THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, TUESDAY MORNING, OCTOBER 27, 1903—TEN PAGES. SINGLE COPY THREE CENTS.

JAPAN WANTS PEACE

Premier Says that Negotiations Are in Progress to Preserve Statu Qu

HOPES TO REACH SATISFACTORY h

Sees Nothing in Present Situation to Warrant Any Alarm.

COREAN GOVERNMENT MAKES PROTEST

Objects to Russia Building Forts on the Yalu River.

RUSSIAN MINISTER TO VISIT PARIS

Count Lamsdorf Will Discuss Eastern Situation with French Foreign Minister, Relating Both to Balkans and China.

TOKIO, Japan, Oct. 26.—Baron de Rosen, the Russian minister, and Foreign Minister Komura resumed the conferences today. The Japanese cabinet also held another session.

Premier Katsura in an interview today, said he deeply regretted the sensational reports circulated in Europe, which, he added, were unfounded.

Referring to the diplomatic situation, the premier remarked:

The Japanese government pursues its negotiations in strict accordance with the spirit of the Anglo-Japanese alliance, which aims at the preservation of peace and the status quo. It is only fair to presume that Russia is actuated by the same peaceful spirit in which the dual alliance is extended in the far east. I, therefore, fail to see why the present negotiations should not lead to mutually satisfactory results. In any case nothing in the present situation warrants any alarm.

Corean Government Protests.

YOKOHAMA, Oct. 26.—It is announced that the result of the elder statesmen's conference on Saturday last was to confirm Japan's intention to press Russia for a definite conclusion of the negotiations.

The Corean government has protested against the Russian fortification of Yongampho on the Yalu river.

Russia Confers with France.

PARIS, Oct. 26.—The Foreign office has been advised that the Russian foreign minister, Count Lamsdorff, has revised his plans and that he now expects to arrive in Paris tomorrow and remain here until Saturday, conferring fully with Foreign Minister Delcasse on questions relating to the east and far east.

Much importance is being attached by the officials to the meeting. They connect it with the attitude of the powers in the Balkan question and with the strained Russo-Japanese situation. While the officials will not discuss the exact nature of the conference, they say it will doubtless cover all the phases of the Franco-Russian relations.

During the present strained relations between Japan and Russia the understanding has prevailed here that the Franco-Russian alliance had the same operation in the far east as in Europe, but the extent of French sympathy in support of Russia would depend on who was the aggressor.

An American official conversant with the French policy pointed out today that the Franco-Russian and British-Japanese alliances operated strongly to prevent an outbreak of hostilities between Japan and Russia. Express agreement contemplates support when the ally is attacked. Therefore, Russia and Japan defer taking action, not wishing, by being the aggressor, to sacrifice the benefit of its alliance. It is expected that these and other features of Franco-Russian co-operation will be gone over at the conference to be held during the next few days.

Not Necessary to Insure.

LONDON, Oct. 26.—In connection with the insurance against war risks effected on shipments of Welsh coal to Port Arthur for Russia, a telegram received in London today from St. Petersburg says there is no further necessity to insure against war.

This is interpreted as forecasting a favorable outcome of the negotiations between Russia and Japan.

American Arrested in Hungary.

BUDA PEST, Oct. 26.—Adolph Friedman, an American, has been arrested at the instance of the United States authorities, on the charge of fraudulent bankruptcy in New York. Friedman recently had been conducting a summer garden here.

Roots Are Coming Home.

LONDON, Oct. 26.—Secretary of War Root and Mrs. Root will be passengers on Celtic, which is to sail from Liverpool October 30 for New York.

Crew and Passengers Lost.

BREST, France, Oct. 26.—The French bark Savoyard has been wrecked near here. Thirty-one of its crew, the captain's wife and four other men were lost.

SERIOUS CHARGES ARE MADE

Affairs of Defunct Harvester Company Are Being Aired in Court.

CHICAGO, Oct. 26.—Charges and counter charges as to the management of the Acme Harvester company of Peoria and its financial affairs were presented in sharp debate before Judge Kohlsaat of the United States court today, and in the end the court referred the matter to Referee McCulloch of Peoria, to report as to the solvency of the concern and the advisability of appointing a receiver.

The most serious charges were made by Attorney S. O. Levinson, who declares that the petitioning creditors had no ground for asking to have the corporation be adjudged bankrupt, and that the petition was filed so that the concern might be further embarrassed. This was answered by Attorney Haffenberg to the effect that the creditors in whose name he filed the petition last week were willing to substantiate their charges by a bond as large as the court cared to require.

This, he said, would make the petitioners liable financially if they did not prove their allegations.

Body to Be Brought Back.

