THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, SATURDAY MORNING, JULY 12, 1902—TWELVE PAGES. SINGLE COPY FIVE CENTS.

REFUSE TO RETURN

Striker's Ignore Company's Order to Report for Duty Again.

PREFER TO TAKE CHANCES ON FUTURE

Determined Not to Go to Work Until Demands Are Granted.

EACH SIDE IS CLAIMING NEW STRENGTH

Alleged Proposition to Adjust the Strike Merely a Suggestion.

AUDITORIUM COMPANY NOT CONCERNED

Murphy Denies that He Represented the Auditorium Directors in Making Suggestion to Central Labor Union.

Vice President Wilson of the International Association of Machinists, who has had direction of the strike, with headquarters in Omaha, left last night for the west. He will put in some time with the strikers in the towns and cities along the Union Pacific. S. H. Grace and other executive committeemen will have charge of affairs here for the machinists during Wilson's absence.

Mr. Wilson expressed himself last night as well satisfied with the progress of affairs and confident that the strikers would eventually win their fight. From now on a great effort will be made to prevent the introduction of nonunion men into the various shops. The strikers are organizing everywhere over the system with a determination of accomplishing this end, for in that they believe lies great possibilities of success. It will require some diligent work of this kind, however, the officials intimate, to intercept their plans and prevent them from filling the shops with the nonunion men if they see fit.

The strikers construe the order issued Thursday by the company, purporting to be an ultimatum to them to return to work or take the consequences, as the gauntlet thrown down, but they declare that this order has nor will have no effect upon their men. Last night they were claiming that two more machinists had left the Omaha shops and joined the strikers.

Not One Man Returns.

They assert that various places over the system have been heard from and all report that not one of the men has availed himself of this opportunity to return to work. The strikers are confident their ranks will be kept intact and that none will go back to work until all are taken back under the conditions demanded.

On the other hand, the statement was given out from the highest official sources of the railroad company yesterday morning that the company is gaining ground and has more men in its shops than it has had at any time since the strike began.

Asked what the company would do if it became evident the strikers would not return to work until their demands were granted, an executive official yesterday declined to state.

One of the strikers said yesterday morning several of the men had received personal letters from the company making inducements to them to return to work. In view of events of the last few days an early termination of the strike is looked for. Officials, however, decline to give out any information concerning any plans they may have for bringing about a settlement of difficulties.

Feeling Against Nonunion Men.

Feeling among the strikers against the company and its imported nonunion men becomes more animated each day. The strikers feel that these men should not be allowed to come in and fill their places and some assert their determination to stop them if possible. The company is taking every precaution against trouble of this kind.

Investigation shows that the alleged proposal received by the union men for a settlement of the strike, which Vice President Wilson disclosed Thursday night and which was said to have been made by Robert E. Murphy, purporting to be a representative of the Auditorium company, pledging the offices of that company as mediator for a consideration of half a day's pay from each organized laboring man in the city as a bonus to the auditorium fund, was not made as an actual proposition, but in the form merely of a suggestion and came from Rod E. Murphy, bookkeeper of the Floyd J. Campbell company, members of the Chicago Board of Trade. The wrong interpretation was placed upon the letter sent by Mr. Murphy and the wrong name given by some of the strikers, according to Mr. Murphy.

Murphy Makes Statement.

Mr. Murphy made this statement to a reporter for The Bee:

"I sent the letter to the secretary of Central Labor union, J. A. Bradford, and merely suggested that the union men of the city take out auditorium stock to the extent of a half day's pay for each, and that perhaps, as the majority of business men of the city were interested in the auditorium proposition, it would enlist their sympathy and co-operation for the strikers and their cause, and possibly be the means of bringing about a settlement of the strike. As to pledging the support of the Auditorium company to any such proposition, I never thought of such a thing, in fact, I made no proposition, simply a suggestion. I also suggested that this fund be diverted to the strike benefits in case the proposition fell through after the money was raised."

Alfred Millard of the Auditorium company says concerning the matter:

"The idea that this company would make any such offer is too absurd to think of. We have never thought of taking any hand in this strike and the matter has never been broached at any of our board meetings and would not be tolerated if it were brought up. It is a foolhardy idea."

Mr. Murphy is not a member of the Auditorium company and denies all claim of seeking to represent that company.

The Central Labor union had scheduled a meeting for last night to consider this "proposition," but the matter was dropped when it was learned through The Bee yesterday afternoon that the "proposition" did not come from the Auditorium company nor any member of it.

Denver Paying University Debt.

DENVER, July 11.—It was announced today that $160,000 of the $200,000 debt standing against the University of Denver had been subscribed by Denver men and that the remaining $40,000 would be pledged by September 1. Some time during the first week of September a celebration of the lifting of the debt will be held at the university, when all the bonds and other evidences of indebtedness will be burned.

