THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, TUESDAY MORNING, MAY 22, 1906—TEN PAGES. SINGLE COPY THREE CENTS.

WORK FOR THE MEN

Presbyterians Form Organization to Interest Them in Church Affairs.

AID FOR CONGREGATIONS ON COAST

Will Raise $300,000 to Replace Buildings Destroyed.

SUNDAY FUNERALS UNDER THE BAN

Publication of Alcohol Medicine Ads Deprecated, but No Order is Issued.

REPORT ON WORK AMONG FREEDMEN

Amount Raised for This Work During the Year Passes the $200,000 Mark for the First Time.

DES MOINES, Ia., May 21.—The Presbyterian general assembly this afternoon determined upon one of the most important church movements undertaken by it in many years. It voted unanimously to begin at once the organization of a men's society under the name of "Presbyterian Brotherhood," whose purpose shall be to bring the men of Presbyterian churches more closely into sympathy with the church and to bring about "spiritual development, fraternal relations, denominational fealty, the strengthening of fellowship and the engagement in works of Christian usefulness."

A committee is to be appointed before the assembly adjourns to take up at once the detailed plans for the new society. This new step is the direct result of the appointment of a special committee at the last session of the assembly. This committee found an overwhelming desire for such an organization and so reported to the assembly today. There was no opposition whatever in the assembly to the project and it had the enthusiastic support of all who spoke upon it. The new society is to be entirely subordinate to the general assembly and it shall report annually to it.

The discussion of the proposed "book of forms" is to come up tomorrow afternoon. A heated debate is promised, the opposition having become very bitter in its attacks. Prof. Henry Van Dyke of Princeton, who was chairman of the committee that prepared the book, declares that he will not take up the argument, but it is understood that he will make an elaborate statement of the committee's work.

Aid for Destroyed Churches.

The Presbyterian general assembly unanimously adopted a resolution calling on the Presbyterian churches of America to raise $200,000 for the relief of the churches which suffered from the San Francisco disaster. The third Sunday in June, or as soon thereafter as possible, is the date fixed for taking a collection in every church.

The following are included on the committee appointed to raise the San Francisco relief fund of $300,000:

Rev. John Dixon, D. D., of the home board, chairman; Dr. H. C. Olin, treasurer; Rev. S. J. Nichols, D. D., St. Louis; Rev. F. E. Baker, D. D., Oakland, Cal.; Rev. Hugh K. Walker, Los Angeles, Cal.; Rev. Warren H. Lander, San Anselmo, Cal.; Rev. Thornton Mills, San Jose, Cal.; Rev. J. H. Laughlin, San Francisco, Cal.; Mr. George L. Underhill, San Francisco, Cal.; Mr. A. W. Foster, San Rafael, Cal.; Mrs. Pinney, president Women's Occidental Board of Foreign Missions.

First Report on Overtures.

The committee on bills and overtures submitted its first report today, recommending action on several important issues. In each case the action of the assembly followed the recommendation by the committee, of which Retiring Moderator J. D. Moffatt is chairman. The action of the assembly follows:

On the overture of the prebytery of Freeport, Ill., requesting that the journals of the assembly refrain from printing advertising of proprietary medicines containing alcohol, the assembly deprecates the publication of such advertisements, but contains no action because the specific overture does not apply to journals of the assembly.

On the overture of the presbytery of Topeka, Kan., protesting against Sunday funerals, the assembly disapproves all work on the Sabbath and requests all ministers and members to aid in diminishing Sunday funerals, except where absolutely necessary.

On the overture of the presbytery of Boulder, Colo., asking the creating of a society on "applied Christianity," the assembly takes no action.

Forty-five presbyteries submitted overtures on "common worship and forms of service." The committee recommended that these all be laid on the table, to be taken up when the report of the commitee on forms and service is reached.

Work Among the Freedmen.

The report of the Board of Mission for Freedmen stated that the hopes with which the board began the year had not been realized, but the disappointment had been greatly mitigated by the increase of the receipts, which passed the $200,000 mark for the first time. The women's societies contributed $51,709, the Sabbath schools $11,275, and young peoples societies and miscellaneous sources $2,653. The sum of $70,910, was distributed as follows: Salaries, $21,863; scholarships, $19,297; general fund for school purposes, $14,851; building fund, $14,758. The Sabbath schools had advance in contributions the past year, but there is yet room for a great forward movement, but 826 had remembered the Freedmen, the remaining, over 7,000, to be enlisted.

