THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871.

OMAHA, FRIDAY MORNING, DECEMBER 8, 1905-TEN PAGES,

SINGLE COPY THREE CENTS.

AMENDS CANAL

House Appropriates Eleven Millions fer Construction Work.

ASKED SIXTEEN AND HALF MILLIONS

Disposition to Criticise Estimates of Commission More arefully.

DEMOCRATS ATTACK BOND PROVISION

Several Amandments Offered by Mr. Williams Are Voted Down.

ADJOURNS UNTIL MONDAY Charles E.

it is Expected that the Speaker Will Be Ready to Announce Committees by that

Time.

WASHINGTON, Dec. 7 .- An appropriation construction of the Panama canal. The amount was a compromise between the \$16,-\$6,000,000 recommended by Mr. Williams, the married, continues to receive the commisdemocratic leader, to carry on the work slong. until the middle of January. Mr. Hepburn, in charge of the bill, suggested that something over \$11,000,000 would carry on the

work until March. There was no intention manifest to delay the work, the only argument for cutting down the original estimate being that close scrutiny might be had of the estimate. The hill was amended in connection with suggestions by Mr. Mann (Ill.) directing the president to require annual reports from canal construction officers covering all details of the work, requiring such employes to give congress any information it may desire and restricting all expenditures to oney appropriated by congress and to that received by the operation of the property of the Panama railroad. Otherwise the bill was not amended and contains besides appropriation a provision removing a tax disability against the proposed bonds to be issued for the construction of the canal, thus placing the bonds on a footing with other government bonds as available for security for national bank circulation and to reimburse the treasury for the money appropriated in the bill.

Bond Provision Attacked.

The bond provision in the bill was a point of attack today. Mr. Williams offered seval unsuccessful amendments, all seeking the canal bonds. The policy of the two troops. might be asked for on the floor, but they were not called upon.

With the bill out of the way and no comprittees appointed to begin consideration of the several thousand measures that have been introduced since the session began the house adjourned until Monday.

SENATE DISCUSSES LIFE INSURANCE Contributions to Campaign Funds by

Corporations Considered. WASHINGTON, Dec. 7.- The subject of campaign contributions by insurance comconnection with Mr. Tillman's resolution custody. calling for an investigation of national banks' aid in politics and was exploited by the South Carolina senator in a speech of me length. The address dealt with the president's recommendations for the punshment of bribery in elections, with Senator Platt's testimony before the New York investigating committee and with other pertinent matters. It was couched in characteristic language and attracted considrable attention. The resolution directing secretary of the treasury to report whether the representatives of the national examiners show that the banks have made campaign contributions in recent years was dopted at the close of Mr. Tillman's re-

A large number of bills were introduced, mong them the joint statehood bill The senate passed a resolution introduced by Senator Lodge requesting the president, if not incompatible with the public interests, to send to the senate the papers relating to a claim of Cope Whitehouse to certain desert lands in Egypt. It is reported that the lands claimed are now valued at \$25,000,000.

WESTERN MATTERS AT CAPITAL Postmasters and Rural Carriers Appointed for lows and Other

Western Points.

(From a Staff Correspondent.) WASHINGTON, Dec. 7 .- (Special Telegram.)--Postmasters appointed: Iowa---Colesborg, Delaware county, Emma J. Chapman, vice Joseph Chapman (dead). Wyoming-Welling, Big Horn county, George W. Wortham, vice R. H. Cunning-

ham, resigned. Rural routes 7, 8 and 0 were ordered established February 1 at Mount Pleasant, Henry county, la., serving \$33 people and

Rural carriers appointed for Nebraska routes: Clarkson, route 2, Emil Stodola carrier, Frank Stodola substitute; Wayne, route 4, ffeorge Crossland carrier, Arthur R. Richardson substitute.

CASES OF MITCHELL AND BURTON Convicted Senators Will Not Be Given Committee Work.

WASHINGTON, Dec. 7.-Following his message resigning the chairmanship of the engio committee on interoceanic canals, Senator Mitchell of Oregon informed Vice President Palrbanks in a telegram today that he does not care to be appointed on Md. any committees. His action establishes a of senators convicted of criminal offenses which a member of the republican committee to select standing committees will communicate to Senator Burton of Kansas Senator Mitchell's request will be respected and it was stated today that he and Sena tor Engton will be left off all committees.

Yorwegian Steamer Sunk. CHRISTINIA, Dec. 7 .- The timber-laden atoamer Fram was sunk today in Christi-

four passengers were drowned.

Will Follow New York Insurance Disclosures.

