OAKS GROW FROM ACORNS —BEE ADS BUILD BUSINESS

# THE OMAHA DAILY BEE.

BIG BUSINESS OR LITTLE— BEE ADS WILL BOOST IT.

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

## MOTION IS DENIED

### Court Refuses to Dismiss Charges Against United States Senator Burton.

### QUESTION OF JURISDICTION IS RAISED

### Counsel Says Crime, if Any, Was Committed in Illinois.

### JUDGE TAKES BROADER VIEW OF C.

### He Holds that the Contract Was Consummated in St. Louis.

### GOVERNMENT SPRINGS A SURP

**President of Another Investment Concern Says Senator Sought Employment with Him in Looking After Like Affairs.**

ST. LOUIS, Mo., Nov. 23.—In a lengthy extempore opinion, United States Circuit Judge Willis van Devanter overruled a motion to dismiss all the counts in the indictment against United States Senator Ralph Burton, charged with having agreed to accept and having accepted, compensation to act as an attorney for the Rialto Grain and Securities company before the Postoffice department at Washington, which was filed by the defense immediately following the close of the government's case today.

Judge van Devanter said that the definition of the word "agreement" bore pertinently upon this contention and went deeply into both the legal and commercial meanings of the word. He held that the agreement was not consummated until the representative of the Rialto company, who had conducted the negotiations with Senator Burton on the train en route St. Louis to Chicago, had returned to St. Louis and Senator Burton's proposition had been accepted by the Rialto company. Attorney Lehmann had held that the mere agreeing by Senator Burton to accept compensation was all that he (the defendant) was accountable for and that that had occurred in Illinois. Judge van Devanter then denied the motion and allowed an exception to the decision.

One of the most important witnesses brought forward by the government was placed on the stand today and the testimony adduced was regarded as very damaging to Senator Burton. The witness, Charles P. Brooks, did not appear at the former trials. His testimony was to the effect that Senator Burton had been introduced to him on the recommendation that he employ the senator, who would, it was stated, be a valuable man for him in the light of a pending investigation by the Postoffice department of an investment concern of which he was the president.

**Government Springs Surprise.**

The government sprang a surprise in the trial of Senator Burton by introducing as a witness today Charles H. Brooks, former president of the company which was the predecessor of the Rialto company, the National Securities coupany.

Brooks testified that a conference between Senator Burton, R. H. Kastor and himself, Senator Burton was introduced by Kastor, who said the senator was willing to represent the National Securitids company. Brooks said he did not see how the senator could be of any use to him.

"Kastor replied," continued the witness, "here is the man, pointing to Burton, who defeated your fight against Major Dennis, president of the Rialto company; by preventing the issue of a fraud order by the Postoffice department."

"I replied that in that case it might be well to employ Senator Burton, as Kastor assured me that all speculative companies in St. Louis were under investigation and that trouble might be made for me.

"There was some general discussion between myself and Senator Burton as to terms and other matters, but no definite arrangement was reached."

The government also brought out the fact that Brooks is now awaiting a decision in the court of appeals on his conviction on a charge of conducting a scheme to defraud in connection with the National Securities company. On cross examination the defense attempted to show that the testimony of Brooks was secured by certain promises of immunity made by the federal authorities. Brooks denied this.

**Defense Ready to Rest.**

The government then asked permission from Judge Vandevanter to introduce one absent witness upon his arrival in the city, and with this exception Colonel Dyer announced that the prosecution had completed its case.

Judge Vandevanter ruled that if the witness was on hand at the reconvening of court at 2 p. m. he could be heard.

Thomas B. Harlan, former attorney for the Rialto company, was questioned by District Attorney Dyer regarding two letters written by Burton to Harlan and turned over to Senator Burton by Harlan after the first indictment against the senator. Harlan testified that they were destroyed, and in cross-examination he testified that the contents of these letters were entirely personal and contained no mention of the Rialto Grain and Security company.

The first witness today was Hector C. McRea, former comptroler of the Rialto Grain and Securities company, who testified that he was introduced to Senator Burton in the office of Vice President Mahaney of the Rialto company on March 28, 1902, and was told by Mahaney that the senator had tendered his resignation and severed his connection with the company.

Witness said Mahaney told him Senator Burton had been paid to date, and in view of the fact that there had been nothing doing for some time past and that everything had been cleaned up in the Postoffice department, that the senator felt he was not earning his fees.

McRea also quoted the following statement, which, he testified, Senator Burton made in his presence:

"Before leaving Washington I (Senator Burton) visited the department and there learned there were no complaints against the Rialto company."

