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MINERS YIELD POINT

Committee Offers to Accept Scale of 1903 for One Year.

OPERATORS REFUSE THE PROPOSITION

Would Mean Restoration of Out of 5.55 Per Cent Made Two Years Ago.

MINE OWNERS WOULD RENEW OLD SCALE

This is Not Satisfactory to the Employes' Committee.

ADJOURNMENT IS TAKEN UNTIL TODAY

Two Other Proposals Made and Rejected and Opposing Sides Are No Nearer Together Than at Last Conference.

INDIANAPOLIS, March 22.—After being in session the greater part of today the joint scale committee of the conferences of the coal operators and United Mine Workers of America of the competitive and southwestern districts adjourned late this afternoon until tomorrow morning, divided on every proposition that had been made during the day by either side. They were no nearer agreement than they were February 2, when the former joint conference disagreed and adjourned sine die. Every indication pointed toward disagreement tomorrow and the convening of the joint conferences of the two districts to receive reports to that effect.

The joint scale committee of the central competitive district, composed of Illinois, Indiana and Ohio and western Pennsylvania, adjourned at 5 o'clock this afternoon after being in session since 9 o'clock this morning. During the afternoon four propositions were made in the meeting and all were defeated. President Mitchell of the Mine Workers, as soon as the afternoon executive session had begun, moved that the wage scale of 1903 be adopted for one year. In making this motion the mine workers receded from their former demands of a run of mine basis, a differential of 7 per cent, an eight-hour day, an increase of 12½ per cent in wages and prohibition of employment of boys at the mines under 16 years of age. After brief argument this proposition was defeated, the operators and miners voting by states. All the operators voted against the motion and the miners unanimously for it.

Proposal from Operators.

H. N. Taylor of the Illinois operators then moved that the wage scale of 1903 be accepted for two years, providing the miners agree to pay the expense caused by the shot firers law in Illinois. This, it has been figured by the operators, amounts to 2 cents per ton of mined coal and on an average of 15,000,000 tons of Illinois coal mined annually by the use of shot firers would amount to $300,000 per year. This motion was defeated by the unanimous vote of both operators and miners.

President H. C. Pierce of the Illinois miners moved that the 1903 scale, which is an advance of 5.55 per cent over the present scale in the central district and relatively in the southwest district, be accepted for one year, the operation of the shot firers law in Illinois to remain as at present. This was defeated, the miners voting for it and the operators against it.

Mr. F. L. Robbins of the western Pennsylvania operators moved the adoption of the 1903 scale for two years, with same conditions. This was defeated by the operators of Illinois, Indiana and Ohio, who voted against the proposition. At this point adjournment was taken until tomorrow morning.

Subcommittee Proposition Rejected.

Earlier in the day the miners' representatives moved that the Illinois shot firers law be regarded as a district matter to be settled by the district, but this was defeated by the operators. The miners made an effort to have the differences referred to a sub-scale committee of four miners and four operators, but the operators would not agree to this.

The joint scale committee of the southwestern district defeated the proposition of the miners for the appointment of a subcommittee, and also refused to exclude the stenographer from the room on motion of the miners in order that a proposition from the miners' representatives be considered without record being made. This committee then took an adjournment until tomorrow morning.

All the sessions of the committee were executive.

MURDER TRIAL AT ST. LOUIS

First Murder Case in Federal Court in that City Now on Hearing.

ST. LOUIS, March 22.—The first murder case to be tried in the federal court in St. Louis began today, when Emmet McCoy, negro trooper at Jefferson Barracks, was placed on trial in the United States circuit court on the charge of having killed Alexander Barkerville, a fellow trooper, in a duel on horseback.

It is charged that on the night of December 7, 1905, when both were on picket duty, they quarreled concerning the wearing of a sample army coat sent to the barracks for testing and that McCoy shot Barkerville.

A number of army officers were summoned as witnesses in the case.

TWO VESSELS IN COLLISION

German Steamer and Schooner Both Damaged by Impact Off Cape Henry.

CAPE HENRY, Va., March 22.—The German steamer San Miguel, bound from Baltimore for Port Maria and the schooner Ralph M. Hayward, from New York, collided twelve miles off here last night. The schooner is leaking badly and is beached at Lynn Haven inlet. The tug North America has gone to its assistance.

