ESTABLISHED JUNE 19, 1871.

OMAHA, TUESDAY MORNING, APRIL 10, 1906-TEN PAGES.

SINGLE COPY THREE CENTS.

Anthracits Operators Will Present Counter Proposition to Miners Today.

ARBITRATION ALONG OTHER LINES

Scheme Will Cover Several Years and Apply to New Grisvances Only.

MAY ASK ROOSEVELT TO INTERVENE

Rumor That Operators Will Request President to Appoint Commission.

WORK GENERALLY RESUMED AT PITTSBURG

All the Operators in That District Have Signed the Scale-Joint Convention in Ohio in Session.

NEW YORK, April 9 .- At the joint con forence of the aub-committees of the anthracite coal mine owners and their employes to be held here tomorrow the operators will decline to accept the arbitration plan as presented last week by the mine workers and will in its stead present a the same as if such proofs were in counter proposition, which if agreed to by within the said Chamberlain office. President Mitchell and his men, will bind each side for more than two years. The operators have been working on the new goes west to look after his fences. plan ever since the adjournment of the tion may be found to exist. The operators for this week and may be reached tomoratili maintain the position that the miners in their demands have not called atten tion to anything that has not already been mission.

May Ask for Commission. propose that President Roosevelt be re- fendant in error.

celvo the suggestion.

President Mitcheil announced this eve- Upon the recommendation of Congress-

000,00 tons of soft coal a year, will re- carrier for route 5 at Sutton, Neb.

celved today from the anthracite coal resecond week of the suspension of coal mining shows practically the same conditions us existed one week ago. All of the mines in the lower and middle district are idle, G. W. Woodward, resigned. while in the Lackswanna and Wyoming nelds a few hundred men have returned to NEW SUIT AGAINST M'CURDYS

Mine workers throughout the anthracite Father and Son Accused of Conspirregion express the belief that the action of the operators requesting a postponement of the New York conference until tomorrow is an indication that while President Mitchell's arbitration plan may not tlement of existing differences. There seems to be little hope in the coal fields. pension of mining. Should the operators present a counter proposition at tomorrow's meeting it is regarded as certain by maintaining his compensation on to discuss its terms with the miners' com- \$1,002,841. mittee and to frame an answer to the mong the idle miners.

Meeting Called for Wheeling. WHEELING, W. Va., April 9.-A call \$30,000 in the ten years prior to 1883. was issued today by the mine workers' union for a convention in this city next Thursday of delegates representing vein mines in castern Ohio and West Virginia to consider plans for a settlement of the strike. Prospects seem bright for adjustment of the district. Twenty thousand miners are affected.

COLUMBUS, O., April 9.- The first subpoint for the scale in the entire competitive

Conditions in Kansas.

PITTSBURG, Kan., April 9.-A convention of miners, members in this district of the United Ming Workers' Association of America, called to consider the strike situation, convened today with 130 delegates The first thing accemplished was the adoption of resolutions strongly condemping the action of the Italian miners who on Saturday forced union men from the mine of the La Belle Coal company, which had signed the scale. The whose employers have signed the scale if they desire to return to work. The La Helle mine resumed operations today with no show of trouble.

### JUDGE LEWIS SUCCEEDS HALLET Pederal Beach in Colorado is Vacant Only Long Enough to Name

Jurist.

Hallet of the United States district court of county, Utak, was indicted for alleged it- bia laws. Bills were passed requiring non- boards of the churches. Colorado has tendered his resignation to the legal use of the frank of Congressman resident pupils to pay tuition and regulatpresident and it has been accepted. After James A. Tawney of Minnesota. Anderson ing the employment of child labor. a spirited contest, conducted brincipally be- used the congressional frank for distributceived, but with a knowledge that it was lating to the proceedings of congress-Campbell. It finally was decided today may put into the malls. after Senator Patterson and Representative Brooks, Representative Bonyage and Representative Hogg had talked to the president that Lewis should be nominated.

NEW PLAN DRAFTED ELK CITY KEEPS POSTOFFICE MORGAN ON RATE MEASURE Department Considers Wishes of the Patrons as Expressed in

Petition.

(From a Staff Correspondent) WASHINGTON. April 9.—(Special.)— Representative Kennedy had a cenference today with First Assistant Postmaster General Hitchcock about the Elk City postoffice with the result that it will be continued. Mr. Kennedy urged its retention on the ground that it was one of the oldest postoffices in Nebraska, that the people served from it had all protested against the proposed change and their wishes ought to be considered. The theory of the department was that the patrons of the office could be served from rural routes. The outcome will be highly satisfactory to those who favor the present arrange-

The senate today passed Senator Burkett's bill to pay \$50 to John M. Burks of him in the federal court, growing out of the trial of a police judge of Lincoln some twenty years ago.

