Peculiarly a Home Paper
THE BEE

THE OMAHA DAILY BEE.

Omaha's Model Newspaper
THE BEE

ESTABLISHED JUNE 19, 1871. OMAHA, TUESDAY MORNING, OCTOBER 24, 1905—TEN PAGES. SINGLE COPY THREE CENTS.

PACKERS PLEAD BAR

Allege Government Officials Secure Evidence from Books by Compulsion.

SAY ACTION IS NOT WARRANTED BY LAW

Use of Evidence Collected by Commerce Department Alleged to Be Illegal.

CLAIM THE CONSTITUTIONAL EXEMPTION

Ask that Indictment Be Declared Void on All Counts.

GROSSCUP INJUNCTION IS CITED

Allegation Made that Action of Chicago Judge Prevents Further Proceeding in Matter by the Government.

CHICAGO, Oct. 23.—Declaring that testimony the packers were compelled to produce before the secretary of commerce and labor was used by United States District Attorney Morrison in obtaining an indictment against the packers and alleging that inasmuch as the same issues as mentioned in the indictment were raised and disposed of in an injunction writ issued by Federal Judge Grosscup, the packers who are under federal indictment here, charged with illegal conspiracy, today again attacked the famous so-called "Beef trust" process. A special plea in bar and an additional special plea in bar were filed by counsel for the packers. The nature of the special plea in bar was a surprise to the government officials, although they were aware of what would be pleaded in the additional plea—the issuance of an injunction by Judge Grosscup.

Object to Government Action.

The special plea sets up assertion concerning investigations by the commissioner of corporation and alleges that the defendants were compelled to testify and to produce certain books and other data, and that thereafter the matter was submitted to the president of the United States, and finally to the United States district attorney here, and that the district attorney used the material in seeking indictments against the defendants. Because of these alleged facts the defendants ask that the indictment be dismissed.

Regarding the Grosscup injunction, the plea filed today maintains that by the prosecution of the injunction and the entry of a final decree by the supreme court "the said United States of America did finally and fully elect to pursue that remedy, and not to prosecute the defendants respectively for or on account of the said supposed engaging in the supposed conspiracies, which is in said indictment mentioned, or any or either of them, and that of this they respectively put themselves upon the country."

Investigation is Set Up.

The special plea in bar declares that the Fifty-eighth congress of the United States passed a resolution directing the secretary of commerce and labor to investigate the cause of low prices in beef cattle and the alleged unusually large margin between cattle prices and the cost of dressed meat to the consumer. The secretary directed the commissioner of corporations to make a diligent investigation, which, it is alleged in the plea, he did. His investigation included, among other things, the transactions, matters and things averred in the indictment. This investigation was pushed in the following cities, among others: Chicago, South Omaha, Kansas City, Mo., Kansas City, Kan., Sioux City, Fort Worth, St. Joseph, Mo., Los Angeles and East St. Louis, Ill. Then it is alleged: On March 7, 1904, and on divers days thereafterwards and before the finding of the indictment the defendants at the aforesaid mentioned places and at divers other cities at the instance, direction, requirement and compulsion of the commissioner of corporations did attend before him and testify with respect to the divers transactions, matters and things directed to be investigated.

"This defendant further says that on March 3, 1905, and divers days thereafterwards, the commissioner reported the information so gathered to the president of the United States, and embodied it in a volume containing 351 pages, entitled, 'Report of the Commissioner of Corporations on the Beef Industry.'"

This is filed as "exhibit A," and is made a part of the pleas.

Claim Constitutional Exemption.

Then it is alleged that on March 20, 1905, the report was furnished United States District Attorney Bethea in Chicago, and that the facts contained as secured by the commissioner of corporations was used by the district attorney and the grand jury in conducting the investigation, resulting in the returning of the indictment by the special grand jury, and was also used in preparing and searching out other evidence used against the defendants, and is now being used to search out evidence to be used in the trial of the beef cases. The special plea concludes with the following statement:

And this defendant avers and submits that under and by the laws of the United States in this behalf, because of the premises aforesaid, this defendant cannot be prosecuted or subjected to any penalty or forfeiture for or on account of the respective transactions, matters or things, or any or either of them which are in said indictment or any count thereof in that behalf mentioned and charged against this defendant in manner and form as same are in said indictment and in the respective counts thereof charged against the defendant.

Therefore he prays judgment and that by the court here he may be dismissed and discharged from said premises in said indictment and each count thereof specified.