The Christian school is recognized as a necessity in every department of mission work. This is especially true of the work among the Freedmen. The total number of schools established and maintained is 168, with 322 teachers and 14,118 pupils.

The Freedmen are advancing in many instances toward self-support. Their total gifts for church and school during the year reached the sum of $143,631, of which amount $67,631 was in support of schools.

Cumberland Decision Deferred.

DECATUR, Ill., May 21.—Judge John's decision in the Cumberland Presbyterian injunction suit will not be handed down before Thursday. This announcement was made at the conclusion of the argument today and caused great disappointment to both parties to the suit. Meanwhile the work of the assembly will go on. The committees were hard at work all day and much business will be ready for action Tuesday. The anti-unionists made it known that if they fail to secure the injunction they will remain after the assembly adjourns and organize a new assembly which they say will be the real Cumberland Presbyterian assembly. It is said that many of their own number will not follow them in this program.

Bride-to-Be Killed by Brother.

WHEELING, W. Va., May 21.—Rosa Wisnich was shot and killed at Benwood by her brother, Paul, while she was making a cake for her own wedding. The girl was to have been married today and the police believe the killing followed a quarrel, although the brother and other relatives declare it was accidental.

YANKEE VICE CONSUL KILLED

Native of England Acting as American Agent Assassinated at His Home.

BATOUM, May 21.—W. H. Stuart, the American vice consul, was shot and killed at his country place last night. The assassin escaped.

Mr. Stuart was a British subject and one of the largest ship brokers and exporters of Batoum. During the revolutionary troubles of last fall his life was many times threatened by longshoremen and at Christmas a deputation visited Mr. Stuart's office and practically compelled him to give them $1,500 under the guise of a holiday gratuity for dock laborers.

WASHINGTON, May 21.—Vice Consul Stuart, who was killed at Batoum, was an Englishman 49 years old and had filled the position for about two years. At the time of his death he was acting consul.

The State department received confirmation of the murder of W. H. Stuart, the American vice consul at Batoum, Russia, in a dispatch from Ambassador Meyer at St. Petersburg. No details of the crime were given.

Ambassador Meyer having taken cognizance of the case, the State department officials do not believe that it requires action at their hands at this moment.

POPE CONTINUES TO IMPROVE

Pontiff Sleeps Well, Rests Easy and is Allowed to Sit Up Few

ROME, May 21.—Mr. Lapponi visited the pope this morning and he found that the pontiff had passed a good night, that the gouty pain in his leg had almost disappeared and that his general condition had improved. Although the temperature was again slightly above normal the doctor allowed the pope to get up for a few hours, but advised him not to resume his audiences until the end of the week, and even then only if he continues to make satisfactory progress.

OFFICERS WHO LOST MUST DIE

Stoessel and Nebogatoff Condemned to Death for Surrendering Port Arthur to Japs.

ST. PETERSBURG, May 21.—It is rumored that the military court which has been investigating the surrender of Port Arthur and the battle of the Sea of Japan has condemned to death Lieutenant General Stoessel, who commanded the Russian forces at Port Arthur, and Rear Admiral Nebogatoff, who commanded one of Admiral Rojestvensky's squadrons and who surrendered during the naval battle to the Japanese.

Pirates' Busy Day.

MELILLA, Morocco, May 21.—The steamer Manolita, bound from Tetuan, Morocco, for this port and flying the American flag, has been attacked by Moors, who took away some of its passengers. The Manolita's machinery got out of order and it was obliged to approach the coast. While lying off Penon de Velez, about half way between Tetuan and Melilla, a number of Moorish fishermen swam from the shore and boarded the Manolita, compelling its crew to hand over to them a number of Moorish passengers belonging to the Beni Barraguel tribe.

The marine registers available do not refer to a steamer named Manolita.

Gomez Appoints New Cabinet.

CARACAS, Thursday, May 17.—(Via Port of Spain, Island of Trinidad, May 21.)—Acting President Gomez has appointed a new cabinet, as follows:

Minister of the Interior—Dr. Leopoldo Baptista.

Minister of Foreign Affairs—Josede Jesus Paul.

Minister of Finance—Francisco Sales Perez.

Minister of War—General Deigo Ferrer.

Minister of Public Works—Dr. Luis Marta.

Minister of Public Instruction—Dr. Carlos Leon.

General Alexander Ybarra has been appointed governor of the federal district.

Prominent Citizens Expelled.