SAN DIEGO, Cal. Oct. 26.—The United States training ship Mohican has just arrived on a cruise which will be extended as far south as the United States coaling station at Pochlinque bay, with orders from Washington, accompanied by a permit from the government of Mexico, to take up the remains of Captain W. Reisinger and bring them to San Diego, whence they will be shipped to Washington. Captain Reisinger, while captain of Philadelphia, died on board while the cruiser was at Magdalena bay while on its way from Panama to that port. Under the Mexican law the body had to be buried there and could not be removed for two years. This period will have elapsed since the death and burial while Mohican is at Magdalena on its way north, and the remains can be brought away.

WOS Y GIL IS IN TROUBLE

President of Santo Domingo Has a Very Lively Revolution on His Hands.

CAPE HAYTIEN, Hayti, Oct. 26.—The revolution which has broken out in the eastern part of the republic of Santo [illegible] and which already has resulted in the establishment of a provisional government with the presidency of General Morales at Puerto Plata, was, according to advices received here, caused by the numerous custom house frauds and the prevarications of the ministers of war and finance.

The signal for the outbreak of the revolt was given at 2 o'clock Saturday afternoon by three cannon shots. That same evening all the partisans of President Wos y Gil at Puerto Plata were arrested. The inhabitants of Monte Cristi, La Viga and Moca united and attacked Santiago. That town is now surrounded by revolutionists, who have severed telegraphic communication between Santiago and La Viga. The revolutionary movement is extending. Vice President Des Champs has sought safety in flight and is said to be hidden in Monte Cristi, where he is seeking flight on a vessel.

The general opinion is that the government of President Wos y Gil is lost.

PARIS, Oct. 26.—Advices received from Cape Haytien, Hayti, confirm the reports that the revolutionary movement in the republic of Santo Domingo is in favor of former President Jiminez. The revolution is spreading and, according to the dispatches received here, all the inhabitants of the region of Monte Clabo have joined the uprising against the government.

The election of General Morales as president of the provisional government is said to be a step taken pending the arrival of General Jiminez, who will be elected president of the republic if the revolution is successful.

TURKISH TROOPS ARE KILLED

Revolt of Two Arab Tribes Over Cattle Tax Results in Slaughter.

BUDA-PEST, Oct. 26.—It is now announced that the military commandant, Ahmet Pasha, and the governor of the province of Azir, on the Red sea coast of Arabia, were killed as the result of a revolt of two Arab tribes against the imposition of a new cattle tax, and that about a thousand Turkish troops were killed or wounded.

The rest of the Turkish force was routed. About fifteen battalions of troops have been dispatched thither. General Handy Pasha has been appointed commander-in-chief and governor of Azir.

CONSTANTINOPLE, Oct. 26.—The proposed Austro-Russian joint control of Macedonia does not meet with the approval of the German and Italian diplomats, and the porte is expected to utilize the disagreements between the powers in order to delay action.

The German generals in the Turkish service, Auler Pasha and Ruedisch Pasha, have gone to Seres, where they will participate in the inquiry into the excesses of the troops.

DIOCESES ARE TO BE DIVIDED

Congregations of Propaganda Will Consider American Questions at Next Business Meeting.

ROME, Oct. 26.—Upon receiving news of the death of John Joseph Kain, archbishop of St. Louis, the congregation of the propaganda arranged for the appointment to the archbishopric of Bishop John J. Glennon, who, being already coadjutor, does not have to go through the formal process required for the appointment of persons to vacant sees.

Cardinal Gotti, prefect of the propaganda, has issued a notice that the first meeting of the congregation of the propaganda will take place the first part of November. This first meeting is simply for the purpose of commemorating the cardinals who died during the year; the real work of the congregation will only be resumed at the end of November or the first of December. The principal American questions to be discussed by the congregation are the appointments of an archbishop for Milwaukee, a bishop for Columbus and the division of the dioceses of Hartford and Dubuque.

PEARSON IS IN THE WRONG

Makes Mistake When He Personally Insults Italian Railway Official.

ROME, Oct. 26.—From the political atmosphere it appears that Richmond Pearson, formerly United States consul at Genoa and now minister to Persia, who, as announced Saturday, was fined in default $60 and $15 costs for insulting an Italian railroad official on December 2, 1902, was completely within his right in complaining of the behavior of the railroad official referred to, but it is alleged that Mr. Pearson was himself wrong by insulting the official.

Mr. Peason claims the immunity enjoyed by the diplomatic body, while it seems when the accident occurred he had not yet been appointed minister to Persia. It is also asserted that his letter to the United States embassy here asking to have the sentence annulled is in such form that it cannot be shown to the Italian minister for foreign affairs.

