## LONG STRIKE

Union Pacific Machinists Come to an Agreement with Company.

WILL RETURN TO WORK NEXT MONDAY

All the Old Men Are to Be Reinstated Without Discrimination.

PIECE WORK WILL NOT BE ENFORCED

Employes May Go on Piece Schedule or Not, as They Please.

AVERAGE INCREASE IN WAGES GRANTED

Conference for Purpose of Settling Blacksmiths' Strike Begins Immedistely After Close of Session with Machinists.

the fold and they began negotiations for

was effected and ratified yesterday afternoon. For three days the five members of the machinists' international executive board had been in conference with President Burt and Superintendent McKeen at headquarters here. The local and district committees took no active hand in the deliberations until the terms of the agreement had been reached and then the local and district men were invited to participate | defend themselves intelligently. in the ratification. This procedure was mutually agreed on at the outset. From the first of this conference the utmost secrecy The only statement made came at the conclusion yesterday afternoon.

Announcements from Both Sides.

Hugh Doran, chairman of the machinists' executive board, officially announced for the workmen that the strike had been settled along the lines indicated above and that the terms were entirely satisfactory to the

Late in the day this statement was made officially to a reporter for The Bee at Union Pacific headquarters, as comprising the cardinal features of the settlement: 1. The settlement was made on the same basis substantially as that of the boiler makers, which was in accordance with the recent telegram of Mr. Harriman to Mr. McNell.

2. All old men are to be reinstated, without discrimination, if they desire to be and make application within sixty days. 2. Strike is declared off June 3 and men return to work June 8.

4. The matter of piecework is to be left to the men themselves. 5. All men are to return to work in the

spirit of friendliness, cherish no animosity and old discipline is to obtain. 6. No new men are to be employed dur-

ing the sixty days within which old men are given to return to work. The machinists say their wage schedule

has been raised on a graduated scale, averaging about 7 per cent. The question of what to do with the nonunion men who took strikers' places and those who were employed in the shops when the strike began and remained there was not deait with in the terms of peace, but was left to adjust itself. The men who are now boarding at the company's quarters will be notified to secure other boarding places.

Full Statement May Come. Neither side would give out a full copy of the terms of the agreement, as it was mutually decided not to disclose this until after the blacksmiths had held their conferences and matters were entirely settled. Then probably copies of the agreements

with the three crafts will be given out. Speaking of the conference and its results, Chairman Doran of the international executive board said:

The settlement is entirely satisfactory Of course we think we have done well. The two salient points were piece work and the reinstatement of the old men and they both were disposed of to our autisfaction. That one point of the disposition of the nonunion men now in the shops was left to adjust itself. Nothing said of it in the agreement. Our experience has taught us that time will solve that problem. The agreement specifies that the old men are to be taken back without discrimination, and that is fair without going any further, we think. I think I can voice the sentiments of my associates on the committee when I say that we were treated with consideration by President Burt and Mr. McKeen and parted under the most pleasant circumstances."

Six Hundred Machinists.

to all the shops over the system, many are now at work in other places, naturally. their places. The machinists think an manian fields. overwhelming majority of this number Representatives of the Standard Oil comeleven helpers. They all will go back, Besides Hugh Doran, Chicago, chairman,

the members of the international executive soard who participated in the regular conference are: M. J. Ford, New York; E. I. Tucker, Washington; H. F. Garrett, Atlanta; James A. Reynolds, Cleveland.

The district executive board, which, with Fom L. Wilson, fourth vice president of the International Association of Machinists. by whose order the strike was originally declared, June 29, 1902, that met with the officials and the international board and ratified the articles of agreement, consists of these representatives from the various lodges along the Union Pacific system: B. F. Pert., Cheyenne, president; Walter Webster, Evanston, vice president; Samuel Grace, North Platte, secretary-treasurer; Hughes, Rawlins; George W. Smith, A. S. Mildred, Robert Muir, Omaha; E. W. Towner, Kansas City: John Umland, Co. lumbus; Paul Bischeid, Grand Island; Harris, Cheyenne: George Pinn, North Platte; Emil Berne, Benver.

President John Slocum of the Interna-(Continued on Third Page.)

## EXCHANGE COMMISSION ACTS IS PRESIDENT'S BUSY DAY

Holds Several Informal Conferences with British Members at

London.

LONDON, June 3.—T. An obers of the United States internations. The nge commission (Messra, H. H. Hants, Line & A. Conant and Prof. Jeremiah J. Je 11 300 had several conferences with mem. the government this week, though formal sittings of the commission designated by the foreign office will not begin until next week. Sir E. N. Satow, the British minister to China, came to town specially to meet the American delegates and discuss with them informally the feasibility of establishing a uniform currency in China and giving them the benefit of his oriental experience. The British cabinet has designated as members of the ommission: Sir James Mackay, negotiator of the British-China treaty; Sir E. Lemon, London manager of the Hong Kong and Shanghai banking corporation; Robert Chalmers, principal clerk at the treasury;

bers of the recent commission on the currency of the Straits Settlement. Much interest is evinced in the work of BTRIKE DECLARED OFF June 3 and men the commission work by the government return to work June 8.

