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# THE OMAHA DAILY BEE.

CLEAN AND CONSERVATIVE
THE BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, FRIDAY MORNING, AUGUST 25, 1905—TEN PAGES. SINGLE COPY THREE CENTS.

## HILL ON LAND LAWS

Letter from President of Great Northern Read Before Irrigation Congress.

SAVE THE SOIL FOR SETTLEI

Lumber Kings and Cattle Barons Seizi Patrimony of the People.

RESOLUTIONS COMMITTEE REPOR

Several Changes in the Irrigation L Are Suggested.

ANNUAL ELECTION OF OFFICERS

**Governor Pardee of California is Chosen President—Six Cities Ask for the Next Convention.**

PORTLAND, Ore., Aug. 24.—After two days devoted to deliberating in sections the National Irrigation congress assembled in general session today.

Chairman George E. Barstow presented the report of the nominating committee recommending the following officers for the ensuing year:

President—Governor George E. Pardee of California.

First Vice President—L. W. Shurtliff of Utah.

Second Vice President—J. H. Stephens of Texas.

Third Vice President—E. L. Smith of Oregon.

Secretary—H. B. Maxon of Nevada.

Issue was made over the selection of Maxon as secretary by F. J. Kiesel of Oregon on personal grounds and the congress referred the report back to the committee, with instructions that it endeavor to agree on a nomination for secretary.

When the matter of selecting a meeting place for the next session came before the congress invitations were tendered by Chicago, Bismarck, N. D., Denver, Spokane and Boise.

William E. Curtis of Chicago made an address on "Irrigation in India," describing the irrigating projects instituted by the British government.

**Letter from J. J. Hill.**

A letter to the congress from J. J. Hill, president of the Great Northern railway, was read. It was stated that Mr. Hill was unable to appear in person owing to the serious illness of Mrs. Hill. Mr. Hill's letter was in part as follows:

How this campaign was begun many of us still remember, and it is right that the people should not now forget. The first work in spying out the land for irrigation, in investigating its possibilities and above all in getting its merits before the people was done by the railroad companies. At first three and a little later five of the great systems of the west united and furnished each $5,000 a year as a working fund to make the necessary inquiries and to spread the facts abroad. It was by the provision of these corporations in studying the interests and welfare of the west, searching for means to increase the tillable area, the wealth, the population and the prosperity of the country tributary to them, that irrigation first passed from the sphere of the book men to that of the men of affairs; that it rose from the rank of a theory into an idealist's dream to that of a national policy undertaken in pursuance of and fortified by a national law. It would be strange if they had not now the intensest interest in the working out of the magnificent scheme at whose birth they presided and whose infancy was nurtured by their care. For by it the boundaries of man's heritage are to be enlarged, the volume of the food supply, man's first necessity, may be almost indefinitely expanded, and the total sum of the world's available wealth and of common comfort may be expanded, and at the same time the conditions of the individual laborer, of the family, of the home, may be so bettered as to counteract those tendencies that are commonly admitted to be threatening in the development of the race and the rearing of a higher civilization.

**Land Owner Foundation of Progress.**

The need of this new area for home building is immediate and pressing. There lies the great source of wealth which alone may and must be drawn upon without intermission for man's needs. The forest falls, the mine is depleted of its precious contents, even the seas might if searched too severely cease to give tribute, but the soil is the last unfailing resource. Play games as we may with picture cards adorned with other names, the man at the bottom, the man with his foot upon a plot of ground, the man who is drawing from the earth food for himself and others is the foundation of all advancement as well as of all prosperity. Make way for him, for where he is decaying the pillars of the state are weakening, and all the more impressive forms of wealth are trembling toward the dust.

The need of more land spaces for the home builders is created by the rapid settlement of the country and precipitated and aggravated by the insane policy of land laws which tend toward the exhaustion of the public domain by the land monopolist and speculator. Except in a few selected spots where the influence of the railroad companies as colonizers has been exercised to secure actual settlement on their lands, the influx of actual cultivators is so small as scarcely to be reckoned with. Those who go upon government land in our day for the purpose of making a home are a handful. In contrast with this the following table giving the increase in area of public lands passing into private ownership each year, shows how rapidly our patrimony is passing away:

| Year | Acres |
|---|---|
| 1898 | 8,453,896 |
| 1899 | 9,132,413 |
| 1900 | 12,453,887 |
| 1901 | 15,562,786 |
| 1902 | 19,488,535 |
| 1903 | 22,650,928 |

**Save Lands for Settlers.**

Doubtless congress will consent to amend the land laws by the repeal of those employed now solely to increase the holdings of the dishonest man and to give rise to such scandals as have lately thrown shame upon the American name; but if the future is to be judged by the past, this access of wisdom and of honesty will come only when there is no longer any land left that is desired by the lumber king or the cattle baron. It is, therefore, of the utmost moment that these lands capable of reclamation, which it was not in the past to their interest to acquire, and which are at least partially and in a lame fashion safeguarded by the law of 1902, should be prepared as a patrimony for the days when the land hunger that is as old and as indestructible as man shall find no food for its reasonable satisfaction.