FRANCE NO LONGER AN ASYLUM

Treaty Soon to Be Signed Which Will Bring About Extradition of Bribers.

PARIS, Oct. 26.—Carrying out instructions received from Washington, Ambassador Porter has begun negotiations for an additional clause in the treaty between the United States and France to cover bribery.

The formalities will take some weeks, but the informal conferences indicate the willingness of the French official to make the desired extension. It is doubtful whether he will be willing to make the clause retroactive so as to include bribery committed before the clause goes into effect.

The ambassador is seeking to expedite the negotiations and the French authorities are manifesting a desire to fully meet the wishes of the United States.

Emperor and Czar Meet.

BERLIN, Oct. 26.—Emperor William will meet the czar at Weisbaden in November. The empress and Prince and Princess Henry of Prussia will participate in the festivities in honor of the czar and czarina. The program will include a gala performance at the opera.

Steamer Proceeds to New York.

LONDON, Oct. 26.—The Red Star line steamer Finland, which arrived at Southampton yesterday from Antwerp with its steering gear deranged, made necessary repairs and proceeded today from New York.

HEINZE MAKES AN OFFER

Man Who Secured Injunction Against Copper Company Issues Circular.

WOULD SETTLE ALL TROUBLE AT MINES

Asks Miners' Union to Arrange Deal Whereby He Can Secure Control of Upper Lode, Selling Others.

BUTTE, Mont., Oct. 26.—From the steps of the county court house in this city F. Augustus Heinze this afternoon addressed a mass meeting of the miners of Butte, over 15,000 persons being in attendance. As the representative of John MacGinnis, Mr. Heinze in his speech made a counter proposition to the offer of the Butte Miners' union to purchase Mr. MacGinnis' stock in the Boston & Montana and Parrot Mining companies and thus end the litigation with the Amalgamated Copper company. After his address Mr. Heinze had thousands of printed circulars distributed upon the streets of the city. The circular, which is identical in substance with the oral proposition made by Heinze at the mass meeting, follows:

John MacGinnis purchased the 100 shares of stock in the Boston & Montana company in April or May, 1898, at the cost of $200 per share. The cost of the stock in the Parrott company offered by Messrs. MacGinnis and Lamm was about $25 per share. John MacGinnis was offered in 1899 and at several times subsequently $100,000 for the 100 shares of stock in the Boston & Montana company. I understand the Butte Miners' union to be willing now to pay as high as $50,000 for the Boston & Montana stock and $100 per share for the Parrott stock.

I am authorized by Mr. MacGinnis and Mr. Lamm to state that they do not wish to make any money out of the sale of the stock, but on the contrary are willing to make a sacrifice if a sale thereof will result to the benefit of the miners, laborers and business people of Silver Bow county and the state of Montana and I am authorized by them to make the following offer, towit:

Proposition of MacGinnis.

That John MacGinnis will sell the 100 shares of stock in the Boston & Montana company for $200 per share, or $20,000, with interest thereon from the date of purchase at the rate of 8 per cent per annum, and Messrs. MacGinnis and Lamm will sell their shares of stock in the Parrot company for $35 per share, with interest on the amount at the rate of 8 per cent per annum from the date of the purchase of said stock; provided, the judgments and orders now entered in the case of Forrester and MacGinnis against the Boston & Montana company and the costs of the various actions with reference to this stock and their rights as stockholders shall be forever settled, and, provided further, that five undivided thirty-sixths of the Nipper lode claim, owned by the Anaconda Copper Mining company, or the Amalgamated Copper company, shall be sold and conveyed to me for the price paid therefore by the Anaconda Copper Mining company at the time it purchased the same and 8 per cent interest thereon from the date when the same was purchased, and the Anaconda Copper Mining company and the Parrot Silver and Copper company shall give me a deed of conveyance, assuring title to all of the veins and ore bodies contained within the same Nipper lode claim and that the whole controversy with reference to the Nipper lode claim shall be forever settled, as to enable me to operate the Nipper property.

This will put me in a position to give employment to something like over 500 men.

And, provided further, that the miners shall obtain an agreement from Mr. Scallon and Mr. H. H. P. Rogers that the Amalgamated mines will be kept in continuous operation for the next year and that the present rate of wages which prevail in the Butte mines and smelters shall be maintained for a period of at least three years.

As a separate and distinct offer and looking to a settlement of the entire mining controversy, I hereby further agree to select two men, the Amalgamated company to select two men and these four to select a fifth, which committee shall have the right to settle all difficulties and the ownership of all controverted ore bodies and declare the rights of the respective parties which shall be final and binding.

I hereby bind myself to the prompt and immediate execution and carrying into effect of either or both of the above offers if the same be accepted.