GOVERNMENT SUES FOR PEACE

Colombia is Quite Anxious to Settle with Revolutionists.

PANAMA, Colombia, July 11.—General Salazar in an interview to-[illegible] with the representative of the Asso[illegible] Press said: "The government is makin[illegible]rful efforts to pacify the republic in [illegible] that congress may meet and reach a de[illegible] the matter of the canal bill, which is [illegible] most important question in Colombia today. The national government has issued a generous decree offering degrees to the revolutionists, providing they surrender in the departments of Boyaca, Cundinamarca, Santander and Tolima, by the end of July. Those in the other departments will, on account of the lack of rapid telegraphic communication, have the time of their surrender extended to August 7. Hundreds of revolutionists have surrendered already and more are coming in every day."

"I can safely say," continued General Salazar, "that the revolutionary army only exists on the isthmus because of the help given it by President Zelaya of Nicaragua, who has violated all the rules of international law."

Generals Sergio Camargo, Carlos Arturo Torres, Manuel Jose Angarita and other prominent liberal or revolutionary leaders have issued a manifesto addressed to their followers urging them to lay down their arms in order that the nation may reach a decision on the canal bill. This manifesto sets forth that the commercial interests of the world demand the prompt construction of the Panama canal. This declaration shows that both political parties in Colombia are in favor of the project. The terms of the decree of the government granting pardon to revolutionists referred to by General Salazar are more generous than any of those which have been previously offered. The organizers of foreign expeditions against Colombia, however, are excluded from the terms of the decree.

KING HAS REFRESHING SLEEP

Doctors Say that the Royal Patient Continues to Improve in Every Respect.

LONDON, July 11.—At Buckingham palace the following bulletin was posted at 10 o'clock this morning:

The king continues to sleep well and to improve in every respect.
TREVES.
LAKING.
BARLOW.

The following authorized statement was issued this evening:

The king has made such excellent progress that his medical advisers believe his majesty is now strong enough to be removed from London. They feel that a change of air is very necessary at the present stage of the healing process. It is hoped that his majesty will be able to leave Buckingham palace Tuesday for the royal yacht, which is at present at Portsmouth.

Tonight's report of King Edward's condition says his majesty continues to make good headway.

ENGLISHMEN ARE TOO SLOW

American Steel Firms Secure All the Business in South Africa.

JOHANNESBURG, Transvaal, July 11.—The British trade commissioners, who recently arrived here from England, admit that they are amazed at the amount of business in steel building material which is offering and comment on the indolence of the British firms.

They say that so far as they are able to discover only one firm, and that an American concern, has a capable representative in South Africa, and he has been securing immense orders in Capetown and at Johannesburg at his own prices for huge buildings up to fourteen stories by being able to quote prices promptly and promise construction with American speed.

HEAT INTENSE IN FRANCE

Marseilles is Experiencing a Genuine African Sirocco and Storms Are General.

PARIS, July 11.—Exceptional heat, accompanied by severe storms, prevails throughout the southern and southwestern departments of France. Marseilles is experiencing a genuine African sirocco, with a temperature of 104 degrees, the highest in twenty years.

There have been many cases of sunstroke at Montpelier, the heat has caused a number of deaths at Perpignan and St. Etienne and Lyons report violent storms of rain, lightning and hail, which have caused great damage to the crops and have killed a number of cattle.

MORGAN IS NOT IN SCHEME

Report that He is Planning for Unification of Turkish Debt is Denied by Pierpont.

LONDON, July 11.—There is no truth in the report published in the United States that J. Pierpont Morgan is planning a scheme for the unification of the Turkish debt.

Plans for the unification of the Turkish debt have been in progress for some time past. A report was current on the Berlin bourse yesterday that the sultan had finally signed the irade providing for the unification of the debt.

BOERS OBJECT TO THE OATH

Considered Too Binding, Though Willing to Acknowledge King as Sovereign.

BLOEMFONTEIN, Orange River Colony, July 11.—Difficulty has arisen regarding the oath of allegiance. Many of the Boer commanders, field cornets and officials of the late Free State government refuse to sign the oath, though few of them object to signing the document called "The Declaration," acknowledging King Edward the sovereign. The oath of allegiance, however, is much more binding.

CHOLERA NOW DECREASING

Rain in Philippines Has Telling Effect on the Much-Dreaded Disease.

MANILA, July 11.—The spread of cholera has slightly decreased, possibly on account of the rain. The totals since the outbreak are:

Manila, 2,180 cases and 1,718 deaths; provinces, 12,476 cases and 4,537 deaths.

Sumber in Charge.

MANILA, July 11.—General Davis has turned over the command of the American troops in Mindanao island to General Sumber. The two generals are visiting Camp Vickers, where the Americans face the Moros.