NEW YORK, Dec. 7.-Attention was directed to the possibility of criminal action MILLARD GETS COVETED POSITION growing out of the investigation of life insurance methods by a visit paid by District Attorney Jerome to the legislative ommittee while it was holding its bearing in the city hail today. Mr. Jerome said that he wanted to find out when he could get possession of a copy of the report of the committee.

Chairman Armstrong has already said that he hopes to have it ready for the legislature w it meets next January. Counsel for mas F. Ryan, who bought the James H de stock of the Equitable Life Assura society, conferred with thes, counsel for the investigating nittee today, and said aft-E. Ryan is holding himself erward that in readines & testify before the com-

mints brought out by Mr. One of t ay's hearing was the fact Hughes in that the al Reserve Life Insurance said \$134,000 to the widow of company arper, the former president Edward F of \$11,000,000 was voted today toward the of that company, since Mr. Harper's death in 1895. The money is derived from commissions which former President Harner \$60,000 carried in the bill under considera- drew on all the business written by the tion and an emimate of something over company. His widow, who has since re-

> Incident to this inquiry Mr. Hughes discovered an instance in which \$8,000 had been paid to President Frederick A. Burnham of the Mutual Reserve Life Insurance company in 1896 and concerning which Vice President George D. Eldredge of that company testified that he knew nothing. The bookkeeper who made the payment from a contingent fund said he did not know what it was paid for.

The affairs of the Security Mutual Life Insurance company of Binghamton, N. Y., wore again under investigation today. One of the interesting facts brought out was the statement of Charles M. Turner of that company that he had employed a few years ago a D. H. Keefer, one of the clerks in the office of the superintendent of insurance at Albany to act as consulting actuary of the company at \$1,000 a year. For all Mr. Turner knew, he said the arrangement was still in force.

INDIANA OFFICIAL IS

Governor Removes Adjutant General, Who is Charged with Padding Payroll and Bills.

INDIANAPOLIS, Dec. 7 .- John R. Ward, adjutant general of Indiana, resigned today to abandon the policy of issuing bonds for on the demand of Governor Hanley as the the canal work on the ground that there is result of an investigation of his accounts. sufficient available funds in the treasury to The investigating committee claims there is meet all needed demands for the canal a shortage of \$978.75, which was secured by United States marshal for South Dakota, work. Mr. Overstreet did not succeed in General Ward by padding the totals on arrived in Washington last night. Bullock, amending the bill so that the \$10,000,000 al- his requisition for the pay of the fortyready expended in construction might be four companies of the Indiana National refunded to the treasury from the sale of Guard and on warrants for supplies for the

and resulted in limited political discussion. general by former Governor W. T. Durbin experience with existing regulations has Secretary Taft, accompanied by the audi- and was adjutant of the list Indiana regi- made advantageous. In addition to Seth tor and nurchasing agent of the canal com-mission, came to the capitol and remained which regiment former Governor Durbin visors Rebert E. Miler. Teton division of available to give any information that was colonel. The shortage discovered ex- the Yellowstone forest reserve, Wyoming; tends back to December 8, 1908

Papers and records pertaining to the case Benedict, prosecutor of Marion county, for presentation to the grand jury. Prosecutor Benedict immediately issued subpoenas for William Durboro, James Noel and Auditor of State Bigler, members of the investigating committee, requesting them to appear before the grand jury, which is now in ses-

sion and testify concerning the findings. Adjutant General Ward has turned over to the treasurer of state two checks, one for \$863.63 to cover the alleged shortage, panies occupied the major portion of the the other for \$648.77, which represents the time of the senate today. It came up in amount of state funds held by Ward in

CARNEGIE ON IMMIGRATION

Steel King Says Bonus Should Be Paid to Men with Thrift Enough to Earn Passage Money.

NEW YORK, Dec. 7 .- Andrew Carnegie said today that if he owned America he would give a premium to immigrants for coming here. Mr. Carnegle was speaking on the immigration question before the National Civic federation, and said:

National Civic Tederation, and said:

Our country has mere than one serious problem, but immigration is not among them. We have solved the question in the present but somewhat too drastic law that we have enacted. It is not a problem for us. It is the problem for the poor, unfortunate countries from which we are draining the best blood.

Now, I hold that the prime test and the only test we should exact is this? Has a man the ambition to enjoy the rights of an American citizen and has be the habits of sobrlety and frugality to save the sum necessary for him to reach this port? And is he skillful enough to earn that surplus? I want no better testimony than that. If I owned America and was running it as a business operation, I would give every man of that kind a premium to come here, and consider it the best bargain I had every made in my life. Taking the value of a man, woman or child in this republic as low as a slave, and that was an average of about \$1.000 fifty years ago, and you are getting \$00,000 a year, which means \$400,000,000 cash value. Furthermore, every man who confess here is a consumer and so per cent of all the earnings of even the most saving goes to employ other labor of some kind.

cash value. Furthermore, every who comes here is a consumer and r cent of all the earnings of even the saving goes to employ other labor of kind. It is not purity of blood you want, it is the mingling of different bloods that makes the American.

