

THE BEE CAN BE SAFELY READ BY WIFE & CHILDREN

THE OMAHA DAILY BEE

NO YELLOW-BACK POISON IN THE PAGES OF THE BEE

ESTABLISHED JUNE 19, 1871. OMAHA, THURSDAY MORNING, DECEMBER 7, 1905—TWELVE PAGES. SINGLE COPY THREE CENTS.

MONEY FOR CANAL

House Spends Day Discussing Bill Appropriating \$16,500,000.

ESTIMATES OF COMMISSION CRITICIZED

Both Republicans and Democrats Bay Statement Lacks Completeness.

HEPBURN SAYS IT IS TOO DEEP FOR HOUSE

Congressmen Cannot Be Expected to Understand Figures of Engineers.

BOURKE COCKRAN TAKES ISSUE WITH HIM

New York Says It Is Duty of Legislators to Scrutinize Appropriations and Quotes from President's Message.

WASHINGTON, Dec. 6.—With an opportunity for unlimited debate on the subject of the Panama canal, the house exhausted its oratory on that subject in a session of four and three-quarters hours today. The bill appropriating \$16,500,000 for canal work, which was the subject of the debate, was passed for amendment and placed on its final passage tomorrow. The feature of the debate was the criticism indulged in by both republicans and democrats regarding the incompleteness of the statement of expenditures and estimates furnished by the canal commission. Mr. Hays, in charge of the bill, made an effort to show that while detailed estimates might be more satisfactory, at the same time members of the house were not in a position to pass critical judgments on estimates for such work offered by expert engineers who held responsible positions and had been selected entirely because of their fitness.

Bourke Cockran of New York took decided exception to this attitude on the part of Mr. Hays, applied it as affecting all matters of appropriation and arranged it as decidedly the wrong attitude of legislation. To enforce his argument he read the sentiment of the president in his message for economy and scrutiny of appropriations. The so-called "press agent" of the canal commission was criticized by several speakers and lack of definite information as to the existence of such a press agent was pointed out. The place was carried by a salary of \$10,000 a year and some curiosity was manifested to know what were its duties.

Many Resolutions in Senate.

The senate began business in earnest today. The session was of only little more than two hours' duration, but in that time several hundred resolutions were introduced and referred to committees. There were resolutions dealing with the question of the national regulation of insurance companies, the incorporation of interstate railroad companies and the contribution of funds to political parties by national banks. Mr. Foraker presented the railroad rate reduction bill; Mr. Gallinger his merchant marine subsidy bill; Mr. Lodge a bill providing for a maximum and minimum tariff rate schedule in the interest of reciprocity; and Mr. Culberson a bill making it a penal offense to misuse the money of insurance companies for the purpose of a controversy arose over a resolution presented by Mr. Newlands, directing the Interstate Commerce commission to draw up a national incorporation act for railroads.

RELIEF WORK IS HAMPERED

Suspension of Telegraph Service Prevents Distribution of Money Among Russian Jews.

LONDON, Dec. 6.—The secretary of the committee which was appointed by the recent conference held here under the chairmanship of Lord Rothchild to take charge of the distribution of the funds collected for the relief of Jews in Russia, said to the Associated Press tonight that the committee was being hampered by the failure of the telegraph communication. He said that the following dispatch had been received from the traveling commissioners who are now working in various parts of the Russian empire and who are distributing the funds: "Telegraphic communication has been entirely stopped throughout Russia, and we are without news. We are sending this by messenger."

Separates Church and State

French Senate Passes Bill Through Final Parliamentary Stage by Decisive Vote.

PARIS, Dec. 6.—The senate today, after a long debate, adopted the bill for the separation of church and state by a vote of 181 against 152. The vote was announced with enthusiastic acclamation and cries of "Long live the republic" and "Long live liberty!"

Bill for Parcels Post.

Bills continue to be introduced in the house in large numbers. Among those introduced today were the following: By Representative Henry—To combine the title of merchandise; limiting weight of parcels to five pounds; and the rate to be less than three cents for the maximum weight.