Samuel A. McRoberts, agent of Armour & Co., filed a separate special plea, in which he seeks immunity because he testified before the grand jury which afterward returned an indictment against him. Under a federal statute it is alleged no person shall be prosecuted in the case in which he testified, if he is compelled to testify against himself. This plea is held to be good by many and, although it will be vigorously attacked by the government, it is declared there is a likelihood of the quashing of the indictment in the case of McRoberts. The other pleas are not held to be of great importance by the government. District Attorney Morrison has not yet decided what action to take concerning them.

RECTOR FOR OMAHA CHURCH

Springfield Man Comes to St. Andrew's Episcopalian Parish in November.

SPRINGFIELD, Ill., Oct. 23.—(Special Telegram.)—Rev. Merton W. Ross has resigned as vicar of St. John's Episcopal church in this city to accept the position of rector of St. Andrew's church, Omaha. He will leave Springfield November 13.

MORE IRREGULARITY ALLEGED

Policyholders of Wetern Life Indemnity Make New Charges Against the Officers.

CHICAGO, Oct. 23.—Additional charges against officers of the Western Life Indemnity Company are made in an amendment to a supplemental bill for an injunction filed today by attorneys for the policy holders. The new charges are based on the contents of a report by the state superintendent of insurance. Counsel for the officers of the company vigorously objected to the motion for leave to amend, and declared that the bill had already been amended several times. The court overruled the objections.

The supplemental bill sets up that three directors who purchased 8,000 shares of stock in the Security Life and Annuity Company acted without legal authority. It is declared that as a result of flagrant mismanagement of the present officers the assets of the Western Life and Indemnity Company will not exceed $150,000.

W. Gray is accused of being in a conspiracy with President Moulton and General Manager Rosenfield to wreck the company, and it is alleged that Gray was fully advised of the purchase of stock in the Security Life and Annuity Company.

President Moulton is charged with publishing and circulating false reports alleged to have been issued by the state insurance department for the purpose of allaying the fears of policy holders and inducing them to withdraw their opposition to the present regime.

In conclusion the bill declares that "the 8,000 shares of stock of the Security Life and Annuity Company was never intended as an investment, but was a fraudulent use and misappropriation of the property of the Western Life company and was one of the steps of Rosenfield and his co-conspirators to consumate their preconceived scheme for obtaining absolute control of all the property and assets of the Indemnity company and appropriate the same to their own use and thereby cheat and defraud the policy holders and death claimants."

The court gave the respondents ten days in which to file an answer.

WESTERN MATTERS AT CAPITAL

Number of Postal Appointments for Nebraska and South Dakota.

(From a Staff Correspondent.)

WASHINGTON, Oct. 23.—(Special Telegram.)—Mark T. Hunter has been appointed postmaster at Winnebago, Thurston county, Neb., vice R. J. Osborn, resigned.

Rural carriers appointed: Nebraska—Amherst, route 2, Wesley Monroe, carrier; James Hampton, substitute. Archer, route 1, Deacon Gardner, carrier; Elisha H. Trebilcock, substitute. Clearwater, route 2, Thomas Rutledge, carrier; Mrs. Mary Rutledge, substitute. Red Cloud, route 2, Charles Kent, carrier; James Lindsey, substitute; route 4, George Martindale, carrier; Frank Henzon, substitute. South Dakota—Spearfish, route 1, Shelby S. Reed, carrier; Horace W. Reed, substitute. Yankton, route 3, George F. Ray, carrier; Margaret Ray, substitute.

The application of S. C. Parks jr., John E. Kearns, F. W. Bent, S. S. Newton and S. C. Parks to organize the Shoshone National bank of Cody, Wyo., with $25,000 capital has been approved by the comptroller of the currency.

TEXTILE MEN MAY STRIKE

Manufacturers' Association Refuses Restoration of Old Scale of Wages.

FALL RIVER, Mass., Oct. 23.—The textile situation here tonight was more critical than it has been since the strike of last January. The Manufacturers' association, representing all the print cloth mills in the city, with the exception of those controlled by M. C. D. Borden of New York, held a meeting this afternoon and voted to refuse the request of the textile council for a direct restoration of the wage that applied previous to the 12½ per cent reduction of July 26, 1904. The action of the association will be considered at a special meeting of the textile council tomorrow night, when it is probable the entire matter will be referred to special meetings.

The men fear that another strike will be decided upon by the unions, but it is impossible to indicate what action the operatives will take.

At the six mills of the Fall River Iron works, owned by Mr. Borden, the wage scale of 1904 was restored in full.

ACCIDENTS ON RAILROADS

Death List for Last Year is 806, While Number Injured is 13,733.