F. AUGUSTUS HEINZE.

CROATIANS WILL BE HELD

Men Suspected of Murder to Be Eventually Turned Over to American Officers.

PITTSBURG, Pa., Oct. 26.—While Superintendent Thomas A. McQuaid of the bureau of detectives failed to get extradition papers for Michoyle Tepanece and Mirovar Kobear, the two Croatians who were arrested at Southampton, England, for the murder of Samuel T. Ferguson, near West Middletown, Washington county, on September 26, he is confident that he will have no trouble in finally getting the desired papers.

They are promised him on presentation of certain affidavits setting forth the evidence he told the officials of the State department he had against the men. These affidavits will probably be secured today, and Detectives McQuaid and Kelly expect to start for Southampton on Wednesday.

Francis M. Ferguson of the Ferguson Construction company says he is sure the two men under arrest are the men who killed his brother, and says there will be no trouble convicting them with the strong evidence found against them. Mr. Ferguson, with a view to saving time, will send with the detectives a representative of the firm who knew the suspects well to identify them.

DOZEN PASSENGERS INJURED

Two Are Seriously Hurt in Collision on Delaware, Lackawanna & Western.

NEW YORK, Oct. 26.—A rear-end collision between two Delaware, Lackawanna & Western passenger trains occurred today at Orange, N. J. Of the dozen persons injured Mrs. Henry M. Dowd of Orange, who had both knee caps broken, and Lawrence T. Fell, a New York broker, who was badly shaken up and had an ankle sprained, were the most seriously hurt. Both trains were crowded with commuters. The engine of the rear train, which was the Barnardsville express, crashed into the Orange accommodation, having come rapidly around a sharp curve, the engineer being unable to slow up. The rear train is the same express that crashed into the trolley car loaded with school children at Clifton avenue in Newark, killing nine, last spring.

INDIAN BANK CLOSES DOORS

Depository of the Chickasaw Nation Falls After the Resignation of Cashier.

ARDMORE, I. T., Oct. 26.—The bank of the Chickasaw nation at Tishomingo, the depository of the Chickasaw nation, closed its doors this morning. The capital stock of the bank was $50,000. The amount of deposits is unknown.

Shortly after the closing the bank directors held a meeting and decided to apply to United States Judge Townsend for a receiver to wind up the bank's affairs. It is stated that depositors will be paid within thirty days. Kirby Purdom is president of the institution. Cashier McLish resigned ten days ago.

DOWIE STILL IN NEW YORK

Last Week of the Restoration Work Undertaken by Zionists Begins.

NEW YORK, Oct. 26.—The usual early morning service of the Zion "restoration hosts" in Madison Square Garden today was attended by a large crowd of Zion citizens with a large sprinkling of outsiders.

Dowie attended the meeting and spoke for a short time. Today begins the last week of the hosts' restoration work in this city.

An attachment was served today on the Dowies' coach and team. As the vehicle was being driven past the Fifth avenue hotel, a deputy sheriff jumped on the driver's seat, served the attachment on the coachman, seized the coach and team and drove off with them. The attachment is said to be for $1,000 and was secured by Attorney Robert E. Farley, his claim being for services rendered in defending J. Luther Pierson of White Claims, a former Zionite, who was convicted for allowing his child to die without medical assistance.

In his morning address today Dowie said he had no right to the name of Dowie, and that he did not know who his own father was. The occasion for the statement was certain letters published by a morning newspaper purporting to show that Dowie had cast off his own father. Years ago, Dowie said, he had the painful revelation made to him that John Murray Dowie, to whom the letters were written, was not his father. He said Elder Dowie had handed him certain documents on which he would speak tonight.

Dowie declared that he was glad the matter was out, as the letters had been in the hands of certain persons for years.

During his address he again denounced the newspapers and demanded the establishment of a censorship to protect clergymen, politicians, judges and business men from newspaper attacks.

The house-to-house visitation in Jersey City by the Dowieites was begun today.

PARKS IS AGAIN ON TRIAL

Walking Delegate Already Convicted on One Charge of Extortion.

NEW YORK, Oct. 26.—The trial of Sam Parks, the walking delegate who has already been convicted of one of the extortion charges against him, was begun today before Judge Newburger. The indictment in the present case is known as the "Tiffany Studio indictment," in which Parks is accused of having extorted $500 from Louis Sipmidt, president of the Tiffany Studio company, as the price of calling off a strike on a new building which that company was having constructed. Former Assistant District Attorney James W. Osborne is conducting Parks' defense. Associated with Mr. Osborne are George Gordon Battle and Barlow S. Weeks, who, as the principal lawyers for Roland B. Molineux, were arrayed against Mr. Osborne, who was the prosecuting attorney in that famous case.

