which President Mitchell was the principal speaker. He said he was opposed to compulsory arbitration, but was in favor of voluntary arbitration in the settlement of disputes between employer and employe. He urged the miners to petition congress to re-enact the Chinese exclusion act, as otherwise, he said, the whole country will be overrun with Mongolians and many of them will find their way to the mines, there to compete with white labor.

## NO USE FOR STEPCHILDREN

**St. Louis Employe Wipes Out His Wife's Family and Finally Takes His Own Life.**

ST. LOUIS, Mo., Oct. 29.—Henry Schroeder, an employe of the Home Comfort Range company, today shot his stepdaughter, Katie Kirst, aged 7, through the heart, killing her instantly, and then fired two balls at his stepson, Henry Kirst, aged 11, both of which missed him. Schroeder then swallowed a dose of carbolic acid and fired a bullet into his own brain, dying in a few moments. It is said that Schroeder hated his stepchildren.

## CONDITION OF THE WEATHER

Forecast for Nebraska: Fair in Eastern. Showers and Cooler in Western Portion Wednesday; Unsettled Weather Thursday, Probably Showers and Cooler; Southwesterly Winds.

**Temperature at Omaha Yesterday:**

| Hour. | Deg. | Hour | Deg. |
|---|---|---|---|
| 5 a. m..... | 61 | 1 p. m..... | 76 |
| 6 a. m..... | 60 | 2 p. m..... | 78 |
| 7 a. m..... | 59 | 3 p. m..... | 79 |
| 8 a. m..... | 62 | 4 p. m..... | 78 |
| 9 a. m..... | 66 | 5 p. m..... | 78 |
| 10 a. m..... | 69 | 6 p. m..... | 76 |
| 11 a. m..... | 72 | 7 p. m..... | 74 |
| 12 m..... | 74 | 8 p. m..... | 71 |
| | | 9 p. m..... | 67 |

## MOST IS WITHIN THE LAW

**New York Justice Grants Stay of Sentence to Anarchist Owing to Certain Scruples.**

NEW YORK, Oct. 29.—Justice McLean in the supreme court today granted a certificate of reasonable doubt in the case of Johann Most, editor of the Freiheit, an anarchist paper, in order to stay his sentence of twelve months' imprisonment for the publication of an article entitled "Murder vs. Murder," which appeared on the day of President McKinley's assassination.

Justice McLean says the only proof to support the judgment is that Most purloined an article expressing certain sentiments, written by another half a century ago, and published it as his own, "in a paper professedly of some circulation, but which circulation is shown by the sale of but a single copy, that purchased by the police, probably for the purpose of prosecution."

The judge says that the contention that the publication has openly outraged public decency rests solely on the language of the article itself, and that the indecency repressed by the law relates rather to action and words which nature and propriety require to be concealed and suppressed and to public displays of evil books or prints.

"The indecorum of this pilfered screed," says Judge McLean, "is of another sort. It prates of humanity, immorality and morality, reason and conscience, but carries no suggestion of the obscene."

The utterances, Judge McLean says, do not come within the meaning of the section of the code under which Most was prosecuted.

## DEFINES RIGHTS OF NEGROES

**Governor Aycock Points Out Social Barrier Which, He Says, South Will Never Disregard.**

RALEIGH, N. C., Oct. 29.—Governor Aycock tonight opened the negro state fair in an address in which he urged the negroes to build up society among themselves, founded on culture, intelligence and virtue.

In the course of the address he referred to President Roosevelt dining with Booker T. Washington and said to the negroes that their best friends lived in the south. He told them they did not need recognition by the president, as it would avail nothing in the south.

He said: "The law which separates you from the white people in the state socially has been and always will be inexorable and it need not concern you or me whether the law is violated elsewhere. It will never be violated in the south. Its violation would be to your destruction as well as to the injury of the whites."

He pledged the best efforts of the whites to aid the negroes, but told them that social equality was an idle dream.

