

ESTABLISHED JUNE 19, 1871.

OMAHA, FRIDAY MORNING, APRIL 1, 1904—TEN PAGES.

SINGLE COPY THREE CENTS.

SUMMERS RULE EN

Judge Irving F. Baxter Agreed Upon United States District Attorney.

THOMPSON BRINGS SENATORS TOGETHER

Each of Them is Loath to Give Up His Favored Candidate.

PRESIDENT TALKS PLAINLY TO THEM

Told to Agree on Someone or Congressmen Would Name Man.

SPEEDILY GET TOGETHER ON BAXTER

Announcement is Made that Nomination Will Be Sent to Senate at Once and the Long Fight is Over.

(From a Staff Correspondent.)

WASHINGTON, March 31.—(Special Telegram.)—Judge Irving F. Baxter's name will go to the senate tomorrow as the successor to William S. Summers, United States district attorney, and thereby hangs a tale. When Minister Thompson arrived in Washington from Nebraska he had hardly removed the travel stains from his coat before he called upon the president to ascertain what common ground he could proceed to bring Senators Dietrich and Millard together. The president frankly informed Mr. Thompson that he would not appoint either Lindsey or Gurley, the two most strongly endorsed candidates for the position because of the intense opposition of the senators to the men mentioned. Mr. Thompson, realizing that it was futile to continue the fight for either Lindsey or Gurley, on the part of the senators, after his talk with the president, assumed the role of mediator between Dietrich and Millard. He told them that a compromise candidate must be agreed upon, and bore down on the necessity of an agreement at once. The senators were loathe to yield, but gradually they saw the hopelessness of holding out and late yesterday afternoon they agreed to recommend Irving F. Baxter, judge of the district court of Douglas county, as Summers' successor.

President Takes Hand.

This morning Senators Dietrich and Millard, accompanied by Hon. D. E. Thompson, met the president to settle the district attorneyship. At the outset of the conference the president declared that he would not appoint either Lindsey or Gurley. He announced that unless the two senators could agree on a man for the place he would have to take the matter out of their hands and refer it to the rest of the delegation. By this he meant that unless the senators could agree on a man other than those two he would ask the members of the Nebraska delegation outside of the senators to find someone. This was practically a reiteration of what he told Representatives McCarthy and Kinchad a few days ago, when he asked the Nebraska delegation to find a man to take the place of the late district attorney. As to Mr. Lindsey, the president intimated that he could not appoint him because of the stand taken by Mr. Millard, who told him a few days ago that he would consider the appointment of Lindsey a personal slap and that he would oppose his confirmation on the floor of the senate. Mr. Roosevelt went so far as to say that he had a high regard for Mr. Lindsey, who had been a member of the cabinet, but he would consider the appointment of Lindsey a personal slap and that he would oppose his confirmation on the floor of the senate. Mr. Roosevelt went so far as to say that he had a high regard for Mr. Lindsey, who had been a member of the cabinet, but he would consider the appointment of Lindsey a personal slap and that he would oppose his confirmation on the floor of the senate.

Agree on Baxter.

The president then mentioned Judge Baxter, whose name had been brought to his attention as a possible compromise. Senator Dietrich in reply to a question by the president said he knew Baxter to be a capable attorney and that he had made a good record as a judge during the past few years. The president then announced that he would appoint Judge Baxter, judge of the district court of Douglas county, as Summers' successor. The president then mentioned Judge Baxter, whose name had been brought to his attention as a possible compromise. Senator Dietrich in reply to a question by the president said he knew Baxter to be a capable attorney and that he had made a good record as a judge during the past few years. The president then announced that he would appoint Judge Baxter, judge of the district court of Douglas county, as Summers' successor.

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OHIO TRUST COMPANY ASSIGNS

Guardian Trust Company Will Handle Affairs of Federal Concern of Cleveland.

REMOVES LAST OBSTACLE FOR TRANSFER

Court Holds Republic is Not in Possession of Territory Traversed by Waterway and Has No Claim.

PARIS, March 31.—The first civil tribunal of the Seine today decided the case of the republic of Colombia against the Panama Canal company in favor of the defendants. The decision holds that the complaint of Colombia is not receivable and condemns the plaintiffs to pay the costs of the action. This decision has the effect of removing the obstacles in the way of the transfer of the canal concession of the company to the United States.