Senator Kittredge today secured the sage of a bill, which passed the April 4, providing that all final proc homestead lands in the Chamberlain district, South Dakota, made before a or clerk of the court of Stanley count any United States court commissione Fort Pierre, S. D., prior to the passag this act, shall be accepted and pater Senator R. J. Gamble is expected

arrive in Yankton tomorrow morning. Upon motion of Congressman Kent joint conference of last Thursday and the Frank M. Hall of Lincoln was today adinability of the presidents of the hard coal mitted to practice before the supreme carrying railroads to complete minor de- court. Mr. Hall is in Washington to aptails caused a postponement of twenty-four pear in the case of John W. McDonald hours of the conference scheduled for to- receiver of the First National bank of day. It is said that the offer to be made Orleans, Neb., appellant, versus Chauncey involves an arbitration plan, one that will Dewey and Charles T. Killen, executors call for the settlement of only new griev- of the last will and testament of Charles ances that after an impartial investiga- P. Dewey, appelloes. The will is on call

The supreme court today denied the petition for a writ of certiorari requiring the passed upon by the anthracite coal com- United States circuit court of appeals for the Eighth circuit to certify to the supreme court for its review and determina-There is a strong impression among the tion the suit of James E. Piatt, plaintiff, niners' committee that the operators will against Hitchcook county. Nebruska, de-

quested to appoint a strike commission to C. C. Plansburg of Lincoln today subend the strike controversy. They decline, mitted a petition for a writ of certiorari however, to indicate how they would re- in the case of Charles E. Cooper, trustee. petitioner, against Martin Burns, Mary The operators' representatives were in Burns, Blake Maher, Mrs. Blake Maher, his lose conference most of the day and wife; C. C. Mueller and Mrs. C. C. Muelpromise that unless something unforeseen ler, respondents. The case grows out of should occur, they will be ready with their the effort to foreclose a mortgage on the answer to the miners' arbitration plan to- part of the respondents given to the Globe Investment company of Boston.

ning that the last of the bituminous oper- man Birdsall, the commissioner of penators in the Pittsburg district who had slors has established a board of pension held out against the 1903 wage agreement, examining surgeons at Eldora, Ia. Dr. E. signed the scale today. This action, he O. Koeneman, N. C. Morse and W. E. Whitsaid, clears up the western Pennsylvania, ney were appointed members of the board. territory and means that 40,000 men in that | Charles J. Bauer has been appointed territory who produce from \$5.000,000 to \$0. regular and J. J. Bauer substitute rural

ways an increase of 50.5 per cent in ways. Iowa rural routes ordered established Many Miners Are felle. May 15: Humboldt, Humboldt county. Many Miners Are felle. May 15: Humboldt, Humboldt county, PHILADELPHIA, April 2. Reports re. routes 4 and 5; population, 720; houses, 145. gions state that the beginning of the lion, 40; houses, 32. Renwick, Humboldt ounty, route 2; population, 400; houses, 80, Choster Gifford has been appoined postmuster at Farrar, Polk county, Iowa, vice

ing to Defraud Mutual Life of Large Sums.

NEW YORK, April 9 .- Charges of cor he accepted as presented, the operators spiracy in the appointment of Robert H. themselves will have a proposition that McCurdy as superintendent of the foreign will open the way for an amicable set- department of the Mutual Life Insurance company were made in a new action brought by that company today against owever, that the negotiations will result Richard A. McCurdy, formerly president in an immediate termination of the sus- of the company, and his son, Robert. The complaint alleges that the two McCurdys conspired to enrich Robert H. McCurdy that President Mitchell will ask for an. commission basis at an exorbitant rate. other adjournment in order to enable him. The suit is to recover from the defendants

operators. The developments today in New ert H. McCurdy's profits derived from day exercises. York have created a more hopeful feeling his interests in the firm of C. H. Raymond & Co., metropolitan agents for the Mutual Life Insurance company, amounted to

After he was made superintendent of the foreign department in 1886 it is asserted, he continued his connection with Raymond

district Ohlo niners and Ohio operators in as to prevent their reduction when the convention today discussed the wage scale business increased and the allegation is for the Hocking Valley field, the basing made that the defendants knew the com-

# workers promised protection to all miners Court Holds That Congressmen Can

Send Any Printed Matter Through Mails Free.

SALT LAKE CITY, April 2.- That there

is no law limiting or prescribing the character of printed matter which a congressman may authorize to be sent through the Bills Passed Regulating Schools and mails under his official frank is the gist of a decision rendered here today by Judge

Call Money Booming. NEW YORK, April 8.—Call money loaned at 22 per cent shortly after the stock market today.

Alabama Senator Says Pending Bill Interferes With State Rights.