In reply Dr. C. H. King, a prominent negro minister of the Methodist church, said that the negroes did not want social equality, that he and his people did not want to sit down at the dinner table of the whites and that they were not in sympathy with any such idea.

## STILL HAS CHANCE TO LIVE

**Shaffer of Montana, Twice Sentenced to Be Hanged for Murder, Gets New Trial.**

HELENA, Mont., Oct. 29.—Joseph Shaffer, twice tried and twice convicted of murder in the first degree and twice sentenced to be hanged, has been granted a new trial by the supreme court.

Four years ago Shaffer killed a man named Hawkins in Butte. At the first trial the jury found him guilty and he was sentenced to pay the extreme penalty. He was granted a new trial on a technicality. The second trial resulted in a verdict of murder in the first degree and he was again sentenced to death. The case was appealed to the supreme court and an opinion just handed down favors the condemned man because an error was made by the lower court in instructing the jury.

## MISS GOULD CHAPERONS FAIR

**Appointment is Accepted to Act as Woman Manager of Louisiana Purchase Exposition.**

ST. LOUIS, Oct. 29.—Telegraphic advices from Van Buren, Ark., today say that National World's Fair Commissioner P. D. Scott had received a telegram from Miss Helen Gould, in which she accepts the appointment of woman manager of the Louisiana Purchase exposition. Miss Gould was named by Commissioner Scott at the recent meeting of the federal commission in this city.

## SCHOOLMASTER PAINTED RED

**Willow Wielder Who Sympathizes with Assassin is Roughly Handled by Mob.**

PLYMOUTH, Wis., Oct. 29.—Herman Dormier, a school teacher, was handled roughly by a mob this evening and given a coat of red paint, the result of his expressed sympathy for President McKinley's assassin. The citizens are still greatly excited over the affair.

**Movements of Ocean Vessels Oct. 29.**

At New York—Arrived—Friesland, from Antwerp; Cuffe, from Liverpool. Sailed—Kron Prinz Wilhelm, via Plymouth, for Cherbourg.

At Coronet—Arrived—Nicaria, from Hamburg and London, for San Francisco; Glamorganshire, from Portland, Ore., for St. Vincent.

At Sydney, N. S. W.—Arrived—Sirra, from San Francisco, via Honolulu and Auckland.

At Glasgow—Arrived—Sarmatian, from Montreal, via Liverpool; Astoria, from New York.

At Liverpool—Arrived—Dominion, from Portland.

At Bremen—Arrived—Kaiser Wilhelm der Grosse, from New York, via Plymouth and Cherbourg.

At Cherbourg—Arrived—Graf Waldersee, from New York, for Hamburg.

At Boulogne Sur Mer—Arrived—Statendam, from New York, for Rotterdam and proceeding, arriving at Rotterdam at 10 a. m.

At Yokohama—Sailed—Idsuma Maru, from Kobe Victoria; Victoria, from Hong Kong and Tacoma, for Boulogne; Phoenicia, from Hamburg, for New York.

## PAYS DEATH PENALTY

**Assassin of President McKinley Executed at Early Hour Tuesday Morning.**

**EXPRESSES NO SORROW OVER HIS CRIME**

**Says He Killed McKinley Because He Was an Enemy of Working People.**

**REGRETS NOT HAVING SEEN HIS FATHER**

**Not the Slightest Hitch or Unseemly Incident During the Execution.**

**DEADLY CURRENT DOES WORK QUICKLY**

**Only Four Minutes Elapse from Time Prisoner Leaves His Cell Until Physicians Pronounce Him Dead.**

AUBURN, N. Y., Oct. 29.—At 7:12½ o'clock Leon Czolgosz, murderer of President William McKinley, paid the extreme penalty exacted by the law for his crime. He was shocked to death by 1,700 volts of electricity. He went to the chair in exactly the same manner as have the majority of murderers in this state, showing no particular signs of fear, but in fact doing what few of them have done—talking to the witnesses while he was being strapped in the chair.