By Representative Lacey of Iowa—For the entry of strictly agricultural lands in forest reserves under the management of the land office.

By Representative Grosvener of Ohio—Providing that all oleomargarine and unadulterated milk and cream shall be subject to the laws of the state into which it is shipped for consumption. The bill provides that any person who mixes with oleomargarine anything giving it the color of butter and who sells the product shall be regarded as a manufacturer of oleomargarine. The oleomargarine law is amended in several particulars as respects taxation.

By Representative Hays of Iowa—The pure food bill.

Great One Hundred Millions.

The annual book of estimates of the appropriations required for the government

GENERAL SAKHAROFF KILLED

Former Russian Minister of War Assassinated by Woman in Saratov.

LONDON, Dec. 7.—The St. Petersburg correspondent of the Daily Telegraph, in a dispatch dated December 5, sent by way of Eydikuhnen, East Prussia, says: Lieutenant General Sakharoff, former minister of war, was assassinated today. The government had deputed General Sakharoff to visit the provinces of Saratov for the purpose of settling the agrarian riots there. A woman belonging to the so-called "Flying Column" in the house of the governor of Saratov today and asked to see General Sakharoff. She fired three revolver shots at the general, killing him on the spot. He was reached St. Petersburg tonight.

END OF PROSECUTION COMES ABRUPTLY

County Attorney Calls to Stand Only Nine of the Twenty-Two Witnesses Endorsed in the Information.

Unexpectedly, to the offense at least, the state rested in the Crowe case shortly before noon Wednesday. Attorneys English and Ritchie, for Crowe, said they would endeavor to have some of their witnesses present at 2 o'clock. They then produced Archie Hazell, living at 1903 North Twentieth street, South Omaha, was the first witness for the defense. He is employed by Swift and Company and was a passenger on the car on which the three Danes were shot. He testified that he saw the men enter the car and that he saw one of the officers hand his gun or was in the act of drawing it as he got off the car. He did not see any men standing in the street as the car came to a stop and said the first shot came from the rear of the car. He did not see any shots fired from the rear of the car.

Brown's Story Similar to Hazell's.

David Brown, a horse dealer of South Omaha, was also on the car on the night of June 8. He was standing on the rear platform, leaning against the rail. He heard one man step up to the car and tell something to the driver. He saw one of the men who got off the car and started shooting at once, he said, and he saw at least four men firing. He did not see either Murphy or the man who was with him when the car slowed down. He said it was a rather dark night, possibly raining a little. Cross-examination brought out that his observation of the actual occurrence, as told by others, was a trifle faulty. Brown admitted he wanted to get away from the scene rather than closer to the shooters.

Line of Defense Outlined.

The defense evidently will be along these lines: That there was nothing whatever about the four men alighting from the street car to indicate they were police officers. That the detectives may have fired first and that the man who escaped fired in self-defense. That the man who escaped was retreating as he fired and trying to get away. That Officer Jackson may have been accidentally shot in the back by one of the brother officers. The evidence indicates their training as marksmen has been neglected.

WICKS GUILTY OF BLACKMAIL

Story of Prominent New York Attorney Who Led a Dr. Jekyll and Mr. Hyde Existence.

NEW YORK, Dec. 6.—Thomas P. Wicks, a prominent attorney and former assistant corporation counsel today was found guilty of blackmail in the criminal branch of the supreme court. He was remanded for sentence next week. The case of Wicks is one of the most peculiar in the criminal annals of the city and the man himself has come to be known as the "Dr. Jekyll and Mr. Hyde" of the legal profession. While occupying a prominent place among his fellows in the legal profession and enjoying a high reputation, it has been learned that under the name of "Lewis Jarvis," which he assumed for the purpose of "uplifting" and "regulating" persons who were being harassed in cases in which he was employed. Nearly all of these letters were confined entirely to praise of Wicks, the man, and his ability in the legal profession. Clients were congratulated upon his having secured the services of so able a gentleman and prospective clients were advised to retain Wicks at any cost. Some of the letters, however, had other ends in view and in one of these which resulted in the undoing of Wicks, he was told to "Dr. Edward Weston of Newark, N. J., several letters advising Dr. Weston to settle a certain litigation against himself by paying Wicks \$5,000. These letters were entirely written by Wicks. In connection with the case and Dr. Weston gave them to detectives. Wicks was found out and arrested when he went to a postoffice for letters addressed to "Lewis Jarvis." During the trial he admitted that he was the writer of the letters. Wicks' counsel set up in defense the argument that there was no attempted blackmail in the letters.