MR. M'LAURIN STATES HIS POSITION Mississippi Senator Will Support

the Bill and Favors Court Review and the Bailey Amendments,

WASHINGTON, April 9 .- Mr. McLaurin ing. and Mr. Morgan addressed the senate today viding for a court review of the decisions into the consideration of the bill.

proposed legislation was an interference with the rights of the states to control the orporations created by themselves and said provisions; hat the best way to check exorbitant railand rates was to keep the waterways in ich condition as to insure competition. The following bills were passed:

An act to prove certain final proofs in Chamberlain land district, South Dabill creating the Mesa Verde National

HONORS FOR THE SOLDIER DEAD Commander-in-Chief of G. A. R. Is-

sucs Memorial Day Address . WASHINGTON, April 9,-Commander-in Chief Tanner of the Grand Army of the Republic today issued his annual address to all Grand Army of the Republic posts regarding the exercises to be conducted on May 30, Memorial day, to commemorate the emory of the federal soldier dead. In general order No. 7 on this subject he says;

On the eve of my departure to the Southern, Western and Pacific Coast departments I am reminded of the early approach of the day sacred to all comrades of the Grand Army of the Republic. Army of the Republic.

We have been observing this day ever since our beloved Logan instituted it in 1803. This year, my comrades, we are crossing the Broad River at the rate of 5,000 a month, 00,000 a year; soon the great majority will be sleeping their last sleep, and it is your privilege now, as it has been for so many years, to pay loving tributes to their memory by decorating their graves with flowers.

I am performing my solemn duty when I

with flowers.

I am performing my solemn duty when I ask all to aselst in this loving service. Upon department and post commanders the duty rests of attending to the fitting observance of Menarcial day. Welcome all auxiliary and allied organizations, encourage school children to attend and assist and secure speakers who, in clear and cloquent language, will teach the lessons of patriotism for which our comrades "gave the last full measure of devotion."

sions has established a board of pension examining surgeons at Eldora. Is. Dr. E. O. Koeneman, N. C. Morse and W. E. Whitney were appointed members of the board. Charles J. Bauer has been appointed regular and J. J. Bauer substitute rural entire for route 5 at Sutton, Neb.

Iowa rural routes ordered established May 15: Humboldt, Humboldt county, routes 4 and 5; population, 720; houses, 145. Inverse, Kossuth county, route 2; population, 40; houses, 92. Renwick, Humboldt and conquered, but because we who met and conquered, but because we who met them on the field of battle know that braver men or better soldiers have not been known since men were first marshaled in battle

We were then scarce a dozen years away Appointfox, but the suggestion to meet with very general ap-To the order at large I now con-make the same suggestion. Appointtfox. We have returned the battle standards of the dead confederacy to those who irrea-ure them as sacred mementoes of the loved ones who died under them. The congress of the United States has just unanimously roted \$200,000 to care for the graves o

those dead and the heart of the nation has said with great unanimity, "It is well." Unitedly we march along the highway of nations, the world applauding, our conscience approving.

If mothers still sit like Rachel of old, weeping for their children and refusing to be comforted because they are not, let the news go down to them that on our most macred day we feel it a privilege to stand in the place of their far distant kinsmen and lovingly mark their last resting places with God's sweet emblem of peace—flowers. The old flag has been rebaptized since 1855 with the blood of the north and the south alike, and the ship of state is securely anchored for all time.

The order closes with a quotation of

The order closes with a quotation of Lincoln's address at Gettysburg, which it It is alleged in the complaint that Rob- is directed shall be read at all Memorial the Post, "a telegram was received from the

OPENING DOORS OF MANCHURIA Japan Informs Powers That Consuls May Soon Proceed to Posts. WASHINGTON, April 2.- The following

k Co.. but that it was his duty to devote his entire time and energy to his new office.

It is charged that Richard A. McCurdy conspired with his son to place the commissions derived by Robert on such a basis as to prevent their reduction when the business increased and the allegation is made that the defendants knew the commissions were exorbitant, but concealed the facts from the board of trustees. According to complaint Robert H. McCurdy received in commission between 1888 and 1896 the sum of \$1.182.481.

A just compensation for his services white superintendent of the foreign department is declared in the complaint to be \$10.000 a year prior to 1899, \$15.000 a year up to 1806, and \$20.000 a year thereafter until he resigned.

NO LIMIT TO USE OF FRANKS

Court Holds That Congressmen Can legistion today:

the Japanese authorities to afford such foreign travelers adequate protection and facilities in housing and other matters. Those, therefore, who enter the interior of Manchuria do so entirely at their own risk and the Japanese government does not held itself responsible for any injury or damage which they may suffer from bandits or other marauders.

dits or other marauders.

Employment of Child Labor.