There is, indeed, a magnificent area available for this purpose. One-third of the entire land area of the United States outside of Alaska and our outlying possessions is still vacant. The great bulk of this is included within the regions known as arid and semi-arid. In the sixteen divisions, thirteen states and three territories, to which the reclamation act is applicable, there are 533,480,000 acres vacant out of a total 972,777,600 acres. What portion of this can ultimately be made fit for the habitation of man we are unable at the present moment to declare. Undoubtedly, for reasons to be stated hereafter, it will be largely in excess of current estimates. And it is confidently stated by good authorities that about 60,000,000 acres are capable of supporting a settled population on the basis of irrigating enterprises now regarded as feasible. A great portion of this area, many times as valuable for production as the same quantity of land would be upon the richest prairie or in the timbered districts, is included within the states and territories carved out of the mighty acquisition which is celebrated by the magnificent exposition here before our eyes. The cause of irrigation is, indeed, in a special sense, the cause of the country included in the Louisiana purchase, justifying after the lapse of a century the statesmanship which, far-sighted for its age, was more brilliant than those who conceived and executed it could possibly have imagined.

**Discussion of Resolutions.**

A motion to adopt the report of the committee on resolutions was followed by the

(Continued on Second Page.)

## NEW STANFORD SENSATION

**Honolulu Doctors Say They Are Asked to Revise Report of Poisoning.**

HONOLULU, Aug. 24.—The tragic death of Mrs. Jane Stanford has been recalled by a sensational story published here to the effect that representatives of the Stanford estate practically offered monetary inducements to local physicians to change their opinion that strychnine caused the death of Mrs. Stanford. It is alleged that the bill of $150 of Dr. C. B. Wood, who performed the autopsy on the body of Mrs. Stanford, has been refused payment by the estate on the ground of territorial authorities should have performed the autopsy. Dr. Wood declared he was employed on behalf of the estate by Dr. Humphreys and that the latter said that he considered the refusal to pay Dr. Wood to be amazing, as he considered the employment of a private autopsy physician to be proper.

The Star in its story of the matter says that in different interviews, a representative of the estate indicated to the physicians that it would be satisfactory to the estate if they could revise their findings of poison, and in such events their bills were not to be questioned, and Drs. Humphreys, Day and Wood would be paid the amount of their claims of $150.

All three doctors are preparing a statement to place their version of the scientific facts of the case before the public in a final justification of the decision concerning the cause of the death of Mrs. Stanford.

SAN FRANCISCO, Aug. 24.—Referring to a cable dispatch from Honolulu which intimated that efforts had been made to induce the autopsy surgeon and physicians who attended Mrs. Leland Stanford at the time of her death to modify their first statements regarding poisoning, Attorney Wilson, representing the Stanford estate, and Detective Captain Callundan deny that there was any such attempt. The statement was based on the alleged rejection of a claim for remuneration presented by Dr. C. K. Wood, who performed the autopsy.

"I do not know," said Attorney Wilson today, "that Dr. Wood has made a claim for remuneration for his services as an autopsy physician. There was a claim from Wood & Day, who are partners, for $150, which has been paid. In fact, all the physicians connected with the last illness of Mrs. Stanford have been paid. It is hardly reasonable to expect the estate to compensate the autopsy surgeon, who was acting for the government. The intimation that an effort has been made to have these physicians change their statements is too ridiculously absurd to require a denial."

Captain Callundan said that every legitimate claim had been paid.

## KING OSCAR CHANGES VIEW

**Swedish Sovereign Now Willing That His Son Accept the Throne of Norway.**

STOCKHOLM, Aug. 24.—According to good authority, sentiment in government circles regarding the accession by a Bernadotte prince to the Norwegian throne has undergone a complete change. King Oscar no longer opposes the acceptance of the crown by his son Charles. As soon as the union between Norway and Sweden is dissolved his answer will be given and it probably will be affirmed.

At a meeting of the council of state today Minister of Justice Berger presented a report on the decision of the Norwegian Storthing, approving the proposals of the government for the formal opening of negotiations with Sweden for the dissolution of the union. At the same time he proposed that King Oscar be requested to empower the council to enter into negotiations with the Norwegian government for the settlement of the questions in dispute, and also to authorize the government to appoint delegates to meet the Norwegian representative.

On the recommendation of the council the regent, Crown Prince Gustave, gave his consent to the proposals.

## AGRARIAN DISORDERS START

**President of Zemstvo Would Call Meeting of Landlords to Stop Trouble.**

ODESSA, Aug. 24.—Fresh agrarian disorders have broken out in the Elisabethgrad and Alexandria districts and the peasants are destroying the property of the land owners. A big estate at Butzky has been entirely demolished.