MRS. BERRY IS CAPTURED

Succumbs to Fumes of Ammonia and Is Captured in the Car.

GIRARD, Kan., Dec. 6.—Mrs. Ina Berry, who since Friday last had held the town officials at bay from her fort in the toilet room of a "Prisco" railway coach on the tracks here, was removed today shortly before noon. She had been partially overcome by fumes of ammonia. A bundle of rags saturated with the drug had been pushed through the window of the toilet room. Before surrendering Mrs. Berry fired one shot at her captors, but without effect. Before she could shoot again, Mrs. Berry was overpowered by two officers and the people of Girard were her friends and that the officers had come to protect her, the woman made but feeble effort at resistance. She was placed in a carriage to the city and placed under the care of a city physician. Once inside the jail and made confident that the attendants were working in her behalf, Mrs. Berry quieted down and talked rationally.

WYOMING MAN A WITNESS.

Harry Collins, now of Woodcock, Wyo., was in Omaha the night of the shooting and was walking near the scene. He heard one man standing on the pavement say to another: "Frank, you get on the car." He said the man who spoke fired the first shot as the street car slowed up. The other man, who was the attorney, got on the car. The man who fired first had been sitting on the curb and had looked at him (Collins) over his shoulder when he passed.

NEW JAPANESE CRUISER.

TOKIO, Dec. 6.—The armored cruiser Tachibana of 13,700 tons displacement will be launched at Kobe December 18. The crown prince will be present at the ceremony.

CROWE OPENS IN DEFENSE

First Two Witnesses Give Impression the Detectives Started Firing.

SIX STATES EAST OF MISSISSIPPI RECEIVED 76 PER CENT OF LAST YEAR'S ARRIVALS.

NEW YORK, Dec. 6.—The United States immigration question was taken up for discussion today by the National Civic Federation session here. Delegates to the meeting had been appointed by the governors of forty-one states and prominent statesmen, labor and religious leaders, scholars and business men were present.

REMOVALS PUT DELEGATION IN THE AIR

After Chairmanship of Committee on Inter-oceanic Canals.

WASHINGTON, Dec. 6.—(Special Telegram.)—The resignation of Senator Mitchell from the committee on interoceanic canals leaves Senator Millard occupying the chair of vantage so far as the chairmanship goes. Senator Platt of New York, the ranking member of the committee, having stated that he was satisfied with his present committee, that of printing, it has been generally expected that Senator Mitchell would not embarrass the committee on committees of the senate by insisting on his retention as a member of the committee on interoceanic canals, though it was not expected he would resign his resignation of the chairmanship.

DELEGATION IN A QUANDRY.

There is almost panic among the Nebraska delegation, particularly with Senators Millard and Burket and Congressman Kinkaid, over the Valentine land office situation.

INDIANS WANT IN ON DITCH.

Senator Burket had a conference with the commissioner of Indian affairs today with a view to adjusting the differences growing out of the organization of a drainage district in the great Nemaha valley.

CUNNINGHAM WANTS REINSTATEMENT.

Frank H. Cunningham of South Omaha, president of the Rural Free Delivery Letter Carriers' association, here in Washington, Cunningham was separated from the service on charges of pernicious political activity being made against him.

GRUNDY ACCUSED OF MURDER

Oklahoma Man Is Charged with Shooting Wealthy Distiller and Land Owner in the Back.