"I killed the president because he was an enemy of the good people—of the good working people. I am not sorry for my crime."

These were his words as the guards hurried him into the chair.

A moment later, mumbling through the half-adjusted face straps, he said:

"I am awfully sorry I could not see my father."

Czolgosz retired last night at 10 o'clock and slept so soundly that when Warden Mead went to the cell, shortly before 5 o'clock this morning, the guard inside had to shake Czolgosz to awaken him. He sat up on the edge of his cot and made no reply to the warden's greeting of "Good morning."

**Death Warrant Read.**

The prison official took from his pocket the death warrant and read it slowly and distinctly to the assassin, who hardly raised his eyes during the perfunctory ceremony.

Just as the warden stepped away from the cell door Czolgosz called to him and said: "I would like to talk with the superintendent."

The warden responded: "He will be down presently."

Then the condemned man rolled over on his cot, apparently anxious to sleep again. At 5:15, however, the guard brought to him a pair of dark trousers with the left leg slit, so as to allow the free application of the electrode, and a light gray outing shirt. He was told to get up and put these on, which he did. Contrary to the usual custom, he was given a new pair of shoes. When dressed he lay down on his cot again, and in this attitude Superintendent Collins found him at 6:30, when he went down to visit him.

The superintendent stood in front of the steel bars and when the guard had called Czolgosz's attention, he said: "I want to make a statement before you kill me."

"What do you wish to say, Czolgosz?" asked the superintendent.

**Craves Larger Audience.**

"I want to make it when there are a lot of people present. I want them to hear me," said the prisoner.

"Well, you cannot," said the superintendent.

"Then I won't talk at all," said the prisoner, sullenly.

After the superintendent had left the guards brought Czolgosz's breakfast, consisting of coffee, toast, eggs and bacon, and he ate with quite a good deal of relish. While he was partaking of this the witnesses were gathering in the office of Warden Mead and at 7:08 the procession passed to the death chamber, going through the long south corridor. In the chamber Electrician Davis and former Warden Thayer of Dannemora had arranged the chair test, placing a bank of twenty-two incandescent lights across the arms and connecting the electrode wires at either end. The witnesses were ordered seated and then Warden Mead briefly addressed them, saying:

"You are here to witness the legal death of Leon F. Czolgosz. I desire that you keep your seats and preserve absolute silence in the death chamber, no matter what may transpire. There are plenty of guards and prison officials to preserve order and attend to the proper details."

The prison physician, Dr. Gerin, and Dr. Carlos MacDonald of New York took positions to the left of the chair, Warden Mead stood directly in front and Electrician Davis retired to the little place containing the electrical switchboard. Thayer gave the signal and the current was turned through the electric lights, flooding the chamber with brilliant light and dramatically showing the power that was used to kill the prisoner.

**Brings In Prisoner.**

Warden Mead gave the signal to have the prisoner brought in and at 7:11 o'clock Chief Keeper Tupper swung open the big steel door leading to the condemned cell, and as the steel bars behind which Czolgosz had been kept were swung aside two guards marched the prisoner out into the corridor, two others following and the chief keeper walking in front.

The guards on either side of Czolgosz had hold of his arms as if either to support him or to keep him from making a demonstration. As he stepped over the threshold he stumbled, but they held him up and as they urged him forward toward the chair he stumbled again on the little rubber-covered platform upon which the chair rests. His head was erect and with his gray flannel shirt turned back at the neck he looked quite boyish. He was intensely pale and as he tried to throw his head back and carry himself erect his chin quivered very perceptibly. As he was being seated he looked about at the assembled witnesses with quite a steady stare and said:

"I killed the president because he was an enemy of the good people—of the working people."

His voice trembled slightly at first, but gained strength with each word. And he spoke perfect English.

"I am not sorry for my crime," he said loudly, just as the guard pushed his head back on the rubber head rest and drew the strap across his forehead and chin. As