WASHINGTON, Oct. 23.—During the twelve months ending June 30, 1905, 806 persons were killed and 13,733 injured as the result of accidents on railroad trains, according to a report of the Interstate Commerce commission, issued today. Comparison with 1904 shows an increase of eleven killed and 4,123 injured, among passengers and employes, the increase in killed being wholly among passengers, while the number of employes killed shows a decrease of 106. There were 1,231 collisions and 1,535 derailments, of which 163 collisions and 168 derailments affected passenger trains. The damage to cars, engines and roadway by these accidents amounted to $2,110,671.

FIGURES ON GAS INDUSTRY

United States Produces Ninety-Eight Per Cent of the Output of the World.

WASHINGTON, Oct. 23.—An important report shortly will be issued by the United States geological survey on natural gas and its production and consumption.

It will show that in 1904 the United States produced 98 per cent of the world's known output of gas, the value being $38,496,760. Four states—Pennsylvania, West Virginia, Indiana and Ohio—produced 93.5 per cent of the output in the United States, Pennsylvania leading with 47 per cent of the whole amount.

HOME MISSION OFFICERS

Woman's Society of Methodist Church Elects Mrs. Clinton B. Fisk of New York President.

INDIANAPOLIS, Ind., Oct. 23.—The board of managers of the Women's Home Missionary society of the Methodist church today elected these officers:

President, Mrs. Clinton B. Fisk, New York; first vice president, Mrs. Jane Bancroft Robinson, Detroit; corresponding secretary, Mrs. Delia Lathrop Williams, Delaware, O.; treasurer, Mrs. George H. Thompson.

LAND FOR THE PEOPLE'S USE

Northwest Nebraska Ought to Be Given Over to Practical Purposes.

WHERE FINE GRASS NOW GOES TO WASTE

Practical Solution for the Question of How to Settle the Sand Hills is Offered in Proposed Law.

(From a Staff Correspondent.)

RUSHVILLE, Neb., Oct. 23.—(Special.)—Further investigation in the cattle country of Nebraska only confirms conditions as they were found south of Ainsworth, viz: That thousands of acres of the finest grazing lands are still unused and the future outlook indicates that this waste of beef-producing area will continue indefinitely, unless conditions are improved.

South of this place is really the "preserve" of the big cattle interests, which extends west to the state line. Considerable more farming was met with about Gordon than was expected. In fact the crop conditions were never better than this year in western Nebraska and the cattle men here are doing well and will continue to do well if they can keep out of jail, but the fact remains that there is room for ten times the number of cattle that is being grazed in these parts. The loss of beef-producing material in the shape of natural grass that is going to waste is so immense that it should have the careful thought and attention of our thinking men.

Many ideas for improvement of conditions are advanced. Those who have fences do not regard themselves as bad men; they stoutly maintain that they are interfering with the rights of no one, simply trying to make use of that which is going to waste. It appears to be only a question of interests. Most people can bring their conscience around to agree with their business policy, and those who have had up unlawful fences consider themselves no worse than a saloonkeeper who keeps his place of business open a few hours on Sunday for the benefit of his customers. They look upon the fence law about the same as people in the cities and elsewhere look upon the no-treat law.

Filings in Cherry County.

About half of the land in Cherry county that was vacant when the Kincaid law was passed has been filed on under that law, but there is yet vacant 600,000 acres or more in the county, which naturally includes the poorest lands. A good many settlers have moved into Cherry county during the last year, but it is very plain that many of the filings were made by persons who were not prepared to move onto their lands and use them for what they are best adapted. As a matter of fact few people who can at all make a living where they are desire to move their families out into the prairie miles away from schools and churches, and it cannot be gainsaid that quite a percentage of the filings have been made by persons with the same ideas as those who filed for registration on the Rosebud lands with a hope of making money out of the filing without actually residing on the land. This being the fact, makes conditions more long-some and undesirable for those who do actually reside on their homesteads.

It must be plain to thinking men that the past and present methods of settling up western Nebraska is unsatisfactory. Those who are honest and want to live up to the requirements of the homestead laws are expected to do too much to get title to these lands. They observe lax compliance with the homestead laws all around them by persons less conscientious and do not feel that they are getting a square deal. In many instances it is necessary to take their cattle away from the homestead during the winter in order to get hay to feed, as there is really nothing to keep them on the land during the winter months. Some have suggested that if the law allowed them to use the land for grazing in the summer months and permitted them to live elsewhere during the winter it would be a relief. This idea is suggested by those who favor the adoption of what is termed the "German village" plan; that is, that the homesteaders form districts to be divided into ten-acre tracts for winter homes for the homesteaders, the villages being located in the hay districts, all homesteaders being allowed to live in the village during the winter months, where they might have good schools, churches and other desired advantages of civilization.