SHAWNEE, Okla., Dec. 6.—Frank M. Grundy, who shot and killed Edward Tomlinson, a wealthy distiller and land owner, yesterday at Kookuk Falls, as the result of a feud and later resisted arrest by barricading himself in his barn, was arrested today and brought to Shawnee, where he was placed in jail. It was brought out by the coroner's investigation today that Tomlinson was shot in the back and the coroner's jury recommended that Grundy be held on the charge of premeditated murder. The liquor and furniture concerns are aroused over the affair, and more trouble is feared.

IMMIGRATION IS DISCUSSED

Six States East of Mississippi Received 76 Per Cent of Last Year's Arrivals.

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MILLARD STARTS HUSTLING

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NEBRASKA WEATHER FORECAST

Fair Thursday and Friday.

Table with 4 columns: Hour, Deg., Hour, Deg. Rows for 5 a.m., 8 a.m., 11 a.m., 2 p.m., 5 p.m., 8 p.m., 11 p.m., 12 m.

AMBASSADOR THOMPSON TALKS

Says He Sees No Reason for Newspaper Comment Regarding His Actions.

LINCOLN, Neb., Dec. 6.—D. E. Thompson, United States ambassador to Brazil, who returned to his home in this city last night, said today concerning the rumors of trouble with the State department: "I see no occasion for the newspaper talk of which I have been the subject. So far as my official standing is concerned, I have no reason to believe that it is not as it has been since I first went to Brazil."

SHOOTING WIFE AND HIMSELF

Quarrel Between St. Louis Couple Will Result in the Death of Both.

ST. LOUIS, Mo., Dec. 6.—As the outcome of a quarrel over \$1,000 inheritance, Charles E. Basse, aged 39, a collector, shot his wife, aged 25, and then killed himself with the revolver in the presence of Mrs. Elizabeth R. Wilbucke, his wife's mother, at his home, 437 Gano avenue, this afternoon. Mrs. Basse's injuries are believed to be mortal. Mrs. Wilbucke struggled with the frenzied man to prevent the tragedy, but he finally pushed her aside and began shooting. Mrs. Basse was shot through the neck.

SISTER FINDS BROTHER DEAD

Telegraphed Her to Meet Him in Denver and Then Committed Suicide.

DENVER, Colo., Dec. 6.—(Special Telegram.)—Coming from Kearney, Neb., on an appeal from her brother, Charles L. Sexton, that he wished to see her before he died, Mrs. Martha E. Pickering arrived in Denver this morning to find that he had been found dead in his bed in the Queen City hotel, although he was apparently well enough yesterday afternoon to spend the day on the streets. Beside Sexton's bed was found a paper containing morphine from which some had evidently been taken before he retired for the night.

WILL BUILD OMAHA CUT-OFF

Union Pacific Lets Contract for a Double Track from Omaha to Valley.

PORTLAND, Ore., Dec. 6.—A. H. Mohler, vice president and general manager of the Union Pacific system, today announced the letting of contracts for the construction of a double track from Omaha to the Union Pacific line in Wyoming and this mile in Nebraska, the long talked of Omaha cut-off. Kilpatrick Bros. & Collins was given the contract. The double track in Wyoming will be laid between Green River and Lookout and between Hancock and Point of Rocks, and in Nebraska it will run from Omaha to Valley. The Omaha cut-off will result, when the work is completed, in a saving of ten miles from Omaha west.

M'CALL AND PERKINS TO QUIT

New York Paper Says There Will Be Change in New York Life.

NEW YORK, Dec. 6.—The Evening Sun today says that President John A. McCall and Vice President George W. Perkins of the New York Life Insurance company are going to retire from office in that company. Mr. Perkins' retirement, the Sun says, will probably take place soon and Mr. McCall's before the next annual election of trustees, in April.

MOVEMENTS OF OCEAN VESSELS DEC. 6.

NEW YORK—Arrived: Kaiser Wilhelm II. from Bremen; Sailed: Cedric for Liverpool; Statendam for Rotterdam; Ceilia for Naples; Gerly, for Naples and Trieste.