The San Miguel proceeded to Baltimore today. Its main mast was carried away, its deck trimmings and stack dismantled and a hole stove in its side near the water line.

Battleship on Trial.

QUINCY, Mass., March 22.—The battleship New Jersey, constructed for the government by the Fore River Shipbuilding company, left today for an unofficial test of its engines and cruise. The official trial trip will be held on March 28 or 29, when it will be required to make nineteen knots an hour.

Mrs. Huntington Gets Divorce.

SAN FRANCISCO, March 22.—Superior Judge Graham today granted a divorce to Mrs. Henry E. Huntington on the ground of desertion. No request for alimony was made, and the attorneys refuse to state whether or not there was any money settlement.

RADICALS PLAN REVOLUTION

Secret Meeting to Be Held in Finland to Decide Upon a Program.

ST. PETERSBURG, March 22.—The agitation among the workmen's organization involves a bold plan on the part of the social democrats and other radical elements to send delegates, elected secretly, at a meeting to be called at some place in Finland early in April, at which an ultimate plan of operation will be decided upon. A division of sentiment exists among the leaders. Some of them favor calling a general strike in the middle of April for the purpose of forcing the lower house of Parliament to demand the immediate convocation of a constituent assembly on the basis of universal suffrage, but the more audacious aim at setting up a provisional government. They believe the time is ripe to organize a general uprising, and that, if successful, their representatives could boldly contest the authority of the government. The authorities here, who perfectly realize that something big is preparing, already have learned of the possibility of a general strike, and Interior Minister Durnovo has sent circulars to the governor generals and governors apprising them of the state of affairs and instructing them to "take the necessary measures" to meet the movement.

Premier Witte's project to permit the peasant banks to issue 5 per cent bonds to finance the purchase of land from the proprietors and its sale to the peasants has been adopted by the council of the empire. The majority of estates are heavily mortgaged to the nobles and private banks with foreign connections and the bonds will be used to satisfy these mortgages, the banks guaranteeing 6 per cent for fifteen years on the balance due the land owners. The question of the methods, which the peasants are to follow in making their payments has not resolved. At this stage the scheme does not involve expropriation by law nor the compulsory sale of estate to the peasant banks.

As a means of expediting the trials of political prisoners with whom the prisons are filled the council of the empire has considered a law empowering public prosecutors of their own motion to bring offenders to trial without awaiting an order from a superior court, which under the existing law involves indefinite delays.

BERLIN, March 22.—Unusually large numbers of Jewish and Russian emigrants to the United States and South America are expected to leave Germany after Easter and an influential committee has been formed here with the object of directing the emigration to the best places. So far as the United States is concerned the committee will publish advertisements throughout Russia advising emigrants to avoid New York and all the eastern states, and committees were formed at Galveston, New Orleans, Baltimore and other southern seaports, which, co-operating with committees in the interior, will direct emigrants to places where they can work at their trades. The committee here has been informed that many well-to-do Jews are preparing to go to the United States.

Rioting in French Strike.

LENS, France, March 22.—Reports from various mining centers show that the strike is now general. Some disorder has occurred and a number of the company's wagons have been smashed. Twelve hundred additional troops have arrived here, and the whole district is now occupied by the military forces.

Record Price for Orchid.

LONDON, March 22.—A record price, $6,000, was paid this afternoon at a local auction room for a prize orchid from a collection of H. T. Pitt.

RAILWAY ENGINEERS MEET

A. W. Johnson of N. Y. C. & St. L. Railway Elected President of Maintenance of Way Association.

CHICAGO, March 22.—The American Railway Engineering and Maintenance of Way association, in annual convention today at the Auditorium hotel, elected the following officers for the coming year:

First vice president, A. W. Johnson, general manager of the New York, Chicago & St. Louis railway, Cleveland, O.; second vice president, Walter G. Berg, New York, chief engineer Lehigh Valley railway; treasurer, W. S. Dawley, chief engineer Chicago & Eastern Illinois railway, re-elected; secretary, E. H. Fritch, Chicago, formerly assistant secretary. The office of assistant secretary was abolished.