BIG CLASS OF PYTHIANS Baltimore Lodges Initiate 1,116 New

Members with Einborate Ceremonies.

BALTIMORE, Dec. 7.-This city stepped nto a position tonight in the eyes of all Knights of Pythias, the local lodges breaking all, records by initiating 1,116 new members simultaneously. The principal address was delivered by Hon. James E. Watson, former grand chancellor, of Indiana, other speakers being Supreme Vice Chancellor Charles A. Banes of Illinois, President of the Endowment Rank Charles F. S. Neill of Hilnois, Grand Chancellor of Maryland Reno Sharp and Past Chancellor Harry L. Price of this city. The initiation ceremonies were conducted by Mountain City lodge team of Frederick.

precedent in relation to the active service TWO MORE LIVES ARE LOST Number of Victims of Mine Disaster

at Diamondville, Wyo., Now Twenty-One.

DIAMONDVILLE, Wyo., Dec. 7 .- Develpments today brought to light the fact that two additional lives were last in the explosion in mine No. 1 here last Friday night, making the total twenty-one. Today ants. Fford and seven of its crew and four hodies were recovered at the top of the slope and two are still in the mine,

Object to Appointments of Webraskans Without Their Being Consulted.

Number of Bills Introduced in Which People of Nebranka Are Interested-Conference on Forest Reserves.

(From a Staff Correspondent.) WASHINGTON, Dec. 7 .- (Special Telegram.)-There is quite a feeling in the Nebraska delegation that the senators at least from that state should be consulted when consuls and other representatives of the Department of State are appointed. This feeling is probably traceable to the nomination of Louis Hostotter of Nebraska to be consul at Hermosillo, Mexico, to fill an original vacancy. Not a member of the Nebraska delegation ever heard of Hostetter until this nomination came into the

"Who is he?" asked Burkett of Millard. "I never heard of him," replied the senior senator. "Suppose we let the contribution go over

until we know who the State Department is appointing for us and accrediting to our state. This happened today and the nomination

of Hostetter, as well as that of W. H.

Michael, appointed consul general to Calcutto, went over. While the Nebraska senators have not reached the stage of protesting against the action of the State Department in appointing persons to the consular service they believe they ought to be informed of contemplated action or at least told of the residence of the appointee and those back-

Millard Gets the Pince. Senator Millard will go to the head of the committee on interoceanic canals. That was decided to day, it is said, by the committee on committees.

ing him for the appointment.

Senator Burkett is anxious to secure the committee on geologic survey which will probably come his way. Senator Dolliver will go, it is said, to the committee on education and labor. Senators Kittredge and Gamble will probably remain where they now are, both having good committee assignments. Senator Warren of Wyoming becomes chairman of the committee on military affairs and Senator Clark chairman of the judiciary committee; Senator Scott of West Virginia goes to the head of the committee on public buildings and grounds. These committee assignments, it is understood, were agreed upon today.

Seth Bullock in Washington. Seth Bullock, the picturesque plainsman, now special agent of the Black Hills forest reserve, but recently nominated for who is a warm personal friend of the president, is here by order of Forester Pinchott to attend a conference of reserve officers looking to changes in the parties occasioned the feature of the debate | General Ward was appointed adjutant regulations governing forest reserves as D. S. Marshall, Utah forest reserve, Utah; G. A. Fallem, Mount Ranier forest reere forwarded by the governor to Charles | serve. Washington; Forest Rangers L. F. Kneipp, in charge of Pecos river forest reserve. New Mexico: E. S. Mainwaring, of the northern division of the Sierra forest reserve, California; Forest Supervisor E. S Sherman, Montana division of Bitter Root forest reserve, and Forest Ranger R. K. Wade, of the Gila forest reserve, New

Mexico.

Today Mr. Bullock called on the president and thanked him for his appointment as United States marshal. Tonight he was dinner guest of Secretary Loeb

Representative Martin, of the Black Hills district, is greatly pleased with the appointment of Bullock and says the president is to be congratulated on the choice.

