Part One—Pages 1 to 8.

THE OMAHA DAILY BEE.

Franks of Buster Brown Next Sunday's Bee.

ESTABLISHED JUNE 19, 1871. OMAHA, SATURDAY MORNING, MARCH 11, 1905—SIXTEEN PAGES. SINGLE COPY THREE CENTS.

JAPS MARCH INTO MUKDEN

Russian Stronghold Entered by Oyama's Army at 10 A. M. Yesterday.

MANY PRISONERS OF WAR CAPTURED

Large Amount of Supplies Falls Into Hands of Victorious Islanders.

DESPERATE FIGHTING PRECEDES VICTORY

Defense of the Old Manchu Capital by Russians is Obstinate.

FATE OF MUSCOVITES IS IN DOUBT

Fear at St. Petersburg that Most of the Army Will Be Captured Before It Can Reach Tie Pass.

BULLETIN.

YINKOW, March 10.—Mukden fell at 10 o'clock this (Friday) morning.

The Russians are panic-stricken. Thousands of prisoners and enormous quantities of stores and guns have been captured.

BULLETIN.

TOKIO, March 10.—The Japanese troops occupied Mukden at 10 o'clock Friday morning.

TOKIO, March 10.—8 p. m.—Field Marshal Oyama telegraphed as follows under today's date:

We occupied Mukden at 10 o'clock this morning.

Our surrounding movement, in which we have been engaged for some days past, has now completely succeeded.

The fiercest fighting continues at several places in the vicinity of Mukden.

We captured a great number of prisoners, enormous quantities of arms, ammunition, provisions and other war supplies. There is at present no time to investigate the number of these.

Russians Are Demoralized.

NEW CHWANG, March 10.—According to reliable information received here, the Russians, having been driven out of Mukden and Fushuan, and, with the railroad cut, are retreating in a demoralized condition to the hill country toward the northeast.

Detached bodies of Russians are roughly entrenching with a view to checking the pursuit, but no great rear guard action is being fought.

It will be impossible for the Russians to keep up any sort of resistance for many days, as there are no means of provisioning in the rough country through which they are retreating.

It is believed that the Russians may attempt to reach Kirin, 225 miles northeast of Mukden, through the valleys, but a special Japanese corps from the direction of the Yalu river (probably General Kamamura's forces) threatens to cut them off.

General Kuroki is advancing northwest and is forcing the Russians against General Nogi's army.

The casualties on both sides have been enormous. The Russian Sixteenth army corps was practically annihilated at Tatchekiao. Eight thousand Russians fell at Leukuanpao.

Fighting on Day Before Surrender.

MUKDEN, Thursday, March 9.—(10 a. m.)—The Japanese last night pushed up from the south across the abandoned plain between the Shakhe and Hun rivers and are, as this dispatch is filed, about five miles south of the latter and from the Hun, apposite Machiapu, and northward Japanese batteries are pouring in a ceaseless fire. The Japanese succeeded in emplacing siege guns and mortars at Diushantun, about six miles west of this city, whence they opened fire before dawn. Diushantun was the scene yesterday of the bloodiest and most desperate fighting of all this terrible battle. Its possession was vital to the Japanese, who stormed it again and again. The Russians dislodged them, but the Japanese finally recaptured the village after much hand-to-hand fighting.

Eyewitnesses say the dead scattered in the streets, court yards and houses have been unburied four days. Rifles and other arms lie about wrenched and twisted. Hand grenades were thrown by the Japanese and the garrison was subjected to the concentrated fire of as many as 100 guns. Once Diushantun in their hands, the Japanese can train guns on Mukden railroad station, and it has been held at a frightful cost. The Japanese are also concentrating their efforts about seven miles north of Mukden and about five miles west of the railroad, with the object of breaking through and cutting off the surrounding troops below.

A blinding dust storm has been raging since daylight and the day promises to witness a most gruesome encounter, the result of which no one here can foresee.

Czar Officially Informed.

ST. PETERSBURG, March 11.—2:30 a. m.—"Last night all our armies commenced to retreat."

The greatest defeat in the history of the Russian-Japanese war was made known in St. Petersburg last night, but only in the paltry eight words from General Kouropatkin to Emperor Nicholas, which were flung about the streets in newspaper extras and passed from mouth to mouth. Two thoughts formed instantly in the minds of everyone, and two words were on every lip—surrender—peace—the former dreaded, the latter hoped for.