No election for president was held, as President Kelly's term of office has not expired.

The convention has been in session for three days and adjourned after hearing various reports on "tracks," "water service" and "wooden bridges and trestles."

FORMOSA TRADE IS GROWING

Japanese Government Plants Camphor Trees and Will Increase the World's Supply.

WASHINGTON, March 22.—The Department of Commerce and Labor has issued a bulletin discussing the development of the islands of Formosa, taken from publications of the Japanese government.

The introduction of an enlightened and energetic government seems likely to result in a vast increase in population. There has been a large increase in the production of rice, sugar, coal, sweet potatoes and jute, while the production of tea has decreased. The principal industrial products are camphor and camphor oil. Formosa is the world's chief purveyor of camphor. The government already has taken measures to secure a permanent supply by planting millions of young camphor trees.

Trade btween Japan and Formosa has in recent years been growing with great rapidity, while that between Formosa and foreign countries has remained practically stationary.

GREAT GRAFT IN WISCONSIN

District Attorney at Green Bay Unearths Twenty-Six Cases of Alleged Bribery.

GREEN BAY, Wis., March 22.—District Attorney Samuel H. Cady appeared before the county board and applied for the appointment of a special assistant to work with him in prosecuting a total of twenty-six alleged felonies which he says he has uncovered, being municipal grafting cases not touched by the grand jury investigation of several years ago.

First on the list was the arrest of Charles M. Carpenter of Chicago, the Barber Asphalt company's Wisconsin agent, for alleged payment of a $400 bribe to Alderman Henry Porth in 1902.

Briberies involving amounts from $100 upward, with only two for less than $50, are alleged in the forthcoming prosecutions.

ORDER WILL HELP SETTLERS

Cancellation Dockets in Land Office to Be Open to Public.

NEBRASKANS BRING ABOUT THE CHANGE

Senator Millard and Representative Kinkaid Induce Commissioner to Reverse Ruling that Would Exclude the Public.

WASHINGTON, March 22.—(Special Telegram.)—Senator Millard and Representative Kinkaid have secured an order from the commissioner of the general land office whereby hereafter local land offices shall permit the public to gain information regarding cancellations of public lands. Hereafter the cancellation docket in every land office in Nebraska and elsewhere will be open to public inspection, and may be given to the press for publication if the newspapers so desire.

The commissioner a month ago issued an order to land office officials not to permit public inspection of cancellation dockets. Reference is made, of course, to the cancellation of land entries, or homestead entries, in cases where the settler or entryman fails to comply with the law and is forced to relinquish any claim to the land. Upon representations made by Senator Millard and Representative Kinkaid, to the commissioner of general land office, remonstrating against his action, he today wrote a letter to Senator Millard as follows:

After careful consideration it was decided that the interest of good administration, as well as that of the general public, would be subserved by making the cancellation docket a public record, open to inspection at all times, and permitting the publication of cancellations in the press if desired. The enclosed circular of instructions to that effect has been sent to all registers and receivers.

Docket to Lie on Counter.

The circular directs that cancellation record be kept on the counter of local land offices at all times, open to the inspection of the public, and all cancellations ordered made by relinquishment, or by order of the general land office, must be immediately entered on the cancellation record and also upon tract books and plats. This order will be of an immense advantage to homeseekers, enabling them to relocate upon homestead claims, which in many instances are composed of excellent land and in some cases well improved.

The joint resolution extending the time for the opening of the Shoshone Indian reservation to settlement from June 15 to August 15 passed the senate today and has gone to the president for approval.

Representative Kinkaid today secured the consent of the pension bureau for medical examination at his home of Philip King, an old soldier residing in Arcadia, Valley county, Neb. Mr. King is seeking an increase in pension, but is so enfeebled that he is unable to travel to be examined by the pension examining surgeons, and the concession is made so he may be examined at his home without additional expense to him.

E. A. Cudahy and wife of Omaha are in Washington. They spent the day at the capitol, and were in the house private gallery when the vote on the statehood bill rule was taken. Later they crossed to the senate side and were placed in the private gallery there by Senator Millard, who later entertained them and Mrs. Kennedy, wife of Congressman Kennedy, at luncheon. Mr. Cudahy is in Washington enroute to New York.