The president of the Elisabethgrad zemstvo has asked permission of the government to convoke a meeting of landlords with the view to settling the agrarian agitation.

During a fair in the village of Lihovia in the district of Wernedneprovsk a crowd of peasants attacked the merchants. After pillaging their goods the peasants massacred a number of the merchants and mutilated others, pricking out their eyes and cutting off their ears. Cossacks arrived too late to save the village, which was completely devastated.

WARSAW, Aug. 24.—The whole government of Warsaw has been placed under martial law.

A bridge on the Vistula railway near Radom has been blown up and communication is interrupted.

## WELCOME FOR JUDGE CALHOUN

**Caracas Journal Says Venezuela is Glad to Have Its Court's Action Examined by a Great Jurist.**

CARACAS, Aug. 24.—The semi-official Constitutional, commenting today on the visit of Former Judge W. J. Calhoun, whom President Roosevelt appointed special commissioner to look into the relations between Venezuela and the United States, says:

The appointment of this honorable representative of the American judiciary pleases the friends of the present administration because we know that the proceedings in our courts are and have been founded on law and justice and the light which will be shed by his investigation will enable the commissioner to proclaim before the American people and the world his homage for the Venezuelan courts and the government under the law.

Judge Calhoun yesterday had a conference with the attorney general.

The issue of scrip for the new 3 per cent diplomatic debt will begin August 8.

## STEAMER STRIKES TRANSPORT

**Hundred and Twenty-Seven Invalided Japanese Soldiers Drowned in Inland Sea.**

TOKIO, Aug. 24.—The Japanese transport Kinjo was sunk in a collision with the British steamer Baralong on August 22 in the Inland sea. One hundred and twenty-seven invalided Japanese soldiers were drowned.

**Strange Vessel Aflame.**

LONDON, Aug. 24.—An unidentified vessel is on fire off the Isle of Wight. It is blazing furiously.

## BEFORE JACK FROST APPEARS

Marine Hospital Surgeons Expect Early Victory Over Yellow Fever.

DECREASE IN THE NUMBER OF CASES

**Steps Taken to Prevent Travel Between Points of Infection—Several New Cases in Country.**

NEW ORLEANS, Aug. 24.—Following is the official report up to 6 p. m. Thursday:

| | |
|---|---|
| New cases | 44 |
| Total to date | 1,800 |
| Deaths | 2 |
| Total deaths | 226 |
| New foci | 10 |
| Total foci | 360 |
| Remaining under treatment | 287 |

The rather mild expression of hopefulness which Dr. White made a few days ago is made more emphatic by the steady improvement in the figures from day to day and predictions are now freely being made that victory will be accomplished before frost appears.

Surgeon White, with the assistance of Mayor Behrman, has arranged for the establishment of a new emergency hospital and detention camp, which will be opened tomorrow.

The MacDonough public school on North Rampart street has been impressed and will be ready for occupancy.

Another part of the plan to be put into effect tomorrow is a form of quarantine of infected places against other infected places.

Heretofore there had been no interruption of traffic between places that are infected and as a result many of the panic-stricken Italians have returned to New Orleans and brought new infection with them. This will be prevented in the future. The State Board of Health will meet tomorrow and formulate a plan.

The territory bounded by St. Ann, Esplade, Rampart and Decatur, the heart of the original infection, is again undergoing a thorough course of disinfection. This will be the third treatment given. A total of thirty-six square miles containing 1,200 houses is embraced in the district.

**Distinguished Surgeons Arrive.**

Prof. Robert Boyce of the Liverpool School of Tropical Medicine reached here today. Prof. Boyce expects to make a careful study of the campaign against the fever and to make a report of his observations to his school.

Surgeon Von Ezdorf reported to Dr. White today. Surgeon Ezdorf has been identified with the sanitary work on the isthmus, where yellow fever has been prevailing for some time, and because of his knowledge of the disease there was ordered to New Orleans by the Department.

Another case of fever at Terre Aux Boeufs, the parish seat of St. Bernards, was reported today, bringing the total to eleven there. The citizens' committee has been called to meet on Monday when the whole fever situation will be discussed and full reports made of the work of financing the fight. Chairman Janvier is continuing to take subscriptions to the general fund and there is a daily flow of cash and checks into his office. The committee has fixed $300,000 as the total fund and the probability is that it will all be subscribed.

All the money that Dr. White can use is at his disposal.

Dr. Ralph Marcour, formerly of the navy, started today for Leeville, and the board will send additional yellow fever nurses and doctors soon. It is desired to prevent an exodus of Leeville people to New Orleans, in order that there may be no increase in the infection here.