**Question of Jurisdiction Raised.**

Immediately upon the reconvening of court today after the noon recess Attorney Lehmann, leading counsel for the defense, questioned the jurisdiction of the court in regard to counts Nos. 1, 2, 6 and 8 of the indictment, which charge that an agreement was made to receive compensation within the limits of the eastern district of Missouri, and also asked that the other counts, which charge that Senator Burton accepted compensation, be dismissed.

Attorney Lehmann divided his arguments into two parts, the first taking cognizance of jurisdiction. He resisted the testimony of Witness T. B. Harlan, who described his conversation with Senator Burton while within the boundaries of Illinois while on a train en route from St. Louis to

(Continued on Second Page.)

## ZEMSTVO BADLY DIVIDED

**Conference Votes to Support Witte on Condition of Grant of Universal Suffrage.**

MOSCOW, Nov. 23.—By a scanty majority of twenty the zemstvo congress today accepted the first sections of the program drafted by the executive committee declaring the solidarity of the congress with the principles of the imperial manifesto of October 30 and assuring the government of the support of the majority of the zemstvos and municipalities in carrying into effect the liberties promised by the manifesto, but laying down as the sole means of guaranteeing the authority of the douma and restoring order in the country, the election of representatives by a general, direct and secret ballot and the formal grant to the first douma of power to elaborate a constitution for the empire. The friends of Count Witte on the floor made a stout fight against the provision for a direct ballot, the one concession which the premier considers it impossible to grant, but this provision was carried over their heads by a two-thirds majority.

The resolution in its final form is substantially the same as cabled yesterday. The committee to which it was referred for further consideration made numerous changes in the phraseology, but little change in the substance, except the insertion of a demand for the immediate abolition of martial law in Poland as among the measures deemed to be imperative before the convocation of the douma.

The congress also inserted, at the suggestion of the committee, a provision subjecting all ministers except the court ministers, to the responsibility of the cabinet, M. Mulikoff explaining that with the ministers of war, navy and foreign affairs excepted from responsibility, not only could war or peace be decided without consulting the premier, but the minister of war could declare martial law in any section of the country without consulting his colleagues.

The committee rejected an amendment proposed by Prof. Kovalevsky for the creation of a committee of zemstvoists to act in an advisory capacity with Count Witte until the meeting of the douma.

## LAND CASES IN MONTANA

**Government Brings Suit to Annul Twenty-Five Patents Alleged to Be Fraudulent.**

ST. PAUL, Minn., Nov. 23.—A special to the Pioneer-Press from Helena, Mont., says United States Attorney Rasch has instituted in the United States court an equity suit against a number of Montana corporations and individuals to set aside patents to lands secured upon what are known as Hyde and Benson forest reserve scrip. There are twenty-five patents in all, involving between 3,000 and 4,000 acres of land, located in various parts of the state. The United States is plaintiff and the defendants are Hyde and Benson, the Western Lumber company, owned by Senator W. A. Clarke; the Blackfoot Milling company, owned by the Amalgamated Copper company; the Conrad Investment company, owned by W. G. Conrad; the Riverside Land and Stock company; school district No. 11, Fergus county; former State Senator S. Hobson of Fergus county; Anna D. Huntley and others.

Hyde and Benson are under indictment for illegal action in connection with the creation of forest reserves in California, the government alleging that by improper methods they brought about the creation of forest reserves in California to include lands they already owned. They are said to have secured scrip for such lands and to have sold the scrip all over the west through Washington parties. Patents for lands owned by the defendants in this suit were received upon the Hyde and Benson scrip and it is on allegations of fraud that the government seeks to have the patents set aside.

The bill of complaint makes some sensational allegations relative to certain parties in connection with Hyde and Benson scrip operations in Montana.

## ADDRESS BY BARON ROSEN

**Russian Ambassador is Principal Speaker at Meeting of Academy of Political Science.**

PHILADELPHIA, Nov. 23.—Before a distinguished audience of educators, other prominent men and women of Philadelphia, and specially invited guests, Baron de Rosen, the Russian ambassador to the United States, appeared on the public platform tonight for the first time since the czar gave freedom to the Russians and expressed his great faith in the new era on which his country has entered.

The baron was the principal speaker at the Academy of Political and Social Science, the general topic under discussion being: "America's Industrial Opportunities in Russia."

Scattered through the audience were men prominent in Jewish circles, professional men and several Japanese. The other speakers were Herbert H. D. Peirce, third assistant secretary of state; Charles Emory Smith, former minister to Russia, and Congressman Robert Adams of this city, a member of the foreign affairs committee of the House of Representatives.

The Russian ambassador was most cordially received when presented by Prof. F. S. Rowe of the University of Pennsylvania, president of the academy.