Postmasters Appointed.

Postmasters appointed: Nebraska—Lanham, Gage county, William Wieters, vice E. M. Ebyre, resigned; Martland, Fillmore county, Henry A. Pearl, vice John Muir, resigned; Quick, Frontier county, Franklin P. Nelms, vice F. F. Garlick, resigned. Iowa—Wadena, Fayette county, Arthur G. Herrling, vice L. E. Bigler, resigned. South Dakota—Vodnany, Bon Homme county, Stelle Sedlacek, vice J. F. Janda, resigned.

The name of the postoffice at Hunter, Sioux county, Neb., is changed to Andrews, with Cora A. Clark as postmaster.

WASHINGTON'S PLAN TAKEN

Laying of Office Building Cornerstone to Reproduce Ceremony at Capital.

WASHINGTON, March 22.—President Roosevelt will take part in the laying of the cornerstone of the new office building for the members of the house of representatives on Saturday, April 7. The ceremony will be almost indentical with the laying of the corner stone of the United States capitol by President Washington, nearly 113 years ago. The federal Masonic lodge, which had charge of the ceremony over a century ago will have the honor of directing the swinging of the corner stone house annex into place. Walter A. Brown, the grand master of the Masonic lodge of the District of Columbia will superintendend the exercises and addresses will be made by the president and Speaker Cannon.

Three thousand invitations will be issued to prominent men throughout the United States. The cabinet, diplomatic corps, senators, members of the house, the United States supreme court, governors of the various states, prominent army and naval officers and other government officials will attend the ceremony.

In accordance with tradition the stone is at the northeast corner of the building and its location corresponds with that of the capitol cornerstone. Since the original capitol was built, wings have been added at the north and south ends, so the keystone of the building is now well toward the center of that great structure.

The foundation of the magnificant new office building is completed and the floor beams for the first story are now in place. Upon these a temporary floor will be laid and seats provided for the guests, who will view the ceremony. The high wooden fence which now surrounds the foundation will be partly torn away that a view of the ceremony may be had by persons who cannot be provided with seats.

In accordance with Masonic traditions the ceremony will be in the open air and the persons who participate in it will have no protection from the weather, regardless of what conditions may be. Simplicity will mark the event and all pretentions will be avoided. In every detail it will correspond as nearly possible with the ceremony in which President Washington participated. The articles placed in the cornerstone, as far as practicable, will be identical with those deposited in the capitol stone by federal lodge and as both President Roosevelt and Speaker Cannon are members of the Masonic order the occasion will in every way harmonize with the spirit of the ceremony directed by the Virginia jurisdiction.

Smallpox in Wyoming.

CHEYENNE, Wyo., March 22.—Fifty-seven cases of smallpox are reported in the farming districts of Lisman and Bridge, in Uinta county, Wyoming, and the southern part of that county has been quarantined.

SNOWSLIDE NEAR GRANITE, COL.

Half Dozen Men Reported Killed in Winfield and Clear Creek Districts.

GRANITE, Colo., March 22.—An enormous snowslide came down last evening in the Winfield and Clear Creek mining districts, killing, it is reported, at least half a dozen men. Among the dead is Harry Wineborn, the pioneer prospector and mining man of Chaffee county. A relief party was organized here by James Ball and has gone to the scene of the disaster. The news of the slide was brought to town by a courier.

DURANGO, Colo., March 22.—The snow blockade which has existed uninterruptedly on the southern line of the Denver & Rio Grande since March 11 was broken today by the arrival of a through train from Denver.

Blockade conditions on the Rio Grande Southern and on the Silverton branch of the Denver & Rio Grande remain unchanged and train service between Durango and Telluride will not be restored for several days.

After being snowbound for twelve days on the lofty summit of Cumbres pass, at the crest of the San Juan range, fifty miles from the nearest town, a train load of fifty passengers arrived in Alamosa, in the heart of the San Luis valley.

The train left Durango March 10 and after it became stalled the snow continued falling day after day until it lay on the level higher than the smokestack of the locomotive.

Railroad employes carried provisions to the imprisoned passengers by climbing the mountains on snowshoes and they were made as comfortable as possible under the circumstances. Owing to the high altitude several passengers became sick.