**Case in Michigan.**

DETROIT, Aug. 24.—A Detroit News special from Grand Rapids, Mich., says that a case of yellow fever has been discovered in Crockery township, Ottawa county, ten miles from here. The patient is Godfrey Limburg, a telephone lineman, who left New Orleans a week ago last Tuesday. He was taken sick Saturday, but a physician was not called for several days. Yesterday his temperature reached 105.

## WESTERN MATTERS AT CAPITAL

**Two New National Banks Authorized by Comptroller to Commence Business.**

(From a Staff Correspondent.)

WASHINGTON, Aug. 24.—(Special Telegram.)—The comptroller of the currency today authorized the following national banks to begin business: The Atkinson National bank, Atkinson, Neb., capital $25,000, M. Dowling president, C. H. Walrath vice president, Q. J. O'Donnell cashier; the Sheldon National bank, Sheldon, Ia., capital $50,000. This new national bank succeeds the Security Savings bank and its officers are: James F. Toy, president; P. W. Hall, vice president; E. E. Springer, cashier; E. B. Meyers, assistant cashier.

The following appointments have been made to fill vacancies in the rural carrier force: Iowa—Independence, route 8, Fred J. Moody carrier, Zoa Moody substitute; Mystic, route 1, Charles N. Stark carrier, Rachael A. Gordon substitute; Villisca, route 1, Alfred Havens carrier, Harley G. McCoy substitute. Nebraska—Gretna, route 2, Frederick W. Cockerill carrier, Hans Gosh substitute; Stromsburg, route 1, Frank W. Carlson carrier, Mrs. Elnora Carlson substitute.

Postmasters appointed: South Dakota—Little Eagle, Rose M. Hall, vice Lulu W. James, resigned.

## KEARSARGE SINKS OIL CRAFT

**Battleship Runs Down Small Schooner in Fog Off Newport—Men on Board Rescued.**

NEWPORT, R. I., Aug. 24.—After colliding with and damaging the little kerosene oil schooner N. S. Gallup, of New York, the battleship Kearsarge arrived in the harbor tonight with the disabled craft and her crew of two. The warship was not injured and the loss to the owner of the schooner, the National Oil company, does not exceed $500.

The battleship squadron went out for a course of maneuvers this afternoon between Point Judith and Newport, but was obliged to head for this port at noon because of a dense fog. At a point five miles southeast of Point Judith, the Gallup, which was bound from New York for Portsmouth, R. I., with a cargo of empty oil barrels below and filled casks on deck, crossed the bow of the battleship. The latter, steaming at the rate of five knots, struck the schooner on the starboard side below the water line and the water which poured in through a hole a foot square soon filled the Gallup and caused her to capsize. The only persons on board were Captain John Andrews and his son William. They were rescued by the crew of the Kearsarge.

## RYAN MAKES FULL DENIAL

**Says Senator Burton is Not Involved in Chickasaw School Warrant Case.**

WASHINGTON, Aug. 24.—Acting Secretary Ryan of the Interior department today contradicted a statement published here that that department had made public a report reflecting upon Senator Burton in connection with the school warrants of the Chickasaw Indians. He said that an investigation had been made into the issuance of those warrants, in the course of which the discovery had been made that some of them had been issued to Senator Burton and his brother for services as attorneys, but that no record had been found of the issuance of warrants to the senator for such services performed subsequent to his election.

ABILENE, Kan., Aug. 24.—United States Senator J. R. Burton, who is at his home here, in an emphatic statement today, declared that the Chickasaw warrants issued to him in October, 1901, were in payment for legal services as counselor to Governor Johnson, prior to his election as a senator.

"I have never," declared he, "received one penny in compensation for legal services rendered the Chickasaw Nation since my election as United States senator before a federal department or anywhere else."

Continuing, Senator Burton said:

Prior to my election I was employed as legal counselor to Governor Johnson. When I became senator, my employment with the Chickasaws ceased, although Governor Johnson requested that I remain in my former capacity. The warrants issued to me in October, 1901, were in payment for services rendered prior to my election as senator.

The facts regarding my connection with the Chickasaws has been known to the departments at Washington for four years. The warrants issued to Z. T. Burton, I have never had any interest in. Z. T. Burton is my brother and he is now a resident of Tishomingo, the Chickasaw capital. He was employed in a legal capacity by Governor Johnson several months after my connection with the Chickasaws had terminated.

I was not paid for anything I did, directly or indirectly, after I was elected senator. The governor did not have the money to pay me when I quit his services and that is the reason why the warrants were given to me in October, 1901. It was for services I had rendered before I was senator.