General Kouropatkin is no maker of phrases; his words never are quoted like the famous "All is lost save honor," but his laconic messages hide more than probably any other two sentences in the literature of war. St. Petersburg knows nothing of the extent of the disaster, not even the lines of Kouropatkin's retreat; whether the route to Tie pass is still open, whether he is endeavoring to cut his way through to safety or whether, as many of the pessimistic believe, he has taken to the mountains. If it be the latter he will inevitably be hemmed in and starved into surrender, as Marshal Bazaine was at Metz.

Fate of Army in Doubt.

The dispatch has been studied as closely as was ever the most abstruse text of scripture, and from the words "all our armies" the optimists draw the deduction that the bulk of his Russian forces got away clear, the commander-in-chief sacrificing, however, the devoted rear guard, who flung themselves as prey to the Japanese wolves

(Continued on Seventh Page.)

SUMMARY OF WAR SITUATION

Mukden is in Hands of Victors—Fate of Russian Army in the Balance.

The fate of the Russian army of upward of 250,000 men and the 2,000 pieces of artillery with which it was expected confidently General Kouropatkin and his lieutenants could prevent the advance of the Japanese beyond the Shakhe and Hun river positions, still is in the balance. They have been driven from those positions and now are rushing northward toward Tie pass, around which are high hills which were prepared for defense after the battle of Liao Yang in September, there being no hope at that time that the Japanese would allow the defeated army to rest south of the Tie pass. That the Russians have lost many guns and large quantities of ammunition and supplies is certain, for with but a single track railway to the north it would be impossible to remove the large stores which had been gathered together at Mukden. These, it seems certain, have been destroyed. The Japanese have not yet reported the capture of guns, which they generally do almost immediately, but it seems hardly likely that Kouropatkin could have removed all of his artillery.

On January 1, according to correspondents who have just returned from Mukden, the Russians had in position along Shakhe and Hun rivers 1,500 guns, including a number of six and eight-inch guns on cement foundations, straddling the railway just north of Shakhe station. In addition, many guns arrived in Mukden during January and February, so that the Russian artillery when the big battle started, must have numbered nearly 2,000 pieces. It is likely that Kouropatkin has sacrificed some of these and is bending all his energies to extricating his army. That his task is a difficult one all the dispatches indicate, but Russian sympathizers point to his retreat from Liao Yang, where worse conditions were opposed to him. The retreat from Liao Yang was accomplished during a terrific rainstorm over roads hub deep in mud, while at the present time the Manchurian roads are frozen hard as stone and have been worn as smooth as asphalt by the continual passage of the big, wide-tired commissariat wagons.

The result of Oyama's great turning movement depends almost entirely upon Kawamura's army, which has not yet been located definitely, although supposed to be moving from the east toward Kouropatkin's line of retreat. Should he reach the military road, which runs almost in a direct line from Fushun to Tie pass, before the passage of the Russian army the circle will be complete, as Nogi's guns already command the railway, and should soon control the Mandarin road, which is but a short distance east of the railway and runs parallel with it.

The army of General Kaulbars, which has been pressed back across the western plain, fighting every inch of ground, is moving northward to protect the line of retreat from the attacks from the westward, while General Bilderling is protecting the rear against Generals Oku and Nodzu, and Linevitch is doing his best to hold the military road against Kuroki. They have numbers against them, but have succeeded against odds in similar retreats before. The appearance of General Kawamura would render futile all their efforts.

General Rennenkampff's force of somewhat less than 10,000 men, which has been operating on the extreme left, is in a precarious position, but the force is a mobile and the officers know the mountains well. With the exception of this latter force all the Russian troops are now concentrated on the roads leading northward, and it may take another twenty-four hours before their fate is decided. The army which General Grippenberg turned over to General Kaulbars when he left Manchuria and a portion of which General Bilderling commanded, consisted of Gregoff's cavalry, Mistchenko's mobile division and the Fifth, Sixth, Eighth, Tenth and Seventeenth army corps, extending from the Liao river to the Mandarin road.

General Linevitch's army, which held the important positions at the bend of the Shakhe river, including Erdagon hill, comprised the First European and the First, Second, Third and Fourth Siberian corps, Rennenkampff's mobile division and Samsonoff's cavalry. The troops, which arrived in January and February, probably two corps, are not included in this list.

Even should Kouropatkin extricate his army, it is believed in European capitals that peace soon will follow this latest Japanese victory. The calling to St. Petersburg of M. Iswolsky, Russian minister to Denmark, who formerly was in Tokio, is most significant. No time will be lost in starting the negotiations as soon as Russia intimates its wish to close the war. Shortly after the fall of Port Arthur an official of the Japanese Foreign office arrived in London with authority to take up the negotiations as soon as Russia declared its desire for peace.