The rotary plow penetrated to the train last night and this morning the fires were again started in the frozen engine and the journey made to Alamosa.

CONTRACT WITH HAMILTON

Letter Written by John A. McCall Says it Was Agreed to Keep Disbursements Secret.

NEW YORK, March 22.—A letter which former President John A. McCall of the New York Life wrote the day before his death, in which he stated the conditions under which he employed Andrew Hamilton as executive representative of that company, was made public today. It was directed to Alexander E. Orr, president of the New York Life company, and dated February 16 last. The letter is as follows:

My Dear Mr. Orr: I am conscious that I have but a slight chance to recover, and I am desirous that you and the company officials through you shall have no doubt of the nature and the character of the employment of Andrew Hamilton, if I am not here to be heard when the time comes to make it known. He was employed by me in 1895 on behalf of the company to attend especially to matters of taxation and legislation in the United States and other countries affecting the company's interests.

He refused to accept the duty unless it was made confidential and secret, and that no accounting of moneys advanced to him should be asked of him or rendered by him, and I assented to the proposition.

He told me that this condition he would impose as an absolute one, and unless it was accepted he would not undertake the work. Whether my action was legal or not it will be left for others to say. I believed it was, and that I was clothed with full power so to act, and that the interests of the company and the policyholders demanded steps of this nature be taken; but aside from the main reason for my present writing is, that there may remain no doubt as to what my statement would be if I were here as to the nature and character of "Judge" Hamilton's retainer and contract. Sincerely yours,

JOHN A. M'CALL.

LIVELY DEBATE AT ALBANY

Proposition to Postpone Life Insurance Elections Causes Much Comment.

ALBANY, N. Y., March 22.—There was a lively debate in the state senate today, when the insurance committee's bill designed to postpone the annual elections of all mutual life insurance companies until November 15, was advanced to third reading.

The effect of the bill, if passed, will be to invalidate all existing proxies, including those obtained by Thomas W. Lawson, and all proxies obtained before September 15 next.

Will you help with the new Y. W. C. A. building?

Are you satisfied with what you have done for the building fund?

When the young lady calls for your donation give her a good one.

Also give her your prepaid subscription to The Bee for a year.

A payment of $5.20 means $1.30 for the Y. W. C. A. Building fund.

If all our subscribers will prepay their subscription one year the per cent for the Y. W. C. A. WILL AMOUNT TO OVER $15,000. THINK OF IT. WILL YOU DO YOUR PART?

The Omaha Bee Offer:

We will give toward the Y. W. C. A. building fund 25 per cent of all cash in the sums of $1.00 or more received for new subscriptions to The Omaha Bee—morning, evening or Sunday editions—and 10 per cent of all prepaid subscriptions in amounts of $1.00 or more from our old subscribers. No payment will be accepted as prepayment until all arrearages have been paid to date.

A $6.00 payment on a new subscription yields $1.50 to the Y. W. C. A. fund.

LET EVERYBODY HELP

MOURN FOR GENERAL THAYER

Nebraskans Pay Tribute to Dead Leader in Peace and War.

BODY LIES IN STATE AT THE CAPITOL

All Plans Completed for Funeral Today, When Military Honors Will Be Given with Civic Eulogiums.

(From a Staff Correspondent.)

LINCOLN, March 22.—(Special.)—Nebraska today is paying a tribute to the memory of General John M. Thayer. The body of the beloved soldier-statesman lies in state in representative hall, where it was placed at 11 o'clock this morning, and all day a throng of citizens from Lincoln and elsewhere has been passing by the casket and looking for a last time upon the familiar features of the dead general. In the office of the adjutant general and in the office of the adjutant general of the Grand Army of the Republic have been gathered all day old comrades of the dead soldier. They are living over the stirring times when they were led to victory by the one who lies in the death chamber above.

As soon as the body reached the statehouse and was placed in the hall, the supreme court took a recess and in a body Chief Justice Sedgwick, Judge Barnes and Judge Letton marched into the death chamber and paid their respects to a great man. This was the signal for all state offices to close, and all state business will be suspended until tomorrow after the funeral and burial.