ALL OLD MEN KEINSTATED, without and the large merchants. It is believed AVERAGE INCREASE in wages of about that the commission, will continue its proceedings for a fortnight in London and 7 per cent.

The proceed to Paris. The government then proceed to Paris. The government that received notice of the acceptance by the straige Settlement. The Union Pacific machinists, after being the government of the Straits Settlement on strike for over eleven months, yesterday of the scheme recommended by the comroached an agreement with the company, mission. The plan is only a fairly prethe essential points of which are those liminary one. It provides for the adoption stated above. The boiler makers having of a new distinctive coin to replace at par previously adjusted matters with President the existing currency, but the time and Burt and President Harriman in New York, method of raising these coins to a gold only the blacksmiths now remain without parity have not yet been settled. The

W. Blain and George W. Johnson, mem-

## Every Man and Woman Among Them in Odessa Now Carries a

Revolver.

BERLIN, June 3.-A dispatch received here from Odessa under date of May 28 Aurora, Jollet, Dwight, Pontiac, Lexington says the Jews there are now prepared to

Several thousand revolvers have been imported since the Kishineff massacre, so that at present almost every Jew, man or as to the deliberations has been observed. woman, is armed. Those who were unable to buy weapons received them as gifts from the defense committee.

A system of communication has also been agreed upon so as to spread a warning throughout the city when there is an out- movement for making the visit a general break of violence in any quarter. Families holiday. residing near each other will concentrate when anything is actually going on.

sia. The Tageblat today prints a dispatch from St. Petersburg announcing that a law was lowed to acquire land and live without re- the unfurling of the flag over the Memorial

striction. Jews are temporarily forbidden to buy land outside these places, where they will be legally settled.

### STEAMSHIP IS LOST IN GALE No Hope Entertained for Safety of Vessel with Eighty Persons

LONDON, June 3.-A dispatch to Lloyd's from Valparaise confirms the dispatch of the Associated Press last night, from Santiago de Chile, referring to the fears ex- his party there was a public parade particpressed there for the safety of the Pacific spated in by local civic and military Steam Navigation company's steamer Arequipa, which during a lull in yesterday's storm at Valparaiso left that port in an endeavor to ride out the gale at sea. The agent cables that the steamship,

on Board.

which had eighty persons on board, was probably lost. The bodies of some of the crew have been washed ashore. Later advices from Valparaiso sav Arequipa foundered at its moorings and the captain, his wife and the majority of

the crew were lost. SANTIAGO, June 3 .- According to a dispatch received here from Valparaiso, Captain Todd, his wife, fifty of the crew and many of the passengers of the Arquipe were drowned when the steamer foundered. VALPARAISO, Chile, June 3.-Seventeen board of the Pacific Steam Navigation company's steamer when it foundered during the gale which swept over this coast

## ARE AGAINST STANDARD OIL Roumanians Protest Against Permit-

ting American Company to Secure Footbold.

BUCHAREST, Roumania, June 3 .- At a meeting of liberal supporters of the government today Premier Stourdza and About 600 machinists went out on strike Finance Minister Costinesco spoke strongly June 23. Of that number, which applies against allowing Americans, who, they said, "have rendered themselves unpopular here," to secure a foothold in the Roumanian These may or may not return to work oil fields and urged patriotic Roumanians under this agreement, just as they please, to refrain from treating with the American but if they choose to return they must do experts. The ministers also argued that so within sixty days, for after that time an abundance of British and continental the company will not be responsible for capital is available to develop the Rou-

will return. At present in Omaha there pany are now in Roumania inspecting the are sixty-five of the old machinists and progress made in the working of Roumanian petroleum.

### PECULIAR CAUSE OF SUICIDE German Naval Ensign Kills Himself Because He Cannot Identify

Man Who Strikes Him.

KIEL, June 3.-A seaman of the German navy, Messerchmidt, was sentenced by the naval court-martial today to eighteen months' imprisonment for striking Ensign

von Abel on May 2, at Kiel. The case has been widely commented upon because of Von Abel's suicide after he found he was unable to identify the man who assaulted him and personally revenge

The naval court today read Von Abel's letter explaining why he committed autoide The ensign said the assurance given him by the commandant that the matter would be rigidly investigated was poor consolation for him, and added: "I can't allow myself to be struck and then put up people greeted president Roosevelt at Auwith it.

Puts in Time Making Speeches in Heavy Rain.