The losses in the operations preceding the battle and those in the battle proper must have reached enormous proportions, but up to the present neither side has attempted an estimate. They will exceed the Shakhe loss in which the Russians alone lost in killed and wounded and missing 67,000 men.

Field Marshal Oyama arranged his attack so that the Chinese city of Mukden should not come within the range of battle, rather an easy task, as the Russians had no position immediately around the city, as was the case at Liao Yang, and the Russian town is two miles from the outer walls of the old city. The western imperial tombs were under shell fire, but no account has been given of the damage, if any, that they suffered. The eastern tombs, around which the Russians had erected positions, apparently did not come within the range of the Japanese shells.

GIVES DATE OF REVOLUTION

Russian of Sioux City Says Real Trouble Will Start in May.

ST. PAUL, March 10.—A special to the Dispatch from Sioux City, Ia., says that Aaron Emden, who came from Russia four months ago and joined the Russian colony here, today received a letter from a member of the Russian revolutionary party saying that April 18, of the Russian calendar, or May 1, American calendar, had been named for the opening of the national revolution. Since the St. Petersburg massacre the revolutionists in the cities have been repressed until orders could be conveyed to all the cities and provinces for a universal uprising on such a scale that to cope with it will be impossible. All railroads and industries will be tied up and mobs will take possession of every city. It is claimed that support of many of the troops is pledged. Emden has heretofore received information from Russia which has proved accurate.

Send Troops Against Arabs.

CONSTANTINOPLE, March 10.—Altogether two battalions of Turkish reinforcements have been called out to cope with the insurrection in the province of Yemen, Arabia. Ali Riza Pasha, with seven battalions and a battery of artillery, has left Hodeida for Manakha. The road to Manakha is open, but fighting is anticipated from Manakha on to Sanaa.

STRIKE PAST ACUTE STAGE

New York Subway and Elevated Traction Service Nearly Normal.

LOCAL UNIONS STILL STANDING OUT

Few of the Old Men Apply for Work and Only Part of Them Are Taken Back.

NEW YORK, March 10.—Although the local leaders are continuing the fight, despite the fact that the national leaders have repudiated their action in calling the men out, the strike on the subway and elevated railway systems has passed the acute state and trains were run today with little delay, the strike breakers quickly learning their new duties, while many of the old men were back in their old positions which they left on Tuesday morning. There was no general rush back of old employes, but the men slowly weakened and there was a steady stream pouring into the company's office all day. The officials were most discriminating and while many of the guards and ticket sellers were taken back, few positions were found for the motormen, it being feared that some damage might be done to the company's property. This action, it was feared, would give the police something to do, as the men who were refused work were in an ugly mood. Some 300 men in all were reinstated.

The company stated that not more than one-half of 1 per cent of the strikers would be re-engaged, in fact late last evening there were only 400 vacancies to be filled, another 200 strike breakers having arrived during the afternoon from Scranton and Wilkesbarre.

Statement by Strike Leader.

It was stated at the company's offices that Messrs. Jencks and Pepper had sought an interview with Mr. Hedley, but had not succeded. Mr. Jencks, when seen, said he had not received a telegram from Mr. Stone in Cleveland. Of the situation he said:

The locomotive engineers went into the strike knowing that the national body would not support them. It is an independent strike and is being carried on in an independent way. It makes no difference what the national body thinks or what action they take. We are carrying on the strike which is entirely on local matters and we will fight to a finish.

According to a statement issued by the company, the utmost quiet prevailed up to a late hour and the conditions fast were becoming normal.

Discouragement, discontent and upbraiding of their leaders characterized the slimly attended meetings of the strikers. Some questions were asked of Jencks and Pepper, but they elicited only the stock replies. To "What are we going to do?" of the men, they replied, "We'll pull you through; everything is going splendidly; we've got them licked so badly that they don't know where they're at."

There was much crowding of the stations today during the rush hour, resulting from the slow headway of the trains and delays caused by several minor accidents, but the presence of the police prevented anything serious from happening.

In a rear end collision on the Third avenue elevated several passengers were cut by flying glass and others received bruises.

The Interborough company today decided to give to all employes who remained loyal during the strike two weeks' extra pay.

A number of arrests were made during the day, the culprits being chiefly boys, for interfering with the running of cars by cutting bell cords and intimidating strike breakers.

Revokes Engineers' Charter.

CLEVELAND, O., March 10.—Grand Chief Stone of the Brotherhood of Locomotive Engineers today revoked the charter of the striking Interborough engineers in New York.