AT LIVERPOOL—Arrived: Lake Manitoba, from Montreal; Oceanic, from New York; Parisian, from Halifax; Merion, from Philadelphia; Sailed: Cedric for Liverpool; Gerly, for Naples and Trieste; Ceilia, for Rotterdam; Statendam, from New York.

AT QUEENSTOWN—Sailed: Ivernia, for Boston; Arrived: Cedric, from New York; Gerly, for Naples and Trieste; Ceilia, for Rotterdam; Statendam, from New York.

AT COPENHAGEN—Arrived: Oscar II, from New York; Sailed: Cedric, for Liverpool; Gerly, for Naples and Trieste; Ceilia, for Rotterdam; Statendam, from New York.

AT MANCHESTER—Arrived: Calcedonian, from Boston; Sailed: Cedric, for Liverpool; Gerly, for Naples and Trieste; Ceilia, for Rotterdam; Statendam, from New York.

BARTLEY BOND VOID

Supreme Court Writes Last Chapter in the Famous Litigation.

STATE OUT OVER SIX HUNDRED THOUSAND

Attorney General Brown Says This Decision is Final.

ERROR OF PROUT FATAL TO THE STATE

Failed to Have Bill of Exceptions to Supreme Court Properly Certified.

TRIBUNAL REFUSES TO CONSIDER IT

Last Round Was the Fifth Time Case Had Been Before the Supreme Court, Being Sent Back Four Times.

(From a Staff Correspondent.)

LINCOLN, Neb., Dec. 6.—(Special Telegram.)—After eight years of litigation in which the state sought to recover from the bondsmen of former Treasurer J. S. Bartley the sum of \$556,700.00, lost through his speculations, the case has been finally decided in favor of the defendants on the technical ground that the bill of exceptions in the case was not properly authenticated. The court, in an opinion by Commissioner Duffie, says that there is nothing by which to determine whether the bill of exceptions is genuine and entire. Former Attorney General Prout was in office when the defective bill was filed. It was certified by District Clerk Broadwell of Douglas county.

Attorney General Brown refused to discuss the matter until he can see the opinion. It is believed that no further steps will be taken and that the state is at last irrevocably deprived of every chance to secure the money, because of the carelessness in the preparation of the bill of exceptions.

The bondsmen against whom the suit was brought are E. E. Brown and John H. Ames, Lincoln; W. A. Paxton, W. A. Swobe and Cadet Taylor, Omaha, and C. C. McNish, Fremont. They have been seeking for several years to compromise the suit by the payment of a small sum, and a special board of state officials was created to effect that purpose. With the accounts of the total claims of the state at the present time amounting to nearly \$700,000. The Douglas county jury gave a verdict for the defendants at the last trial, but the state has contended that their verdict was not based on the evidence. The defect in the bill of exceptions left it impossible for the court to determine the only vital issue raised by the attorney general.

John H. Ames, one of the victorious defendants, is a member of the supreme court commission.

Opinion of the Court.

The opinion was prepared by Commissioner Duffie, concurred in by the court, Chief Justice Hickey not sitting. The decision follows: "We have held this case on an unusual time and given it our best consideration, and we have also reviewed the entire record, and we have concluded that because of the failure of the state to observe the plain reading of the statute relating to the authentication of their authentication, that this so-called bill cannot be considered by us. It is not our duty to look into the merits of the case, but under the most liberal construction of which this statute relating to bills of exceptions in this case is so wanting in authentication, so lacking in its own merits, and so wanting in its own merits, we are disposed to give to the statute governing appeals and to the rules of procedure in this court, the most liberal construction which would allow the parties may be heard on their merits, but under the most liberal construction of which this statute relating to bills of exceptions in this case is so wanting in authentication, so lacking in its own merits, and so wanting in its own merits, we are disposed to give to the statute governing appeals and to the rules of procedure in this court, the most liberal construction which would allow the parties may be heard on their merits, but under the most liberal construction of which this statute relating to bills of exceptions in this case is so wanting in authentication, so lacking 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