FINDS NEW FRIEND AT BLOOMINGTON

Mayor of that Town, a Former Democrat, Announces Allegiance to Roosevelt, Because He's an Ideal American.

BLOOMINGTON, Ill., June 8.-President Roosevelt put in about the busiest day of his trip today, from a speech-making stand- the steamer. The excursion left Hannibal point. He made his first speech at Freeport to run to Quincy and afford a view of the at 8 o'clock this morning, and when he swollen Mississippi. inadvisable for him to venture out.

"I will leave it to you, Mr. Mayor," he go." The mayor decided that the president should go, and wearing a rain coat babraved the elements.

The most interesting feature of the day occurred at Dwight. The mayor of this place is a democrat. In introducing the swinging out of the barge the three president be said:

I consider you, Mr. President, the ideal American citizen. I am in favor of the course you have pursued and will support you for re-election. The president, responding to the introduc-

the fold and they began negotiations for peace with President Burt yesterday immediately upon the conclusion of the machinists' affairs. They will continue their conferences until an end is reached. Every indication points to a settlement with them.

The final settlement of the machinists was effected and ratified yesterday aftertion, said:

The president also assisted in the opening of a new hotel at Dwight. A wire was run from the hotel to the rear platform of his car and by pressing a button he started the machinery in the building. The places at which the president spoke today were Freeport, Rockford, Rochelle,

### and Bloomington. President Dedicates Hall.

The feature of the visit of President Roosevelt to Rockford today was the dedication of Memorial hall, a \$50,000 structure The city was decorated in gala garb, pictures of the president adorning the store fronts and residences. Local busi-

President Roosevelt reached Rockford for defense and every second man will join on schedule time, arriving here at 9:15 B. Cambridge; substitute, Charles Woolf. what might be called an expeditionary a. m. He was accompanied by Congresscorps to take part in aggressive defense man Robert R. Hitt and John A Davis. He was officially greeted by a committee E. Town. The Jewish safety committee is reported of six consisting of Mayor Charles E. to have arranged with the working meh's Jackson, Judge A. H. Frost, Congressman has been approved as reserve agent for the association for aid in the event of an out-break. Arms have been distributed from Backhee, J. B. Whitehead and Walter South Dakota postmisters and Odessa to the Jews in other cities of Rus- Van Alstyne of the county board, and escorted by carriage to Memorial hall. Arriving at the Me gressman Hitt introduced the presiden published there this day giving a list of to the vast audience confronting him and 101 towns in Russia in which Jews are al- he made a brief reponse after which came

structure. The president and party then re-entered their carriages and enjoyed a short drive through the principal streets, first pass ing in review before some 4,000 school children massed at a park adjoining the Memorial building grounds. Each child carried an American flag and the salute given President Roosevelt was a most nspiring sight. The decorations for the

occasion were the most elaborate ever attempted in this city. The throng in town was variously estimated at from 40,000 to 50,000. Following the visit of the president and

organizations. During the afternoon came the formal dedicatory exercises of the hall. Department Commander Benson Wood gave the principal address of the Site of Lincoln-Douglas Debate,

FREEPORT, III., June 3.-President Dubuque at 8 o'clock and immediately afterward were driven to the site of the Lin-

house the president was introduced by Congressman Hitt. The president referred to the debate as MAINE FIGHTS FOREST FIRES an event far reaching. He complimented ersons were saved out of the eighty on the Women's club of Freeport who erected the monument. At 8:30 the party was driven to the depot amid cheers of thou-

> sands and left for Rockford. President Roosevelt spoke as follows:
>
> We meet today to commemorate the spot on which occurred one of those memorable scenes in accordance with which the whole future history of nations is molded. Here were spoken words that flow through immediate time and that will flow through that portion of eternity recorded in the history of our race. Here was sounded the keynote of the struggle which, after convulsing the nation, made it in fact what it had been only in name, united and free.
>
> It is eminently fitting that this monument, given by the women of this city in commemoration of the great debate that here took place has been recalled by the men whose deeds made good the words of Abraham Lincoln and the soldiers of the civil war (cheers are applause).
>
> The words wer, miguty, and had it not been for the words the deeds could not have taken place. But without the deeds the words would have been the idlest threath. It is forever to the honor of our nation that brought the statesman that could pierce the clouds that obscured the sight of the keenest of his fellows and could see what the future inevitably held. And, moreover, that we had back of the statesman and behind him the men to whom it was given to fight in the greatest war ever waged for the good of mankind, for the betterment of the world. President Roosevelt spoke as follows:

## Only a Moment to Speak.

I have literally but a moment here. I could not resist the chance that was offered me to stop and dedicate this monument, for great though we regard Abraham Lincoln, my countrymen, the future will put him on an even higher pinnacle than we have put him. (Applause.) In all history I do not believe that there is to be found I do not believe that there is to be foun an orator whose speeches will last as er duringly as certain of the speeches of Lircoln. And in all history, with the sole exception of the man who founded the ropublic, I do not think there will be foun another statesman so great and so single hearted in his devotion to the welfare of his people.

hearted in his devotion to the welfare of his people.