RUMORED TRACY KILLS SEVEN

Report on Streets of Seattle of Battle with Escaped Convict.

SHOTS ARE FIRED AT CLOSE RANGE

When Deputy Sheriffs Are Sure Once More They Have Their Man He Again Slips Away from Them.

SEATTLE, Wash., July 11.—Bloodhounds and scores of deputy sheriffs were unable stir outlaw Harry Tracy from concealment in the brush near Covington today.

Because of the midnight battle last night the posse were sure of the convict's whereabouts. A cordon of experienced marksmen encircled that place earlier in the evening and there was no possible avenue of escape for the fugitive without a fight. Hounds were started on the trail early this morning and worked in every direction today, but without success. Darkness fell with less encouragement for the hunters than on Wednesday evening.

Every kind of rumor was received from the scene of the sheriff's deputies' search today. At one time a report was started that a battle had been fought, resulting in the death of seven deputies and the wounding of the convict. Diligent search for the source of this report met with failure. It is believed to be absolutely groundless, yet it can not be branded so until every part of the pursuing crowd has been heard from. The nature of the country through which the chase leads would make it possible for a battle to be fought in one of the ravines and little be heard of it in the neighboring towns for many hours.

Fight at Close Range.

At 11:45 last night Tracy arrived at the sawmill plant of the Covington Lumber company, a mile from this place. Deputy Sheriffs J. A. Bunce, Fred C. Bunce, Galvin and Crowe had been sent to guard this point. Deputies Crowe and the Bunces, father and son, had posted themselves on the railroad near the sawmill at the entrance of a big cut near a rise of ground, the Bunces being on the outer guard line. They were hardly settled when they heard footsteps approaching from the Auburn side, but remained on the quiet until the unknown had almost come abreast of them, when the challenge to halt was given.

"Hello," responded the stranger.

"What's your name?" demanded J. A. Bunce.

"My name is Anderson."

As he gave this reply Tracy, for it was he, started to run. The deputies again called upon him to halt, but he kept going and they opened fire, shooting four times each. Tracy ran up the track and a few yards further encountered Deputy Sheriff Crowe.

"Who goes there?" challenged the officer.

"A deputy," coolly responded the outlaw.

Taken for a Deputy.

Crowe, thinking it was the elder Bunce, started to approach, when Tracy commenced shooting at close range, firing two shots. The bullets whistled harmlessly by and Crowe suffered slightly from the burning powder as it sped from the muzzle of the rifle.

After the shooting Tracy turned and entered the brush along the side of the track, where he was lost in the blackness of the night.

The deputies made a hurried circle through the woods to Covington to head Tracy off, but on arrival found that he had not passed the station.

A dispatch dated 3 a. m. adds that since his escape from the north side of Sluice creek Tracy attempted to board one of the eastbound freights. The grade is heavy at this point, but the train was running light and at such speed that Tracy was unable to board it. Another train passed and the conductor reports that while running near the sawmill someone called for him to stop. There were no deputies present and it is thought Tracy is the man who called and the opinion is advanced that he may have been wounded in the battle just before midnight.

A man thought to be Merrill appeared yesterday at the home of a farmer a few miles east of Ravendale, near here, and wanted food. He remained in the vicinity all day.

TACOMA, Wash., July 11.—At 8 o'clock this morning Sheriff Cudihee and numerous posses arrived at Covington, about twelve miles from Tacoma, where Tracy eluded the posse at midnight.

Every train going toward the Northern Pacific tunnel through the Cascades is stopped and searched. The location of the country is such that Tracy may be said to be naturally cornered in the point of a triangle and therefore developments are momentarily expected.

All indications are that Tracy is following the Palmer cut-off up the mountains, keeping in the timber as much as possible. He has about five miles start of the posse.

A special to the Times from Covington, Wash., says: A man answering the description of David Merrill, Tracy's partner, appeared at Ravendale yesterday afternoon. He forced a family two miles east of that place to give him diner and later returned to the house and procured a supply of provisions.

Sheriff Cudihee and Guard Carson, with bloodhounds and a small posse, left Auburn at 6 o'clock this morning for the point where Tracy was last seen.

GUARDING THE COUNTY JAIL

Feared that Second Attempt May Be Made to Dynamite Bastile at St. Joseph.

ST. JOSEPH, Mo., July 11.—Sheriff Spencer summoned a large force of guards tonight and armed them heavily in expectation that a second attempt would be made to blow up the county jail and liberate many desperate criminals awaiting transfer to the penitentiary. Enough dynamite was stolen from a rock quarry today to blow up half the town, a considerable part of which was discovered to have been smuggled into the jail. Sheriff Spencer sent his family away. No stranger is permitted to approach within fifty feet of the building.

WIDOW WANTS THE MONEY

Denver Woman Files Suit to Recover $400,000 Bequeathed by Her Husband to Church.