WASHINGTON, April 9.- This was dis-John A. Marsimil of the United States dis- trict day in the house and that body re- has thus been torn down. trict court. L. R. Anderson, chairman of solved itself into a common council for WARMINGTON, April 9.-Judge Moses the republican committee of San Pedro the purpose of making District of Colum- Cieveland in an overture to consolidate the

Mr. Hepburn (Ia.), replying to a long fore Judge Hallet's resignation was re- ing in Utah political matter in no way re- speech of Mr. Simms of Tennessee in which Colorado Asks That Patterson's Aphe advocated self-government for the peocoming, the president has appointed Robert | Among this matter was a speech by Presi- ple of the District of Columbia, made a de-E. Lewis, formerly a judge of the El Paso dent Roosevelt on irrigation. In ordering fense of the form of the government, but county court, Colorado, to succeed Judge the dismissal of the charge against Ander- criticised its administration. He did not Hallet. Several members of the Colorado son Judge Marshall declared that there was think two newspaper men and one army congressional delegation discussed the ap- no law limiting the character of such mat-

conference in the house today, the house fine of \$1,000 on the charge of contempt of conferes being Messrs. Littuuer, Tawney the state supreme court. The motion was and Livingston.

## PENSIONS FOR PROFESSORS IMMUNITY PLEAS NOT GOOD NEBRASKA WEATHER FORECAST

Trustees of Carnegle Foundation Outline Conditions Under Which Fund Will Be Distributed.

NEW YORK, April & The trustees of the Carnegie foundation, who are charged GOVERNMENT'S DEMURRER IS SUSTAINED with administering the \$10,000,000 gift of Andrew Carnegie to provide pensions for professors and teachers of institutions of higher learning in the United States and Canada, met here loday and adopted a scale of pensions practically as outlined in the federal charter of the foundation which was formally adopted at the meet-

The income from the fund will be about on the railroad rate question, the former | 1500,000 a year, and there are on file at the advocating legislation and the latter op- present time 200 applications from proposing. The Mississippi senator announced fessors. These and such others as will the immunity pleas filed by the Chicago & his intention to support an amendment pro- come in will be acted upon by the executive committee and it is expected that the of the Interstate Commerce commission and pension system will be in actual operation also stated his adherence to the Batley by June. Besides adopting a scale of re-Lincoln for a fine untawfully collected from amendment prohibiting the temporary sus- tiring allowances, the conference defined of the Chicago, Burlington & Quincy rail- 2 o'clock today, with President R. C. Evans pension of the commission's orders by the what a college is, taking the definition inferior courts. He criticised what he char- of the state of New York as the basis, acterized as an effort to inject politics and described the requirements as to nonsectarianism.

Mr. Morgan took the position that the No list of the institutions that will come under the rules was made. The rules as adopted by the trustees make the following

Any person 65 years of age and not less than fifteen years of agree as a professor, who is at the time of his retirement a professor in an accepted institution, shall be entitled to an annual retirement allowance, as follows:

For active pay of \$1.90 or less an allowance of \$1.90 shall be grunted, providing that no retiring allowance shall exceed \$9 per cent of active pay.

For active pay greater than \$1,600 the retiring allowance shall equal \$1,000, increased by \$50 for each \$100 in excess of \$1,600.

No retiring allowance shall exceed \$2.000.

creased by \$50 for each \$160 in excess of \$1,000.

No retiring allowance shall exceed \$2,000.

After twenty-five years service, regardless of age, the retiring allowance was fixed as follows:

For active pay of \$1,600 or less a retiring allowance of \$800 shall be granted providing that no retiring allowance shall exceed \$00 per cent of active pay.

For active pay greater than \$1,000 the retiring allowance shall equal \$500, increased by \$40 for each \$100 of active pay in excess of \$1,000.

No person under the age of \$5, or who has served less than twenty-five years, shall be entitled to a retiring allowance, but the trustees may at their discretion pay any person otherwise eligible who has become incapable of discharging duties by permanent injury of mind or body, an allowance not exceeding that which he would be entitled to when he reached the age of \$65.

The definition of the character of the The definition of the character of the

institutions that will be allowed to come

under the rules is as follows: under the rules is as follows:

An institution to be ranked as a college must have at least six professors, giving their entire time to college and university work; a course of four full, years in the ilberal arts and science, and should require for admission not less than the usual four years of neademic or high school preparation or its equivalent in addition to pre-academic or school studies. A technical school to be eligible must have entrance requirements equivalent to those of a college in point of school preparation and must offer courses in pure and applied science.

Secturianism is described as follows:

Sectarianism is described as follows: Any school whose charter, constitution or bylaws require teachers, students or trustees to be of a certain religious body or where strictly denominational tenets or doctrines are taught shall be deemed secre-

The application of the verious institutions for admission to de Aigible list will be considered by the executive committee, which will have supervision of the details pending a future meeting of the board of trustees.