We cannot too highly honor him. The highest way in which we can honor him is to see that our homage is not only words, that to loyalty of words we join loyalty of the heart, and that we pay honor to the memory of Abraham Lincoln by so conducting ourselves, by so carrying ourselves as citizens of this republic, that we shall hand on undiminished to our children and our children's children the heritage we received from the mea who upheld the statesmanship of Lincoln in the councils and who made good the soldiership of Grant in the field. (Cheers and applause.)

AURORA. Ill., June 2.—Fifty thousand AURORA, Ill., June 2.-Fifty thousand

(Continued on Third Page.)

## EXCURSION STEAMER WRECKED PORTER MUST PAY IT BACK Sudden Lurch Throws Three Children

Into Water and They Are Drowned.

HANNIBAL, Mo., June 3:-Three children were drowned here today by the collision of the steamer Flying Eagle, towing a barge filled with Sunday school excursion-

ists, and a pier in the Hannibal bridge. The dead: LONNIE CURTIS, aged 15.

LAURA COPPAGE, aged 15. HARRY EICHENBERGER, aged 17. About 250 children from the Park Methodist church Sunday school of Hannibal had boarded the barge and a number were on

concluded his address here shortly after 10 As the boat swung out into the river the and Brands commission. So declared the o'clock tonight he had spoken nine times.

Eight of his speeches were made in the open air and several of them in rainstorms. toward the stone pier nearest the office, also a member of the commission, The hardest rain encountered today was at shore. With a crash the steamer was was entitled to all the money he received. Pontiac, where he dedicated a soldiers' and hurled against the pier and wrecked, but The court released Porter's bondsmen from sailors' monument. The downpour was so did not sink immediately. For a time it liability. The title of the case was The heavy when his train arrived that it seemed was wedged against the pler by the cur- State of Nebraska against William F. rent and held while the horror-stricken Porter, Mary Rowden, David C. Rowden, children and the adults climbed up the William E. Hardy, Virgil O. Strickler, John said to that official, "If you say go we will pier to the bridge. In this way almost W. Sparks, Isaac B. Tarver, Thomas G. half of the passengers were saved. Before all could reach safety the barge Gaffin.

was verred around by the current and finally swung loose from the pier and the great in the sudden the swinging out of the barge the three children were thrown into the water and the same marks, a state brand and marks committee, providing for brands and marks committee.

swinging out of the barge the three children were thrown into the water and swept to their death.

Carried by the surging waters at a rapid trate the barge filled with screaming children floated into the channel and for a time it seemed that all were doomed to perish. But from further down the stream the catastrophe had been witnessed and at hand were a number of skiffs and rowbouts of different kinds. With one thought these boats were manned and like a miniature fleet they shot out into the swell of the stream to meet the barge.

Fincouragement was called to the children and they were urged to sit down and be quiet. This had a good effect. The rescuing boats surrounded the barge and the children were quickly taken from it and were safely landed.

The surrounded the three provision 2 of chapter 1, aforesaid, to create a new office to be filled by the section 2 of chapter 1, aforesaid. It was not the intention of the legislature, by section 2 of chapter 1, aforesaid. It was not the intention of the legislature, by section 2 of chapter 1, aforesaid. It was not the intention of the legislature, by section 2 of chapter 1, aforesaid. It was not the intention of the legislature, by section 2 of chapter 1, aforesaid. It was not the intention of the legislature, by section 2 of chapter 1, aforesaid.

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It was not the intention of the legislature, by section 2 of state; but the provision in said section authorizing the governor to appoint three persons to act as members of a brand and marks, under the point three persons to act as members of the state, but the provision in said section authorizing the governor

## WESTERN MATTERS AT CAPITAL

Changes in Salaries of Nebraska and Other Western Postmasters.

(From a Staff Correspondent.) WASHINGTON, June 3 .- (Special Telegram.)-These rural carriers were appointed store fronts and residences. Local busi-ness men and manufacturers united in a Daniel H. Bricka, Carl E. Averill; substitutes, Bert Bricks, S. F. Averill, Iows-Albia, regular, Jesse A. Turner; substi-Spirit Lake, regular, Harvey Wood, George C. Town; substitutes, Earl E. Wood, Frank

The Chase National bank of New York

Stovern, Crawford, Reberts county; Carle Jeglum, Toronto, Deuel county. These changes in salaries of presidential postmasters were announced today: Neraska-Increase, Wood River \$200, Falls City \$100. Decrease, Sterling \$100. Wyoming -Increase, Sheridan \$200, Buffalo, Casper, Douglas, Evanston, London, Laramie, Rock Springs \$100. Decrease, Cambria, Kem-

Dr. and Mrs. J. A Andrews of Enstis. Frontier county, Neb., who have been visiting Mr. and Mrs. W. E. Andrews for several days, left today for Gettysburg. After a visit to the battlefield, Dr. and Mrs. Andrews will go to New York, where the doctor will take up a special course in medicine, instead of spending his vacation in travel. He will return to his practice in Nebraska in September.