Sale of Unoccupied Lands.

The idea is advanced here as well as at Ainsworth that the grazing lands not now filed upon should be sold to persons to use for grazing purposes, and that while the law should compel the use of the land by the purchaser it should not undertake to make him live upon the land unless he so desired.

The most sensible suggestion so far advanced proposes that a law be passed throwing the remaining public land in Nebraska open to purchase on some such a plan as the Omaha Indian lands were sold, the price per acre being fixed by congress at something near the value of the land, taking into consideration the real value of the land for grazing purposes, its real value being the amount of beef it will actually produce from year to year. The advocates of this plan would have the land sold to individuals in limited tracts, arranging that the purchase of one individual should not be more than would properly graze about 300 head of cattle. Those who are owning and occupying their homesteads now would be given thirty days' preference right to purchase any vacant lands adjoining their present homesteads. One-sixth of the purchase price would be paid down at the time the land is bought from the government and one-sixth each year thereafter for the next five years. Under this plan patent would not issue until five years after the land had been bought, and when the five years was up the purchaser would be required to make proof about the same as the present practice, only that residence would not have to be shown. As a safeguard the applicant to purchase should be required to file an affidavit at the end of each year showing how many head of cattle had been grazed on the land during the calendar year. The law should name a minimum number required to be grazed in order that if the number was not grazed the purchase be cancelled and some one else allowed to buy the land. The amount of improvements required should be lessened. The idea of requiring $800 worth of improvements on $200 worth of land is impractical. If permitted to stand it will be a breeder of perjury.

Would Interest Capital.

Such a law would permit farmers, merchants, professional men and others in the eastern part of the state to engage in the cattle business and hire some one to look after their stock. Persons who bought these lands and did not have cattle of their own could get cattle to care

(Continued on Second Page.)

JERRY SIMPSON PASSES AWAY

Former Kansas Congressman Died at Wichita at 6:05 This Morning.

WICHITA, Kan., Oct. 23.—Jerry Simpson died at 6:05 o'clock this morning.

Death was caused by aneurism of the aorta. Mr. Simpson had been in ill health for nearly a year. Six months ago he consulted a specialist at Chicago, who pronounced his case hopeless. Burial will take place at Wichita. The Masonic order will have charge of the funeral.

Ex-Congressman Simpson was born in New Brunswick on March 31, 1842. At 14 he began life as a sailor, and during his twenty-three years following that pursuit commanded many large vessels on the Great lakes. In the civil war he served in the Twelfth Illinois infantry. He came to Kansas in 1878. Originally he was a republican, but later became a greenbacker and populist. He was a member of congress from 1891 to 1895 and from 1897 to 1899, being nominated the last time by both the democrats and populists. After he left congress he moved to Roswell, N. M., where he engaged up to the time of his death in stock farming. He returned to Kansas a month ago and entered a local hospital for treatment.

His condition became hopeless ten days ago and since then the patient kept alive principally by sheer force of will. His wife and son were at the bedside at the time of death.

Mr. Simpson was conscious up to five minutes before death. The end came without a struggle.

It is believed by his attending physician and by Mrs. Simpson that Mr. Simpson's trouble originated in the campaign of 1900, which was particularly wearing upon him. At the close of the campaign he was greatly fatigued, and an unusual exertion was followed by a cough and a pain near the heart, that gradually grew worse. When he removed to Roswell, N. Y., in 1902, he sustained a strain in packing that aggravated his trouble.

WASHINGTON, Oct. 23.—The "Sage of Medicine Lodge," as Jerry Simpson was called, was in many respects one of the most unique characters which adorns the history of congress. He was swept into the Fifty-second congress by a wave of Kansas populism, charged with the task of reforming the whole government and living down the only acquaintance information his colleagues had of his personality—that he wore no socks. The latter task he succeeded in accomplishing in fact, although he never quite lost the title, "Sockless Jerry." His legislative accomplishment consisted in turning popular eastern sentiment regarding populists from scorning ridicule to respectful consideration during his service of six years in the Fifty-second, Fifty-third and Fifty-fifth congresses, when he was swept out by another Kansas wave. There was not a question of congressional action during that time on which Jerry Simpson did not think and on which his conclusions were not startlingly and entirely different from those of anyone else. His language and manner of speech were quaint to the highest degree. Jerry Simpson always tried to make his adversaries look ridiculous, always to throw new light on every subject, made a personal friend of every member of the house, and, his political opponents declared, never changed a vote on any question of legislation. As an entertainer and as a personality the house came to have the warmest regard for him.