BUCHAREST, May 21.—As a reprisal for the massacre of a party of Wallachians by three Greek bands, near Grebena, on May 13, the government has ordered the expulsion of tweaty-three prominent Greek doctors and merchants, who are alleged to have been connected with the bands responsible for the disturbances. The Greek community is greatly excited and further expulsions are expected.

Bomb Wounds Officer.

KALISZ, Russian Poland, May 21.—Count Keller, a colonel of dragoons, was severely wounded by the explosion of a bomb which was thrown at the officer while he was returning from a review today. His horse was killed and his orderly was injured. The would-be assassin, a young man, escaped. Count Keller had been prominent in suppressing disturbances here and in the vicinity.

Whitridge Goes to King's Altar.

LONDON, May 21.—Frederick W. Whitridge, the special envoy of the United States to the wedding of King Alfonso, and Mrs. Whitridge, left London today for Paris, on their way to Madrid.

Homeward Bound.

GIBRALTAR, May 21.—The United States cruiser Tacoma and the United States tug Potomac sailed for Norfolk today.

DEATH RECORD

Mrs. Gertrude Creigh.

Mrs. Gertrude O'Neill Creigh, wife of Thomas Creigh, attorney for the Cudahy Packing company, died at her home, 135 South Thirty-fifth street, at 10:30 Sunday night. An infant also is dead. Mrs. Creigh was Miss Gertrude O'Neill, daughter of Mrs. Katherine O'Neill of St. Louis, where the mother and brothers and sisters now reside. No funeral services will be held in Omaha, the body being taken Monday night via the Wabash to St. Louis, where services and burial will take place Wednesday morning.

Alan McDowell.

KANSAS CITY, May 21.—Alan McDowell, for forty years a Masonic lecturer, died here yesterday at the home of his brother-in-law, aged 72 years. He was an authority on Free Masonry and his many reports and addresses on Masonic history and jurisprudence received marked attention and favorable comment both here and in foreign countries.

Veteran Publisher Dying.

DETROIT, May 21.—It was announced today that James E. Scripps, founder and publisher for many years of the Detroit News, who has been ill for a number of weeks, cannot survive more than a few days. He is resting comfortably, but much of the time is in a semi-conscious condition.

WATTLES NOT A CANDIDATE

Announces in Personal Letter He Will Not Run for Senate.

INFORMS FRIENDS THROUGH PRESS

Deems It Proper Not to Yield to Their Solicitations to Allow Use of His Name Now.

Gurdon W. Wattles, president of the Omaha Grain exchange and vice president of the Omaha & Council Bluffs Street Railway company and the United States National bank, will not be a candidate for the United States senate before the legislature next winter. He announces this fact in a personal letter to the editor of The Bee, received Monday afternoon. This announcement confirms a rumor which arose upon Mr. Wattles' return from the east Saturday, at which time, however, he preferred to make no specific announcement. His letter says:

OMAHA, May 21.—To the Editor of The Bee—Dear Sir: In deference to my many friends and well wishers in this city and throughout the state who have solicited me to authorize the use of my name as a candidate for the United States senate, I deem it proper to say that I will not be a candidate for this great office at this time. Yours respectfully,

GURDON W. WATTLES.

Effect on Other Candidates.

Mr. Wattles' decision not to go into the fight now, leaves those who were depending on him up in the air. Already there is a noticeable accretion to the following of Mr. Rosewater, especially among the business element, who have been associated more or less with both men. The Webster crowd, on the other hand, thinks this leaves a clear field to get the Fontanelle endorsement for Webster, although these men know the Fontanelle club is not specially enamored of Webster. Talk of Charles L. Saunders for governor has about ebbed out, taking with it the scheme for a delegation pledged to him and unpledged on senator. Some of the Fontanelle club members think they might find a rallying point on Harry C. Brome, but so far he has shown no signs of listening to them.

Followers of Millard are still waiting for news from Washington. The last report they had was that the senator would like to have them keep their engagements open until he returned to Omaha, though he did not state when that would be.

One of the officers of the Fontanelle club, discussing the situation yesterday, said:

"I don't know what we will do. I think we had better take an inventory of our belongings and find out where we are at. This is the opinion of several of our members. I know some of the boys feel friendly toward Webster, but as a whole the club is no more drawn to him than to Millard, who turned us down so hard when we wanted Tom Blackburn appointed United States district attorney. Your reporter at our banquet last week overlooked one thing. When Nelson C. Pratt said the Fontanelle club was not dead and its next task was to send a delegation to the state convention that would not be a Rosewater delegation he was quite generally applauded, but when he followed this statement by declaring the delegation should be for John L. Webster for senator, a very embarrassing dead silence ensued. It looks to me as if Mr. Rosewater might have Douglas county now without any very serious opposition."