Auditor Andrews of the Treasury department is in great demand as a commencement orator, having four engagements within the next few days to address graduating classes. Tomorrow evening he will address the graduating class of Woods' Commercial college, his subject being "The Practical Value of a Business Education. On the 10th he will deliver the commencement address to the graduating class of the Academy of the Sacred Heart and on the Reosevelt and party reached here from 11th he will speak to the graduating class of the McKinley Tealning school

It was announced authoritively tonight coln-Douglas debate in 1858, where a monu- that Secretary Moody of the navy would ment commemorating the event was un- not remain in the cabinet longer than the veiled in the presence of many thousands present term of President Roosevelt. Mr. from Freeport and vicinity. At the court Moody expects to resume the practice of

Hundreds of Thousands of Dollars of Loss Being Created by Unchecked Finmes.

PORTLAND, Me., June 3.-Maine tonight s burning from one side to the other in almost all sections. Hundreds of thousands of dollars' worth of valuable property and valuable timber land are being destroyed hourly by forest fires and there la little prospect for changed conditions until rain has soaked the ground and woodlands. At least thirty fires are reported tonight and many others are raging. Not for many years has western Maine been covered by such dense smoke as poured over the cities and towns of York county today. Not an inch of rain has been in Maine in the last eight weeks.

A number of special trains were sent out with men to fight the fires, to be followed by others during the night and in the morn ing as fast as the men are secured. Fires are reported tonight as burning in the vicinity of the following towns: Rangeley, Bemis. Portland, St. Stephen, N. Mill Bridge, Livermore Falls, Greenville Junction, Ellsworth, Millinocket, Gardiner Pittston, Benton, N. B., Houlton, Mon ticello, Littleton, Ludlow, Bridgewater,

## Denmark, Waterford, Bridgeton and Kinco. PROTEST ON FOREST RESERVES

Governor Chatterton of Wyoming Re affirms Views of Late Governor Richards.

CHEYENNE, Wyo., June 3 .- Govern-Fennimore Chatterton has sent a strongly worded protest to the Interior department and Commissioner Richards of the general collecting special assessments and the suland office against the creation of such extensive forest and game preserves in Wyoming as have been ordered.

Over one-third of the state has been segregated by the national government for reservations. It was upon this question that the late Governor Richards took issue with President Roosevelt and his successor in office is equally as firm in his conviction. reservations. It was upon this question tions.

## CONDITION OF THE WEATHER WATERS GOING DOW Forecast for Nebraska-Warmer Thursday; Friday Fair.

Supreme Court Passes Finally on Marks and Brands Fees.

BONDSMEN, HOWEVER, ARE RELEASED

Having Received Money While Presuming to Act as Public Officer

> He Cannot Deny Liability.

(From a Staff Correspondent.) LINCOLN, June 3.-(Special.)-W. F. Porter, formerly secretary of state, will have to pay back to the state the money he received as a member of the Marks Morgan, Theodore Mahn and James N.

The sureties on official bonds do not undertake to answer for acts done by the principal under color of his office, but only for acts done by virtue of his office.

The state has no legal title to any part of the fees received by the secretary of state for recording brands and marks under the provisions of the act of 1899; but that officer having, in collecting such fees, assumed to act in an official capacity, the law does not permit him, when called to account by the state, to deny that he so acted.

A general demurrer admits the truth of all material facts well pleaded, but does not admit conclusions of law.

Official misconduct is not established by showing that trust funds have been used by a public officer for the very purpose the legislature and the owners of the funds intended they should be used.

The judgment of the couct in favor of the surities is affirmed, but the judgment in favor of Mr. Porter is reversed.

Open Law of the Court. Chief Justice Sullivan wrote the opinion Judge Sedgwick concurring in a separate opinion. Chief Justice Sullivan says in his

City National of Tipton, Is.

The case was submitted in this court on Surgeons were sent on extras from both South Dakota postmisters appointed: Ole the theory that the act of 1839 was a valid law, but this theory we cannot accept. It was not valid; in whatever light it is viewed it clashed with the constitution; there was warn the train with a piece of red paper.

not an enforceable provision in it: from the beginning to the end it was absolutely and utterly null.