REMOVES LAST OBSTACLE FOR TRANSFER

The decision is a lengthy document, fully reviewing all the early circumstances of the concession and setting forth the various acts of the Colombian congress, the treaties, etc., particularly articles xx, xxi and xxii of the treaty of March 21, 1857, whereby the company acquired its rights. These articles, the decision says, have the manifest purpose of the full exercise of sovereignty over the canal. It results from what is established before the tribunal that Colombia is not in possession of the territory traversed by the canal. It remains before the tribunal to sustain its right over the canal, Colombia tacitly admits its inability to control the canal itself. It therefore follows naturally that it has lost sovereignty over the territory. The decision also states that the concession of the canal is maintained by the new Republic of Panama, which is in possession of the canal. It also states that the concession of the canal is maintained by the new Republic of Panama, which is in possession of the canal. It also states that the concession of the canal is maintained by the new Republic of Panama, which is in possession of the canal.

TAMPHERED JURY HEARS CASE

Mrs. Botkin Expresses Confidence in a Just Verdict and the California Trial Continues.

SAN FRANCISCO, March 31.—There was another surprise in the Botkin murder trial today. Owing to the charges made yesterday of attempts to tamper with the jury, it was understood that the first proceeding today would be the discharge of the jury. This, however, did not occur and the trial proceeded as usual. Attorney Knight stated to the court that, contrary to the advice of her counsel, Mrs. Botkin insisted on the trial continuing, saying she was satisfied the jury would render a just verdict. On being asked by the judge if this was her decision, Mrs. Botkin said that it was. Assistant Prosecuting Attorney Ferral called Mrs. Botkin's attention to the statement by the court yesterday that under the circumstances, should the defendant be found guilty, he would be compelled to grant a new trial. Judge Ferral said he did not want this assertion considered binding. An order allowing that portion of yesterday's proceedings was made. The court then ordered that the jury be admitted and the trial resumed.

LIKE A COUNCIL BLUFFS CASE

Illinois Convict Goes to Prison Under Name of States.

ST. LOUIS, March 31.—Arrested on the charge of having burglarized tools in his possession, Edward Alexander of Taylorville, Ill., concealed his own name and assumed the name of John C. Shumway, a member of the Illinois World's Fair commission, a former state senator and a leading citizen of Taylorville. In the criminal court here Alexander, under the name of "John C. Shumway," was sentenced to serve two years in the penitentiary. The real Mr. Shumway began to receive letters of condolence and sympathy, and suggestions as to how to secure a pardon, and today he arrived here and identified the prisoner as Alexander, from Taylorville, and requested that Alexander be sentenced under his right name. In the court records and Alexander, under the name of "John C. Shumway," will be taken to the penitentiary.

WANTS LIGHT ON STEEL DEALS

United States Corporation Objects to Application of Stockholder for Inspection of Books.

TRENTON, N. J., March 31.—The United States Steel corporation, through its counsel, today filed in the court of chancery a demurrer to the bill of Alfred Stevens of Newark, who sued the corporation because of its passing of dividends on the common stock. In his bill claims that the corporation had made sufficient earnings and that it was compelled, under a state law and by its own bylaws, to pay the dividend. He asked among other things that the defendant be ordered to produce its earnings so that the court might pass upon it. It says that the bill of Stevens does not show such a case as entitled him in a court of equity to a recovery from the defendant or to any relief in the matter complained of in such bill. It is asked that the demurrer be sustained and that Stevens be dismissed.

ARCHBISHOP FARLEY RETURNS

Metropolitan of New York Brings Papal Message Regarding Catholic University.

NEW YORK, March 31.—The Most Rev. John M. Farley, archbishop of New York, arrived today on the steamship Princess Irene from Naples, after a visit of several weeks in Rome. When the steamer reached quarantine the archbishop was met by a delegation of priests on the steamer Favorite, which he boarded. Archbishop Farley said that his voyage had been successful and that he expressed his great love for the United States. He also said he had an important message from the pope concerning the Catholic university, which will be read Easter Sunday morning.

ORDERED TO GIVE UP COMMAND

Major Carrington, in Charge of Philippine Scouts Will Report to Adjutant General.

SAN FRANCISCO, March 31.—Major Carrington, in command of the Philippine scouts now at the Presidio, has been ordered to start at once for St. Louis and turn over his command, afterward reporting to the adjutant general. SAN FRANCISCO, March 31.—Major Carrington, in command of the Philippine scouts now at the Presidio, has been ordered to start at once for St. Louis and turn over his command, afterward reporting to the adjutant general. SAN FRANCISCO, March 31.—Major Carrington, in command of the Philippine scouts now at the Presidio, has been ordered to start at once for St. Louis and turn over his command, afterward reporting to the adjutant general.