Parks wore his usual defiant expression when he entered the court room today, but he did not look as healthy as during his previous trial.

On the calling of the trial Mr. Osborne moved for a postponement on the ground that he believed his client could not obtain a fair and impartial trial; that the case should not be called until the court of appeals had rendered a decision on a certificate of reasonable doubt, the issuance of which released Parks from Sing Sing, and that the health of the defendant is such that counsel could not properly consult with him.

Affidavits were produced from prominent physicians to the effect that Parks is suffering from chronic tuberculosis of both lungs. The motion for a continuance was denied and the trial proceeded. When recess was taken two jurors had been accepted.

BLAIR'S CONDITION IS SERIOUS

Son of Frank P. Blair III While Grand Jury Investigates Rumors Regarding Him.

ST. LOUIS, Oct. 26.—Conflicting reports as to the condition of James L. Blair, former general counsel of the World's fair, who is seriously ill at his home in the suburbs, came out today. From the physician's reports Mr. Blair had passed a comfortable night and his condition was improving. Lay visitors to the house, however, asserted that the patient was in a very dangerous condition and that extraordinary efforts to keep him alive were being made. The opinion was frequently expressed that members of his family had been prepared for the worst.

This afternoon the grand jury resumed its investigation of the charges made by James T. Roberts against James L. Blair. Roberts was one of several witnesses before the body. Judge James A. Seddon, former law partner of James L. Blair, who succeeded the latter as general counsel of the World's fair, and Ralph C. Kann, an employe of Seddon and Blair for many years, also appeared in response to summonses.

There was a sensational encounter outside the grand jury room between Judge Seddon and Roberts. The former had, it was reported, repudiated an interview attributed to him. This made Roberts angry and he said: "You have forsaken me. I'll go before the grand jury and tell all I know."

At 3 o'clock this afternoon one of the attendants who came outside of "Stancote," the Blair home, for a breath of fresh air, stated that Mr. Blair was in a critical condition; that he was unconscious, and that he had never fully regained consciousness since his fall.

INSANE MAN MEETS DEATH

Jumps from a Car and Is Crushed Under Wheels of Passing Train.

SPRINGFIELD, Ill., Oct. 26.—A supposed insane man who gave his name as Smith and his home as Hannibal, Mo., met death here today. He had been taken into custody at Meredosia yesterday. Today, in charge of the marshal and a member of the Meredosia council Smith was conveyed to Jacksonville, the purpose being to have a court inquire into Smith's sanity.

As the train was nearing Jacksonville Smith bolted, jumping from the car on the side opposite the station. He fell under a passing train and was instantly killed.

PROMINENT EDUCATOR ILL

Superintendent of Schools of St. Joseph Is Believed to Be Dying.

ST. JOSEPH, Oct. 26.—Prof. E. B. Neeley, for thirty-nine years superintendent of the public schools of St. Joseph, is tonight believed to be dying.

He is 63 years old and has been prominent in educational affairs of the nation for thirty years. He is the oldest school superintendent in point of continuous service in the United States.

INDICTS FOR LAND FRAUD

First of Probable Large Number of Cases Starts in Oregon.

CHARGE RECEIVER WITH ASKING BRIBE

Said that Over One Million Acres of Public Land Have Been Entered Fraudulently in Pacific Coast States.

PORTLAND, Ore., Oct. 26.—The United States grand jury today returned an indictment against Asa B. Thompson, receiver of the land office at La Grande, Ore., charging him with soliciting money to influence his official decision for approval for homestead applications which had been held up for insufficiency of proof.

There are three counts in the indictment and among the witnesses against Thompson is Charles Cunningham, a well known stock man of eastern Oregon. It is alleged that Thompson approached Cunningham and offered to have ten homestead applications approved in consideration of $500. The other counts concern the alleged dealing with Asa Robinson, to whom he is alleged to have offered his services for $50 in the case of each application.

The Interior department has had agents in this state for many months past investigating alleged frauds in the entry of land and the indictment of Thompson is the first result of the investigation. Rumors of frauds against the public land laws have been in circulation for the past year and it has been said that fraudulent entries in the states of California, Oregon, Idaho and Washington within the past three years will exceed 1,000,000 acres.

Much of the land has valuable timber on it, though large tracts of pasture lands in the eastern parts of Oregon and Washington are said to be included in the fraudulent entries. It is understood that other indictments will follow.

SENATOR STEWART MARRIES

United to Mrs. Mary Agnes Cone of Georgia at Atlanta Monday.