While it is entirely certain that the legis-lature did attempt by the act of 1899 to add to the number of executive officers created by the constitution, there is, we think, in the act itself clear and unmistakable evidence that the legislative purpose was to impose new duties on the secretary of state and not to create for him a new office.

Thus far it has not been found necessary in this state to provide for the filling of remunerative offices by conscription. When it is thought that the services of a particular individual are indispensable to the public his friends may appeal to his patriotism, but the state cannot, under existing laws coerce him. Acceptance of office patriotism, but the state cannot, under existing laws coerce him. Acceptance of office by taking the constitutional oath is, rid in its very nature must be a voluntary act. Porter having no authority in any case to receive fees paid to him for services rendered as secretary of state, and the fees in question having been paid and received for the use and benefit of the brand and mark committee and not for the use or benefit of the state, it is entirely clear under the previous decisions of this court that the previous decisions of this court that the judgment in their favor is right.

The money in question did not come into Porter's hands by virtue of his office, but under color of his office; he had no legal right to receive it as secretary of state and consequently it was not within the under color of his office; he had no lead to receive it as secretary of a and consequently it was not within terms of his official bond. Besides sureties have done nothing to precthem from asserting the truth, and truth is that the state had no legal to any part of the fees received us the provisions of the act of 1899. Besides th

## Why Porter is Held.

But while the state is not entitled to a judgment against the sureties, its claim against Porter is on a different footing. In receiving the money which the state is now seeking to recover Porter assumed to act in an official capacity; by his conduct he asserted that he was exercising a power derived from the state, and this assertion he cannot now repudiate. If then the fees retained by Porter be considered as having been received for services rendered by him as secretary of state the conclusion is inevitable that he must account for them. The judgment in favor of the sureties is affirmed but the judgment in favor of Porter is reversed. The claim that the state is entitled to recover the sum of \$55.05 paid to S. E. Starrett for keeping the records of the brand and mark committee is grounded on the fact that Starrett was a clerk in the office of secretary of state and was receiving from the state for his services as such clerk in the office of secretary of state. Starrett was not entitled to extra compensation for any services which, in concemplation of the legislature, were within the scope of his employment. But very clearly it was no part of his duty to keep the records of the brand and mark committee. If Starrett actually kept the records he sarned the money which he rerecords of the brand and mark the tee. If Starrett actually kept the reds he earned the money which he reds he was a supplied to the control of the brand and mark the reds had been also been account.

### ceived and is entitled to it. Decision on Tax Case.

The supreme court has adhered to its former decision in the case of Logan County against Carnahan. This was on a rehearing. The decision was written by Holcomb and the former one by Chief Justice Sullivan. In the former opinion it is held that a county cannot maintain an action for the closure of a tax lien unless based upon an antecedent tax sale certificate or tax deed, and the petition in this case, failing to show there had been issued a tax sale certificate for delinquent taxes York, Smyrna Mills, Presque Isle, Old Orwas deemed defective in substance, and chard, Clinton, Burnham, Rome, Lovell, therefore a general demurrer interposed to the petition praying for foreclosure of the tax iten should have been sustained.

## Affirms Omaha Cases.

The supreme court has affirmed the deisions of the lower court in two tax cases entitled "The Omaha Savings Bank, Appellant, and John H. Caulfield against the City of Omaha, Appellee," and "The Equitable Trust Company, Appellant, against the City of Omaha, Appellee. The lower court dismissed injunction suits instituted to prevent the city from preme court affirms these decisions. The syllabus in the Omaha Savings bank case is as follows:

(Continued on Page Three.)

Temperature at Omaha Yesterdayi Deg. Hour. Deg. . . 58 1 p. m. . . . . 66

9 p. m ..... 65

5 a. m ..... 58 6 s. m..... 58 2 p. m ..... 7 n. m..... 58 3 p. m.... 71 8 a. m .... 89 5 p. m..... 70 9 s. m.,,,, 59 10 a. m.,,,, 60 7 p. m..... 60 8 p. m..... 67 11 a. m. .... 62

### SULLIVAN PLAYS FOR EVEN SYSTEMATIC RELIEF PLANS IN OPERATION Chicago Broker Plans Spectacular

Raid of the Board of Trade. CHICAGO, June 3.-Prompt action on the HOUSE TOPS SHOWING ABOVE THE WATER part of directors of the Board of Trade and several members of the Board of Trade firms forestalled the service of warrants today for alleged violations of the statutes,

Charges of "pretended buying and selling of grain" without any intention of delivering were brought against the individual directors and charges were also preferred against Louis R. Fyfe, L. H. Manson, B. B. Bryan, Lorenzo J. Lamson and S. Warren Lamson, Board of Trade operators, by two men who are said to have been victims of the recent raid upon the establishment of George T. Sullivan.