MAILED BOAT CAPTAIN

PIERRE, E. D. March 31.—(Special Telegram.)—The Fort Pierre mail boat, capsized in midstream this afternoon, throwing mail carriers and three passengers into the stream. Several skulls hurled by the assistance and all got out safely. All paper mail was lost, but the letter pouch was saved.

COLOMBIA LOSES ITS SUIT

French Civil Tribunal Decides in Favor of Canal Company.

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BURTON'S CASE IS DELAYED

Failure to Complete Bill of Exceptions Defers Sentence by Judge.

ST. LOUIS, March 31.—The bill of exceptions to be filed by the counsel for United States Senator James R. Burton of Kansas, who was last Monday convicted in the United States district court having received compensatory delay in his sentence before the postoffice department in behalf of the Rialto Grain and Securities company of St. Louis, has not been completed. Until it is completed and submitted to the United States district attorney Colonel D. P. Dyer. Colonel Dyer says to the Associated Press today: "I do not want to rush this matter. I will carefully go through the bill of exceptions and if I will probably take me until Monday, for I understand the document to be very voluminous. I could go through the formality of moving that Senator Burton be at once sentenced and turned over to the custody of the United States marshal or placed under bond, but I don't want to do that until I understand the document at once after the bill of exceptions is formally filed with the court."

FRANCIS JOSEPH WASHES FEET

Emperor of Austria Observes Ancient Ceremony of Washing Feet Thursday at Vienna.

VIENNA, March 31.—Emperor Francis Joseph today observed the ancient ceremony of washing the feet of twelve old men in the Crystal hall of the Hofburg. The hall was filled with distinguished personages, including members of the diplomatic corps, the cabinet ministers, military officials and court functionaries. The emperor, who was in excellent health, assisted by eight archbishops, personally washed on each of the old men, placing before them food and drink, which, however, they did not consume. The refreshments being immediately removed, the emperor then returned to his apartments. The ceremony concluded with the emperor hanging around the neck of each of the old men a silk purse containing the traditional thirty pieces of silver.

ILLINOIS COURT MAKES ERROR

Bungles in Fixing Date for Hanging of Car Barn Bandits.

CHICAGO, March 31.—Seemingly a bad blunder in the sentence of the car barn bandits, Marx, Niedermeyer and Van Dine, confronted the state's attorney's office today. Instead of speedy hanging for the condemned trio, a long legal battle seemed to be in prospect. The Illinois statute provides that the date set for hanging must be earlier than the tenth day of the next term of the state supreme court, not later than the twenty-fifth day after sentence. April 22, the date on which, according to sentence, the bandits were to be hanged, will be the tenth day after their sentence. The fact developed that attorneys for the defense had been quietly waiting till Saturday next, when the present term of the criminal court expires. Proceedings were then to have been instituted to have sentence set aside and the three bandits released. The problem with which the state's attorney and his assistants wrestled today was how to correct the mistake, if possible, and also find an effective way to make the correction before Saturday.

ARE FOND OF BROILED DOG

Savages at World's Fair Will Get Supply of Favorite Dish from Dog Pound.

ST. LOUIS, March 31.—The members of the Igorrote and other savage tribes of the Philippine islands at the World's fair are fond of broiled dog. The fair officials said that dogs shall be served them daily as a portion of their bill of fare. Not since they left Seattle, Washington, have they had a piece of broiled dog. Their favorite food, Mr. Healy today applied to the city authorities to furnish him with caudles from the dog pound, and permission was granted. The Igorrotes are head hunters at heart and will not wear clothing of modern architecture.

HABEAS CORPUS FOR MOYER

Judge Stevens Issues Writ Directed Against Militia Officers of Colorado.

GRAND JUNCTION, Colo., March 31.—District Judge Stevens today issued a writ of habeas corpus for Charles H. Moyer, president of the Western Federation of Miners, who is being held prisoner by the military at Telluride. The writ is directed to Adjutant General Sherman M. Bell and Captain Bailey Wiley. The only reason given for the confinement of Moyer is "military necessity." Judge Stevens recently released Moyer on bond, but he was immediately rearrested by the militia.

INDICT POLICE OFFICERS

Federal Grand Jury at St. Louis Orders Indictment of Police Officers.