ATLANTA, Ga., Oct. 26.—United States Senator William M. Stewart of Nevada was married tonight at 7 o'clock in a private parlor of the Piedmont hotel of Atlanta to Mrs. Mary Agnes Cone, widow of the late Theodore C. Cone of Georgia, and for several years past a resident of Washington.

The ceremony was private, the only witnesses being Hon. Thomas N. Norwood of Savannah, who served in the senate thirty years ago with Senator Stewart; Hon. Clark Howell and State Treasurer R. E. Park. The ceremony was performed by the Rev. F. S. Bradley, Former Senator Norwood acting as best man. The bride and groom leave tomorrow at noon for Washington.

CHARGES THICK AND FAST

While Colorado Officers Are Accused Court-Martial Adjourns Until Thursday.

DENVER, Oct. 26.—Court-martial proceedings in the case of Brigadier General John Chase, Colorado National Guard, have been adjourned until Thursday next, in order to give Colonel Fahnstock, president of the court, an opportunity to attend the funeral of his father-in-law. It is reported that on reconvening the court will exonerate General Chase on the charge of perjury and disobedience of orders which were made against him by Adjutant General Sherman Bell.

It is understood that Governor Peabody has asked Bell to resign, and should he refuse to comply, it is said the governor will remove him from office. According to reports, Major Zeph T. Hill is slated for appointment as Bell's successor.

The formal charges against Colonels Fred Gross and F. E. Kimball, who are to be tried by court-martial, were handed to Judge Advocate Greer today. The two officers are charged with having drawn weapons on Major Arthur Williams and threatened his life when the trouble over the pay rolls occurred, at Camp Goldfield, October 2. Colonel Kimball is further charged with having drawn his revolver on his commanding officer, General Chase, and having ejected him from the former's headquarters.

OLD SOLDIER MAKES FIGHT

Wants Place in Pittsburg from Which He Was Removed by Mayor.

PITTSBURG, Oct. 26.—The trial of Mayor William B. Hayes on charges of misdemeanor was resumed today. The charge against the mayor is the removal of a civil war veteran without just cause.

Mayor Hayes was called by the defense and in answer to questions testified that he had served the notice which was received by Mr. Moore, the plaintiff, because he had complaints from various sources that the bureau of ordinance was not managed properly. Witness said that at the time he did not know the plaintiff was a member of the Grand Army of the Republic. All of the employes of the ordinance office except one were removed. The case went to the jury after Judge Shafer had delivered his charge. A verdict had not been returned when court adjourned at 4 p. m. Attorney Brennan for the defense asked the court to give peremptory instructions that there could be no conviction under the act 1897 on the ground that it was unconstitutional. No matter what the verdict may be it is certain that the act will be submitted to the supreme court on the question of its constitutionality.

RAIN AND SNOW IN EAST

Fall at Several Places in States of Pennsylvania and New York.

BUFFALO, N. Y., Oct. 26.—Rain and wet snow has been falling here since daylight, but disappears almost as fast as it falls. Snow fell at a number of places in the state today, the first of the season.

PITTSBURG, Pa., Oct. 26.—The first snow of the season fell today. Light snow was general in this district.

PRICE OF OIL ADVANCES

Standard Company Adds One Cent a Gallon to All Grades.

CLEVELAND, O., Oct. 26.—The Standard Oil company today advanced the wholesale price on all grades of refined oil 1 cent per gallon.

CONDITION OF THE WEATHER

Forecast for Nebraska—Fair Tuesday and Wednesday; Warmer in Eastern Portion Tuesday.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	40	1 p. m.	58
6 a. m.	39	2 p. m.	58
7 a. m.	38	3 p. m.	59
8 a. m.	38	4 p. m.	58
9 a. m.	42	5 p. m.	57
10 a. m.	46	6 p. m.	54
11 a. m.	50	7 p. m.	52
12 m.	54	8 p. m.	49
		9 p. m.	48

OLD BLOW FATAL AT LAST

Stroke on Head Five Years Ago Causes Death of "Tony Dean."

Anthony Dean, an ex-prize fighter and for years a well known character locally, died last Saturday at his home, Thirty-first and Davenport. Death was induced, according to the death certificate of the attending physician, by a "primary fracture of the skull by the Omaha police."

This finding of the physician revives the story of how Dean received the fracture five years ago in the Foley saloon at Fourteenth and Dodge streets, in a free-for-all fight which took place on a Saturday morning at about 2 o'clock during the Ak-Sar-Ben carnival in 1898.