Many After Place. Applications for register and receiver of the Valentine land office are beginning to arrive by mail and telegraph now that resignation of Towle is becoming known. money from Armour & Co., because of cer- an hour to a careful review of the testi Judge Kinkald has objected to any hasty action on the part of Senators Millard and Burkett, insisting that the wishes of constituents in the Valentine district should be known before any action is taken. Sanford Parker of Spencer, who was formerly register of the Niobrara land office before it was removed to O'Neill, is a candidate for one of the places. It is expected ac-

tion will be taken in a few days. North Platte in the Ring. The North Platte Commercial club ha petitioned the general land office to have the Sidney land district tacked onto the North Platte district for the reason that the business of the Sidney office is rapidly falling off and in a little while the office will have to be discontinued under the rules of

the department. Hearing for Cunningham

Tomorrow the Nebraska delegation will old a meeting in Senator Millard's committee room for the purpose of hearing G. H. Cunningham's statement as to the reasons why he should be restored to the rural free delivery service. Should these reasons prove at all convincing it is thought the delegation may see its way clear to urging upon the postmaster general Cunningham's restoration.

Confer on Hot Springs Sanitarium. Captain Palmer, who is a member of the board of managers of the National Soldiers' homes, had a conference with Representative Martin today in reference to the Battle Mountain sanitarium at Hot Springs, S. D. As a result of that conference Mr. Martin will urge an appropriation of \$150,000 for the maintenance and care of the sanitarium and \$40,000 for improvement of the grounds.

Breckenridge Pleads for Indians. Ralph W. Breckenridge of Omaha is in Washington for the purpose of urging upon congress the restoration of the abro gated treaties of the United States with the Medawakanton and Wahpakoota banda of Sloux Indians, known otherwise as Santee Sloux, many of whose descendants reside in Nebraska and the rest in South Dakota. Some \$3,600,000 are involved and Mr. Breckenridge is here in the interest of simple justice, as he says, "for the people who could not be held responsible for the acts of their ancestors."

Benefits for Nebraskans. Postmaster Palmer today succeeded in promoting six of his clerks in the Omaha postoffice from the \$600 to the \$700 class. Senator Burkett today introduced fortyone pension bills for residents of Nebruska calling for an increase of pensions now being drawn. In the list are nine widows of veterans, each of whom ask that con gress give them a pension of \$20 per month in lieu of that which they now receive, The names of these widows are Mrs.

(Continued on Second Page)

JEROME MAY TAKE A HAND SENATORS ARE AGGRIEVED PROTECTION OF CHILDREN PAT CROWE IS NOT GUILTY NEBRASKA WEATHER FORECAST NINE DEAD IN WRECK Academy of Political Science Dis

cusses Child Labor in Factories and Mines.

PHILADELPHIA, Dec. 7.-Men and women prominent in the movement to re-strict the employment of children of tender years took part tonight in the discussio of "the protection of children" at the December meeting of the American Academy of Political and Social Science, which was held in Witherspoon hall, this city. Tonight's meeting was preliminary to the three days' session which the national child labor committee will begin in Washington tomorrow. The principal speaker of the evening was Dr. Felix Adler, profes sor of social ethics, Columbia university Dr. Adler told of the efforts made to restrict the employment of small children

and among other things said;

The emancipation of chicahood from economic servitude is a social reform of the first magnitude. If it comes to be understood that a child has a soul which must not be brighted for the prospect of mere gains, if this be generally conceded with regard to the child, the same essential reasoning will be found to apply also to the adult workers; they, too, wid not be looked upon as mere commodities, as mere instruments for the accumulation of riches. I have great hopes for the adjustment of our labor difficulties on a higher plane, if only we can gain the initial victory of inculcating regard for the higher human nature that is present potentially in the child.

An address that created interest was that and among other things said: An address that created interest was that made by Owen R. Lovejoy of New York, assistant secretary of the national child labor committee. Mr. Lovejoy made a

tour of the anthracite, coal regions of Penn-sylvania as a result of the revelations. He then dictated the following: nade before the anthrac te coal strike commission of the employment of children in and about the mines and in silk mills of that region. He said:

that region. He said:

Children are employed below the age prescribed by law in every anthracite colliery
in Penns, Ivania investigated by this committee during the past eighteen months.
It is estimated that before the passage of
the law last year there were not less than
3,000 boys under 14 working in the coal
breakers, while some boroughs would indicate an even greater number. With a sworn
statement a 8-year-old boy could be employed without violation of the law on the
part of the employer and there is a general
indifference throughout the region and a
widespread feeling that child labor is not
injurious.

A study of the field last month failed to show any important improvement since the passage of the new law. We urge that such steps shall be taken as shall exclude every child under 14 years from the coal breskers of your state. Addresses were also made by Mary E. Richmond, secretary of the Philadelphia society for organizing charity; Mrs. Florence Kelley, secretary of the National

PORTER REFUSES THE MONEY

labor committee.

Consumers' league, and Samuel McCune

Lindsay, secretary of the national child

Former Ambassador Declines Repayment for Expenditures in Recovering Body of John Paul Jones.