Where the Casket Rests.

Representative hall has been fittingly decorated as a temporary resting place for the dead soldier. Across the end of the room, forming a background, is suspended a great American flag. The speaker's station and the railing around it is covered with flags entwined with which are broad strips of mourning. The casket, reposing upon a flag-covered funeral car, is directly in front of the speaker's station. The casket is of broadcloth with gold and ebony trimmings, and across the top is a silver plate bearing the inscription:

JOHN M. THAYER.
January 24, 1820. March 19, 1906.

Directly in the rear of the casket are the battle flags of the old First regiment, tattered and torn, silent witnesses to many a magnificent charge. At the head and foot of the casket are stacked arms, while across it is the broken sword of the grand old soldier.

The body is dressed in black, a favorite dress of the veteran general, and across the left arm is entwined the flag, while in the lapel of the coat is the beloved Grand Army of the Republic button.

Short Funeral Service.

Previous to bringing the body to the state house a very brief song and prayer service was held at the home of Mr. and Mrs. Thomas H. McCaslin, with whom General Thayer made his home. The prayer was by Rev. Mr. Jones of St. Paul's church. Then a detachment from the Grand Army of the Republic, Farragut post, took charge of the remains and brought them to representative hall.

Pathetic, indeed, was the spectacle when the old soldiers reached the state house with their fallen leader. Broken in health and weak from long and honorable service, the old comrades toiled up the steps with their burden, now and then an old soldier making way for one who was less fatigued. Each was there to do a last honor to a beloved chief, one who many times had lead them on the field of battle.

Besides Governor Mickey and Adjutant General Culver the honorary escort detailed to accompany the body from the home to the state house, under the command of Commander Lett, was composed of H. W. Martin, chairman; W. M. Gifford, C. W. Walthers, J. N. Beuhner, Charles Haney, Addison Walt, F. A. Truel, J. H. Luke, W. J. Blystone, Samuel Easton and L. M. Scothorn.

This detail remained on guard in representative hall until 1 o'clock, when it was relieved by a detail from the ambulance

(Continued on Second Page.)

NEBRASKA WEATHER FORECAST

Fair and Warmer in Eastern, Snow or Rain in Western Portion Friday, Saturday Fair.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	15	1 p. m.	22
6 a. m.	15	2 p. m.	24
7 a. m.	15	3 p. m.	25
8 a. m.	15	4 p. m.	25
9 a. m.	16	5 p. m.	26
10 a. m.	17	6 p. m.	25
11 a. m.	20	7 p. m.	25
12 m.	22	8 p. m.	25
		9 p. m.	24

LINCOLN GIRL CAUSES ROW

Flirts with Married Man on Train and Wife Gets a Divorce.

CHICAGO, March 22.—(Special Telegram.)—A flirtation on a railroad train between Vernon J. Barlow, a lawyer and promoter, and a young woman passenger won a decree of divorce for Mrs. Perdita Pence Barlow, 407 Ellis avenue, today. The decree was granted by Judge Walker. The complainant, who is the daughter of Dr. Allen Pence, Terre Haute, Ind., said:

"We were returning to Chicago from Mexico and were in a Pullman car. I observed Vernon casting glances at a young woman at the other end of the car, who was accompanied by her mother and sister. She is Miss M. A. Putnam of Lincoln, Neb.

"Finally my husband asked me to offer the young woman a book. I did so, and she accepted it.

"After we had all gone to bed I heard something fall from one of the berths. I saw Miss Putnam had dropped the book which I had loaned to her.

"I got up to get it, but my husband was too quick for me. He quickly tore out a page upon which a note had been written and attempted to swallow the paper. I finally got the note and here it is."

The communication apparently was written by Barlow to his alleged admirer and reads:

Put on your kimono and meet me on the front seat in the next car. Want to talk to you. They 612-28-52-82-290. Us 18-30-42-58-120.

A. M. PUTNAM,
Tel. Bell 116 501 South Twelfth Street.

The witness said she then returned to her berth, but later heard her husband get up.

"I heard Vernon get up very quietly," she resumed, "so I again arose from my berth, after I was sure the young woman across the aisle was preparing to arise. I followed and found them in the rear of the car."