The officer who arrested Dean and saw part of the fight had this to say:

"Dean and several companions were drinking at the bar when a dispute over a trivial matter lead to the exchange of blows and Jimmy Lindsay, at that time in the prize-fighting business, engaged in a battle royal. The others joined in and pop bottles were used freely. Dean was worsted in the fight and getting away from Lindsay, started to run in the direction of the Continental Clothing company's store which occupied the corner at Fifteenth and Douglas. The crowd followed him and several pop bottles were bounced off his head as he ran. Soon after Dean returned to the saloon and declared he was going to clean out the place. I told him not to go in, but he insisted and struck at me. I warded off the blow and hit him on the head with a short leather billy I was then carrying. This seemed to dampen his ardor for a resumption of hostilities and he accompanied me peacefully to the station. Shortly after I learned he became partially demented from the effects of a skull fracture received during the melee. I have never seen him since, but I understood then that an operation was performed."

"Tony" Dean, as he was familiarly known, never wholly recovered from the effects of the fracture sustained in that fight and his death last Saturday is said to be the direct result of the fracture, with paralysis as a contributing cause. It is understood that the relatives of the deceased have several times endeavored to bring suit to recover damages and it is learned that they are now trying to revive interest in their contention.

APPRAISAL DELAYED LONGER

Valuation of Water Works Awaits Return of City Engineer Rosewater from Ann Arbor.

The absence from Omaha of City Engineer Rosewater, owing to the serious illness of his son at Ann Arbor, Mich., may delay the beginning of the appraisal of the water works a few days. The three appraisers had planned to convene yesterday or today and make preliminary investigation as to the extent and condition of the distributing system, but were informed by City Attorney Wright that little could be done until Mr. Rosewater returned.

A letter from the latter received yesterday tells of further improvement in Stanley Rosewater's condition, the physicians expecting that the temperature of the patient would be normal about Wednesday. From this information it would seem that Mr. Rosewater will return the latter part of the week.

It was the original intention of the appraisers to meet last week, but Mr. Alvord was detained at Kennebec, Me., where he is a witness in a water works appraisal case.

Edward S. Cole, the engineer employed by the water works company to direct an inventory of the overground parts of the plant, arrived from New York this morning and will begin work immediately.

BENSON'S PUP FROM BOSTON

Little Terrier Comes All the Way Alone, Bringing Only Part of His Pedigree.

A touching little scene was enacted at the depot Sunday when Charley Benson met, for the first time, his little Boston terrier, come away out here into the untamed west to make his home with Mr. Benson and to elevate the tone of dog life in this western metropolis.

The adventurous young canine aristocrat is only three and a half months old and was on the road five days, coming from Fall River, Mass., by express. He is an exchange for the slight sum of $160 and has been registered under the title of "Benson's Pride." His parents according to Mr. Benson, are blue ribon holders, and as for the pedigree, the earlier portion of which arrived with the dog, Mr. Benson conveys the idea that the concluding end has just about passed Fort Wayne.

DEBATE CHICAGO NEXT MONTH

Omaha High School Students Will Entertain Their Opponents While in the City.

The debating society of the Omaha High school has completed arrangements for the reception of the Chicago debaters who are to be its guests while in the city on and around the date of the debate, November 6. The Kountze Memorial church has been secured for that evening and the sale of tickets has begun. Notwithstanding that the debate takes place within the foot ball season, the interest of the high school is already centered on it. Last June the team was defeated in Chicago, but with the advantage of being in its home town it is confident of winning this time.

Postpones the Levy.

An order was issued by Judge Munger in the United States Circuit court relative to the Masslich judgment cases in the Beatrice municipal bond matters, postponing the levy ordered made for the payment of these judgements until 1904. The modified order was made upon the showing made by City Attorney M. R. Davis of Beatrice, to the effect that at the time the original order was made it was too late to make the levy for 1903, and hence the postponement of the levy was inevitable and could not be made until 1904.

Sentenced to Be Shot.

OGDEN, Utah, Oct. 26.—At Farmington today Judge Rolapp sentenced Nick Hawo[illegible] to be shot on Friday, December 11. Hawerth killed Thomas Sandall, watchman in a [illegible] canyon. Hawerth was one of the prisoners who escaped from the penitentiary two weeks ago and was recaptured after four days' liberty.

LAYS DOWN NEW RULE

Stockmen Must Permit Inspectors to Examine Stock on Forest Reserves.

IF THEY REFUSE THEY WILL BE PUT OFF

State Law Will Then Apply to Any Stock Found Diseased.

TO INVESTIGATE LARGE POSTOFFICES

Start is Made in New York as Result of Reports.

BRISTOW IS TO HAVE FULL CHARGE

Will Personally Select Inspectors for Work Contemplated for Some Time, but Delayed for Lack of Necessary Force.

(From a Staff Correspondent.)