Some of the politicians are calling attention to the sentence in Mr. Wattles' letter saying he will not be a candidate "at this time." They take it to mean he reserves himself for some future occasion and also will continue to be a factor in local politics, at least to the extent that he has been.

BIG BRIBES FOR SENATORS

Insurance Man Tells of Large Sums Paid New York Legislators by Companies.

WASHINGTON, May 21.—Some additional sidelight was thrown on insurance methods in New York today by Representative James A. Goulden of that state before the house committee on the judiciary considering the Ames bill for the regulation of insurance in the District of Columbia. Mr. Goulden is general agent of the Penn Mutual Life Insurance company in New York.

"Why," he said, "it was a well conceded fact that to be a senator at Albany was worth anywhere from $50,000 to $100,000 a year and that the money came largely from insurance companies. This is no secret. Every New York man knows it. I know it; I know it well."

Touching on the subject of campaign contribution, Mr. Goulden said that his company had been coerced into giving $10,000 to a national campaign committee in 1896. He did not say which congressional committee received the money, but remarked that the same thing was tried in 1900 and 1904, but without success, owing to the firm stand taken by Mr. Plimpton of Massachusetts, one of the directors, who declared that every director who voted for such contribution would be held personally liable for the amount. The hearings on the Ames bill closed with the testimony of Mr. Goulden.

MAN KILLS SELF AND DAUGHTER

Murders Girl and Attacks Wife with Axe and Commits Suicide with Revolver.

WOODLIFF, N. J., May 21.—John Cole, an engineer, killed his daughter, Maria, with an axe today, attacked his wife with the same weapon, striking her in the head and probably fatally injuring her, and then killed himself by shooting. The tragedy followed the departure from Cole's house of a young man to whom it is said the daughter was engaged. The girl was still looking in the direction in which the young man had disappeared when her father, axe in hand and upraised, sprang out at her. The girl jumped back, but as she dodged the father drove the axe into her skull and she fell, dying instantly. As the girl fell her mother ran from the house and was immediately attacked by Cole, who rendered her unconscious with a single blow. Then the man drew a revolver and killed himself.

Lightning Strikes Barn.

VERMILION, S. D., May 21.—(Special Telegram.)—Lightning struck a large barn owned by Thomas McCune, burning the building, killing six valuable horses and three cows. Loss, 2,000; insurance, $1,200.

Cassie Chadwick's Deposition.

PITTSBURG, May 21.—Unusual interest is attached to the case of Mrs. W. C. Jutte against J. W. Friend and F. N. Hoffstot, which was resumed today, as it was expected the deposition of Mrs. Cassie Chadwick, taken recently by the plaintiff's attorneys, would be opened by Judge John D. Shafer. The deposition, however, was not presented today, and it may not be offered for several days. No inkling of its contents will be given out until then.

POLLARD'S BILL IS FAVORED

Bureau of Commerce and Labor to Take Up Measure on Corporations.

(From a Staff Correspondent.)

WASHINGTON, May 21.—(Special Telegram.)—Congressman Pollard, by appointment, had a long conference today with Commissioner Garfield and Assistant Attorney General Smith of the Department of Commerce and Labor in relation to his bill compelling interstate corporations to take out a federal license before they can do business. As a result of the conference Mr. Pollard will prepare a bill bringing all corporations whose business is not less than $5,000,000 annually, in the preparation of meat products, coal, petroleum oil and its products, steel, iron, sugar, lumber, grain, tobacco, paper and farm implements, under federal control. After careful consideration it was agreed that the so-called trusts should be included in the general bill.

So impressed were Cimmissioner Garfield and Mr. Smith with the original bill introduced by Mr. Pollard that they agreed it should be made the basis of a new bill.

Judge John M. Ragan of Hastings, Neb., is in the city and today was the guest of Judge Norris at luncheon in the House restaurant. Congressmen McCarthy and Kennedy were also guests of the member from the Fifth district.

Congressman Pollard was notified today that Ebenezer D. Harris, Lincoln, had been allowed an increase of pension of $10 from April 18, 1906. Also that Granville Joice, Howe, Nemha county, Neb., had been increased to $12 from January 11, 1906.

The house committee on claims reported favorably today Mr. McCarthy's bill for the relief of the Nye & Schneider company of Fremont, Neb. It carries an appropriation of $61.13.