DENVER, July 11.—Mrs. Queen V. Cole today filed suit to recover one-half the property, principally Denver real estate valued at $400,000, which was recently presented to the Peniel Trust, a Methodist organization, by her husband, Henry Cole, despite her protest.

The complaint alleges that during the two years past Henry Cole refused to give his wife any money for her own use or for the purpose of articles needed in their home, and charges him with cruelty in various forms.

CHANGES MIND AT THE ALTAR

Miss "Happy" Van Wyck Causes a Stir in Washington Social Circles.

(From a Staff Correspondent.)

WASHINGTON, July 11.—(Special Telegram.)—Miss Theodora H. Van Wyck, familiarly known as "Happy," daughter of late Senator Charles H. Van Wyck of Nebraska, who was to have married Frank Mitchell of this city on July 3, recanted of her promise and the wedding did not take place according to program, and thereby hangs a story which is just becoming public. A license to marry was issued July 2 from the office of the district supreme court to Mr. Frank Mitchell, aged 26, and Miss Theodora H. Van Wyck, aged 20, and on the following day the couple presented themselves at the residence of Rev. Dr. Wallace Radcliffe, pastor of the New York Avenue Presbyterian church, to have the ceremony performed. For some reason the nuptial knot was not tied and the affair was declared off. It is said, however, that the young woman changed her mind in the middle of the ceremony and that she regarded the whole matter in the light of a joke.

Shortly after the interrupted ceremony Miss Van Wyck left for Milford, Pa., the family home of the Van Wycks, where she has friends, leaving no explanation of her strange proceeding to console her friends. Miss Van Wyck, since her mother's death, has spent a great deal of her time in Washington, appearing at social functions under the chaperonage of a leading senator's wife, having apartments at the Normandie. The young woman was known as "Happy" Van Wyck, and in fact so registers herself.

Rev. Radcliffe, while refusing to discuss the strange ending of what promised to be a most happy culmination of a genuine love match, stated that the couple, accompanied by one person, whose name was unknown to him, appeared at his home and presented a proper marriage license. That was all he would say, excepting that the young couple left his residence unmarried. He preferred that the facts should come from the parties themselves.

Friends of the principals of the affair say the would-be groom took the affair seriously and was much surprised at the young woman's change of mind at the critical moment. It is understood that while she has social admirers, she had shown a decided preference for Mr. Mitchell, and at the theater and in nearly all her rides and drives about the city he was her escort.

Miss Van Wyck is well known in Omaha, where she has frequently visited, and at Nebraska City, where the family made its home for many years. Her last visit to Omaha was in the spring of 1900, when she was accompanied by her mother, who died last November.

PRESIDENT RATHER WORRIED

Negotiations with the Vatican Are Giving Him No Little Concern.

OYSTER BAY, L. I., July 11.—After a breezy outing in the early morning President Roosevelt and Secretary Cortelyou took up the business which had reached them by wire and in the morning mail.

A question which now is engaging the president's attention, and which is giving him no little concern, is that respecting the negotiations with the vatican for the withdrawal of the friars from the Philippine archipelago. Mr. Roosevelt has received from Secretary Root the pope's note in reply to Governor Taft's proposition, cabled to the War department from Rome. It is announced that until the negotiations have been brought to an issue, successful or otherwise, no formal statement by the administration will be made. When that time shall arrive the statement will be given to the public by Secretary Root in Washington. Nothing will be made public here.

Senator McLaurin of South Carolina, accompanied by D. D. Colcock, secretary of the Louisiana Cane Growers' association, arrived here today. Mr. McLaurin took luncheon with the president. Mr. Colcock saw Secretary Cortelyou, but did not see the president early in the day. He was desirous of discussing the Cuban reciprocity question with the president, feeling that he could make out a good case for the southern sugar growers. Senator McLaurin said his call was purely social, but it is not unlikely that Mr. McLaurin's expected appointment as a judge on the court of claims bench was under discussion.

Father Thomas F. Malone of Denver, Colo., met the president at 12 o'clock today by appointment. They went over together the case of the priest, John H. Cushing, who endeavored to see the president several days ago, but failed. Secretary Root is expected at Sagamore Hill tomorrow.

JUSTICE GETS A QUICK MOVE

Man at Cheyenne Landed in Penitentiary Twelve Hours After Crime is Committed.

CHEYENNE, Wyo., July 11.—(Special Telegram.)—It required less than twelve hours today to capture, convict and incarcerate in the state penitentiary Arthur Funk, a Denver man, who criminally assaulted the 10 and 4-year-old daughters of Dan Snyder of South Cheyenne. Funk enticed the little ones to his room, where he accomplished his purpose and where their father found them. The police were notified and soon had Funk in charge. He was arraigned at 3:30 this afternoon, pleaded guilty, was sentenced at 4 o'clock to twenty-eight years in the penitentiary and at 5 o'clock was on the train enroute to prison.