DESPERATE ITALIAN HANGED

Man Sentenced for Fourth Time Executed After Many Attempts to Escape.

NEWARK, N. J., March 22.—Guisseppe Marmo, an Italian, was hanged here today for the murder of his brother-in-law, Nuozio Marinana. The murder followed a violent quarrel between the two men. The struggle which Marmo had made to save himself from the gallows since he killed his brother-in-law and dangerously wounded his sister nearly two years ago was a most remarkable one. Not only did he exhaust all the methods known to law, but on at least two occasions he made sensational attempts to escape from confinement. One of these attempts was made in the court room after he had been sentenced to death for the third time. After denouncing the judge and the jury which tried him, declaring that he had not been treated fairly, and that many of his countrymen who had committed murder in this country had escaped the gallows, he suddenly drew an iron bar from the leg of his trousers and made a break for freedom. He was overpowered after one court officer had been severely injured. Ten minutes later, while being removed to the jail he made another break and was overpowered only after another officer had been severely hurt. Since that time he has constantly been guarded and has been allowed only a mattress in his cell. Even after that he succeeded in getting another reprieve, but was unsuccessful in getting the verdict set aside. He was sentenced to death for the fourth time on the third day of this month. A last effort to save the condemned man was made when his counsel applied to the United States supreme court for a writ of habeas corpus. The application was denied by the court yesterday. In all of his efforts to gain his freedom by means of the law, Marmo had the support, both moral and financial, of a large number of the Italian residents of the community in which he had lived.

ROYAL ARCANUM IS ENJOINED

Frank Z. Wilcox Will Hold Place in Order Until Case is Determined.

SYRACUSE, N. Y., March 22.—Frank Z. Wilcox, who is one of the leaders of the opposition to the increased rates of the Royal Arcanum, and who was recently expelled by Supreme Regent Howard C. Wiggins of Rome, on findings of a committee of the supreme council after trial, has secured from Justice Watson M. Rogers here an injunction, the effect of which is to give him all privileges of membership in the order, pending the final determination of a suit brought by him against the supreme council for reinstatement.

The injunction forbids the publication of the proceedings before the trial committee, which were to have been published in the April Bulletin, the organ of the order.

FRANK LIVELY IS AT HOME

Colorado Telegraph Operator Will Return from Kentucky to Testify in Case.

DENVER, March 22.—Frank Lively, the Denver & Rio Grande operator whose failure to deliver a train order last Friday morning was the cause of the disastrous collision at Adobe, arrived at his home at Munfordville, Ky., last evening, according to a dispatch received here today from Louisville.

Lively is reported to have expressed willingness to return to this state and tell all he knows concerning the cause of the accident. Sheriff Esser of Fremont county will take steps at once to secure Lively's attendance at the inquest when the coroner's jury reassembles next Monday.

OMAHA HONORED AT VASSAR

Nathalie Merriam Selected as One of Sophomores to Carry Daisy Chain.

POUGHKEEPSIE, N. Y., March 22.—(Special Telegram.)—Nathalie Merriam of Omaha is one of five western girls named among the twenty Vassar sophomores to carry the daisy chain in June. High scholarship and personal beauty are attributes requisite for the appointment.

LODGE ON RATE BILL

Massachusetts Senator Replies to Mr. Prouty's Speech in Boston.

OBJECTS TO CRITICISM OF COURTS

Says Inference that Railroads Control Bench is Infamous.

SPOONER TALKS ON AMENDMENTS

Takes Position that Congress Cannot Change Powers of Inferior Courts.

HOUSE ASKS CONFERENCE ON STATEHOOD

Foraker Objects to Beveridge's Motion to Appoint Committee, Alleging He Does Not Represent Senate's Position.

WASHINGTON, March 22.—The railroad rate bill occupied practically all of the time of the senate today. There were two speeches, one by Mr. Lodge and the other by Mr. Spooner.

Mr. Lodge spoke in advocacy of his amendment looking to the enlargement of the Interstate Commerce commission, and in doing so replied sharply to some utterances by Commissioner Prouty. Referring to an interview by the commission Mr. Lodge spoke first of an utterance by Eugene Debs and then said that it was not capable of doing so much harm as Mr. Prouty's statement. He outlined New England's attitude toward the rate bill and said that with the mileage system established all the manufactories in New England states would be destroyed.