NEW YORK DRIVERS TO STRIKE

Demand of the Unions for a Closed Shop Causes Deadlock at Conference.

NEW YORK, Oct. 23.—Preparations to break a threatened strike involving 55,000 New York teamsters were made today by the establishment of a strikebreakers' headquarters by team owners who fear that their drivers may go on strike by tonight.

At a conference between Thomas Orr, the truck owner, whose drivers are already on strike, and the unions demand for a closed shop caused a deadlock in the conference.

Mr. Hunter issued a statement tonight declaring that the association was in favor of the "open shop" and had the support of the merchants of New York. This indicates that the team owners' association will stand by Thomas Orr in his fight against the Teamsters' union.

The New York district council of the International Association of Teamsters will meet tomorrow to decide on what action to take. According to many of the delegates, a strike will be declared probably Wednesday morning. A few of the delegates, however, want to hold off until they are better prepared. Their treasury is almost empty, for the New York teamsters sent the Chicago strikers $200 a week for months.

PLAN FOR INSPECTING MEAT

Field Men Who Have Generally Been Dispensed with in Winter Will Be Given Inside Work.

WASHINGTON, Oct. 23.—Contrary to general expectation Secretary Wilson does not intend to go outside his own department for the additional inspectors of meat it is proposed to employ under the government's new plan, requiring the packers to pay for their own labels. Heretofore at this season of the year, it has been the custom to dispense with the services of a number of field inspectors, but in view of the additional sum which will be at the disposal of the secretary after November 1, the date when the new order goes into effect, a number of these inspectors will be retained and a number assigned to the packing houses. These men, it is said, are especially adapted for this duty and will so materially increase the inspection force as to obviate the delays and complaints occasioned in the past by insufficient funds to carry on the work.

CUNLIFFE DENIES CHARGES

Robber of Express Company Says Detectives Have Not Mistreated Him in Any Way.

PITTSBURG, Oct. 23.—A second information, charging larceny of $750 on or before October 9, the day he disappeared, was today lodged against E. G. Cunliffe by C. H. Hiner, general local agent of the Adams Express company. Cunliffe waived a hearing on this charge, which will be presented to the grand jury tomorrow.

At a late hour Cunliffe voluntarily handed to H. W. Bearce of Philadelphia, general superintendent of the Pinkerton agency, a letter denying published reports of ill treatment and stating that his treatment had been kind beyond his expectations. Several members of Cunliffe's family, who were present during the long examination Thursday night corroborated his statement, and Mr. Pearce said that a number of papers that had printed the story of cruelty would be called on to retract.

ROADS PREPARE TO BUILD

Burlington and Union Pacific Both File Amended Articles of Incorporation.

STRUGGLE FOR BUSINESS IN THE WEST

Lincoln, Keith and Deuel Counties on Proposed Line of Both Roads Through Western Part of the State.

(From a Staff Correspondent.)

LINCOLN, Oct. 23.—(Special Telegram.)—Both the Burlington and Union Pacific railroad companies filed amended articles of incorporation with the secretary of state this morning for extension of their lines. Both will cover practically the same territory, the Union Pacific on the north side of the Platte and the Burlington on the south side of that river in the western portion of the state.

The Burlington branch will be 250 miles in length and will start near Bridgeport, in Cheyenne county and through Deuel, Keith, Lincoln, Dawes, Frontier, Gosper, Phelps and into Buffalo county, with a terminal near Kearney, or Lowell, or Holdrege, or Somerset, in Phelps county.

The Union Pacific will begin at O'Fallon, in Lincoln county, and run to Northport, in Cheyenne county, which is across the river from Bridgeport. It will go through Cheyenne, Lincoln, Keith and Deuel counties.

Breaks Old Agreement.

The action of the Union Pacific and the Burlington railroads in filing amendments to their articles of incorporation for extensions of their lines in the western section of the state, both tapping practically the same territory, means the end of the agreement between the railroads which has been in effect for the last twenty years, not to build into the territory of the other.

This is the opinion of one who has long been identified with the railroads and knows the inside workings of the various roads. He said:

"The first break came over the Ashland cut-off. Prior to that time the Burlington south Platte territory was threatened if the Burlington built into Sioux City. The Burlington failed to heed the warning. Then came the interurban, securing a right-of-way which it is confidently believed will be taken up by the Union Pacific and Northwestern to tap the south Platte country.

"The breaking of the agreement will mean a lively building of railroads in Nebraska, and will mean much to the small cattlemen and farmer. Heretofore the small cattlemen have been at the mercy of the larger stockmen because they had no way to ship their cattle. The Burlington branches extend out just like the fingers of a hand, and many of them end in a cornfield or some little town without going anywhere. It is the same way with the Union Pacific, while the Missouri Pacific has never tapped the cattle country at all. It is all due to the agreement. Now then the Missouri Pacific will tap the cattle country and there will be a lively scramble for the business.