## LIGHTNING STRIKES OIL SHIP

**Bark Laden with Naphtha and Petroleum Destroyed in New York Harbor.**

NEW YORK, Aug. 25.—Struck by lightning during a terrific storm which swept over Staten island and the lower part of the upper bay at midnight, the ship Marlborough Hill, laden with case oil and naphtha, lying in the stream midway between Tompkinsville and Stapleton, was burning early this morning, lighting up the bay from the Battery to Sandy Hook. The crew of twenty-four men left the ship just after the fire started and landed at Stapleton. Word was sent to Manhattan for fire boats, which hastened to flood the vessel with water. The lightning hit the mainmast and passed down the steel pole into the hold, where there was an explosion. Smoke began to show at once. Finding their signals were unheeded, the men manned the boats and made for shore. Five minutes after the alarm was given one of the hatches, about midships, blew up. The flames poured through the hatch and sprang into the shrouds and began to eat away the sails and cordage. After these burned the fire settled down into the hold, where explosion followed explosion.

The Marlborough Hill is an iron vessel, bark rigged, of 2,363 tons. It was in command of Captain Jones and had cleared for Sydney, N. S. W. The ship is owned by the Marlborough Hill Shipping company of Liverpool, England.

## TALK MUNICIPAL OWNERSHIP

**Discussion Occupies Greater Part of Session of League of Municipalities.**

TOLEDO, O., Aug. 24.—The only voice raised at the convention of the League of American Municipalities today against municipal ownership of public utilities was that of Mayor Woodward of Atlanta, and the time limit cut him off before he had reached any definite point in his argument for private ownership. The prominent champion of municipal ownership was Mayor Dunne of Chicago, but Vice Mayor George D. Jones of Columbus, O., and F. S. Spence of Toronto also made strong addresses favoring the municipal ideal. Many of those who discussed the subject were not in favor of municipal ownership as an ideal, but seemed to regard it as a last resort, to which the municipality was being driven by the hopelessness of securing fair terms and honest fulfillment of obligations from the public service corporations.

Andrew Rosewater, city engineer of Omaha, discussed paving construction.

There was no evening session, but instead the delegates were banquetted at The Farm, and later attended a vaudeville show in the theater adjoining.

Tomorrow morning occurs the final session, the election of officers and selection of a place for the next convention.

## LOST BERRY HUNTERS FOUND

**Party of Three Women and Three Children Rescued from Swamp in Northern Michigan.**

ESCANABA, Mich., Aug. 24.—Huddled together within an open and dry spot only a few feet square in the immense blueberry swamps north of this city, a searching party today found Mrs. J. A. Fisher, wife of Bernard Fisher, chief engineer of the Northwestern road; Mrs. B. J. Snow, wife of a Northwestern railway engineer; Arthur Snow, aged 12; Bessie Snow, aged 8; Miss Evelyn Doyle, aged 19, and a child of Mrs. Fisher's, aged 7, who had become lost in the swamps.

The party was camping and wanted blueberries for lunch. Deserting camp Wednesday they struck out into the forest and lost their way. A special train, with 200 searchers, found the sextet of sufferers today four miles from camp, headed into "No Man's Land," whence no one has ever returned. Though badly scratched and completely prostrated all of the members will recover.

## GIANT POWDER EXPLODES

**Two Men and a Woman Killed and Four Persons Badly Hurt at Paris, Cal.**

BAKERSFIELD, Cal., Aug. 24.—By a terrific explosion of giant powder at Paris, 51 miles from Bakersfield, today, Mrs. A. W. McRae, wife of a prominent mining man, her son George and Oscar Duclose, another mine owner, were instantly killed. Mr. McRae received injuries from which it is feared he will die, and at least three others were badly hurt by the explosion.

## RETAILERS ELECT OFFICERS

Last Year's Roster Again Chosen by the State Association.

STOCK SUBJECTS UP FOR DISCUSSION

**Catalogue Houses and Collection of Debts Debated After Settlement is Made with Pure Food Show People.**

The Nebraska Retail Merchants' association finished its annual session at the Auditorium last night by the election of officers. The entire slate of last year was unanimously re-elected as follows: President, J. Yungbiut, Lincoln; vice president, S. T. Davies, Nebraska City; secretary and state chairman, H. Fischer, Omaha; treasurer, O. C. Thompson, Blair.

The Grocers' and Butchers' Journal, edited in Omaha by J. B. Coningham, was made the official organ of the association and its name will be changed to The Retail Merchants' Journal.

A committee was appointed to audit the accounts of the pure food show people and to turn into the association treasury its percentage of the profits. The place of meeting next year was left optional with the executive committee.

In the afternoon there was a program of addresses and open discussions. Daniel Carr of Omaha spoke on "Local Home Trade."

**To Fight "Cat" Houses.**

"Along four rural routes in this state I have investigated," said Mr. Carr, "ninety-five per cent of the money sent out through the mails goes to Chicago catalogue houses. I have found that the banks and express companies show the same per cent in rural districts. It is alarming in that it points to a further concentration of wealth, where already 50 per cent of the wealth of the nation is controlled by 1 per cent of the population.