## SEVERE STORM IN OKLAHOMA

**Woman Probably Fatally and Six Children Are Seriously Injured.**

LAWTON, Okl., Nov. 23.—(Special Telegram.)—A storm struck two miles and a half northeast of Hastings, Okl., this afternoon, in which Mrs. E. B. Ferguson was injured about the head and arm and otherwise cut with glass, from the effects of which she may die. The home of W. H. Phipps, in which were herself, the Phipps, E. B. and J. H. Ferguson families, was turned completely over. It was in this residence that Mrs. Ferguson received her injuries. Six children of the families were also injured in this house, but none seriously. Several houses were destroyed. A downpour of rain accompanied the wind.

## VIRGINIA IS A FAST BOAT

**New Battleship Makes 19.01 Knots an Hour During Its Official Trial Trip.**

BOSTON, Nov. 23.—The battleship Virginia completed its official tests today in a four-hour endurance run down the coast, during which it slightly exceeded its contract speed of 19 knots an hour by maintaining an average revolution of its propellers of 129.5 a minute. The speed today, as announced by the trial board, was 19.01 knots an hour.

## WORK ON RAILROAD BILL

### Senate Measure Will Contain Other Provisions Besides Rate Regulation.

### ELKINS MAKES NUMBER OF SUGGESTIONS

**Trunk Lines Are to Be Required to Furnish Better Facilities to Latteral and Smaller Roads.**

WASHINGTON, D. C., Nov. 23.—The senate committee on interstate commerce today continued the discussion of measures relative to amending the railroad laws. There were many ideas expressed, but no development of importance. Senator Elkins, chairman of the committee, occupied much of the session in making suggestions and discussing propositions which he thought ought to be incorporated in any bill that may be reported. These suggestions were numerous, and would mean quite a lengthy measure aside from regulation provisions. Senator Elkins did not bring forward the pooling proposition, but intends to present it later in some modified form, so that there may be freer traffic among railroads.

One particular point made by Senator Elkins looked to compelling trunk lines to afford better facilities to lateral lines and small roads which are compelled to use big roads to reach a market. The better management of the private car lines, so as to meet the demands of shippers, an amendment of the laws bearing on terminal companies and terminal charges also were suggested.

There was a great deal of talk by other members of the committee, and during the afternoon the Esch-Townsend bill was up for comment. It did not seem likely that this measure would be made the basis of action by the committee, as several members have made drafts of measures which they will present for consideration. The committee will meet again tomorrow at noon.

**Sixteen Millions for Canal.**

It was stated at the War department today that while congress would be asked to appropriate a total of $16,000,000 to meet the needs of the Panama canal works to June next, it is not expected that congress will appropriate it in a lump sum. What is expected by the canal officials is that congress will pass a bill making available a portion of this amount to meet the immediate wants of the commission, because it was said congress would probably investigate to learn how the money already spent had been used before appropriating the full $16,000,000.

**Report on Canal Level.**

The Board of Consulting Engineers of the Panama canal met today to add the finishing touches to their work and compare notes on which to base the majority and minority reports which will embody the views of the members upon the sea level and lock projects. This was necessary because the foreign members of the board have arranged to sail for Europe on November 28, leaving the compilation of the preliminary reports in the hands of the American members, subject to their perusal and amendment at a subsequent meeting to be held probably in Brussells.

**Postal Deficit Fifteen Millions.**

The annual report of the auditor for the Postoffice department for the year ended June 30, 1905, shows the fiscal operations of the department to have been as follows: Revenues of the postal service, $152,828,585; expenditures of the postal service, $167,389,169; total amount of money orders issued, domestic, $401,916,214; foreign, $42,568,246; total amount of money orders paid, domestic, $404,354,974; foreign, $7,150,689; total, $1,176,120,879.

**Cost of Inauguration.**

To inaugurate Theodore Roosevelt president of the United States last March cost $145,491, a greater sum than was ever spent for any previous inauguration. The details of this cost were made public today in a report by General John M. Wilson, chairman of the inaugural committee. Notwithstanding the large expense, the committee has turned over a balance of $4,839 to the Auditorium association, an organization formed to erect a building in which to hold future inaugural balls. General Wilson strongly urges the erection of such a structure.

**Hyde-Diamond Case Postponed.**

The hearing by the criminal court on the demurrer filed in the Hyde-Diamond case, in which fraudulent land transactions on the Pacific coast are charged, which was set for tomorrow, was today postponed for two weeks.