May Be Old Game.

"There is no reason for the people to be getting excited over these extensions, however, as they may never be built, except for the North Platte cattle country. It may be a scheme on the part of the allied roads merely to allay the opposition to the railroads and the regulation of railroad rates. That has been done in this state before. For instance, when the north and south line was built through the state to the gulf. In nearly every town along the proposed route prominent citizens were named on the board of directors, and in this way what opposition there was to the railroads was soon smothered. The road never materialized. Incidentally, there are enough stakes in corn fields and along the public roads which mark proposed railroads that have never been built to keep the roads busy for many years constructing.

"However, the situation looks good and there seems to be little doubt that Nebraska, which has been absolutely controlled by the railroad agreement insofar as extensions are concerned, is about to get a fair deal. Should the extensions be built it will mean everything to the small dealer and the farmers, in that they will have some way to reach the markets without going through the big fellows."

DAKOTA STOCKMEN INDICTED

Federal Grand Jury Takes Up the Fencing of Government Lands.

SIOUX FALLS, S. D., Oct. 23.—(Special Telegram.)—The United States grand jury, now in session in this city, today returned indictments against George B. McPherson and John H. White, prominent stockmen living in western South Dakota, on the charge of unlawfully fencing land which belonged to the government.

The reporting by the grand jury of those cases indicates that it has taken up the large number of similar cases which are pending before it. There are not less than fourteen other cases in which the defendants are charged with the illegal fencing of government lands yet to be disposed of by the jury.

"No bill" was returned in the case of Aaron Beurbonais of Evarts, and he will at once be released from custody.

SIOUX FALLS WINS ITS SUIT

South Dakota City May Build Water Works on Its Own Account.

WASHINGTON, Oct. 23.—The supreme court of the United States today dismissed the appeal of the Farmers Loan and Trust company of New York and others in their case against the city of Sioux Falls, S. D. The case involved the right of the city to purchase or construct water works, the appellants contending that a prior contract with them and their predecessors to supply water to the city should render such proceeding illegal. The circuit court of appeals for the Eighth circuit decided the case favorably to the city and today's decision has the effect of affirming it.

HARROUN CASE ON TRIAL

Grain Dealer Charged with Forging Bills of Lading Arraigned at St. Joseph.

ST. JOSEPH, Mo., Oct. 23.—The case of W. H. Harroun, charged with forging bills of lading of the Chicago, Burlington & Quincy Railway company to the amount of $1,000,000, was forced to trial in the criminal court here today, before Judge A. D. Burns. The attorneys for the defense sought a continuance, but their efforts were unavailing. Most of the day was taken up with the work of securing a jury and little evidence was introduced.

NEBRASKA WEATHER FORECAST

Rain Tuesday, Wednesday Fair and Colder.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	40	1 p. m.	53
6 a. m.	37	2 p. m.	58
7 a. m.	39	3 p. m.	58
8 a. m.	39	4 p. m.	58
9 a. m.	39	5 p. m.	56
10 a. m.	45	6 p. m.	55
11 a. m.	49	7 p. m.	51
12 m.	51	8 p. m.	50
		9 p. m.	49

MAY LET PANAMA CONTRACTS

Government May Decide to Construct the Canal Through Instrumentality of Others.

WASHINGTON, Oct. 23.—The government of the United States is willing to enter into contracts with corporations or individuals for the construction of any portion or all of the Panama canal. This statement was made by Secretary Taft while discussing conditions upon the isthmus and the policy of the government.

There is some doubt in his mind whether any concern would be willing to undertake the excavation of the Culebra cut because of the magnitude of that work. It is not the excavation that will be so difficult so much as the disposition of the earth taken from the cut, but as to the other work the government will be ready to enter into contracts for its completion as soon as it is determined what type of canal shall be constructed. It is stated that contracts could not be made during the preliminary stages of the work because the government had to prosecute the construction until its officers knew what was to be done and had sufficient knowledge of the conditions to pass upon bids and make judicious contracts.

PANAMA, Oct. 23.—It being persistently rumored in the canal zone that Chief Engineer John F. Stevens intended resigning, Mr. Stevens in an interview today, said:

You can deny the report. There is absolutely no truth in it. I am satisfied with my work in every way and, God willing, I will remain here until the canal is finished.

Mr. Stevens went to Colon yesterday to examine the preliminary work on the system which is to furnish the water supply of Colon, which will be completed next December.