"I believe in a different system of attack on the mail order houses than that which has been employed. The direct methods hitherto have failed in their purpose and have succeeded only in advertising the order houses. We must educate the farmer through the country paper. We must show him that the concentration of wealth in the large cities detracts from the industries of his own little town and reduces its population. When his eyes are opened to the fact that by supporting home industry he will increase the population of his town and make double on the increase in value on his farm what he would save by patronizing the mail order houses, he will buy of them no longer. I have the names of 18,000 mail order patrons in the state. Seventy per cent of them are of our foreign element. We must educate them through the papers of their own language. And in all publications the direct attack must not be made, but the farmer should be shown how he will lose a dollar in the long run by saving a penny."

**To Collect Debts.**

G. F. Munro advocated legislation for the registration in public records of all assignments of wages. "If such were in effect," he said, "the secretary of the state association could send out a list to members of those who assigned their wages and the grocers would be protected."

It was suggested by one member that the city council ought to pass a resolution that any city employe assigning his wages would be immediately dismissed. This rule, it is said, is in force in some of the packing houses of South Omaha.

Among other subjects discussed were the parcels-post, pure foods and credit rating.

**Pure Food Show Closes.**

Last night closed the pure food show at the Auditorium. It was a success, both in the opinion of Manager Dean of the show and the officers of the Nebraska Retail Merchants' association, in whose name it was given. The association realized a snug sum as its share. The show will go from here to St. Joseph.

In the guessing contest for the pony, trap and harness, offered by the J. M. Bour Coffee company for the closest guess on the number of grains in three pounds of coffee, three persons guessed the correct number. They were H. Phillips, C. A. E. Johnson and Frank Swoboda. The number of grains was 11,580. The outfit will be sold today and the proceeds divided among the successful contestants.

## HOCH'S CASE WILL GO UP

**Supercedeas is Issued by Illinois Judge and Delays Execution of Convict.**

CHICAGO, Aug. 24.—Johann Hoch, the man of many wives, convicted of the murder of one of them and under sentence of death, has escaped the gallows a third time. He was to have been hanged here tomorrow, but a supersereas was issued today on an order of Justice Magruder of the supreme court.

The justice said he had carefully examined the record presented by Hoch's attorneys and his study of it satisfied him there was enough doubt to justify a review of the entire case by the supreme court. The case will come up at the October term of the court at Springfield, Ill. Hoch has been confident that the sentence of hanging would not be inflicted. He had very little to say when informed of the action of the justice. Jailer Whitman said it was the first time in his experience that a prisoner exhibited no concern about his fate the day previous to the execution.

Hoch was smoking a cigar when told of the issuance of the writ.

"I am not guilty of this horrible murder," he said, "and now I will have the opportunity of proving myself innocent before the highest court in the state. I never felt that I would go to the gallows. I may be guilty of other crimes, but never of that murder."

## DECISION IN REED WILL CASE

**Lower Court Finds That Bequest of Million to Education in Oregon is Valid.**

PORTLAND, Ore., Aug. 24.—County Judge Webster today handed down his decision in the celebrated Reed will case, ruling that Mrs. Amanda Reed's legal domicile at the time of her death was in Portland and that the terms of her will, in which more than $1,000,000 was given for the establishment of an educational institution in Oregon, will thus stand. The case will be appealed to the state circuit court.

The point at issue was in regard to Mrs. Reed's legal domicile at the time of her death. If Pasadena, Cal., was her legal residence, as claimed by the contestants of the will, the laws of California would have applied. Under the California law not more than one-third of the estate can be given for charitable purposes, and the intention of Mrs. Reed to establish a large educational institution in Oregon would have been defeated.

## NEBRASKA WEATHER FORECAST

**Fair Friday and Saturday.**

Temperature at Omaha Yesterday:

| Hour. | Deg. | Hour. | Deg. |
|---|---|---|---|
| 5 a. m. | 74 | 1 p. m. | 72 |
| 6 a. m. | 72 | 2 p. m. | 70 |
| 7 a. m. | 71 | 3 p. m. | 73 |
| 8 a. m. | 71 | 4 p. m. | 74 |
| 9 a. m. | 70 | 5 p. m. | 76 |
| 10 a. m. | 71 | 6 p. m. | 75 |
| 11 a. m. | 73 | 7 p. m. | 74 |
| 12 m | 72 | 8 p. m. | 72 |
| | | 9 p. m. | 72 |

## OMAHA MAN SEVERELY BEATEN

**Had Been Working on a Building Where There was a Strike in Progress.**

KANSAS CITY, Mo., Aug. 24.—(Special Telegram.)—Claude Harding, a non-union structural iron worker, was assaulted, kicked and beaten into unconsciousness at the corner of Ninth street and Broadway this morning by men supposed to be strikers, and was left lying on the street senseless. After striking him on the back of the head with some blunt instrument and several fist blows in the face, his assailants jumped on his body and kicked him.