Grand Chief Warren S. Stone and Assistant Grand Chief E. W. Hurley arrived here from New York today and at once called a meeting of the grand council of the organization to consider the strike situation on the Interborough road in New York. At the conclusion of the meeting the following telegram was sent:

CLEVELAND, O., March 10, 1905.—W. L. Jencks, 656 East Hundred and Forty-first Street, New York City—Taking effect at once, the charter of subdivision No. 166 is recalled. You will forward charter and all books belonging to the subdivision to this office by express.

(Signed) W. S. STONE, G. C. E.

Mr. Stone stated that the action was taken on the ground that the brotherhood had a contract with the Interborough company covering a period of three years, which had been signed in September last, and that the engineers struck without consulting the officers of the brotherhood and in clear violation of the existing agreement. Mr. Stone added that the decision of the grand council was final and that the New York engineers belonging to subdivision No. 166 could not be reinstated except upon a majority vote at a convention of the brotherhood.

Grand Chief Engineer Stone said tonight that besides the suspension of the members of the lodge whose charter has been revoked the members of that lodge are also suspended from receiving any insurance benefits from the order after paying dues for a number of years.

NO WINE FOR MINNESOTA

New Battleship Will Be Christened with Water from Minnehaha Falls.

ST. PAUL, March 10.—Water from Minnehaha Falls will be used in christening the battleship Minnesota. Governor Johnson so announced today. Miss Rose Marie Schaller, the university student, who is to christen the battleship, called on the governor yesterday afternoon and discussed the subject. Both had received numerous letters from temperance advocates, urging that water instead of wine be used for the christening.

They decided that unless there is too strenuous objection from the shipbuilders, who will be in charge of the ceremony, a bottle will be broken containing pure water from the historic Minnehaha.

The water probably will be carbonated, so as to give the proper "fizz" when the bottle is broken.

CHICAGO MAN KILLS HIMSELF

Motor Manufacturer, Despondent Over Illness and Business Reverses, Ends His Life.

CHICAGO, March 10.—Despondent over continued illness and business reverses, William Roth, vice president of Roth Bros. & Co., manufacturers of electric motors at 27 Clinton street, committed suicide here today by shooting himself. Roth was found by his wife with a bullet wound in his temple lying on the floor of the bath room, and although still alive, died shortly afterwards without regaining consciousness.

MRS. CHADWICK LOSES HOPE

Attorney Garry's Argument Has Visible Effect on the Famous Prisoner.

CLEVELAND, O., March 10.—Saturday will see the close of the present trial of Mrs. Chadwick and the case will probably be given to the jury some time during the afternoon. Just before adjourning court for the day, Judge Tayler announced that it was his intention to keep at the present case until it is finished and he directed that all other court business be passed until Monday morning.

The entire day was given over to arguments, half of the total number having been disposed of. Assistant District Attorney Thomas H. Garry spoke in the morning and Judge Wing for Mrs. Chadwick took up alf of the afternoon with the exception of one-half hour just before the adjournment. This time was taken by J. P. Dawley, senior council for the defense, who is to deliver the main argument for Mrs Chadwick. After him will come District Attorney Sullivan, who will close for the government. The latter is not given to extended speeches, but it is believed that both he and Mr. Dawley will require more time than one session of the court for all they wish to say.

It was a trying day for Mrs. Chadwick, and her pale face and nervous manner showed that the strain of the trial is telling on her. During part of the afternoon she sat back in her chair as if greatly exhausted. The attack made by Mr. Garry upon her financial methods disturbed her greatly. When he showed the jury by her own checks that without having any money in the bank she had secured loans amounting to $187,000 and $104,000 of it on one day, when the total amount which the bank could legally loan to one person was but $6,000, the prisoner sank back in her chair as if she believed that the statements of the attorney must have great effect on the minds of the jurymen.

She was greatly discouraged at the time of the midday adjournment and said:

"I have about given up all hope. I haven't any chance in this court."

During the afternoon when her own attorneys were making arguments she brightened up very much.

Judge Wing, in speaking for Mrs. Chadwick, elaborated at length the theory held by the defense from the beginning of the trial that Mrs. Chadwick could not be guilty of conspiracy because she had not entered into any prearrangement to commit any offense. Whether or not she did commit the offense, he said, was not the point at issue. The claim of the government was that she had agreed with Spear to certify checks. She had procured their certification, but she had not arranged for it prior to the time of asking that the checks be certified.

In the afternon Judge Wing carefully analyzed the evidence submitted by the government, claiming throughout that while it might prove that she secured the certification of the checks, when she had no money in the bank, it failed utterly to show that she had arranged in advance to secure the certification.

FILES SUIT AGAINST SCALPERS

Milwaukee Road Asks Injunction Against Ticket Brokers Who It Says Form a Trust.