Porter, former American ambassador to of the evidence. It must decide the prisoner france, has written a letter to Congressionan Henry T. Rainey, requesting that the in a malicious spirit and manner, unlawtion to move an appropriation by congress fendant to be a competent witness in his to reimburse General Porter for the sums own behalf and the fact that he did not expended in the work of recovering the teatify must not be placed to his discredit. body of John Paul Jones. General Porter The Jury was urged to take into consideration the letter that he regarded the work as a purely personal undertaking tendant circumstances. It must decide and that it was performed without any whether the plaintiff or the defendant intention of looking to the government opened fire first. He also stated that the for reimbursement. He suggests that any evidence of a police officer should be more amount which congress may think due him be added to the contemplated appro- person from the fact that it is his business priation for ornamenting the crypt of the to present evidence that will secure convic chapel at Annapolis, which has been made the permanent resting place of Admiral Jones' body.

CONSPIRATORS PLEAD GUILTY

William Meswain and Wilbur Cole Sentenced for Trying to Extort Money.

Wilbur Cole, pleaded guilty today in Judge consulted with his assistant, Mr. Foster, Kersten's court to the charge of con- and announced. "The state rests." spiracy to extort money from members of asked for five minutes to gather the the firm of Armour & Co., and were sen- threads of the testimony for the opening tenced each to thirty days in jail. The argument, and at the end of that time Mr. news of the dismissal of Pettijohn and the men were accused of attempting to obtain Foster took the floor. He devoted almost tain letters which they had taken from the mony of the witnesses for the state, going company and which they claimed would over it seriatim. Of the testimony of the prosecution of the Beef trust cases.

Pleas of guilty were entered as soon as the of the state's case. men appeared in the court room, and on motion of the prosecution sentence was the defense with an impassioned discussion passed, giving them thirty days each in of the bill of rights and the sacredness of jail. No testimony was taken nor were the every man's liberty in this country. He letters read in evidence.

DERRICK GUY ROPES ARE CUT Fifty Men Employed on New York

Building Have a Narrow Escape from Death or Injury.

NEW YORK, Dec. 7 .- Some unidentified person or persons today cut the guy ropes of the derrick on the new Altman by in course of construction at Thirty-fifth street and Fifth avenue by Post & McCord, the contractors, against whom the structural iron workers are waging a strike. But for the fact that the damage was discovered in time many workmen might have been killed or injured.

Nearly fifty men were about to begin work when a shout of warning was heard. Just as the workmen escaped the derrick fell with a crash.

There was a similar occurrence recently in another Post & McCord building at Fourteenth street and Tenth avenue. The employes charge that it was the work of strikers.

YOAKUM HEADS ROCK ISLAND Former President of 'Frisco Takes Charge of Operation of AH Lines. of the Moore System.

NEW YORK, Dec. 7 .- B. F. Yoakum was ant," said Mr. English, "prove beyond the committee of the Chicago, Rock Island & Pacific Railway company, succeeding Robert Mather, who resigned. Mr. Mather continues as president of the Rock Island company and as general counsel of all operaassumes immediate charge of the operation of all the Rock Island and the St. Louis &

WITNESS SHOT IN CALIFORNIA! Man Belleved to Know of Goebel Murder is Wounded at Bakersfield.

BAKERSFIELD, Cal., Dec. 7 .- Charles Elher, who is believed to be a missing witness to the killing of Governor Goebel in rights of any other accused person at your Kentucky, was shot in the breast by an midentified man here today.

Jury Returns Verdict of Acquittal on the Shooring (harge.

CHARGE OF ROBBERY STILL TO BE TRIED

Prisoner Goes Back to Jail Reiterat-

ing His Paith that He Will Be Freed and Restored to

Usefulness.

An hour and twenty-five minutes was all the jury required to come to a verdict after the trial of Pat Crowe. The jury retired at 7:50 p, m. and returned to the courtroom a 9:15 ready to report. Crowe was brought to the courtroom and sent one anxious glance in the direction of the men who held his fate in their hands. His face was white and tense as the foreman rose to address the court, but a flash of joy overspread his fea- cern, was before the inquisitorial body totures as he heard the words, "Not guilty." About fifty spectators were in the room and sion of his testimony it was said that cerall appeared to be satisfied with the ver- tain railroads and officials would be indicted

Crowe was returned to the jail, where another charge awaits him, that of robbery, in connection with the Cudahy case, Nevertheless, Crowe seemed to be very cheerful of rebates in the guise of damage claims. as he discussed the recent trial. He ex- Last summer Mr. Cusey was indicted and pressed himself as not at all surprised at pleaded gullty to a charge of accepting the result and that he had the same faith for the future. He said, "You may make

member to have said to a reporter in Butte, comply with the orders of the commission. Mont., while confined there, that God takes At that time he was asked concerning recare of all of us, and I believed that He would take care of me. I believe I made tain rallroads. He presented figures showthat statement faithfully. I believed that ing that one rafiroad alone had paid his when a man's intentions were right for- firm more than \$20,000 in damage claims in tune would favor him. Although still in three years, prison, I have faith to believe that this fortune will still be with me, and that my friends will never have cause to regret their fidelity. I intend to make my future home | Woman Who Held Car for Four Days in Omaha, and here I expect to retrieve my lost prestige."