## ASSAY CASHIER ARRESTED

**George E. Adams of Seattle Office Accused of Stealing $35,000 Worth of Gold Dust.**

SEATTLE, Wash., Nov. 23.—Governor Edward Adams, for seven years cashier of the United States assay office in this city, is under arrest, accused by secret service officials of the theft of $35,000 in gold dust, to which he had access in his official capacity. Of this sum $12,000 was taken from Adams' person by Secret Service Agent Connell, who has been at work on the case for several weeks. Mr. Connell claims that Adams has made a practically complete confession, that he has abstracted more than $30,000 from miners' pockets since June last and substituted sand to maintain the weight. Adams was taken before United States Commissioner Kiefer this afternoon and held in $30,000 bonds to appear for preliminary examination on Friday next. Adams made no statement other than to demur as to the amount alleged to have been taken. Secret Service Agent Connell, on the witness stand, testified that from the result of his investigation and examination of Adams' accounts he had reason to believe that the shortage would exceed $35,000.

## LAND OFFICE CORRECTS A MAP

**United States Will No Longer Be Designated Owner of Isle of Pines.**

WASHINGTON, Nov. 23.—In the new map for 1905, issued by the general land office, the little dot of land lying off the coast of Cuba and known as the Isle of Pines will no longer have the letters "U. S." following its name. This decision has been reported by the general land office, which since 1900 has designated this bit of land "Pipe Island" (U. S.).

The official maps have had the island indicated as an American possession for over four years. Frank Bond, chief of the map division of the general land office, said today that the letters "U. S." had been placed after Pine Island by mistake and that the error would be rectified on the new maps. There is now pending in the senate a treaty formally turning over the island to the republic of Cuba.

## MANNING TELLS OF CONTRACT

**Depew's Rantankerous Friend Says He is Paid $300 Yearly for Protecting Insurance Companies.**

NEW YORK, Nov. 23.—It was late in the afternoon when Mr. Hughes, counsel of the legislative insurance committee, called to the witness chair William S. Manning of Albany, N. Y., referred to in letters addressed to John A. Nichols by Senator Depew as a previous session as "the rantankerous friend up the river."

Mr. Manning was the most interesting witness of the day and was questioned closely by Mr. Hughes as to his connection with life insurance. He detailed his work for various companies for many years and came gradually to the time when he took up insurance work in Albany and, as he testified, was paid $450 a year by John A. Nichols "to protect life insurance interests, always in the interests of the business, but not in the interest of the officers." After several years he said this amount was reduced to $300. He did not know where Mr. Nichols was getting the money and had never inquired.

He denied that he had ever received money from the Equitable Life Assurance society. When his fee was reduced, however, he understood that the Equitable, the Mutual Life and the New York Life had each paid $150 and that the reduction was due to the fact that the New York Life had dropped out of the agreement.

An interesting part of the testimony was reached when Mr. Hughes inquired concerning the state insurance investigation of 1877. Manning said he acted as an expert there and found that the reports of the proceedings were "garbled and untrue." He testified that he secured a corrected report of the proceedings from the official stenographer and had a volume printed, the alleged garbled parts being printed in italics. This report was sold to some insurance companies for $50 a copy. The volume was copyrighted to prevent the publication of the testimony in the work. He denied also that he had ever made arrangements with insurance companies to stop the publication of his book. "I just gave it up," he said, when Mr. Hughes inquired.

The committee adjourned, while Mr. Manning was on the stand, until tomorrow morning.

Earlier in the day George D. Eldridge, vice president and actuary of the Mutual Reserve Life Insurance company, was on the stand for a short time.

### INSURANCE HEARING ADJOURNS

**More Witnesses to Be Examined Some Time in December.**

PIERRE, S. D., Nov. 23.—(Special Telegram.)—The investigation of the violations of the anti-compact insurance law was completed as to the witnesses present today and an adjournment taken to the 11th of next month, when one or two other witnesses will be examined as to the St. Paul Fire and Marine Insurance company. W. M. Black of Des Moines, western manager for the Connecticut Fire company, who made the complaint, was placed on the stand and testified that several of the agents of that company had relinquished their agencies for the company on account of pressure brought to bear by the union companies, but his testimony was largely in the way of conclusions as to the cause of such action, he not being able to give direct instances.

There will be no action by the department until after the next hearing and the transcribing of the testimony, which will be probably about the middle of December.

## NEW CHARGES IN NEW YORK

**Hearst's Lawyers Claim Votes Are Found Which Were Not Counted for Him.**

NEW YORK, Nov. 23.—John Elder was held in $10,000 bail today, charged with illegal voting and perjury, and James Gallagher was held in $5,000 bail on a charge of perjury. W. R. Hearst's lawyers claimed that ninety-one votes were found in the one election district of the Twentieth assembly district which should have been counted for Hearst and were not.