CHICAGO, March 10.—Charging that the ticket scalpers of the United States have combined themselves into a veritable trust for mutual protection and the promotion of the sale of cut rate tickets, officials of the Chicago, Milwaukee & St. Paul railway today filed a bill in the United States circuit court seeking an injunction against sixty-seven ticket brokers. This bill for an injunction is against the same persons and is almost identical with several bills which were filed last summer by various railroad companies and upon which petitions for injunctions were issued restraining the scalping of tickets to the World's fair at St. Louis.

It is declared in the petition that the ticket brokers have combined themselves into associations to antagonize the railroads and that an injunction restraining the brokers is the only relief possible for the railroads.

BOODLERS APPEAL TO COURT

Expelled California Senators Ask Judges for an Order Compelling Their Reinstatement.

SACRAMENTO, Cal., March 10.—In the office of the clerk of the supreme court today notice was given that on April 3 a petition for mandamus would be presented commanding the re-instatement of former State Senators Frank French, Eli Wright, E. J. Emmons and Harry Bunkers as members of the upper house. They were recently expelled, after being accused of accepting bribes. The legislature adjourned today.

6

Big Illustrated Features in Next Sunday's Bee

Sherlock Holmes Mystery

The adventure of the Priory School with its strange ending.

Pablo Domenech, a story

By CARMEN SYLVA, the brilliant Queen of Roumania.

Why Does Baby Cry?

The answer also tells how to stop the needless crying.

Strangest Battle in History

Fight at Karo La, on road to Lhassa, 10,000 feet above sea.

Divorces Among Actresses

Where three and four times divorced is not uncommon.

Buster Brown and Tige

Picture story of the precocious youngster and his pet.

PROBLEM OF FREIGHT RATES

Economic Club of Boston Discusses the President's Railroad Policy.

JUDGE GROSSCUP SEES SERIOUS DANGER

Question of Preventing Discrimination a Vital One and Railways Should Be Most Interested in Solving It.

BOSTON, March 10.—"The President's Railroad Policy" was the general subject of discussion at a dinner of the Economic club of Boston tonight. The principal speakers were Judge Peter S. Grosscup of Chicago, President David Wilcox of the Delaware & Hudson River railroad and Interstate Commerce Commissioner Charles A. Prouty. Each commented at length upon President Roosevelt's views regarding the regulation of interstate commerce rates.

Mr. Prouty defended the proposed national legislation and in referring to the criticism that legislators were not always competent business men said that while a certain amount of expert knowledge was necessary in the proper regulation of railroad tariffs the questions to be decided, though requiring good judgment, were not difficult of comprehension to one habitually engaged in hearing them.

Attitude of Railroads.

Mr. Wilcox opposed the interference of the government in the rate question and declared it impossible for a small body of men at Washington to properly dictate what the railroad rates of the country should be.

In conclusion Mr. Wilcox said:

The remedy lies in the vigorous enforcement of existing statutes, which will prevent rebates and discriminations, and resort by the commission directly to the courts, so as to secure expeditious action by the only branch of government which is qualified to administer justice and determine right of property. This will prevent unjust discriminations and undue or unreasonable preferences. So far as concerns reasonableness of the rates, it is obvious that the present method under which the commission has power to pass upon existing rates has been effectual. But governmental future rate making would play havoc generally and "business by law suit" would be intolerable.

Judge Grosscup said that he saw serious danger in the whole question unless it was handled delicately, not only by President Roosevelt but by the railroad men. The latter, he said, while insisting that there should be no confiscation of their property or supervision that in the long run would amount to confiscation should join with the president in establishing a tribunal through which the nation's power could be honestly exercised.

Judge Grosscup's Address.

Judge Grosscup spoke of "The President's Railroad Policy." He said in part:

Whatever may be its legal status, a policy of discrimination that gives to one set of persons in a community rates that are refused to the balance of that community, or to certain communities rates that are refused to other communities, is a policy of injustice—unjust both to the persons and communities discriminated against, and unjust to the people of the United States as an entirety. It is none the less unjust that the means used to accomplish the discrimination may have been indirect. Secret rebates are as unjust as direct differences in rates. Arrangements by which the private cars of a particular shipper are hauled at a reduction that substantially overmeasures the capital invested by the shipper in such cars; and arrangements to divide rates with shippers, who pretend to be operating independent railroads that in fact are only switches, in a ratio not measured by legitimate switch charges—all these, and all other devices of their kind, are equally unjust; for the injustice of the thing, whether it be accomplished directly or by circumlocution, is in the fact that one set of shippers are thus enabled to get their goods into a market at a cost that competitive shippers cannot obtain. And this injustice is one that it is the business of our people as a nation to look after; for, practically, it is armed intervention, by the railroads of the nation, that in these days of small profits, turns the fortunes of the contest.