ST. LOUIS, March 31.—The grand jury called some time ago to investigate the alleged assaults perpetrated upon voters during the democratic primaries on March 12, made a report today, returning indictments against seventeen policemen and John Lavin, central committee man from the Twenty-eighth ward, charging them with failing to quell the disturbance. The report also severely criticized Governor Dockery for "allowing the St. Louis police department to be used as a political machine."

JOY CAUSES HEIR'S DEATH

After Breaking Wife's Will Husband Breaks Leg and Blood Poisoning Sets In.

EAST ST. LOUIS, Ill., March 31.—After contesting his wife's will, which cut him off with \$50 and left \$30,000 to European relatives, and winning the suit two weeks ago for \$5,000, John Thurnberg rejoiced in such an extent that he broke his leg and today died from blood poisoning. Thurnberg had no children; the \$30,000 estate will go to relatives here and in Europe.

IMPORTANT RULING ON WOOL

Importation of Carpet Stock May Be Greatly Affected by Appraiser's Action.

NEW YORK, March 31.—A decision has been delivered by the board of United States general appraisers denying a protest from a Boston importer and raising the question as to whether wool can be mixed in grades so as to obtain a lower rate of duty. The board decided against the mixture in the Boston case, which was brought as a test.

The shipment was made from equal quantities of white and gray Iceland wool of the third class, valued respectively above and below 12 cents per pound, which in the trade are customarily packed separately and bought and sold at different prices, and which, if separated, were respectively dutiable at the rate of 7 and 4 cents per pound. They were designedly packed in one bale so as to reduce the average aggregate value below 12 cents a pound, and the rate of duty on all of a composite.

The appraisers held that such packing was such a change in condition for the purpose of evading the duty as to subject the entire contents of the bale to twice the duty to which it would be otherwise subject.

BOSTON, March 31.—The decision of the United States customs appraisers at New York that wools cannot be mixed when imported will have a bearing, wool merchants here say, on the importation of most of the mixed wools.

Most of the mixed wools in the carpet grade and the section separating the white and higher-priced article from the cheaper grey, with which it had been mixed, is expected to at once raise the market price of carpet wools. It is explained that the practice of mixing the wools for the purpose of lowering the aggregate value of importations has been practiced for many years.

NEBRASKA WEATHER FORECAST

Fair Friday and Saturday; Warmer Saturday.

Temperature at Omaha Yesterday: Hour, Deg. 5 a. m. 42 1 p. m. 45 6 a. m. 42 2 p. m. 46 7 a. m. 42 3 p. m. 46 8 a. m. 41 4 p. m. 47 9 a. m. 42 5 p. m. 47 10 a. m. 43 6 p. m. 48 11 a. m. 43 7 p. m. 48 12 m. 44 8 p. m. 48

HEINZE PAYS CONTEMPT FINE

Mine Superintendent Says Money is Held Pending Settlement.

BUTTE, Mont., March 31.—F. Augustus Heinze, president of the Montana Ore Purchasing company, A. L. Frank, superintendent of the Johnstown, and J. H. Trevis, superintendent of the Rarus mines, paid their fine today for violating the order of the federal court enjoining Heinze and the Amalgamated interests from mining the Michael Davitt lode claim. After much discussion and a strong resistance on the part of the Montana Ore Purchasing company's attorneys, Judge Beeby in the federal court today signed the order asked for by the attorneys of the Butte & Boston company, granting the last named company a perpetual lease of the workings of the Rarus and Johnstown claims.

INDIANAPOLIS, MARCH 31

Heavy rains have increased the flood danger in the southwestern part of Indiana. Vincennes, Mt. Carmel, New Harmony, Grayville, Princeton, Evansville, Westport and all of Lawrence county, Illinois, are suffering from the high water. Westport has been completely abandoned.

WATERS EXPECTED TO BREAK RECORDS

Indiana waters are expected to break records. The Belgrade levee broke in another place today. The great fall at Hazelton, which was constructed at a cost of \$200,000, was swept away. The Wabash has risen six inches today. All telegraph and telephone communication is paralyzed. At Mt. Carmel the Wabash has reached the highest stage since 1875 and it is said that the water will pass the record mark tonight.