Two sentences for illegal voting were passed today by the supreme court. Thomas Haile, who confessed that he voted illegally under the name of Thomas Hall, received an indeterminate sentence of not less than a year and ten months. The same sentence was meted out to Thomas D. Brennan, who pleaded guilty to voting on another man's name. Both men voted in the Third assembly district.

In many of the districts canvassed by the board of canvassers of the New York county discrepancies were found today and the Hearst representatives claim their candidate gained more than 150 votes. This gain was disputed, however. The canvassers are comparing tally sheets with the police returns. Petitions for recount of many districts may be based on this canvass.

In the examination of disputed ballots before Supreme Court Justice Giegerich today in the Eleventh assembly district it was found that there was a gain of twelve votes for Mayor McClellan, eleven for Hearst and five for Ivins.

## RIPLEY ON RATE REGULATION

**Santa Fe President Says Roosevelt Proposes No Real Remedy for Evils Complained Of.**

LOS ANGELES, Cal., Nov. 23.—President E. P. Ripley of the Santa Fe railroad, who arrived in Los Angeles today, said regarding the rate legislation:

"In regard to President Roosevelt's attitude toward the matter of railroad rate legislation, my opinion does not differ radically from that of most railroad men.

"I will say, in the first place, that I think the president without question is sincere in his opinion on the matter, as in all others, but at the same tme I think he is as mistaken as he is sincere. There is a good deal of hysteria afloat in the country that is not based upon as much knowledge or as much sincerity as the president possesses.

"What he proposes is, in my opinion, no remedy for the evils that he says exist. There may be evils and there may be remedies for them, but I do not think President Roosevelt has struck upon the right one."

## DOUGHERTY TO PLEAD GUILTY

**Former Superintendent of Peoria Schools Concludes to Take His Medicine.**

PEORIA, Ill., Nov. 23.—Newton C. Dougherty, former superintendent of Peoria schools and now in jail on the charge of embezzling several hundred thousand dollars of the city's money, today told his attorneys that he would plead guilty to the charge of embezzlement. It is expected that he will be taken into court tomorrow for that purpose.

## LAWYERS FEAST AND TALK

### Hundred and Fifty Attend Annual Banquet of Nebraska Bar Association.

### Thursday's Toast-fencing Casks PLACE ON THE PROGRAM

**Principal Address of Evening Delivered by Charles J. Greene on "The March of Empire," a Brilliant Tribute to the West.**

Members of the Nebraska Bar association to the number of 150 gathered at the banquet board at the Iler Grand hotel last night and listened to a program of wit and eloquence. The meeting was graced by the presence of George R. Peck, president of the American Bar association, who was accorded first place on the program, and who contributed on several occasions to the success of the event.

The feast was in the long banquet hall of the Iler Grand, whose nine big tables were laden with plenty and handsomely decorated with carnations and roses. President Ralph W. Breckenridge of the Omaha Bar association and President Peck of the national association, together with General C. F. Manderson, John L. Webster, Judge Roscoe Pound and others of the most distinguished members of the Nebraska bar, were at a table in the center of the room.

The menu was so exhaustive of the good things of land and sea that there was nothing left to wish for. The menu card and program sheet was very artistic and embellished with quotations from the poets, especially applicable to the life of the lawyer.

President Breckenridge had furnished an abundance of printed booklets of songs, new and old, and frequently in the course of the evening old familiar tunes rang out in the intervals between the speeches. "Goodbye, My Bluebell," was sandwiched in between a stein song and "Columbia, the Gem of the Ocean," and "Maryland, My Maryland," gave place to "Marching Through Georgia." In all these songs Mr. Breckenridge led the forensic hosts, heartily seconded by President Peck and Roscoe Pound.

**Session Holds Late.**

The banquet began at 7:30 and it was almost midnight when the lawyers went away, for after the arranged program, which lasted until 11 o'clock, the association called for addresses and stories from General Manderson, Judge Wakeley, John L. Webster and others who had not been placed on the program.

Ralph W. Breckenridge presided as toastmaster. He first called for a solo from Roscoe Pound.

Judge Pound rose to his feet and sang "Dives and Lazarus," a song which proved so funny that it was impossible to go on with the program for several minutes on account of the applause which ensued.

George R. Peck was then introduced. He appreciated the cordial welcome, he said, which had been accorded him by the men of the profession in Nebraska; he had lived in the west and knew the breed of men raised beyond the Missouri. The country west of the Missouri he spoke of as having become the seat of the intellect of the nation.

E. C. Calkins of Kearney, the newly elected president of the association, made a few brief remarks in which he expressed his appreciation of the honor conferred upon him.