RATE WAR IS IMMINENT

Wabash Announces Cut for Round Trip to New York as Against Excursion Tickets.

CHICAGO, July 11.—Tomorrow the Chronicle will say: The present indications are that a passenger rate war in traffic is imminent. Lines east were surprised today by being served by the Wabash to the effect that the tickets will be sold by that line from Chicago to New York and return for $18 on all dates when excursion tickets were sold by other roads to Atlantic City. As the notice now stands the Wabash will use the $18 rate to New York and return on July 17 and 31 and on August 7 and 14, giving a return limit of twelve days. The days named by the Wabash are those selected by the Lake Shore, the Pennsylvania, Baltimore & Ohio and Pan Handle for their Atlantic City excursions.

No reason is assigned by the Wabash officials for the rates.

INDIAN LANDS ON MARKET

Fifty Thousand Acres on the Omaha and Winnebago Reservation.

RULES GOVERNING THE TRANSFERS

Lands to Be Sold Are Those Formerly Allotted to Indians, Who Have Since Died, Leaving Heirs.

WASHINGTON, July 11.—(Special.)—Under operation of law what is known as the heirship lands on Indian reservations are to be sold. There is more or less of this land on every reservation where allotments in severalty have been made, the amount on the Omaha and Winnebago reservations in Thurston county being between 50,000 and 55,000 acres. This is among the finest agricultural land in the state.

The Interior department has promulgated the following:

Rules for conveyance of inherited Indian lands, to be observed in the conveyance of inherited land allotted to members of any tribe of Indians, for which trust and other patents have been issued with restriction upon alienation, under the provisions of the act of congress approved February 8, 1887 (24 Stats., 388), or other act of congress, or any treaty stipulation, as authorized by section 7 of the act of May 27, 1902, public No. 125, viz.:

That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for the lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interest shall be sold only by guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the secretary of the interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the state or territory where the same is situate.

Provided, that the sale herein provided for shall not apply to the homestead during the life of the father, mother or the minority of any child or children.

1. The deed or instrument of conveyance must be executed in the presence of two subscribing witnesses and acknowledged before an Indian agent, if the grantors reside within the limits of an Indian agency.

2. In case the grantors do not reside within the limits of an Indian agency, the deed of conveyance may be acknowledged before a notary public, a justice of the peace or other person duly authorized to take acknowledgment of deeds, whose official character must be certified by the clerk of a court of record under the seal of such court.

3. Such deed or instrument of conveyance must be accompanied—

(I.) By a certificate signed by two members of a business committee, if there be such, or by at least two recognized chiefs, or by two or more reliable members of the tribe, or by other competent and credible persons, setting forth that the allottee to whom the land was originally allotted is dead, giving as nearly as possible the date of death.

(II.) By a certificate from the Indian agent, superintendent of school, or other officer in charge of the Indian tribe, that the contents, purport and effect of the deed of conveyance were explained to and fully understood by the grantors, and that the consideration specified in the deed is a fair price for the land; that the same has been secured to be paid to the grantors in lawful money of the United States, and that the conveyance is in every respect free from fraud or deception, and that said allottee did not reside upon his homestead or allottment, nor cultivate the land sold during his lifetime and immediately preceding his death. If the allottee did reside upon such land, then it must be shown of whom the family of the deceased allottee consisted, their ages and relation to said deceased allottee, in order to determine whether it is a case in which a sale is authorized under the said act of May 27, 1902.

No Money Paid Indians.

(III.) The consideration money must in no case be paid the grantors; but a certificate from the cashier or other officer of some reputable bank, or, in case there is no bank convenient, from a United States Indian agent, showing that the stipulated price named in the deed for the land has been deposited in such bank, or with such agent, as the case may be, to be paid to the grantors, or their order, upon presentation of the deed duly approved by the secretary of the interior or by the president, must accompany such deed.

(IV.) When the deed is acknowledged before an officer other than an Indian agent it must be accompanied (in lieu of the certificates of the business committee and Indian agent in other cases required) by a certificate of the officer taking the acknowledgement as to the facts required to be certified by the business committee and Indian agent, or, if such facts shall not be known to such officer, they must be verified by the affidavits of at least two credible disinterested persons who are cognizant of these facts, whose veracity must be certified by such officer.