## SMUGGLING FROM BATTLESHIP

Charge that the Crew of the Oregon Landed \$750,000 Worth of Dutiable Goods.

SAN FRANCISCO, April 9 .- The Evening Post publishes a story today to the effect strong belief that dutiable goods valued at about \$750,000 were smuggled ashore in launches from the battleship Oregon just before it departed for the Breinerton navy yards. It says that an order has been issued instructins the inspectors at Bremerton to delay every man of the battleship until the whole matter has been sifted to the bottom and the customs authorities throughout the country have been notified to find and examine the question-

able packages if possible. The battleship was scheduled to get away for Bremerton on Saturday morning, but was delayed on account of not receiving sailing orders. "At noon, however," says Navy department stating that officers and men must have their baggage in readiness for inspection by the customs officers when the Oregon reaches Bremerton. This no tics was posted in the mess room and the news flashed over the ship like lightning It was then, according to those who statement was given out at the Japanese watched the whole scene, that the goods

were hurried ashore." The Post then says the record of Wells, Fargo & Co. show that they gave receipts on 2,890 packages taken from the Oregon. The Santa Fe rallway gave shipping bills for 1.600 trunks and cases, many of which bates. weighed several hundred pounds.

## ECHO OF FAMOUS BRIGGS CASE Friendly Relations Between Union

Seminary and New York Presby-

tery is Re-Established. NEW YORK, April 2.-At a meeting of

the New York presbytery today action was taken in regard to the Union Theological not been in accord since the famous Briggs case, when Dr. Briggs was accused of heresy. Since that time theological students have been discouraged from attending the seminary, thus making the relations between the sendnary and the presbytery much strained.

Recently a committee was appointed to adjust matters and to bring about more amicable arrangements, with a result that DISTRICT DAY IN THE HOUSE what is termed the "presbytery modus vivendi" was prepared which gives assurances that the Union seminary is for Presbyterian students in the instruction and standard of discipline. The barrier

It has been decided not to unite with

## MOTION IN SENATOR'S CASE peal Be Denied Or State Judgment Affirmed.

WASHINGTON, April 8.-In the case of the Military school at Fort Leavenworth, United States Senator Thomas M. Patterson Kan., and named to be chief of staff to pointment with the president today. The ter which a congressman might authorize missioners, the proper personnel for such of Colorado a motion was filed today in succeed Lieutenant General Bates, arrived General representatives were inclined to favor the to be sent out. He expressed the opinion, a government. While he admitted the oraappointment of Associate Justice Campbell however, that congress was remiss in not torical powers of newspaper men on the behalf of the people of Colorado for the Bell, General Bell will spend the time from of the Colorado supreme court, but Seas- definitely fixing within reasonable limits board, he thought it would be better for dismissal of the case or the affirmation of now until April 14, when Lieutenant Gentors Teller and Putterson did not support the character of matter that congressmen them to improve the city streets than make the verdict of the support the character of matter that congressmen them to improve the city streets than make the verdict of the support the character of matter than to improve the city streets than make the verdict of the support the character of matter than to improve the city streets than make the verdict of the support the character of matter than to improve the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets than make the verdict of the support the city streets the c

ntate The urgent deficiency bill was sent to Mr. Patterson is under sentence to pay a taken under advisement.

Railways and Shippers Indicted at Kansas City Must Stand Trial.

Case Affects Alton and Milwaukee Railways, Several Packing Companies and Number of Individuals.

KANSAS CITY, April 9.-Judge Smith McPherson in the federal court here today New Blank Form of Ministerial Resustained United States District Attorney A. S. VanValkenburgh in his demurrer to Alton railway as a corporation and of J. N. Faithern and F. A. Wann, ex-officials of the road, as individuals; of George H. cial.)-The business of the Latter Day saint Crosby, general freight and traffic manager way, and of George L. Thomas and L. B. of London, Ont., in the chair. The forencon Taggart, freight brokers, all those seeking had been occupied by prayer and preaching immunity having been indicted by the fed- services, the sermon having been delivered eral grand Jury several months ago on the by Elder C. G. Lewis of Michigan. As the charge of illegally giving or receiving rail- various quorums hold sessions during the road rebates. Judge McPherson set the case for May 22 for trial.

Pherson had received a report of the de- delegates are obtained. Judge McPherson allowed the decision of work, individual reports are becoming bur- serted that at Sorrento thirty-seven per-Judge Landis to guide him in his decision.