Senator Hansbrough today introduced a bill of general interest to rural communities throughout the west. It authorizes the secretary of the interior to sell public lands wherever located to communities for cemetery purposes at a uniform rate of $1.25 per acre. In the past a number of individual bills have been introduced and passed providing for the sale of government land to towns and villages for cemeteries. Senator Hansbrough's bill seeks to place on the statute books a general law which will cover all such cases, thus avoiding special legislation in individual requests for the acquirement of cemetery sites on public land.

Senators Millard and Burkett today joined in recommending the appointment of D. M. Amsberry to be receiver of the land office at Broken Bow, Neb. John M. Reese, present receiver, is to be transferred to the office of the register.

Ex-Governor Ezra P. Savage of Nebraska, now of the Pacific coast, was in Washington today.

Contract Surgeon Francis M. Wells will proceed to Fort Robinson for duty, relieving Contract Surgeon Marion F. Marvin. Contract Surgeon Marvin upon being relieved will proceed to Fort Mansfield, R. I., for duty.

Ella S. Lutgen of Brock, Neb., and Herbert E. Hitchcock of Mitchell, S. D., admitted to practice before the Interior department.

Complete rural free delivery service has been ordered established August 1 in Lyon county, Ia., making a total of eighteen routes in that county.

DOHERTY IS SENT TO JAIL

President of Denver Electric Company Refuses to Testify in Election Case.

DENVER, Colo., May 21.—Henry L. Doherty, president of the Denver Electric company, appeared in District Judge Frank J. Johnson's court this afternoon and was called upon to testify as to what he knows regarding the matter of alleged bogus tax receipts used in the election. On the advice of his attorney, Joel F. Vaile, he refused to testify and even refused to be sworn.

Judge Johnson informed Mr. Doherty that he would either have to testify or be committed to jail for his refusal. After consulting with his attorney, Mr. Doherty announced that he would not testify.

Judge Johnson ordered Mr. Doherty committed to jail.

Soon after Mr. Doherty's committment, on application of attorneys representing the elections commission, a temporary order was issued by the supreme court restraining District Judge Johnson from proceeding further with his investigation of the vote on the franchises at last week's election until Monday next, when he must show cause why he should not be permanently restrained. Subsequently the supreme court ordered that Mr. Doherty be released on his own recognizance pending the hearing on the injunction. Mr. Doherty was immediately given his liberty.

During the day several employes of the Denver Gas and Electric company were put on the stand in Judge Johnson's court and questioned as to the ownership of property for which tax receipts were alleged to have been voted. Several admitted that they had only owned the property for a day or two prior to election day and that it had been purchased on contracts for long time payments. Some of the witnesses could not give a clear description of the lots and admitted that a high official of the Denver Gas and Electric company acted as their agent. Other witnesses declined to answer certain questions on advice of counsel that their replies might incriminate them.

Attorneys for the Honest Election league, which is back of the investigation, had succeeded during the afternoon in having records of the city treasurer's office brought into court for the purpose of showing that money was paid for taxes by clerks of certain corporations on property standing in the names of employes. The sitting of the court was to have been resumed at 7 o'clock tonight, but all the proceedings were stopped by the supreme court's injunction.

Mr. Doherty is general manager of the McMillan syndicate of gas and electric companies, with headquarters in New York City.

Dakota Crops Look Well.

HURON, S. D., May 21.—(Special.)—All crops made exceptionally rapid progress during the last week. Wheat, barley and oats are reported in as good condition as could be desired, barring small patches on low ground. While all small grain is a trifle backward as compared with former seasons, the general outlook is especially encouraging. Weather conditions for the week, while cool and windy three days, was favorable to small grain growth. Corn planting is about completed and much of the earlier sown is above ground and doing well. Moderate showers occurred over most of the Jim river valley and, although not needed, leave the earth with plenty of moisture. The hay corp bids fair to be heavy and is making very rapid growth. Potato planting is progressing, some farmers having finished this work. The acreage will be equal to that of last season, possibly greater.

MORE CATTLEMEN INDICTED

Earl Comstock and Modisett Brothers Named in Latest Bills.

TWELVE OR MORE COUNTS BROUGHT IN

Conspiracy to Defraud Government Out of Public Land, Perjury and Subornation of Perjury Charges.

The federal grand jury made a report Monday evening, returning two big indictments. One was a joint indictment against Earl Comstock and Reason Hudgell. There are twelve or more counts in the indictment, which charges conspiracy to defraud the government out of certain public lands, for alleged perjury and alleged subornation of perjury.