(V.) Whenever a deed of conveyance properly executed shall be presented for approval to the department of the Indian agent, superintendent of school or other officer in charge of the Indian tribe, when competent from his general personal knowledge of the value of the land, he shall visit, view and report in his best judgment the value of the land, and shall require the parties in interest to furnish an additional certificate of deposit to meet the valuation placed upon the land if it be in excess of the consideration named in the deed. If such officer is not competent he shall require the agency farmer, or other competent employe (if he has such in his employ), to visit, view and value the land conveyed. But if neither agent, superintendent of school, nor other officer in charge of the Indian tribe, nor any employe attached to such agency, is competent, as aforesaid, to appraise such land, then the Indian agent, superintendent or other officer in charge of the Indian tribe may select a committee of three competent and disinterested persons (farmers or persons who by their occupation have personal knowledge of the value of the land) to make such visitation and valuation and furnish written certificate thereof, the expense of said commission in all cases to be paid by the vendee.

No Refund to Purchaser.

(VI.) Where these rules specify two or more officers or other persons to perform certain duties preference must in all cases be given such officers or persons in order named.

(VII.) The affidavits of the grantors and of the grantees must accompany such deed, showing that there is no contract, agreement nor understanding (written or oral) whereby the consideration money or price paid for the land, or any portion thereof, is to be refunded to the purchaser after the approval of the deed; nor any live stock, implements, other article or thing, are to be exchanged or taken in lieu of said consideration money or purchase price, or any portion thereof, for such land.

(VIII.) The testimony and all papers pertaining to the conveyance must be properly authenticated under seal, and in all other respects the conveyance must conform to these rules.

4. When the land conveyed, or any part thereof, is less than a legal subdivision or does not conform to the public survey a diagram, prepared by a competent surveyor, or an authenticated copy of the official plat of survey indicating all the land intended to be conveyed, and all former sales by the grantors or allottees must be furnished for the use of the Indian office.

5. No deed of conveyance for an undivided interest less than the whole in inherited Indian land will receive approval unless executed by all the heirs of the deceased allottee. When, however, a part of the heirs decline, for satisfactory reasons, to join the other heirs in the conveyance of inherited land, as aforesaid, then partition proceedings should be had with a view to dividing the land between the several heirs; and when such partition has been made and approved and decreed by the proper court each heir may then sell and convey the respective portion of said inherited land partitioned to and set apart for him without the co-operation of the other heirs. A certified copy of such court proceedings in the partition must accom-

(Continued on Second Page.)

CONDITION OF THE WEATHER

Forecast for Nebraska—Fair Saturday; Sunday Increasing Cloudiness.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	61	1 p. m.	76
6 a. m.	62	2 p. m.	77
7 a. m.	64	3 p. m.	78
8 a. m.	67	4 p. m.	78
9 a. m.	69	5 p. m.	79
10 a. m.	70	6 p. m.	80
11 a. m.	72	7 p. m.	80
12 m.	74	8 p. m.	78
		9 p. m.	75

GENERAL BATES LEAVES OMAHA

To Be Transferred to Chicago as Commander of Department of the Lakes.

CHICAGO, July 11.—Promotion has again come to Major General Arthur MacArthur, who this time is to be transferred from command of the Department of the Lakes to that of the East, his headquarters being changed from Chicago to Governor's Island in New York harbor. The total force of infantry under General MacArthur will number 16,000.

In the joint army and navy maneuvers next month General MacArthur will command the defending forces of 6,000, when a test of the coast defense is to be made by a flotilla of battleships and cruisers.

The transfer was made by President Roosevelt yesterday. General MacArthur was appointed to succeed General Brooke, who retires under the age limit July 21.

Major General Bates, who is now in command of the Department of the Missouri, with headquarters at Omaha, will be transferred to Chicago to fill the position made vacant in the Department of the Lakes.

The Department of the East is considered the most important of all the divisions under the War bureau. It covers the whole Atlantic coast, extending from the northern boundaries to Key West and including the gulf coast with the exception of Texas.

FIND FITCHETTE GUILTY

Jury Decides that Police Captain Trafficked in Positions on the Force.

MINNEAPOLIS, July 11.—Police Captain John Fitchette, formerly known as "Coffee John," was convicted tonight of trafficking in positions on the police force. The specific charge was that he accepted $200 from John Long for procuring the appointment of the latter as a policeman.

While the offense is only a misdemeanor and does not involve a penitentiary sentence, the conviction is regarded as of great importance in the current municipal corruption expose because of the complication of other officials. The prosecuting authorities point out that it would have been impossible for Captain Fitchette to have sold appointments to the police force unless he were in collusion with other officials. The appointment of Long was made last August under the administration of Mayor Ames. He had been dropped from the department rolls when Ames resumed office six months before.

Testimony showed that David Johnson, acting as Long's attorney, paid $200 to Fitchette, and when he called at the captain's restaurant the next day to be informed of his client's appointment he saw Mayor Ames in the place.

PRESENT LIST OF OFFICERS

Baptist Young People's Union Convention Makes Nominations for the Ensuing Year.