NO DEATHS FOR SIX DAYS

Yellow Fever in New Orleans Practically Over and Quarantines Are Being Raised.

NEW ORLEANS, Oct. 23.—Report of the yellow fever situation up to 6 p. m.:

New cases	4
Total number of cases to date	3,365
Total number of deaths to date	435
Cases under treatment	63
Number of cases discharged to date	2,867

With six consecutive days without a death from the fever and only sixty-three cases under treatment, the confidence in the eradication of the fever is widespread, although there has not been a sign of frost yet. The loosening up of quarantine restrictions is still going on in Texas and Mississippi. In Texas restrictions on through traffic have been modified, according to this dispatch received by Dr. White from Dr. Tabor:

"Will accept certificates from your officers of passengers through New Orleans in screened vehicle, no stopover except in screened rooms under your supervision."

Formal notification of the raising of the Arkansas quarantine was received today.

VICKSBURG, Miss., Oct. 23.—Further evidence that the yellow fever epidemic here is over was Surgeon Guiteras' action today in discharging all the acting assistant marine hospital surgeons, four in number.

For the twenty-four hours ended at 6 p. m. three new cases of fever were reported, two of which were outside the city.

PENSACOLA, Fla., Oct. 23.—The yellow fever summary tonight:

New cases	7
Deaths today	2
Total number of deaths to date	638
Number of cases discharged	323
Number of cases under treatment	97

THIRD REBUFF FOR DUNN

Chicago City Council Taking Its Own Time for Drafting Traction Ordinance.

CHICAGO, Oct. 23.—Mayor Dunne was rebuffed tonight for the third time in his effort to secure the passage of an order restricting and directing the activities of the council committee which is dealing with the local transportation problem. Dropping all mention of the two plans he has heretofore submitted to the council, he submitted a message attaching a blanket order instructing the committee to consult with the legal department of the city with a view to drafting an ordinance on the terms provided by the Mueller bill, which means that the street railways may be acquired within a given time by the sale of certificates. The committee was instructed to give this plan precedence over all negotiations now pending.

The council by a viva voce vote deferred action in order that the message might be published.

RATES ON DRESSED MEATS

Both Sides File Briefs in Suit Against Great Western and Other Railways.

CHICAGO, Oct. 23.—Briefs were filed with Judge Bethea in the United States circuit court here today by the prosecution and defense in the suits of the Interstate Commerce commission and the Chicago Great Western Railroad company and seven other transportation companies. The suits are looking toward a decree from Judge Bethea adjusting the rates on live stock and dressed meat shipments from Missouri river points to Chicago. The testimony and argument were ended a week ago before Judge Bethea, and he took the case under advisement, giving the attorneys ten days to file briefs containing authorities and answering several questions in controversy. A decision in the case is not expected for at least a week.

Movements of Ocean Vessels Oct. 23.

At New York—Arrived: Celtic, from Liverpool; Minneapolis, from London; Umbria, from Liverpool; Statendam, from Rotterdam; Finland, from Antwerp. Sailed: Germania, for Naples.

At Moville—Arrived: Furnessia, from New York.

At Dover—Arrived: Kroonland, from New York.

At London—Arrived: Minnetonka, from New York.

At Havre—Sailed: La Gascogne, for New York; Bordeaux, for New York; Pomeranian, for Montreal.

At Hamburg—Arrived: Moltke, from New York.

At Palermo—Sailed: Italia, for New York.

At Boulogne—Sailed: Graf Waldersee, for New York.

At Liverpool—Arrived: Lake Erie, from Montreal.

At Gibraltar—Arrived: Koenigen Luise, from New York.

At Bremen—Sailed: Neckar, for New York.

TWO HOURS IN MOBILE

President Given Another Ovation at Metropolis of Alabama.

FORTY THOUSAND HEAR HIS SPEECH

Cheering Multitude Lines the Long Drive Through the City.

SOUVENIR FOR THE CHIEF EXECUTIVE

Badge from People of Mobile Pinned to His Coat by Judge Semmes.

FORMAL WELCOME BY COLONEL RUSSELL

Mr. Roosevelt in His Speech Refers to Men Who Are Attempting to Delay Building of Panama Canal.

MOBILE, Ala., Oct. 23.—That peace hath her victories no less renowned than war, was never better exemplified than in the reception of President Theodore Roosevelt during his two hours' stay in Mobile this evening. There was a general closing of all business houses, and along the route of the procession, from the Union depot to the stand on Bienville square, where the reception ceremonies took place, the residences and stores were covered with decorations of lights and bunting in the national colors. The route lay out Government street, one of the most noted drives in the south, for ten blocks, passing the homes of some of Mobile's most influential citizens, its chief educational institution and one of its histric churches. The sidewalk and streets along Government street were packed with humanity, and at McGill institute, Barcon academy and one or two other points, hundreds of children were massed, who sang national antnems and songs as the procession passed. Cheer after cheer rent the air.