Pleas of Defendants. Various motions, pleas and orders grows had been made a special order of business stones from the crater. ing out of the indictment jast December of for 3 o'clock, was taken up. An effort was five local packing houses, three railroads made to refer the selection to a joint counand a number of individuals, charged with cil composed of the first presidency, bishgiving or conspiring to secure rebates in opric and high priests. President Smith violation of the Eikins anti-rebate law, objected on the grounds that they had it impossible for the horses to travel. were argued here today in the United States enough to meet in the way of the charge district court. of favoritism and would prefer that the

The packing companies and the Chicago, conference make the choice. The motion Milwaukee & St. Paul failway soon after to refer was lost. W. R. Smith of Holden, the indictments were returned filed general Mo., and C. I. Carpenter of Lamoni, Ia. denials. The Burlington and several offl- were nominated. The latter gentleman has cials of that railway who were indicted been for six years assistant to the general filed motions to quash. The Chicago & Ai- recorder. He explained a new card system direction of Pompell to prevent further ton and the officers connected with the of index and record, which was perfected danger in that quarter.

traffic department of that company under and which he would not hesitate to recomtraffic department of that company under and which he would not hesitate to recomindictment filed immunity pleas.

The plea of the Alton and its officers is elected by a large majority. corporations who had furnished informa- in its nature. that it was compelled to produce its books, inspection of the federal grand jury in also out of debt. Chicago, and that this information was presented to the Kansas City grand jury before which the local agents of the road

The defendants were represented today by a great array of legal talent.

Government Files Demurrer. A. S. Van Valkenburgh, United States district attorney, submitted without argument the demurrer of the government to the immunity pleas filed by the Chicago & Alton as a corporation, of J. N. Paittern and F. A. Wann, ex-officials of the road, as individuals. The government quotes the case of Hale against Henkel, known as the election law, the state supreme court havtitled to immunity because some of the dicate a sharp fight over the question of doned. officers or employes have been required to majority or plurality nominations at prigive information or produce books and mary elections with a consequent pro-

papers of the corporation. George H. Crosby, general freight traffic manager of the Burlington, and George L. rallty nominations, that is a direct primary whereby Crosby paid commissions to Taggart divided the commissions with Kan- (plurality nomination) bill,

sas City shippers. Counsel for the three men moved to immediate effect a two-thirds vote is necesquash the indictments. They contended sary, that the documents were drawn under sec tion 540, revised statutes of the United States, which defines crimes against the operations of government, and that no evi- Proposition to Operate Street Car dence had been presented to show that the defendants had committed any offense against the government. The court will render decisions in all

SIMILAR CASE IN CHICAGO COURT Judge Landis Overrules Plea of Alton

these cases later.

for Immunity. CHICAGO, April 2 - Judge K. M. Landis in the federal court today sustained the demurrer of the government to a plea of abatement of the Chicago & Alton railroad. John N. Fatthorn and F. A. Wann, former officials of the road, under indictment on a charge of granting illegal re-

The plea was for immunity and counsel to 106,859. for the defendants informed the court that they would not contest by argument the position of the government. The court thereupon sustained the demurrer of the plead to the indictments. All of them was to call out an expression of public entered pleas of not guilty. The case will opinion and had no legal effect. probably go to trial soon.

## LAND OFFICE PLUM DROPS seminary with which the presbytery has Harvey J. Ellis Named As Receiver of Public Moneys at

Alliance.

WASHINGTON, April 9.- The president today sent to the senate the following didate for re-election to the senate and I United States judge, District of Colorado, Robert E. Lewis.
Robert E. Lewis.
Marshal. northern district of Indian Territory. William H. Darrough.
District judge, division No. 2. district of Alaska, Alfred S. Moore, Pennsylvania.
Receiver of public moneys, Alliance, Neb.,
Harvey J. Ellis.
Postrousters-California, L. H. Miner.

r J. Ellis.
nusters—California, L. H.
de. Colorado, O. A. Alert,
Illinois, M. L. Harper, I.
fig. Le Roy; W. H. Mix,
W. B. Arbuckie, Villisca. Alert, Louis wa. W. B. Arbuckle, Villisca, Kansaa, Smith, Galena, Missouri, H. Grass, ermann, R. D. Cramer, Memphis, Ne-dia, H. J. Jones, Elko, New Mexico, L. Kittrell, Socorro, Oregon, S. Frarrar, alem. South Dakota, H. S. Williams, berdeen, Texas, D. C. Bellows, Seymour, L. Somerville, Richmond, W. Pilley, nerville, Richmond; W. I

General Bell in Washington. WASHINGTON, April 9.-Brigadier General J. Franklin Bell, recently in charge of

ing himself with the duties of the office. Rockefeller in New York. NEW YORK, April 2 - John D. Rockefel-ler returned to New York City from Lake-wood, N. J., today.

### DEATH IN THE LAVA Fair Tuesday and Warmer in East

Portion. Wednesday, Fair.

6 a. m .... 43

7 n. m..... 43

N n. m. . . . . . 50

11 n. m ..... 58

densome.