Court Instructs the Jury. About 150 people assembled in Judge Day's courtroom at 7:30 last night and listened with cagerness to the instructions of the court to the jury which was trying Pat Crowe. The jury filed in at 7:35. Perfect attention was given to the instructions of the court. These were read by the judge and touched briefly the points of the case. After stating the two counts of the indictment the judge showed that as the deourden of the state to prove him guilty berend a reasonable doubt. If the defendant were found guilty the punishment must be a direct proof by witnesses. It must be inferred by the nature of the evidence. Such NEW YORK, Dec. 7 General Horace jury to decide by unprejudiced examination Bailey is a wealthy farmer. carefully weighed than that of any other tions, hence his evidence is naturally more

convincing on the face of it. Defense Springs Surprise.

It was the turn of the prosecution to be surprised Thursday morning in the Pat Crowe case. When Judge Day, on taking the bench, said, "Proceed, gentlemen," Mr. English at once responded, "The defense rests."

County Attorney Slabaugh smiled a smile be valuable to the government in the two witnesses for the defense Mr. Foster said it meant nothing and proved nothing; The court proceedings were very brief, neither did it contradict any material part

Attorney Ritchie opened the argument for warned the jury against the cherishing of any bias, prejudice or anger against defendant and to keep always in mind the presumption of innocence conceded to the accused by the law. The testimony of the detectives who were present at what Mr. Ritchie called "the battle of Hickory street" was analyzed, its divergence pointed out and it was held up to ridicule until the audience snickered. Then Judge Day for the third time during the trial threatened to clear the court room if there was any further demonstration.

Mr. Ritchie contended that all of the detectives had guns of 35-caliber and that it was a bullet from such a gun that had struck Jackson. He asserted that when an uncertainty was created as to that fact uncertainty was created as to that factwhether Jackson was hit by the fifth man or by one of his companions-then the state's case fell.

English and Slabaugh.

Attorney James P. English followed his the flame had been turned colleague for the defense. He opened by saying he had felt that his client was safe from conviction when the case opened and wife. he felt equally confident now that it was closing. For that very reason he had felt willing practically to rest his client's case on the testimony of the state. He said the state relied entirely for any possibility of conviction on the testimony of three police officers interested in saving their own faces after an attempted arrest and defeat. The state must, to convict this defend

today elected chairman of the executive possibility of a doubt three propositions: First, that the man with whom the detectives exchanged shots on the night of September 6 was Patrick Crowe; second, that Crowe fired the shot which struck Jackson; and third, that the shot was fired unlawting companies in the system. Mr. Yoakun; fully, feloniously and maliciously, and not in self defense. We assert, and we believe that the jury will agree with us, that the state's evidence does not sustain these

"This whole case on the part of the state has been the greatest farce I have ever seen in a court of justice, and they have tried, by the testimony of Jackson and Leahy, to turn the farce into a tragedy, The spectacle is ludicrous. The man they attacked had a perfect right to defend himself and to protect himself from great He is entitled to, all the hodily harm.

(Continued on Second Page.)

Generally Fair Friday and Saturday Temperature at Omaha Yesterday:

Hopr. Deg. Hour. Deg. 5 a. m. . . . 36 1 p. m. . . . 46 a. m. 35 2 p. m 49 T a. m 34 3 p. m...... 4 p. m..... S a. m 34 n. m 34 10 a. m 36 11 n. m..... 40

8 p. m..... 43 9 p. m..... 42 WILL INDICT RAILROAD MEN

12 Mercere 44

Federal Grand Jury Expected to Bring Charges Against Officials for Paying Rebates.

CHICAGO, Dec. 7 .- Indictments are expected tomorrow from the federal grand jury involving railroad officers and at teast one railroad. B. S. Cusey, traffic manager of Schwarzchild & Sulzberger packing conday for several hours and at the concluon charges of extending rebates to the packing company in violation of the law, which provides that one shipper shall not be preferred above another by the granting railroad rebates, for which he paid a fine of \$5,000. Later Cusey testified in the case of the Interstate Commerce commission He then dictated the following: "I re- against several railroads to compel them to bates alleged to have been granted by cer-

MRS. BERRY TRIES TO ESCAPE Afraid Officials Will Lock

Her Up.