PROVIDENCE, R. I., July 11.—At today's session of the Baptist Young People's union convention the nominating committee presented a list of officers for the coming year, all of whom were elected, as follows:

President, John H. Chapman, Illinois; vice president, George Miller, Maryland; second vice president, Thomas Trotter, D. D., Nova Scotia; third vice president, Samuel Seymour, Pennsylvania; recording secretary, H. W. Reid, Illinois; treasurer, H. B. Osgood, Chicago; members of the board of managers, Ira M. Pierce, D. D., H. W. Reid, J. W. Low, C. S. Burton, H. F. Perry, D. D., W. H. Geiswert, D. D., E. W. Hunt, D. D., George T. Webb and M. L. Britton.

LAW IS HARSHLY ENFORCED

Wealthy Spaniard Comes to United States to Consult Eye Specialist and is Deported.

NEW YORK, July 11.—A peculiar case of deportation, involving the denial of the right of a patient with an incurable malady to land in this country for the purpose of consulting a specialist, is that involved in the compulsory departure of Guillomo Sangerius, a wealthy Spaniard of Havana.

Senor Sangerius arrived here from Cuba June 7. A physician of the United States Marine Hospital service, detailed to the immigration service, boarded the steamer after it had passed quarantine inspection. He noticed that Senor Sangerius had trichoma, a disease of the eye, and ordered him isolated in the United States Marine hospital for aliens.

THINK MOHICAN IS SAFE

Training Ship is Forty-Two Days Out from Yokohama and Not Yet at Honolulu.

HONOLULU, July 2, via San Francisco, July 11.—The United States training ship Mohican is now forty-two days out from Yokohama, bound for here, and nothing has been heard of it since it left Japan. Rear Admiral Merry is inclined to think that it has encountered adverse winds and is coming along under sail.

Movements of Ocean Vessels July 11.

At Boston—Arrived—Commonwealth, from Liverpool.

At Colombo—Sailed—Yang Tse, from Tacoma, Yokohama, etc., for London.

At Moville—Sailed—Pretorian, from Liverpool, for Montreal.

At Southampton—Sailed—Fuerst Bismarck, from Hamburg, for New York, via Cherbourg.

At the Lizard—Passed—Koeningin Luise, from New York, for Southampton and Bremen.

At Genoa—Arrived—Aller, from New York, via Gibraltar and Naples.

At Queenstown—Arrived—Lucania, from New York, for Liverpool, and proceeded. Sailed—Marion, from Liverpool, for Boston.

At Cherbourg—Arrived—Graf Waldersee, from New York, via Plymouth, for Hamburg, and proceeded; Columbia, from New York. Sailed—Fuerst Bismarck, from Hamburg and Southampton, for New York.

At Sicily—Passed—Menominee, from New York, for London.

St. Michaels—Arrived—Hohenzollern, from New York, for Gibraltar, Naples and Genoa.

At Liverpool—Sailed—Bovic, for New York.

At New York—Arrived—Manitou, from London; Campania, from Liverpool and Queenstown; Barbarossa, from Bremen.

At Havre—Arrived—La Bretagne, from New York.

At Plymouth—Arrived—Graf Waldersee, from New York.

REMOVING THE DEAD

Blackened Bodies of Miners Taken from Debris at Johnstown Disaster.

NOBLE WORK OF RESCUE IS GOING ON

Brave Men Go Down Into Jaws of Death to Save Fellow Workers.

TRANSFORMED INTO RAVING MANIACS

Hours of Waiting in Pitch Darkness Drive Some Stark Mad.

GOVERNOR ORDERS AN INVESTIGATION

Chief of State Bureau of Mines Goes to Scene of the Disaster in Order to Learn Cause of the Explosion.

JOHNSTOWN, Pa., July 12.—At 1 o'clock this morning it can be stated of the 600 men supposed to have entered the mouth of the Rolling Mill mine of the Cambria Steel company Thursday morning, ninety are known to be dead and twenty-two rescued. Four hundred, so the mine officials claim, escaped when the explosion occurred, leaving eighty-eight still to be accounted for. Some of these, according to those in charge of the rescue work, are dead, but the majority, they claim, have escaped. From physicians, heads of rescue parties and others who are familiar with the different headings in the mine, it is learned that at least fifty-two additional bodies will be brought to the temporary morgue at daylight, making the total dead 142. This, so President Stackhouse says, will be the extent of the disaster, but until all checks of the miners are taken an accurate list will be impossible. Some of the bodies, it is admitted, will be entombed in the closed headings or buried under slate. Some may never be found.

JOHNSTOWN, Pa., July 11.—This has been a day of heroic rescues at the fated Rolling Mill mine of the Cambria Steel company. Thrilling experiences attended the efforts of the forty brave and daring fellows who went down into the bowels of the earth, stirred by a very faint hope that still they might be in time to restore to life some of those who are entombed.