Freedom of the Individual.

But this is not all. If, as some of our courts have held, lesser rates, under the law as it stands today, may be given to the larger shippers, simply because their shipments are large, an unjust thing to the people of this country is being done by the law. I know the argument on which this discrimination is based. I can see that it may cost the railroads less, per ton, to carry large shipments than to carry small ones; and I appreciate the fact that always, and in every business, there has been charged to the wholesaler a smaller percentage of profit than to the retailer. But these arguments, plausible as they appear standing apart, wholly miss the core of the matter, considered in its national aspects. No one doubts that the whole structure of our business and industrial life is still built on competition. No one doubts that the whole structure of republican institutions still rests upon proprietorship. In business and industry, widely distributed among the people. And no one doubts that competition, and the continuance of widespread individual proprietorship, depend upon fidelity to the principle that every man shall be given equal conditions and equal opportunity with every other man. Now, in these days of universal commerce the rates charged by the railroads is one of the conditions upon which an individual's business will succeed or fail. To a very substantial extent, too, these rates are conditions authorized by the nation itself; for the railroads are the nation's carriers, and within the nation's reasonable control. So that any difference in rates permitted by law, even though based on the bulk of the tonnage handled, is a direct and effective blow by the nation itself at the principle that every man, what ever his present business size, shall be given equal conditions and equal opportunity. To destroy that principle is to destroy competition and further concentrate wealth in fewer hands.

And after all is said, it is the individual man, at the head of his family, that is the determining unit of any government that is to remain republican; and the only atmosphere in which the individual man will continue to grow to full civic maturity is that which opens up to him, in all directions, the avenues to a measurably successful life. True, men are not born with the same faculties. Some are born with brain fitted to organize great enterprises; some with talent to hold together and drive forward enterprises already organized; some with ability to successfully do only small things in a small way; the great majority of us with skill only to do that which is given us to do. But no man knows, until after fair trial, what place is his. And in the atmosphere of equal conditions alone will he find his opportunity for a fair trial.

Bolt on Door of Opportunity.

I have on other occasions pointed out that the present corporation policy of this country, that makes the proprietorship in the country's corporate property impossible, except to those skilled in so-called methods of finance is the great iron bar across the door to individual opportunity. A railroad policy that selects one person from among all the people of a community that he alone may survive; or one community from all the communities, that it alone may prosper, is a heavy bolt on that door. Both policies create individual cases of wealth, but it is not wealth founded on merit. It is wealth, rather, by king's prerogative; the first through loaning the seal of the state to enterprises that often the conscience of the state would spurn, and the second by using the toll gates on our great highways to bar out all who do not bring to the gatekeeper the password of influence. Both of these policies run athwart that law of natural selection that hitherto has determined among us the measure of each individual's success. Both are unjust. Both are unrepublican. Both must go. The new nation now rising will have neither. To each of the children of the new nation the industrial command is: Go forth, increase and multiply; and it is the first business of the nation to see to it that with this command be given the equal conditions on which, alone, it can be fulfilled.

No one, it seems to me, ought to be more deeply interested in the agitation now going on than the railroad men themselves. The agitation—at least so far as it is a sane agitation—is not against the railroads. The agitation is against abuses that have grown

(Continued on Third Page.)

THE BEE BULLETIN.

Forecast for Nebraska—Fair in East, Snow in West Portion Saturday. Sunday Probably Snow or Rain.

Page.
1 Japanese Forces Capture Mukden.
New York Unions Continue Strike.
Freight Rate Problems Discussed.
State Legislative Proceedings.
2 Tolstoi Writes on Government.
3 News from All Parts of Nebraska.
Rev. Trefz Quits Binghamton.
4 Money for Hot Springs Hospital.
Madame Yale Talks on Beauty.
5 Burkett Buys Washington Home.
Verdict of Murder is Found.
President of Oil Company Ignorant
6 Status of Land Fraud Prosecutions
Find Mrs. Stanford Was Murdered.
Commercial Review of the Week.
7 Whiteman, Prince of Crooks.
8 Record Rates Paid to Writers.
9 Family Tree of Mark Twain.
Listing Real Estate of the City.
Flesh and Fowl Are Neglected.
10 Editorial.
11 Cars for Grain Are Plentiful.
Affairs at South Omaha.
12 Larrabee on Roosevelt's Policy.
13 Financial and Commercial.
15 Council Bluffs and Iowa News.
16 New Charter is Full of Holes.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	27	1 p. m.	33
6 a. m.	26	2 p. m.	34
7 a. m.	27	3 p. m.	33
8 a. m.	28	4 p. m.	33
9 a. m.	30	5 p. m.	32
10 a. m.	35	6 p. m.	31
11 a. m.	38	7 p. m.	28
12 m.	34	8 p. m.	27
		9 p. m.	25

BOTH DESIRE A DECISION

Neither Peabody Nor Adams Pleased with Plan to Declare Governor's Office Vacant.