WASHINGTON, Oct. 26.—(Special Telegram.)—Commissioner Richards of the general land office, supplementing former instructions issued by the Indian bureau, has issued orders to forest officers notifying them that all stock grazed in the forest reserves must be submitted to the Bureau of Animal Industry when called upon for inspection. That in the event of the failure of owners to recognize inspectors of the Department of Agriculture the same is to be communicated at once to the Interior department when prompt and decisive action will be taken. In event that privilege is being accorded owners of sheep or cattle by the forest officers and their owners object to having their stock dipped or treated Commissioner Richards notifies all such offenders that the permit to graze stock will be abrogated immediately. This order, which was promulgated today, supports the hands of the Agricultural department, and is intended to stamp out, as far as possible, diseases incident to sheep and cattle grazed on the open plains.

Mrs. Richards Dangerously Ill.

Mrs. W. A. Richards, wife of the commissioner of the general land office, is critically ill at the family residence in this city. Mrs. Richards was taken sick last June, while on a visit with her husband to their Wyoming ranch. Her life was despaired of at that time, but she gained sufficient strength to reach Omaha, where specialists of the highest standing were called into consultation. Mrs. Richards continued to improve under their treatment and was taken to Atlantic City. The sea breeze seemed to be of great benefit and eventually Mrs. Richards was well enough to return to Washington. Last week, however, she suffered a relapse and tonight is in a most precarious condition.

To Investigate Large Offices.

A special investigation of the New York postoffice will begin in a few days, by inspectors working under the direction of Fourth Assistant Postmaster General Bristow. The inquiry is supplementary to the general postal inquiry, recently concluded, and is likely to occupy a month and probably longer.

It is stated at the Postoffice department that no charges are on file regarding the New York office, but the facts established by the inspectors when the lines of the general investigation led to that office long ago, persuaded the investigating authorities it was desirable. There have been many reports of laxity of administration and extravagance and all of these will be looked into. There will be at least three, and probably more inspectors detailed for this duty at New York. Mr. Bristow personally will select a number of the best men on the staff of inspectors for the work.

The president has taken an interest in the New York postoffice situation and it is understood has talked over the matter with Mr. Payne. Postmaster General Payne tonight said the investigation has been contemplated for a long time and that the only reason it has not taken place before now was the inability to secure inspectors. He suggested that other large offices likewise would be investigated.

Mr. Bristow declined to discuss the matter in any way.

Rural Delivery Matters.

Rural free delivery carriers appointed today: Nebraska—Cambridge, regular, Emerson A. Payton; substitute, John Payton. Iowa—Earlham, regular, Bert M. Roark; substitute, George Stanley.

These Nebraska rural routes will be established December 1: Edison, Furnas county, one route; area covered, fifty-two square miles; population, 530. Newman Grove, Madison county, two routes; area, seventy-four square miles; population, 940. Pleasantdale, Seward county, one route; area, twenty-six square miles; population, 515.

SHORTS IN COTTON ALARMED

Attempt to Cover Contracts Advances Price Twenty to Forty-Five Points.

NEW YORK, Oct. 26.—There was great excitement and activity at the opening of the cotton market today. More or less general frosts had been reported in the cotton belt over Saturday and Sunday, and with Liverpool exhibiting great firmness, there was a scare of shorts which started prices some 20 to 45 points higher.

October closed Saturday at 9.96 cents, sold up to 10.40 cents on the call while December touched 10.25 cents. This enormous gain naturally attracted heavy realizing and after the call prices were depressed several points.

Topeka Police Are Busy.

TOPEKA, Kan., Oct. 26.—The police have been busy in Topeka during the past twenty-four hours. Sixty-five arrests have been made since sundown Saturday. This includes burglars, drunks, tramps and the joints. The police have taken a new tack in the saloon deal. Two places were pulled on Sunday. They hope to convict the proprietors under the anti-Sabbath tipping law.

Senator Stewart to be Married

ATLANTIC, Ga., Oct. 26.—The Journal is authority for the announcement of the marriage tonight in this city of United State Senator William M. Stewart of Nevada and Mrs. M. A. Cone of Madison, Ga. The marriage, according to the Journal, will take place in the parlors of the Piedmont hotel, and will be performed by Dr. H. L. Bradley of this city.

Steerage Passenger is Missing.

PHILADELPHIA, Oct. 26.—The steamship Noordland arrived today from Liverpool, with Thomas Hall of Manchester, England, a steerage passenger, missing. Hall is said to have quarreled with some Italians and his disappearance was noted a half hour later. The commissioner of immigration is investigating the case.

Christian Science Teachers Meet.

BOSTON, Oct. 26.—Four hundred or more authorized teachers of Christian science from various parts of the United States assembled here today to consider matters with reference to teaching the faith. This is the first convention of its kind ever held.