Death lurked everywhere around them, but undaunted they pressed forward, swayed with the noblest of human purposes. The reward of their efforts was the saving of the lives of fourteen of their fellow-men and bringing them again into the sunlight and back to living families. Dead and maimed bodies were located, but no effort was made to bring them out of the vast theater of death until every human energy was put forward to seeing that no living soul might escape their aid. That done, the dead were put in train cars, brought up and exposed to morbid gaze, while being transferred to wagons in which to be taken to the morgue.

Eighty-seven dead bodies were recovered from the mine between daylight and nightfall. Still a party of officials and miners battled on, three miles inside the mine. Occasionally word would come to the surface by some mysterious means that another heap of remains had been exposed to the vision of the searchers. There remain dangerous headings in the Klondike section of the mine yet to be explored. No one knows how many more dead will be found there. The mine officials refrain from guesswork on the subject.

Identified List of Dead.

The official list of the bodies identified up to 10 o'clock tonight is as follows:

JOHN R. THOMAS, labor boss of School Place.
JOHN C. WHITNEY, fire boss.
WILLIAM BLANCH, assistant foreman.
JOSEPH TOMLINSON, fire boss.
WILLIAM LEES.
DANIEL LEES.
MICHAEL M'GANN.
PHILLIP M'GANN.
JOHN CROOK.
FRANK CHESTNUT.
JOHN SADLER.
JOHN HOLLY.
THOMAS BISHOP.
MICHAEL BOSANIO.
GEORGE HOLOGIAK.
JOHN WILAVENDER.
FRANK GUZI.
ANTHONY POLLAK.
JOHN POLAK.
FRANK SCHULTZ.
GEORGE TVAROZNA.
TAVEL VIRABEL.
ANDRO HAVALDA.
JACOB HUL.
MICHAEL IVEK.
JOSEPH RUZEEK.
STOKJAN VERGAS.
MIKE SABOT.
MICHAEL DRICKA.
WADISLAW DUBRISKY
JOHN ROPISCKI.
JOHN BAROK.
JOHN LASKO.
MICHAEL PREZUHY.
EMERY BASSISTA.
STEVEN KANOCZ.
STEVEN CIMKO.
MICHAEL SABOT.
MICHAEL SILOVINEC.
M. SILOVINEC, jr.
JOHN NOVAK.
ANTON LAZARSKI.
VALANT PLAGA.
JOHN KEER.
BOLISLAW MISKOVSKI
AUGUST STRUZINSKI.
JOHN KARAWISCZ.
MICHAEL CILENDVIC.
M. CILENVIC, jr.
V. DOMBROWSKI.
G. LEWANDWSKI
WILDAM KSONEK.
JOHN HORVAL.
FRANK JENDRESKI.
WILLIAM SONEK.
FRANK HOPLI.
JOHN GALYDA.
FRANK LAZARSKI.
B. TETKOWSKI.
JOHN TIBURSKI.
ANDRO BALASCAK.
ANTON LUHASKI.
STANSLIU SCOLK.
D. DOBRAZYTVECKI.
JOSEPH MASLIVSKI.
PAUL SUTULA.
JOHN KARZIWICZ.
ANTON DEHLIC.
ANDRO ZAJ.
VIDA RACHA, sr.
JOHN RACHA, jr.

Johnstown Horror Stricken.

The impression prevails among the outsiders and certain employes of the mine that 150 is a low estimate of the casualty list. Fated Johnstown spent the day horror-stricken. Great throngs surged about the pit mouth, the improvised morgue at the armory and about the stricken homes of the dead. Exaggerated rumors of all kinds prevailed. One report gained circulation that disaster had overtaken the rescuing party which entered the mine shortly after 9 o'clock. This was not disproved until word finally came from the men in the mine.

It is difficult to picture with any degree approaching its full worth the work of rescue. How brave men went into the jaws of death in its most horrible form, encountered their fellows transformed into raving maniacs by hours of waiting in the pitch darkness of the earth's interior, lifted them moaning from their beds of fallen rock and then, bending and crawling on all fours, carrying them a quarter of a mile underground to where cars could be reached to take them outside.

Along in the early part of the afternoon cheering word came from the innermost recesses of the mine that life yet lingered in some of the bodies found. The rescuers made first for No. 4, the left heading, which they had been unable to reach the night before. Desolate, even for the scene of a mine interior, was the heading that stretched out before them. Falls of roof almost choked the heading, but through and over the debris the brave men pushed their way.

Maniac's Laugh Greets Them.

In the front, young Patrick Martin, his brother Peter, Philip White and several cousins of the Martins made their way. Suddenly in an open space they were startled by the maniac laugh which emanated from a blackened form that rushed at them out of the darkness.

The man grasped firmly a pick handle and tried in his frenzy to beat down his rescuers. He was overpowered and dragged back to the main heading to the cars. Thirteen other living men were found in this chamber and physicians were quickly