GIRARD, Kan., Dec. 7 .- Mrs. Berry, captured yesterday with the aid of ammonia after she had held possession of a railway coach here for nearly five days, attempted to escape today from the sheriff's office, where she is confined. She was caught climbing out of a window and pulled back. She was afraid, she said, that the officers intended to lock her up. No word has been received from the woman's relatives and fendant had pleaded not guilty it was the she probably will be given a hearing on a

charge of insanity. TULSA, I. T., Dec. 7 .- James G. Bailey, father of Mrs. Berry, the demented woman term in the penitentiary. He declared the who barricaded herself in a St. Louis & intent of the defendant must fix the degree | San Francisco passenger coach at Girard, of his guilt, but this was not susceptible of Kans., came to town today and for the first time learned his daughter's condition. He sent a representative to Girard and the a matter was within the province of the woman will be brought here tomorrow. Mr.

congressman abandon he proposed inten- fully and feloniously. He declared the de- Said to Be Bleeding to Death as Result of Having a Tooth

Extracted. PORTLAND, Ore., Dec. 7 .-- United States Senator John H. Mitchell is said to be in a serious condition from loss of blood, fol-

Mr. Mitchell's condition, was so serious that he was removed to a hospital. After Mr. Mitchell's return from the denfrom 2 o'clock this afternoon the physicians worked unceasingly until after 7 o'clock learning of the disaster calculated to prothis evening before the flow of blood could

be stopped. Besides Mr. Mitchell's advanced years, the CHICAGO, Dec. 7.—William McSwain and of appraciation of the turned tables, then withstand the drain on his system caused by loss of blood.

NEBRASKA SAILOR ENDS LIFE M. V. Caplan of Kearney Commits Suicide at Norfolk, Va., Because

of III Health. NORFOLK, Va., Dec. 7.-M. V. Capian, a sailor in the navy, committee suicide here today because of ill health. Captan's home was at Kearney, Neb.

KEARNEY, Neb., Dec. 7 .- (Special Tele-Odessa, Neb. He was 28 years of age and they were to wait until four traing had a sailer on the United States ship Benning | passed before moving, but that either by a ton, being discharged from that boat just miscount or some was that has not been prior to the disaster. He came to Kearney for a visit and left for Chicago a short time ago and re-enlisted in the navy at that | which was the Overland Limited, had come

DOUBLE TRAGEDY IN ST. LOUIS half from the state hospital, which is Dead Bodies of Man and Woman Found in Room with the Gas Turned On.

oth having been asphyxiated, as the real raying gas from an open gas start in police have been unable to determine whether the case was a double suicide to the result of accidentally turning on the the flame had been turned a county were intoxicated when they enter the room and and

BACK BROKEN IN MASS PLAY Bridgeport (Conn.) Foot Ball Player Dies of Injuries Received in Thanksgiving Day Game.

city on Thanksgiving day, died today. Mc-Nally's back was broken in a mass play. Movements of Ocean Vessels Dec. 7.

At New York-Arrived: Nord America, from Naples. Sailed: La Gascogue, for

Manchester-Arrived: Caledonian, At from Boston.
At London-Arrived: Marquette, from Philadelphia. Sailed: Minnetonka and Pomeranian, for Halifax.
At Palermo-Sailed: Sicilian Prince, for New York.

At Palermo-Sailed: Sicilian Prince, for New York.

Marsellier-Arrived: Massillia, from came in on No. 12, York; Madonna, from New York. Shafer, Mr. Field

List of Injured Will Foot Up to About Thirty, Some of Whom May Die.

FREIGHT AND OVERLAND LIMITED COLLIDE

Majority of Victims Were Occupants of Diner and Mail Cars.

INJURY TO PASSENGERS MOSTLY SLIGHT

Wreckage Takes Fire and Several of the Dead are Cremated.

CREW OF FREIGHT DISREGARD ORDERS

Had Orders to Wait for Four Passenger Trains to Pass and Pulled Out When the Third One

Arrived at Siding.

DEAD AND INJURED.

Employes killed: W. H. BUZBEE, first cook, Omaha. ED ROBENBAUM, second cook, Oukland. JOHN LAWLESS, fourth cook, Oguen or Oakinnd

J. F. PHILLIPAR, mail clerk, St. Joseph. ELECTRICIAN STIGERS. FRANK M'KENNA, OTHERS ENGINEER BRINK of Rawlins.

BRAKEMAN E. E. SMITH of Rawlins. F. A. PETERSON, mail cierk, Cheyenne, urned to death. Employes injured:

T. J. Smith, waiter (colored), Oakland. R. S. Mitchell, waiter (colored). Oakland. W. D. Parker, waiter (colored), 618 Fifteenth avenue, Council Bluffs. Ed Hurt, waiter (colored), Omaha. Will Rorique, third cook, San Francisco. F. A. Wheeler, dining car conductor.