"The State of Nebraska" was the subject of the toast responded to by Congressman J. J. McCarthy of the Third congressional district. "The reputation of the state must depend on its men and women, and those of Nebraska compare favorably with the men and women of any state in the union," said Mr. McCarthy. "The men of this state are of such caliber that if the entire congressional delegation were struck by lightning you could pick from the very cornfields congressmen just as good."

H. C. Brome, president of the Omaha Bar association, talked of "The Omaha Bar." He said great inherited wealth and distracting social environment had not interfered with the progress of the Omaha lawyer in the last fifty years. They had come from other states and from across the sea, bringing with them the education and the moving spirit of their native lands and had done well their part in the upbuilding of the great western commonwealth. Mr. Brome's reference to "a man who was here when the cornerstone of the city was laid" brought forth cries of "Wakeley, Wakeley." In conclusion he paid an eloquent tribute to the country lawyer of the state.

**March of Empire Westward.**

Charles J. Greene delivered the principal address of the evening on "The March of Empire." He said in part:

From the Mississippi river west are 2,000,000 square miles of territory, the range of whose natural resources includes all the countless products of northern and southern soils and climates. In it more than 21,000,000 people have made their homes—17,000,000 in the past four decades. It is penetrated and traversed by great railway systems whose lines aggregate more than 90,000 miles—nearly half the railway mileage of the United States.

Its advantages in the matter of situation, world equipment and conditions are incalculable. The commercial forces of the world have been knit together by their financial systems. And the facilities for communication, developed and multiplied by modern genius and enterprise, are uniting peoples and races in the bonds of common interest. The working capital of the world is already augmented beyond the legitimate demands of the times, and the agricultural and mining products of the west constitute the foundation of the nation's prosperity. We are no longer borrowers from the east. Indeed, the state of Nebraska today is creditor of the commonwealth of Massachusetts.

The supreme fact is that the empire of the future demands something more than men at so much per head, something more than tangible things—than lands and stocks and bonds—something more than civil forms and institutions and commercial and industrial organizations and prestige; for these things can never make a people great. It demands, more than all, a return of the age of individualism; the age of stalwart men and women, who can raise themselves above mere sordid interests to the level of daring to true justice, who care nothing for expediency or compromise where great principles are involved, and who with stern and implacable wrath shall refuse all terms and conditions whose existence constitutes a menace to every aspiration and hope bound in the welfare of our country; an age in which men and women shall dare to live by the faith which kindled the hopes and inspired the sacrifices of those who have made our history heroic in their conflicts for the republic.

**Demands of the West.**

The people who occupy the transmississippi valley are by accident and environment true disciples and apostles of democracy. The wide spaces, the mountains, the plains, the majestic rivers and the mystery which broods over all, are vocal with its songs, for in the divine plan the liberty of each unit is perfect in its own sphere. The commotions which from time to time disturb the peace of the west are merely the protests which a vigorous and self-reliant individualism makes against the inevitable tendency in progressive communities towards inequality and injustice.

The shibboleth of the west is not equal conditions, but equal rights. It demands an equality which recognizes the individual and a civil state, and civil institutions, and civil administrations, which shall

(Continued on Second Page.)

## NEBRASKA WEATHER FORECAST

**Fair and Much Colder Friday. Saturday Fair.**

**Temperature at Omaha Yesterday:**

| Hour. | Deg. | Hour. | Deg. |
|---|---|---|---|
| 5 a. m. | 49 | 1 p. m. | 55 |
| 6 a. m. | 48 | 2 p. m. | 56 |
| 7 a. m. | 49 | 3 p. m. | 57 |
| 8 a. m. | 50 | 4 p. m. | 56 |
| 9 a. m. | 51 | 5 p. m. | 55 |
| 10 a. m. | 53 | 6 p. m. | 55 |
| 11 a. m. | 55 | 7 p. m. | 55 |
| 12 m. | 54 | 8 p. m. | 54 |
| | | 9 p. m. | 54 |

## MILLARD HAS A RATE PLAN

**Thinks Creation of Cabinet Office Would Put End to Present Agitation.**

(From a Staff Correspondent.)

WASHINGTON, Nov. 23.—(Special Telegram.)—Senator Millard is taking an active interest in the meetings of the interstate commerce committee. A freer exchange of opinions regarding railroad rate legislation is noticeable among the members of the commission than characterized these selfsame gentlemen when they adjourned early last summer. Senator Millard has an idea that the creation of a new cabinet position to be known as secretary of transportation will bring about the changes desired by the people. He believes that if such a cabinet position were created it would effectively put a stop to the present discussion over rates and get the country back to its normal attitude. The senator frankly says he is the only man of the committee favorable to the project, but he is going to stay by it until a bill is reported that will create such a cabinet officer as he outlines.