RAINING AT VINCENNES

VINCENNES, Ind., March 31.—Heavy rains have broken and the Wabash is rising an inch an hour. Water is standing in the principal streets here. It has been raining hard all night and day in southern Indiana and a still higher stage of water is feared, where the rivers had begun to fall. The county and Lawrence county, Illinois, are largely under water. This being Thursday before Easter, people are attending church in boats. In Lawrence county the water is in the second stage of barn and houses. Live stock is being quartered in the hay mows. In one school forty refugees are living. In one school house twenty-seven women and children are staying, while men come here for food. Water is over the tracks and sandalwood have stopped railroad traffic again. The Baltimore & Ohio Western branch tracks are in danger. The Indianapolis & Vincennes railroad has not run a train for a week. It is reported that Mary Feaster, who was drowned at Pons Creek today while securing furniture from her flooded house.

MADISON, IND., MARCH 31

Torrents of rain have fallen during the last twelve hours. Over an inch of water has fallen since midnight. The Ohio and smaller streams are again rising.

IN ILLINOIS AND MISSOURI

ST. LOUIS, March 31.—By the breaking of the Fountain creek levee near Merriam, Monroe county, Ill., twenty miles south of St. Louis, 60 acres of land, 150 of which were in wheat, are under water, and a loss estimated at \$2,000 has been suffered by the farmers. Special agents in southeast Missouri indicate that flood conditions are of serious proportions.

At Moorehouse Little river, which ordinarily is a small stream, is now a raging torrent and continuing to rise rapidly. The water is standing in water and the occupants have been forced out. There is no current in the overflow that inundates the greater part of the town and 200 houses have been washed away.

At Gray's Ridge the overflow from Little river has caused all business to suspend. The inhabitants are devoting their efforts to saving household effects and other property.

At Piedmont Black river is still rising and many additional persons have been forced to leave their homes to higher ground. While attempting to ford the St. Francis river fourteen miles west of Piedmont Lucien Graham was drowned and his body was recovered today.

At Poplar bluff the town is still flooded and thousands of acres of rich grazing land are under water. It is estimated the loss of stock will be large.

Reports have been received from points southwest of St. Louis indicating that the streams of Oregon, Quark and Howell counties are higher than for fifteen years and that much property is destroyed. Near West Plains a number of grist mills and saw mills have been washed away. No fatalities have been reported.

WASHES OUT BIG FILL

HAZLETON, Ind., March 31.—The Hazelton fill on the Evansville & Terre Haute railroad was washed away today, closing traffic between Evansville and Vincennes. A hard rain has been falling for hours, rendering the general situation more serious. The Hazelton fill was constructed at a cost of \$200,000 for many years work.

It was at this point ten years ago that during a similar flood an entire passenger train on the Evansville & Terre Haute railroad disappeared in a gulch, which is at the bottom of the fill, and nothing but a piece of iron was ever found. It was never known how many were killed, as none of the train crews or passengers were recovered.

TONQUA RIVER IS HIGH

ST. PAUL, Minn., March 31.—A special from Miles City, Mont., to the Dispatch says that fully two-thirds of the residences and business portion of Miles City are submerged by the flood waters of Tongue river.

EXPLOSION KILLS MANY WOMEN

Unknown Number Are Dead in Factory as Result of an Accident.

SCRANTON, Pa., March 31.—Six persons are known to have been killed and five fatally injured by an explosion in the factory of the Dickson Sash company at Piceburg, near here, today. The identified dead are: LIZZIE GRAY, Piceburg; BRUKIE LEWIS, North Scranton; LIZZIE MATTHEWS, Piceburg; GEORGE LEWIS, Piceburg; TERESA CALLAHAN, Piceburg. Twenty girls were employed in the factory. What caused the explosion is not known, but it is said that one of the girls threw a scrub into a stove and that the force of the explosion was so great that it wrecked the building and set it on fire. The girls are used in coal mining.

RECOMMENDS DISMISSAL OF BUILDING INSPECTOR

French, Who Supervised Darlington Structure.

NEW YORK, March 31.—The grand jury today made a presentment on the Darlington disaster, censuring the city building department for the methods employed in permitting faulty construction of buildings and recommending the dismissal from office of Inspector French, who had supervised the Darlington structure, alleging that he is unfit for the position. The presentment also recommends charges in the existing building laws.

NO ABATEMENT IN FLOODS

Live Stock Quartered in Haymows and Crops Rained.

WATERS EXPECTED TO BREAK RECORDS

Railroad Traffic at Standstill, Communication by Wire Paralyzed and Losses Are Hourly Piling Up.

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