Harding was employed on the new addition to the Savoy hotel. He came here from Omaha. He said he was on his way to work this morning and stopped at Ninth street and Broadway to mail a letter. Just as he was about to raise the lid of the box some one struck him in the back of the head with a "black jack." "The blow stunned me," said Harding, "but before I fell some one struck me in the face and knocked me down. Then they began jumping on me and kicking me. I suppose I would have been killed if some one hadn't happened along and frightened them away."

Harding had seen the men who assaulted him loitering about the building for several days and says they are the persons who have been intimidating and threatening the men at work on the building. He did not know their names, but furnished the police with a good description of them.

Harding's name does not appear in the last Omaha directory.

## CLOUDBURST NEAR TRINIDAD

**Nine Persons Drowned in Mining Camp and Heavy Damage to Property Reported.**

TRINIDAD, Colo., Aug. 24.—A cloudburst in the vicinity of Rhode canon, through which ordinarily a small stream of water runs, converted the canon into a raging torrent tonight, which swept through the towns of Berwind and Tobasco, wrecking everything in its path and drowning at least nine persons.

The property loss is estimated at hundreds of thousands of dollars, suffered mostly by the Colorado Fuel and Iron company and the Colorado Southern railway. The former company had mines and coke ovens scattered all along between the two mining towns of Berwind and Tobasco and although they were situated mostly out of reach of the flood, the tramways connecting the different properties of the company were practically all wrecked and the loss in this particular will be immense. The railroad company had a line running up the canon and the roadbed was nearly completely washed out. It is impossible to get accurate news of the loss of life and property tonight, for the reason that communication with the stricken towns is constantly being interrupted by the storm which still continues.

Relief parties have gone from this city and neighboring towns but cannot reach the canon for several hours, as the sixteen miles of distance lying between is deluged. From all directions are coming reports of the disastrous effects of the storm which enveloped Trinidad and the territory adjacent for miles, but no further loss of life than at Berwind and Tobasco has yet been reported.

## YOUNG WOMEN IN FACTORIES

**Subject is Discussed by the National Y. W. C. A. Conference at Lake Geneva.**

WILLIAMS BAY, WIS., Aug. 24.—Dr. Annie Marion MacLean of the University of Chicago today addressed the Young Women's Christian association conference at Lake Geneva on the present industrial condition of women in the United States.

Milwaukee was the first city in the country to call a secretary to work wholly among young women in mills, factories, laundries and bakeries. This work has since been taken up in Peoria, Omaha, Des Moines, Sioux City, Kansas City, Grand Rapids, Cedar Rapids and many cities, especially in the cotton manufacturing cities of the south.

## FAMILY ESCAPES A TORNADO

**Neighbor Telephones Them of Approach and They Leave Just Before House is Torn to Pieces.**

WINONA, Minn., Aug. 24.—By the use of a telephone, the family of Frank G. Sanders, consisting of seven persons, was saved from death today in a tornado which did great damage to buildings and crops in this vicinity. The family was eating dinner when A. McConnochie, a neighbor, telephoned that a funnel-shaped cloud was sweeping toward the house. The members of the family ran toward a clump of willows, where they lay face downward. They scarcely reached the place before the storm lifted the house from its foundation and dashed it to the ground some distance away, with hardly a board unbroken.

## TIMBER SALE IS POSTPONED

**Acting Secretary Ryan Decides That White Earth Auction Has Not Been Sufficiently Advertised.**

MINNEAPOLIS, Aug. 24.—A special to the Tribune from Washington says the big sale of timber on stump advertised to take place at White Earth, September 5 next, when $3,000,000 worth of white and Norway pine, jack pine and oak was to have been offered, has been recalled.

Judge Thomas Ryan, acting secretary of the interior, after consultation with Commissioner of Indian Affairs Leupp, decided to postpone the sale and give the matter further publicity.

**Movements of Ocean Vessels Aug. 24.**

At New York—Arrived: Sicilia, from Naples. Sailed: Deutschland, for Hamburg.
At Liverpool—Sailed: Bavarian, for Montreal.
At Hamburg—Sailed: Blucher, for New York.
At London—Arrived: Certarian, from Montreal.
At Antwerp—Sailed: Manitou for Boston.
At Queenstown—Sailed: Oceanic, for New York; Westerland, for Philadelphia.
At Liverpool—Arrived: Saxonia, from Bremen. Sailed: Canada, for Quebec and Montreal.

## CHANCE FOR PEACE

Emperor Nicholas and President Roosevelt Still Exchanging Telegrams.

WITTE'S INSTRUCTIONS FROM LAMSDORFF

Russia Refuses to Concede Principle of Indemnity Even Indirectly.

ANOTHER SUGGESTION OF ARBITRATION

Agreement May Be Made for Commission to Fix Price of Island.