12 m...... 63

a. m ..... 46

n. m. . . . . 54

Temperature at Omaha Yesterdayt

Hour. Deg. Hour. Deg. 5 n. m..... 48 1 p. m..... 64

port Adopted by the Con-

INDEPENDENCE, Mo., April 9.-(Spe-

conference at this place was resumed at

also these business sessions are the only

PRIMARY LAW IN ILLINOIS

Legislature Will Meet in Special Ses-

sion Today to Enact a

New Statute."

dinary session to enact a primary

Lines by City Defeated

by Voters.

MILLARD SEEKS RE-ELECTION

Simply Relterates Statement Made to

Bee Correspondent Last

Summer.

"I told The Bec's Washington correspon

dent fast summer that I would be a can

have not changed my mind since then,

said Senator Joseph H. Millard at the

Millard hotel last night, in reply to a di-

"I have not given the matter any great

amount of thought, however, and have done

no work in that direction. My visit to

Omaha at the present time is entirely or

personal business and has nothing what-

ever to do with my candidacy. I will not

be missed from the field though, as there

are plenty of candidates out for the seat.

After the close of congress I intend to

take up my interests in enraest, but it will

not be much of a disappointment to me if

and I expect to be back home by June 1.

At Palermo-Arrived: Romanic, from

At Shanghal-Arrived: Dakotah, from

At Hamburg-Arrived: Neko, from Se-

Bremen-Arrived; Grosser Kurfuerst, New York.

Liverpool-Arrived: Hohemian, from

rect question on the subject.

number by 17,427.

ference.

3 p. m .....

4 p. m..... 60 5 p. m..... 60

6 p. m..... 60 7 p. m..... 57

8 p. m..... 53 9 p. m..... 52

Several Hundred Reported Killed and Injured by Eruption of Vesuvius.

DAMAGE BY CINDERS AND ASHES

San Guiseppe, a City of 6,000 Inhabitants,

Practically Destroyed. SAINTS TAKE UP BUSINESS MANY VILLAGES TOTALLY DESERTED

Hundred and Fifty Thousand Refugees in

Naples and Adjoining Districts.

KING AND QUEEN VISIT THE SCENE At Midnight the Situation Had Improved Slightly, and a Heavy

Rain Was Cooling

the Lava. forenoon and often in the evening hours NAPLES, April 3.-Reports of fatalities ansequent upon the eruption of Mount Before rendering his decision Judge Mc- times when a full attendance of ex-officio Vesuvius are coming in. According to information received late tonight more than cision of Judge K. M. Landis in the fed- A new blank for ministerial reports was 500 periahed in the disaster of San Guiseppe, eral court in Chicago today, who sus- proposed, discussed and adopted. It seeks while in the ruins of a church which coltained the government's demurrer to a plea to concentrate and totalize the missionary lapsed owing to the weight of ashes on of immunity in a similar proceeding, and reports, as in the steady growth of church | the roof, 300 dead are buried, and it is as-

> sons were killed by falling houses. The matter of selecting a church his-A rallway train from San Guiseppe for torian to succeed Henry A. Stubbs, which Naples was detailed owing to showers of

Cavalry, proceeding to the succor of the inhabitants of the devastated section, have been unable to make progress, the rain falling on the ashes a foot deep, having made The sea is greatly agitated. The sky has cleared, but heavy clouds hang over the east, threatening a further downpour,

Lava Streams Stationary. The streams of lava are almost station-

ary. Troops are erecting barriers in the

mend for adoption. C. I. Carpenter was wrought by the lava is the damage done by cinders and ashes, which in incredible quanpased upon the recent decision of Judge | The report of the presiding bishop, E. L. Utles have been carried great distances. Humphrey in Chicago in the beef cases, Kelley, showing the financial condition of This has caused the practical destruction of wherein It was held that members of the the church, was read and was encouraging San Guiseppe, a place of 6,000 inhabitants. All but 200 of the people had fled from San tion on which the indictments were re- The board of publication made its annual Guiseppe and these 200 assembled in a turned were immune, but that the corpora- report. The size of the Sunday school church to attend mass. While the pricat tions were not. The Alton makes the claim paper has been doubled during the years was performing his sacred office the roof Several new machines and a new heating fell in and about sixty persons were badly papers and other documentary data for the plant have been installed. The Herald is injured. These unfortunates were for hours without surgical or medical assistance. The J. M. Baggerly, Independence, was the only thing left standing in the church was speaker tonight and David A. Anderson, a statue of St. Anne, the preservation of Ohio, will occupy the pulpit tomorrow which the poor, homeless people accepted as a miracle and promise of deliverance

from their peril.