DENVER, March 10.—Neither Governor Alva Adams nor former Governor James H. Peabody wants the governorship contest settled by any process of procedure except a square vote in the joint assembly on the question as to which of them is entitled to hold the office.

The submission to the supreme court for its opinion of the questions involved in Senator Alexander's resolution to declare last November's election void and declaring the office of governor vacant seems to be merely a device of the Peabody republicans to bring about a situation where a straight vote on the resolution to oust Governor Adams and declare Peabody elected will be forced. It is not expected that the supreme court will decide that the legislature can declare the executive chair vacant, and Peabody supporters planned early today to nullify the movement of anti-Peabody republicans in favor of seating Lieutenant Governor McDonald in the chair of the chief executive. This done, they believe Peabody can secure a majority over Adams in the decision of the contest.

In pursuance of the decision of the joint assembly to ask the opinion of the supreme court on the Alexander report, the senate today agreed to three questions which were submitted to the court. The questions are as to whether the two houses of the general assambly in joint convention can legally adopt the Alexander report; whether the joint convention can legally declare a vacancy to exist in the office of governor, and whether the joint convention in the event of the adoption of the Alexander report, can legally decide who is entitled to the office of governor, "or does the constitution of Colorado provide in such an event who is entitled to such office, and if so what person is so entitled under the said constitution?"

The petition of the joint assembly concerning the contest was filed with the supreme court this afternoon and the court directed the assembly to have attorneys appear before it tomorrow morning and argue the merits of the petition. The court will then decide whether or not it will answer the interrogations submitted as a part of the petition.

The supporters of Governor Adams are much wrought up over a report being circulated in the east that the democratic members of the joint assembly are preparing to vote for Lieutenant Governor McDonald should the supreme court decide that he can legally hold the office. They requested the Associated Press tonight to say that under no circumstances would they vote for anyone else but Adams so long as he remains in the race.

HIGH WATER IN WEST VIRGINIA

Monongahela Reaches a Stage of Twenty-Six Feet at Morgantown.

MORGANTOWN, W. Va., March 10.—No flood since 1888 has wrought the damage done by high waters here today. The Monongahela river reached a stage of twenty-six feet. The Baltimore & Ohio and Morgantown & Kingwood railroads were both paralyzed in this vicinity today. It will be at least four days before trains can be run on the Morgantown & Kingwood road. The Standard Oil company pumping station has six feet of water in it and will be unable to resume for a week. It is said that lock dam No. 11 on the Monongahela is in danger of destruction. The life reported lost is Lawrence of Dellsslow, who, it is thought, has fallen into the creek and drowned.

SEERLEY HAS NARROW ESCAPE

Supposed Maniac Snaps Revolver Three Times at Former Iowa Congressman.

BURLINGTON, Ia., March 10.—Hon. J. J. Seerley, formerly congressman and one of the best known politicians and attorneys in Iowa, had a narrow escape from death at the hands of an assassin tonight as he was leaving his office for home. A stranger approached him and with an oath said that he was going to kill him, at the same time pointing a revolver at his head. He snapped the weapon two or three times, but it failed to go off, and the fellow, attacked by a bystander, abandoned his attempt and ran. He is supposed to have been a maniac. One suspect has been arrested.

Movements of Ocean Vessels March 10.

At Liverpool—Arrived: Baltic, from New York; Haverford, from Philadelphia; Cymric, from Boston. Sailed: Georgic, for New York.

At Glasgow—Arrived: Siberian, from Philadelphia.

At Hamburg—Arrived: Graf Waldersee, from New York.

At Genoa—Arrived: Republic, from New York. Sailed: Citti di Reggio, for New York.

At Copenhagen—Sailed: Hellig Olav, for New York.

At Moville—Sailed: Tunisian, for St. John, N. B.

At Plymouth—Arrived: Bluecher, from New York.

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

At Naples—Arrived: Weimia, from New York, for Genoa.

CHANGE IN ELECTION

House Favors Bill to Cut Out Those in Odd Numbered Years.

OFFICIALS GET ONE MORE YEAR TO SERVE

Chief Justice Holcomb Will Be One of the Beneficiaries of Bill.

SENATE CUTS OUT THE KENNARD CLAIM

House Puts in Most of Day Discussing Appropriations.