Senator Burkett does not look upon the agitation now going on to reduce the receivers and registers of land offices with any great degree of consternation. Today he sent in the names of Charles F. Shedd as register and W. M. Gifford as receiver for the Lincoln land office. Shedd was a star man at the University of Nebraska, having distinguished himself in the foot ball history of the 'varsity. He was badly injured in one of the games he played for the Cornhuskers and was compelled to leave the university in consequence. But Chick Shedd is popular and Senator Burkett, yielding to university sentiment, sent in his name today as register. Mr. Gifford is an old soldier formerly residing in Pawnee county. For many years he has been an active worker in the politics of Lancaster county and his appointment is expected to give satisfaction to the veterans of the First district.

Congressman Kinkaid of the Sixth Nebraska district arrived in the city yesterday. Today the judge was at the White House with Mr. and Mrs. Thomas of Lexington, who are on their way to Europe. Owing to an injury which put his hand temporarily out of commission, coming in contact with a door of a Pullman car, Judge Kinkaid thought best not to trust the injured member to the grasp of the president. As Senator Burkett happened along, the member from the Sixth asked the senator to present his friends to the president, which was done. As a matter of fact, Kinkaid was afraid to go in to see the president, fearful lest Mr. Roosevelt would take hold of his bandaged hand before any explanation could come and he thus had to forego the pleasure of meeting the chief executive today.

## FATAL WRECK IN INDIANA

**Five Men Killed and One Badly Injured When Trains Come Together.**

ALBION, Ind., Nov. 23.—Five men are dead and one fatally injured as a result of the collision of two construction trains on the Baltimore & Ohio railroad two miles west of here early this morning.

Dead:

ENGINEER DENKIRK Garrett, Ind., of the work train.

JOHN C. DEETCH, Avilla, Ind., fireman on gravel train.

J. M. CRESS, Fort Wayne, brakeman.

TWO ROUMANIAN WORKMEN.

Fatally injured:

R. W. Strouse, Avilla, Ind., of the gravel train.

In a dense fog, a work train, eastbound, crashed into a gravel train, westbound. Both engineers had right-of-way orders and neither is blamed for the disaster.

## CHRISTIAN CHURCH CENTENARY

**Members of Organization Founded by Alexander Campbell Plan Celebration for 1909.**

PITTSBURG, Nov. 23.—The centennial celebration of the Christian church, as founded by Alexander Campbell, will be celebrated in Pittsburg in October, 1909. This time was agreed upon today at the joint conference of the centennial committee, representing the church at large, and the Pittsburg committee, which must provide suitable accommodation for the visitors who will come on that occasion. It is proposed to spend $10,000 a year in promoting interest in the event. The Rev. J. P. Garrison, D. D., of St. Louis was elected chairman of the joint committee and the Rev. W. R. Warren of Pittsburg secretary.

## FIELD MAKES A QUICK TRIP

**Special Train Carries Chicago Merchant to Bedside of His Injured Son.**

CHICAGO, Nov. 23.—The special train bringing Marshall Field to this city from New York reached Chicago at 5:30 this afternoon and Mr. Field was driven at once to his home. The running time of the train for the trip was forty miles faster than the Twentieth Century limited.

The condition of Marshall Field, jr., is reported tonight by his physicians as being "a shade better," although it is admitted that no confident prediction of the outcome can be made inside of another twenty-four hours.

**Yeomen to Meet at Minneapolis.**

COLORADO SPRINGS, Colo., Nov. 23.—The Brotherhood of American Yeomen today decided to hold the next conclave at Minneapolis. A movement to increase rates of insurance in the order failed to pass.

**Movements of Ocean Vessels Nov. 23.**

At New York—Arrived: Georgic, from Liverpool. Sailed: La Touraine, for Havre, Bremen, from Bremen; Rhein, from Bremen; Republic, from Naples.

At London—Sailed: Mount Temple, for St. John, N. B.

At Dublin—Arrived: Bray Head, from Montreal.

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

At Manchester—Arrived: Bostonian, from Boston.

At Liverpool—Arrived: Baltic, from New York. Sailed: Dominion and Virginian, for Halifax.

At Havre—Arrived: Pomeranian, from Montreal; La Savoie, from New York.

At Naples—Arrived: Konig Albert, from New York. Sailed: Nekar, for New York.

At Hamburg—Sailed: Albano, for New York.

At Queenstown—Arrived: Arabic, from Boston for Liverpool. Sailed: Hesperford, for New York.