Arrangements were quietly made, however, for the perfecting of bonds for all parties and a spectacular raid of the board and offices of its members, which was to have been a part of the program, was avoided.

President Chandler of the Board of Trade

This attack on the Board of Trade, This attack on the Board of Trade, through its officers and directors and a few of its members, is an act of retaliation and revenge on the part of the bucket shop men on account of the beard withholding from them its market quotations. They are despecate since the failure of their last scheme to capture the open Board of Trade and work it as a quotation factors.

The Board of Trade is more than willing to put to the test of the law its methods of dealing. In fact, it has already stood the test of the law for more than fifty years, and has been adjudicated upon by the courts of last resort, and this fact must be well known to the people who are instigating these suits.

The attack is prompted by men blinded with disappointment and rage, as they realize the impending annihilation of their lawless business.

# EXCURSION TRAIN WRECKED

Conductor and Four Negroes Are Killed and Number of Others Are Injured.

COLUMBIA, S. C., June 3.-Six miles out coming into Columbia to spend the day, as indicated in Monday's dispatch, that early this morning ran into a washout when the present flood finally subsides the caused by a cloudburst the night before. Conductor Clements was instantly killed as were four of the negroes, one being a woman, and about thirty passengers were injured. Engineer Wilson was badly scalded, but not seriously injured. warn the train with a piece of red paper

n his hand, but the engineer either did not see the signal or saw it too late. Killed: J. J. CLEMENTS, conductor, Wilming

FRANK ROSS AND HIS WIFE, MIN NIE ROBS, of Sumter. JOE DAVIS of Marion. NED WESTON of Sumter. Weston died on the relief train on his

### way to Sumter. WILL BE TRIED AT JACKSON Court Declines to Grant Change of

Murder Cases. JACKSON, Ky., June 3.-The order changing the trial of Jett and White murder cases to Morgan county has been withdrawn and the cases will be tried here as soon as a jury can be summoned from an

Venue in Jett and White

djoining county. Curtis Jett and Thomas White, alleged murderers of James Marcum, were brought into court by a file of soldiers today. The court's order of yesterday to hold their trial had not been entered and upon the suggestion of Commonwealth Attorney Byrd of the inconvenience and danger to witness entailed the court directed that the order be not entered and that the cases go of which had evidently been rescued. No to trial here. The judge will appoint a steps have been taken to protect household deputy to go to another county and get a

The fall guard was called out last night by a number of shots which were appar ently fired in the jail to annoy the soldiers Otherwise everything is quiet.

### SEEK RATE MODIFICATIONS Harvester and Steel Representatives Appear Before Transcontinental

Freight Bureau.

Freight bureau at the Hotel Pfister was de- lies. voted to the consideration of schedules and discussing the various claims by shippers for changes in the classification of their dinary appearance, being checked twenty

commodities. Those who appeared personally in support of their petitions were Wilbur B. Everest of Pittsburg, representing the Westinghouse company; J. Young, traffic manager of the Acme Harvester Co. of Peorla, Ill., and T. F. Bentley, traffic manager of the Illinois | months. Steel company of Chicago.

Movements of Ocean Vessels June 3. At Queenstown-Arrived: Majestic, from New York, Salled: Ivernia (from Liver-pool), Jor Boston, Arrived: Westernland, from Philadelphia, for Liverpool (and prorom Philadelphia, for Laverpool.

Seeded).

At Scilly—Passed: New York, from New York, for Southampton; Marquette, from New York, for London; Montreal, for London.

Montreal, for London.

At Southampton — Sailed: Menomines, Malser Wil-At Southampton — Sailed: Menomines, from London, for New York; Kalser Wilhelm der Grosse, from Bremen, for New York, via Cherbourg, Arrived: New York, from New York, Passed: Hurst Castle, at 12:45 a. m.

m. Liverpool-Sailed: Friesland, for Cheenstown; Germanic, Philadelphia, via Queenstown; Germanic, from New York, via Queenstown; Germanic, ton, from Montreal. At Bremen-Arrived from Montreal. Bremen-Arrived: Kaiser Wilhelm II New York, via Plymouth and Cherourg.
At New York—Arrived: Teutonic, from Averpool; Numidian, from Glasgow and Averpool, via Halifax, Sailed: Barceiona, or Hamburg, via Newport News; Phila-lelphia, for Southampton; Ryndam, for Rotterdam, via Boulogne; Oceanic, for

At Manchester - Arrived: Caledonian, from Boston. At Genos-Arrived: Victoria, from Philadelphia.

At Brow Head—Passed: Dominion, from Montreal, for Liverpool: Hungarian, from Montreal, for Glasgow: Aurania, from New York, for Queenstown and Liverpool.

At Antwerp—Sailed: Pennland, for Philadelphia.