FEW CHANGES IN THE COMMITTEE BILL

Fisher Claim for $11,500 is Rejected by the Committee, His Explanation of Amount Being Unsatisfactory.

(From a Staff Correspondent.)

LINCOLN, March 10.—(Special.)—The Perry-Warner biennial election bill was recommended for passage in the house today. Under the provisions of this measure off-year elections are abolished. All elections of state and county officers will, therefore, fall on the same date of the same (even) year. By this process those officers whose terms expired under the old law in an odd numbered year will be continued one year in office in order that the law may go into effect this year. Among the beneficiaries of this contingency would be Chief Justice Holcomb of the supreme court and Edson Rich and J. L. Teeters of Omaha and Lincoln respectively, members of the Board of Regents of the university.

The vote on the recommendation of this bill was unanimous. Wilson of Pawnee in a speech questioned the expediency of such a departure from the present system, but he did not oppose the bill. He thought it would be dangerous to disturb the equilibrium of county government where some officials hold office for more than two years. He feared the standard of service might be impaired.

Finance and Railroad Bills.

Both house and senate spent a great portion of the day with matters of finance. In fact the house devoted almost the entire day to the general appropriation bill, whose grand total of $1,800,000 was not vitally altered. This bill, with the deficiency claims bill of $55,569, was recommended for passage at 4 p. m., having been under consideration since 10:30 as a special order.

The senate registered its opposition to the increase of salaries of state officials as had been provided for in the salaries bill for deputies.

The senate before leaving the matter of finance adopted the recommendation of the judiciary committee, which indefinitely postponed the bill appropriating $10,000 to Thomas P. Kennard to reimburse him for money he claims to have spent out of his own pocket as secretary of state in securing a claim from the general government. A persistent fight has been made for this claim which had an unsuccessful inning in the legislature back in 1889. Then, as now, its defeat was due largely to the ceaseless opposition of Senator Cady of Howard. Cady was in the legislature in 1889.

It was a matter of some disappointment that the house railroad committee's report on the four anti-pass bills and the two maximum freight rate bills was not presented so that it might have been acted on today. The four anti-pass bills are to be recommended for indefinite postponement and the rate bills allowed to come back without recommendation. Of course the longer these bills are delayed the more remote will be the chances of pulling any of them through. The idea is to consider the maximum rate bills with the commodity rate bill. No one has yet been found who intends figuhting for the anti-pass bills.

Fisher's Claim Rejected.

Captain Allen G. Fisher will not get the $11,500 he asked the legislature for in the claim submitted in the escheated land case. The claims committee, of which Detrick of York is chairman, today voted to reject the claim.

This terminates a prolonged effort to secure a legislative appropriation for which three successive legislatures have failed to discover any warrant. The claimant appeared before the claims committee Wednesday night at the Lincoln hotel and endeavored to state his case so that the committee could see the wisdom of granting the claim, but he failed absolutely, and now it is supposed the matter will not again come up, at least not before the legislature. Captain Fisher asked the committee to act upon the claim in such a manner as to enable him to sue the state for the amount of his claim, but this the committee did not see fit to do. The committee made its investigation along lines which satisfied it that the claim should never be allowed.

Briefly stated, the history of this case is: A few years ago Albert Goedde, a farmer in Sioux county, died, possessed of a section of land there and his only heirs were a sister and a brother in Germany. Fisher became their attorney in the escheat case and was to get all over $1,000 of the appraised valuation of the land. According to original reports and records which are on file in the state house, the value was fixed at $1,500. Fisher submitted his claim for $8,000 at the legislature of 1901 and again in 1903, and this year for $11,500. Each time the claim has been rejected.

This verbatim question was asked Captain Fisher at the recent hearing:

"Will you state to this committee the reason why this claim that you filed before the claims committee four years ago calls for only $8,000 and the claim now for $11,500?"

His answer was:

"Yes, sir, I will. At the time that I prepared the claim for $8,000, to which is attached the certified copy of the record, there was not, to my knowledge, any appraisement yet made or I would have attached the appraisement for whatever the amount was."

Where Difference Comes In.

Again, this question was asked Fisher:

"Will you state to this committee why there is a difference of $10,000 between the affidavit that is furnished this committee by the clerk of the district court and this claim that is filed by you?"

The answer was:

"The difference is because the clerk made this affidavit, sir. That is all the difference. The original paper on file says $11,500 in the clerk's office."

Further on, in answer to another question, Fisher says:

"Why, I base the claim for $11,500 that I swore to there on the fact that I know that the appraisement was $11,500, and I had a certified copy in my possession in February, 1903. In February, 1901, I filed for