## CRY FOR GOOD LAWS

### Emphatic Demand Made by State Bar for More Useful Legislation.

### REVISION OF THE CODE IS DESIRED

### Action is Taken on Recommendation of Retiring President Breckenridge.

### ASSOCIATION ELECTS NEW OFFICERS

### Roscoe Pound Says Common Law is Arrayed Against People.

### HE AND PECK ADDRESS LAST SESSION

**Splendid Banquet Given by Local Bar as the Closing Function of the Annual Meeting.**

These officers were elected late Thursday afternoon by the Nebraska Bar association:

President—E. C. Calkins, Kearney.

Vice Presidents—J. H. Strode, Lincoln; W. T. Wilcox, North Platte; J. L. Mcpheley, Minden.

Secretary—Roscoe Pound.

Treasurer—A. G. Ellick.

Messrs. M. A. Hall, H. C. Brome and J. L. Mcpheley were named as a committee to memorialize the legislature on the subject of exercising more care in enacting legislation and in framing laws that will be in harmony with the best legal thought of the day.

Retiring President Breckenridge, Secretary Pound and Frank A. Brogan constitute a committee to present to the supreme court an argument on the advisability of modifying the present rule as to lodgment of appeals.

Messrs. Searle, Richards and Stillman were appointed to take up and consider a protest from the Retail Grocers' association of Nebraska touching the relation of certain attorneys to collection agencies. The charge is that members of the bar are, in some instances, securing money in a manner that comes pretty close to trenching on false pretenses. The committee of investigation will report at the next meeting of the association.

**Revision of Laws.**

An effort to have a revision of the Nebraska code of laws will be made, and the president will soon appoint a committee of three to consider a plan for the furtherance of that object. The association went on record as strongly in favor of the recommendation of President Breckenridge along that line. The committee is to be selected by President Calkins and Retiring President Breckenridge after consultation.

On motion of Judge Hastings of Lincoln the association passed a resolution indorsing the action of the American Bar association in demanding a higher educational qualification for men who desire to study law. The resolution also demands this educational requirement should be the taking of a four-year high school course, or a meeting of the requirements imposed for entrance to the state university general courses.

Thanks of the association were extended to President Dowling and the authorities of Creighton university for the use of the meeting hall. A vote of thanks was also ordered spread on the records for Hon. George R. Peck for his address of Thursday afternoon.

**Crowd to Hear Peck.**

Incidentally it should be noted that Mr. Peck had a crowded house during the delivery of his address and was given the most flattering attention throughout its reading. At frequent intervals there were signs of appreciation of the many beautiful thoughts presented and the humor interwoven in the address met with hearty acknowledgement. C. J. Smyth, in moving the formal vote of thanks, expressed but the thought of all when he said he had sat entranced during the presentation of the paper.

Some discussion was given to a protest from Sarpy county members of the bar against a custom of the county judge, who was alleged to be practicing in his own court, in a way. As no one who had signed the protest was present the association finally laid the matter on the table without action.

### POUND TALKS ON THE COMMON LAW

**Former Refuge of the People Now Looked Upon as Oppressor.**

Roscoe Pound of Lincoln, dean of the law department of the University of Nebraska and former supreme court commissioner, delivered an address before the Nebraska State Bar association Thursday morning on "The Spirit of the Common Law," which was unique for its divergence from the beaten path of technical routine frequently pursued in such discourses. In his address Judge Pound aroused intense interest. He took the position that a contest was now on between the people and the common law as reflected in "our American constitutional law." This, he said, found a parallel in the prior contest between the kings and the law.

"For the first time in its history the common law is arrayed against the people," said Judge Pound. "The people used to be with it."

In his very first sentence Judge Pound asserted, "Nothing in the history of our common law is more striking than its tenacity in holding ground." Yet he insisted the present contest to which he referred was not wholly without cause. He proceeded then to cite some of the causes he conceived to be pertinent. In his judgment the most vital danger to the common law was this very relation between it and the people.

**Judge Strode's Report.**

Thursday morning's session was opened with a report from Judge J. B. Strode of Lincoln, chairman of the legislative committee. He reviewed the efforts of the committee to have a bill passed to increase the membership of the supreme court, raise the salary to $5,000 and make the term twelve years eventually. The bill met with failure, but Judge Strode presented it again to the bar association as the best basis on which to proceed with the effort to reconstruct the court. The effort to have a constitutional convention called also resulted in failure, because of the opposition of certain senators, likewise the attempt at uniform divorce legislation. In this connection Judge Strode reported the work of the committee was discounted in the legislature by the charge that he was there as the lobbyist for the bar associations of Lancaster and Douglas counties.

The laws on which the committee could report success are those relating to negotiable instruments, the juvenile court law and the statute revising the method of procedure in going to the supreme court on appeal.

Judge Strode's report was received and