Work of Repair Begins in the Lately Inundated Towns.

FIRST THOUGHT FOR THE HOMELESS

Communication with Kansas City, Kansas, Opened by Steamer.

Sun Shows Its Face and Both Rivers

Are Falling.

Rise in the Mississippi River Threatens the People of St. Louis and Points Below that City.

(From a Staff Correspondent.) KANSAS CITY, June 3 .- (Special Telegram.)-Kansas City is standing by today, still hopeful, still alert, ready to act the moment the now rapidly receding waters makes action possible. Already the rallroads are laying their plans and just as soon as the tracks are uncovered every avallable man will be pressed into service rebuilding and repairing. Already arrangements have been made whereby all the money necessary will be forthcoming and the construction officials have begun to look up such material and supplies as will be required and what is true of the railroads is true also of the other large bustness interests. The upper floors of the Stock exchange building are, indeed, even now in the hands of cleaners, although the river still rages below. Gas is now available in limited measure, seven street car actory.

The Board of Trade is more than willing lines are in operation and by tomorrow evening the water famine possibly will be

lifted in the business districts. Besides this the only new developments today was the establishment of a steamer service between the two Kansas Citys. Across the river the smaller sister has suffered most, but even there things are gradually looking up. At some risk and considerable trouble supplies have been taken in to feed the hun,try and, according to latest advices, the same spirit of eager optimism animates the Kansas as the Missouri sufferers.

With the passing of danger and reopen ing of the various branches of the public service a growing interest is being taken in the probable change in the courses of from Sumter an excursion train on the the twin devastators, the Kaw and the Atlantic Coast line, loaded with negroes Missouri. There seems to be no doubt now. channels will both be changed.

### REPORTS WERE EXAGGERATED Loss of Life in Kansas City Not as Heavy as Had Been

Reported. KANSAS CITY, June 3.-The Missouri river fell seven inches between 7 a. m. and 7 p. m. today, and the Kansas river fell nine inches in the same time. The fall of both rivers will be at a much faster rate tomorrow. The sun shone during a large part of the day and the general feeling was hopeful. Militiamen and police still guard all approaches to the flooded district and soldiers halt pedestrians in the residence streets late at night, for there are no street lights, the electric light plant still being shut down. Several street car lines are in operation and the others will resume in a day or two. The city water works will begin pumping late tonight, and the business district will be supplied with water tomorrow. The railroads are gull giving incomplete service, but are repair-

ing the washouts. The reports of heavy loss of life in Kansas City, Kan., are not true and the stories of bodies lying in the drift are unfounded The loss of property has not been over estimated, however. An Associated Pres launch crossed to Armourdale today and cruised for miles through the water in what were formerly streets. In many places water is twenty feet deep and the 18,000 inhabitants have fled. Except the watchmen in the packing houses on the river front, not a human being was to be seen. Red and white flags hung from the upper windows of some houses, the occupants

### goods in the buildings. Channel May Change.

Armourdale will not be inhabitable for a ong time after the flood subsides. Every building has been more or less damaged hundreds utterly ruined. A strong current has set through the town and the river may persist in following this course. In the old channel in front of Armourdale the stream flows moderately, but through the town the water rushes rapidly. There will be six feet of solidly packed mud when the flood abates, and this will need to be MILWAUKEE, Wis., June 2.- The second | cleared away. On the flat roofs of houses day's session of the Transcontinental that have been uncovered a foot of mud

Kansas avenue, the principal thoroughfare of Armourdale, presents an extrao -feet deep with the debris of houses, tele graph poles, sidewalks and fences. The brick buildings have stood, loosing all their windows, but the water has packed the streets with rubbish. The clearing away of the mud and ruins will be a work of Argentine, seen from the river, seems to

have suffered little further injury since Sunday. In the west bottoms of Kansas City the waters of the Kansa river are rushing through the streets like a mountain torrent. Several other brick buildings, undermined by the water, fell today. Not one wooden building is fit to be used. The elevated railroad is tearing down a number of its stations, which we: totating. The police are very active in the wholesale district, where many loaded freight cars stand on the tracks, and the warehouses are full of goods. Men prowiing around in boats are compelled to account for themselves under the pain of shooting. In the stock yards district dead horses, mules and cattle are unloading on every side. The elevated roadways are full of cattle driven from the pens, and the necessity of looking after these animals

### makes the district busy, men going about in boats. Railroad Losses Great.

The losses of the railroads on loaded and empty cars standing in the yards of the west bottoms, is even larger than represented. The contents of the loaded car must be seriously injured and practically all of the thousands of cars have been overturned, twisted or smashed. The subdelphia.
At Cherbourg-Sailed: Kalser Wilhelm area next to the bluffs in the west bottoms.

der Grosse, from Bremen and Southampton.

The owners of houses and stores vacated