The procession was headed by a platoon of police, followed by Colonel R. B. Dumont of the Alabama National Guard and staff, with the Mobile battalion following. Two battalions of artillery from Fort Morgan followed, and then the cadets of the University military school. Behind the young boys came the battle-scarred veterans of Raphael Semmes and John M. Withers camps, Union Confederate veterans, as a guard of honor to the president, in whose carriage were seated Judge Jules Alford, chairman of the committee on arrangements; Mayor P. J. Lyons and Colonel Edward Lafayette Russell.

Forty Thousand Hear Speech.

Next came the members of the president's party and members of the arrangement and reception committees and the press in carriages. The stand was erected on Bienville square, facing the square, which, long before the president arrived, was filled with a struggling crowd of citizens. It was brilliant with electric lights, and overhead the magnificent grove of live oaks formed a canopy of green. It is estimated that by the time the president began his address, there was a crowd numbering 40,000 people within the sound of his voice. The president reached the stand at 4 o'clock, where he was received by a reception committee of 500 citizens. He appeared to be overwhelmed with pleasure at the spontaneity of his reception. His seat was on an elevated dais on a chair which was built by the students of a technical school in Japan. Back of the chair was an enormous stuffed bear, eight feet tall, bearing in its mouth a floral independence bell, and above its head a white dove holding a streamer on which was the inscription: "Blessed is the peacemaker."

The bear was killed in a hunting expedition by his majesty, Alexander II, of Russia in 1857, according to the inscription on a bronze plate on the base of the mounting, and presented by Czar Alexander to "The Duke of Osuma, Comte T' Ynfantando, Duke de Buenevito and L'Arcos, Prince D'Ebodie."

The house of Ebodie became extinct in the eighties and the effects in the palace of the prince were disposed of by public sale. The historic bear was purchased at this sale by Hannis Taylor, then minister plenipotentiary and ambassador of the United States at the Spanish court at Madrid.

Handsome Present for President.

Oliver J. Semmes, son of the confederate, Admiral Rafael Semmes then presented to the president and pinned upon the lapel of his coat a handsome souvenir badge as the gift of the people of Mobile.

In delivering the badge Judge Semmes said:

Mr. President: I ask your attention for a moment. I have been delegated by the people of Mobile to present to you this token, symbol of their fealty as citizens of the United States. Though itself of little intrinsic value, yet in sentiment it represents the loyalty, the worth, and the honor of as brave, chivalrous and noble a people as is to be found on the face of God's green earth. We proud citizens of a proud republic feel and believe that you, as the head of that republic will, by your broad views and judicious actions so unite in the bonds of friendship all ends of our country that Americans will advance till they become the foremost of nations and may without a misgiving defy a world in arms. Should this awful necessity ever rise, then the sons of the south will be found a mighty armed camp. Take this little reminder and when you look upon it amid your arduous and multifarous duties feel and know that the people of Mobile have buried the past and look without fear to the future, recognizing that you as is shown by your later utterances, are the president of the north and the south, our whole country.

Address of Welcome.

Judge Alford, chairman of the committee on arrangements, then introduced the president, who was briefly and warmly welcomed by Mayor Lyons, who paid high tribute to him as a man, as a statesman and a patriot. The formal welcome was then delivered by Colonel Edward Lafayette Russell, one of the foremost citizens of Mobile and Alabama, who said:

Your coming among us has been a source of inspiration to our people, who are familiar with your record as a soldier and a citizen. Young wise statesmanship, coupled with your public acts and public declarations, have given them confidence in your sincerity of purpose and patriotism. Since you have been president you have demonstrated by your administration of our federal affairs that you are loyal and devoted to our free institutions, coined out of the blood, sacrifice and treasure of our ancesters. Such is the faith of our people in you as a patriot that they believe you would cheerfully surrender your life rather than endanger the sacred trust that has been confided to your patriotic keeping.

President Speaks.

President Roosevelt was cheered as he arose to speak. He thanked the people for their magnificent reception and spoke special words of greeting to the confederate veterans, who formed a portion of his escort. He referred to the fact that one of his uncles was in Alabama during the civil war.

Referring to the Panama canal the president said he did his best to bring about its completion for the benefit of the whole people, but particularly for the benefit of the gulf states. Originally, he said, he