Mr. Spooner devoted his attention to the constitutional powers of the inferior courts, contending that those courts could not be destroyed nor their jurisdiction taken from them. He engaged in controversy with Mr. Rayner over the power of congress to deprive the courts of the privilege of suspending the findings of the Interstate Commerce commission and the discussion closed with the usual exchange of courtesies between Mr. Spooner and Mr. Tillman.

During the day Mr. Beveridge, as chairman of the committee on territories, asked for the appointment of conferees to meet the conferees appointed by the house on the statehood bill. Mr. Foraker promptly objected to the selection of the senate representatives on the suggestion of the chairman of the committee, saying that that gentleman did not represent the sentiment of the senate.

The disposition of the subject was postponed until tomorrow.

When the senate met today the joint resolution extending from June 15 to August 15, 1906, the time for opening to entry the ceded portion of the Shoshone or Wind River reservation in Wyoming was passed.

Rate Bill Taken Up.

The railroad rate bill was then taken up and Mr. Lodge addressed the senate in support of his amendment providing for the displacement of the present Interstate Commerce commission by one of a larger number of commissioners and with longer terms of office and better pay. He said that the object of the provision was to strengthen the commission, so as to insure for it the support and respect of the public. "There seems," he said, "to be a tacit understanding that if the rate question is referred to the Interstate Commerce commission all will be well. We go on the theory that a king can do no wrong."

It was his purpose, he said, to show that was not necessarily the case. He then outlined the vast interests that would be entrusted to the commission and read a carefully prepared statement relative to rates, as indicative of the vast magnitude of the entire subject.

Mr. Lodge referred disapprovingly to the decision of the present commission to enter upon a campaign, together with commercial bodies, to secure the amendment of the existing laws.

"Will the senator point out how this proceeding differs from the course of other executive officials in their efforts to secure changes in the law?" asked Mr. Dolliver, and Mr. Lodge replied that the Iowa senator was "prompt in defending what had not been attacked."

He added that his purpose had been to point to this service as one of the commission's multifarious duties.

Mr. Foraker expressed the opinion that the course had been reprehensible, and Mr. Tillman suggested that in view of the supreme court decisions the "commission had found it necessary to hustle about to get the law changed."

Mr. Lodge made reply to a speech made in Boston by Commissioner Prouty in which the latter had expressed the opinion that the New England senators were pursuing a mistaken course in the question of rate regulation, contending that the eastern states would be better off with railroad regulations like those of Iowa. He then proceeded to show the dissimilarity between the conditions in the two localities and contended that it would be utterly impracticable to apply the same conditions in railroad management.

Iowa and Massachusetts.

Mr. Lodge called attention to the fact that the population of Massachusetts had increased, while in Iowa it had retrograded.

Mr. Newlands inquired if the tariffs had not built up industries in New England.

Mr. Lodge said he would not enter upon a tariff discussion; that he was endeavoring to answer Mr. Prouty's speech at Boston wherein he said New England was suffering from unreasonable rates.

Mr. Lodge dwelt upon the power of the commission to help or injure any section of the country. He referred especially to rates fixed on a mileage basis, saying that under such a system "every manufacturing industry in the state would be destroyed." He admitted, however, there was no such a proposition in the pending bill, that his purpose in mentioning it was to show the enormous possibilities of such a system.

Mr. Lodge denied the charge that a half dozen men in New York make the railroad rates for the country. He said that in Massachusetts alone $291,000,000 of railroad securities were held and no less than $152,000,000 of the money held in savings banks was thus invested.

With its varied interests, he said, New England desired railroad legislation, but desired also that it should be carefully guarded.

He referred to current criticism of the courts and said that body would continue to perform its duties regardless of them. He pleaded for fair treatment of them, saying that "no greater harm could be done than to breed distrust of the courts." He quoted an interview with Eugene V. Debs concerning the arrest of the officers of the Western Federation of Miners in connection with the recent murder of Governor Steunenberg of Idaho. Debs' remedy, said Mr. Lodge, was civil war, he