LAST WORD MAY COME SATURDAY

**Announcement from St. Petersburg That Czar's Envoys Will Be Ready to Resume Negotiations.**

PORTSMOUTH, N. H., Aug. 24.—Up to 8 o'clock tonight six cablegrams had been received by M. Witte from St. Petersburg. All came from Count Lamsdorff and all were opposed to the Japanese compromise proposition, as presented at yesterday's meeting. However, it is positively stated that the cablegrams announce that direct pour parlors are now in progress between Emperor Nicholas and President Roosevelt.

The prospects of peace seem desperate, but they are not hopeless, despite the prevailing pessimism. There is still a chance and the forces working for peace are continuing their labors. The president failed twice, but he is fighting on. The result of Ambassador Mayer's audience at Peterhof yesterday was unsatisfactory, but at least it was not a rebuff. It left the door open and within a few hours after the receipt at Oyster Bay of Mr. Mayer's account of his audience the president had sent a new appeal through M. Witte, who received it from Mr. Peirce about 3 o'clock this morning. The emperor had already in effect declined the proposed compromise offered by Japan. He had refused it because, under a disguise, Japan offered to withdraw an article demanding remuneration for the conduct of the war on the ground that Russia purchase military possessions of Japan in the northern part of Sakhalin at a fixed price of 1,200,000,000 yen, the estimated "frais de guerre."

**Price is the Obstacle.**

Every message received from Peterhof, including those that came early today, was inflexible upon that point. Had Japan not inserted the sum, had that been left for future adjustment, the proposition would undoubtedly have proved more palatable. And the Associated Press is in a position to state that the divergence in the compromise, as suggested by the president and as offered by Japan at the conference, which was mentioned in these dispatches last night, touched this very point. The president did not suggest any price or the fixing of a price, and it is believed, although this cannot be affirmed, that his latest effort was to secure the consent of the emperor to agree to accept the Japanese proposition with the amount subject to future adjustment by an arbitration board or otherwise. According to the Japanese M. Witte has already offered to divide Sakhalin. If the repurchase of Sakhalin was placed upon a purely business basis the following few lines from the authorized statement of the Russian position, given to the Associated Press last night, should be borne in mind:

All that Japan does is to join the question of Sakhalin with that of a cash payment and to insist upon war costs under the name of purchase money. The transaction is fictitious and the terminology misleading. If what is proposed be in truth a purchase and sale it should be treated as such and therefore, should Russia decline to buy the territory Japan should keep it and conclude peace on the basis of the concessions already made.

Japan, it is believed, would make the further concessions suggested if Emperor Nicholas would commit himself to this solution. This statement is based upon the words of the Japanese authority most competent to speak. When asked if it was correct as reported that the Japanese had said their last word and that all hope was over, he replied:

No, we have not declared our proposition of Wednesday was our irreducible minimum. We are not assuming a threatening attitude. That is not the way to make peace.

But the plenipotentiaries themselves no longer control on either side. The negotiations have passed from their hands to their principals at Peterhof and Tokio.

**Attitude of Kaiser William.**

Most persistently the report continues to be circulated here that Emperor William has been one of the main obstacles to peace, that while ostensibly in sympathy with the president's efforts he is advising Emperor Nicholas not to yield. The foundation for this belief is the fact which appears fully confirmed, that M. Witte's instructions were made more imperative and intransigient upon the question of indemnity and cession of territory after the Kaiser's interview with the Russian emperor in the Gulf of Finland. It is significant that M. Witte made it a point tonight to express his disbelief in the report from St. Petersburg which caused considerable consternation here, that Count Lamsdorff had authorized Reuters' agent to declare that Russia under no circumstances would pay a contribution, either direct or indirect, or make a cession of territory whatsoever. M. Witte said he could not imagine that Count Lamsdorff could have authorized such a statement without informing him (Witte.)

**President Still at Work.**

OYSTER BAY, L. I., Aug. 24.—A crisis in the peace negotiations is approaching rapidly. Whether there is to be peace between Russian and Japan, or a continuance of the war will be determined very likely within a few days.

Since he made his direct appeal to Emperor Nicholas, President Roosevelt has been awaiting developments, hopeful that such efforts as he has felt proper to make to avert a failure of the Washington conference might not be futile. Today these developments began to appear. A report from Ambassador Meyer at St. Petersburg of his audience with Emperor Nicholas yesterday was received and in addition some important advices from Portsmouth reached the president. They were regarded as so urgent that as soon as they were received in the executive office in the village they were carried to Sagamore Hill by a trusted executive clerk.

The utmost secrecy is maintained regarding the communications, not the slightest intimation of the nature of their contents being permitted to become public.

It is quite certain now that in addition to making a direct appeal to the Russian emperor to take such measures as may bring the pending negotiations to a successful issue, President Roosevelt has communicated with the Japanese government along similar lines. Whether that appeal was made directly to the emperor of Japan, as in the case of Emperor Nicholas, cannot be ascertained, as no official confirmation