Andy Jordan, engineer, Rawlins. A. Williams, porter, Chicago. Oscar Peterson, fireman, Rawlins. J. H. Alfers, fireman, Rawlins; leg broken. C. A. Shafer, mail clerk, Benton, Ia.;

skull fractured. Missing: Passengers injured: One man, would not give name. J. C. Hooper, Salt Lake, sprained ankle. M. C. McCoy, Kansas City, not hurt, but

Mrs. A. C. Bicknell, Oakland, scratched. Miss Edna Lissack, San Francisco, scratched. Mrs. Maud Riley. San Francisco, contusion of right knee and right wrist.

caught cold

Mrs. G. Cook, San Francisco, bruises on both knees. S. M. Hulett, San Francisco, left leg contused and right hand slightly cut by glass. Mail Clerk J. A. Newsom of North Bend could not be found for a time after the wreck and was supposed to have been under the wreckage, but he later turned

up practically uninjured. Nine persons are dead and thirty are injured as the result of on collision between the Un cific's Overland Limited No. 2 and a westbound freight train at Ah Say, Wyo., a

lowing the extraction of a tooth early to- station five miles west of Rock Springs, at 3:42 a. m. Thursday. Much of this information, which was first published in an extra edition this morning by The Bee, was given out from tist's office blood continued to flow and Union Pacific headquarters in this city, where the officials sent out orders upon

vide every alleviation for the sufferers. Fire instantly followed the collision and the dynamo car, mail car and diner on the evere mental strain which he has under- Overland were almost entirely consumed, gone for the last year, owing to his con- Both engines were destroyed, the engineer nection with the land fraud trials in this who had mistaken his orders paying the state, has left him in a weakened condi- price with his life. The bodies of the two mail clerks and three cooks killed were pinioned in the wreckage and were burned

beyond recognition. Conductor Admits Blame.

The freight had orders to wait on the siding at Ah Say, a station five miles west of Rock Springs. Wyo., for four eastbound passengers to pass The train crew of the freight went wrong and when three paspassenger trains had passed the freight pulled out and a mile and a half west of Ah Say ran into the Overland Limited. The conductor on the freight train, Roy Darrell, who escaped uninjured, has acknowledged it was the fault of the engineer gram.)-M. V. Capian was a son of J. L. and himself that the accident occurred. Caplan, a farmer living a few miles from He said the orders were plain enough that

> along As the wreck occurred six miles and a located at Rock Springs, all of the injured were hurried there for treatment and the

> figured out the train was moved out onto

the main track before the fourth train,

dead were held to await the arrival of the coroner. A delay west of Granger had delayed the passengers until they were following one another and the crew had positive orders to wait for four passenger trains to pass. but they evidently miscounted or misunderstood their orders, for they pulled out when the third bassenger train had passed. Superintendent Park of the Union Pacific furnished the press with all information possible concerning the wreck and every assistance was rendered to the injured The wrecked train was due in Omaha

Thursday night. The wreckage was cleared away during the day and traffic resumed. Omaha Home is Saddened.

W. H. Buzbee, who was killed, resided with his family at 4038 Charles street, and Ed Hurt at Twenty-seventh and Burdette. The news of Buzbee's death created a pitiful scene at his home. A little niece, hearing of the disaster, took a Walput Hill BRIDGEPORT, Conn., Dec. 7.-Leo Mc- car and hastened to bear the sad tidings Nally, 3 years of age, who was injured in a to her aunt, a friend requesting The Bee foot ball game between local teams in this not to telephone the poor woman until she had heard of it through her relative. Buzbee had been cook at Krug park last

E. W. Field, 41:7 Izard street, one of At New York—Arrived: Nord America, from Naples. Sailed: La Gascogne, for Havre; Cretic, for Naples.

At Liverpool—Arrived: Ottoman, from Portland. Sailed: Norseman, for Portland. Corinthian, for Halifax.

At Glasgow—Arrived: Egenos Ayresan, from 24 to 30 years. Phillipar, who was incinerated, resided at St. Joseph; J. A. from Boston. Newsom at North Bend, U. A. Peterson at Cheyenne and C. A. Shafer at Benton.

At Queenstown-Sailed: Majestic, for New of Newsonn, who runs out of Omaha. He

Bremen-Arrived: Casss, from Bulti- the mail car. The Bee's special report Shafer, Mr. Field said, was in charge of At Havre-Arrived: La Lorraine, from conscious, but thought not to be seriously