Ashes Four Feet Deep. At Ottajano five churches and ten houses fell under the weight of ashes and cinders. which lie four feet deep on the ground. In the fall of the buildings about twelve norsony were killed and many were injured. SPRINGFIELD, lit. April 5.- The like The village is completely described by the nois legislature will meet at noon in ex- people. After the evacuation of the place

the barracks and prisons fell in Reports from coast and inland towns Tobacco trust case, in support of its de- ing recently declared unconstitutional the depict terrible devastation, San Giorgio, murrer, and denies that the Chicago & law passed at the last regular session. Cremona, Portici, Resina and Torre del Alton and the two former officials are en- Expressions of members arriving today in- Greco have been almost completely aban-

The inhabitants of Torre Annunziata are prepared to leave at a moment's warning. Somma Vesuviana is another village longation of the session. Downstate republicans to a man apparently favor plu- which has suffered most severely,

The most of the buildings in the villages Thomas and L. B. Taggart, freight brokers, law. Cook county members, on the other are of flimsy construction and have flat were indicted for conspiracy. It was al- hand, insisted that majority nominations roofs, and so are but poorly calculated leged that they entered into an agreement should be provided for, which would throw to bear the weight of ashes and cinders many nominations into convention. Demo- that have fallen upon them. Inevitably Thomas and Taggart in return for their cratic members will caucus tomorrow night it will be found that a considerable number influence in obtaining business for the Bur- with a strong sentiment favoring united of persons have perished by the falling lington and that afterward Thomas and party action favoring a direct primary of their homes. Although the eruption of the volcano is less violent than it was In order to pass a bill that will go into twenty-four hours ago, the ashes are still falling in great quantities.

Refugees from the threatened or destroyed villages are pouring into Naples OFFICIAL VOTE OF CHICAGO by the thousands, arriving in every description of conveyance and on foot. The roads are crowded with hundreds of men and women carrying crosses and crying

piteously. Special railway trains, warships and steamers are employed in conveying the CHICAGO, April 9.-The official figures homeless people to Naples, Rome and on the municipal ownership of street cars Castellammare, while large numbers of was voted upon at the election held last people are fleeling overland in the direction week and were announced today by the of Caserta. Not less than 15,000 refugees canvassing board. They were: In favor of have reached Castellammare, where the municipal operation, 121,816; against it, steamer Princess Mafalda is anchored. 110,323. The proposition, in order to become This vessel left the island of Capri with effective, required 60 per cent of the total | 1,000 passengers, including many foreigners vote cast and fell short of the necessary on board, but it was unable to reach its destination, owing to the stifling clouds of The vote on the proposition to purchase ashes and the fumes of gases from the the street railway companies by the issue volcano which enveloped it a mile from of certificates in amount not to exceed the coast. King Victor Emmanuel and \$55,000,000 was carried by a vote of 110,225 Queen Helena have further endeared themselves to the people by their activity The question of whether or not it is dein behalf of sufferers by the eruption, and sirable, as a question of public policy, for the government is exerting itself for the the city to own and operate street railrelief of the destitute. This work, howways was carried by a vote of 111,955 to ever, is obstructed by the congestion of government and ordered the defendants to 108,087. The vote on the last proposition all means of transportation, which are monopolized in the carrying of people out

of the zone of danger. King Visits Stricken District. The king and queen and their suites arrived at Naples this morning from Rome When the royal train reached the station the eruption of the volcano was almost at its worst, but both insisted upon leaving immediately for Torre Annunziata, the king declaring: "If Torre Annungiata is in danger it is my duty to by there." Traveling in automobiles and accompanied by the duke and duchess of Austa

they set out for the afflicted districts. Touching scenes greated them along the way. By the king's order there was no attempt to keep the people away from The sovereigns visited Santa Antastasia. Cercola and Somma Vesuviana where they were greeted with great enthusinern.

and the princess of Schleswig-Holstein,

At a certain point the royal party were struck by a small cyclone of ashes and The king sent his motor car ahead at full speed and crossed the path of the evelone in safety. It was found necessary to continue the journey on

I fail to get the place. The session will probably close about the 15th or 25th of May The conditions at Torre Annuagiata and Pompeli improved today, owing to the change in the direction taken by the flow-Movements of Ocean Vessels, April 9. At New York—Arrived: Noardiand, from interp; La Gascogne, from Havre. At St. John-Arrived: Montreal, from ing lava.

Early in the day apprehension was felt for the inhabitants of the country in the vicinity of Caserta, a place of about 35 600 inhabitants, in whose direction the lava was then flowing.

The town of Nois, an old place of 15,000 inhabitants, twenty-two miles from Naples, has suffered severely by the fall of ashes coming from the cruter, which were carried by the wind as far as the Advistic

Moville-Arrived: Furnessia, from sea. About 150,600 refugees from the district York. Boulogne-Sailed: Batavia, for New of Somma Vesuviana have sought shelter