The lands in question comprise several thousand acres within the Spade ranch enclosure in Cherry county. Earl Comstock is at present in Mexico, but his brother, W. G. Comstock, appeared in his behalf and gave bond in $5,000 for his appearance before the United States district court. Reason Hudgell is already under a United States commissioner's bond of $5,000 and that bond was continued.

The second indictment, comprising seventeen counts, is against A. R. Modisett, A. M. Modisett, H. C. Dale and William Smoot and is of a similar import to the Comstock and Hudgell indictment, but alleges the fraudulent practices and conspiracy were carried out in Sheridan county. All of the accused were present in the city and gave bond in $5,000 each for their appearance before the United States district court.

Babcock, Hull and Huntington.

The cases now under investigation by the grand jury are those against ex-United States Commissioner G. H. T. Babcock of Chadron, I. D. Hull and T. M. Huntington of Gordon, with the same general allegations of perjury, subornation of perjury and conspiracy in procuring fraudulent land filings within the Spade ranch enclosure. Each of these parties is now under United States commissioner's bond in the sum of $5,000 each.

Among the witnesses summoned in these cases is a large body of old soldiers from the vicinity of Missouri Valley. Several witnesses are also here from the State Soldiers' home at Milford and also a number from Lincoln, including Captain Mark Howe, former adjutant general of the Nebraska Grand Army of the Republic department. Several women witnesses were examined Monday afternoon in the land cases, some of them being soldiers' widows, daughters, and others school teachers from various parts of the state of Iowa.

Over 150 witnesses already have been summoned in these cases and it is expected the entire week will be expend in examining these witnesses. Two or three more indictments are schduled to be returned Tuesday evening.

The investigation of these cases has brought a large number of prominent cattlemen to Omaha.

ACCUSED MAN FIGHTS TO LAST

S. A. D. Puter Charged with Complicity in Land Frauds Offers Resistance When Caught.

SAN FRANCISCO, May 21.—S. A. D. Puter, accused of complicity in the Oregon land frauds, and who has been hunted for months by the federal authorities since he escaped from detectives at Boston, was arrested yesterday at Alameda by secret service men. Puter did not willingly submit to arrest, but attempted to draw a revolver. The detectives quickly covered him with their pistols, but even then had much trouble in getting their prisoner to the police station.

Puter arrived from New York three days ago and left for Alameda. He took a room in a lodging house in Park street. Saturday night he visited his wife at Berkeley and after remaining there several hours returned to his lodging house. The secret service men learned of Puter's whereabouts by shadowing a woman. He was on his way to keep an appointment with this woman when arrested.

Puter had taken the name of James William Barr and traveled under that alias since leaving the east. He informed the detectives that he had engaged passage on a steamer for China and intended leaving for that country in a few days. According to the secret service men Puter's room in Park street resembled an arsenal. Over his bed hung a rifle and in a drawer was a heavy revolver, besides the one found in his possession when captured.

BOSTON, May 21.—Stephen A. D. Puter, who was arrested at Alameda, Cal., yesterday, made a sensational escape from Deputy United States Marshal W. J. Burns in Boston March 26. Deputy Burns, who had been detailed to find Puter, discovered the man as he was applying for his mail at the Fenway postal station in Boylston street. He immediately arrested Puter and started to take him to the nearest police station. He had gone only a short distance, however, when Puter suddenly pulled out a revolver and threatened to shoot the officer. Before the deputy had recovered from his surprise Puter had disappeared.

THEATRICAL MERGER EXPANDS

Bank, Legal and Transportation Bureaus Will Be Opened in Chicago.

CHICAGO, May 21.—The Theatrical National bank is the name to be given to a new financial institution which will be opened next month in this city. The new bank is an outcome of the large theatrical merger recently effected by Klaw & Erlanger and B. F. Keith, managers of the Western Vaudeville Managers' association, and will be financed by the merger. The capital stock will be $1,000,000, all paid up, and the business of the institution will come largely from theatrical managers and professional people. The business of the theaters interested amounts to $5,000,000 a month. Arrangements have also been made by the merger, according to Charles E. Kohl of this city, to establish a legal department and a railroad department, with headquarters in this city. The latter department will control the entire transportation of the theatrical companies embraced in the scope of the merger, amounting to millions of dollars annually.

RAIN ENDS FOREST FIRES

Wind Dies Out and Danger is Past—Reports of Losses Are Exaggerated.

MILWAUKEE, May 21.—A special from Marinette, Wis., says: All danger from forest fires is past. It is raining this morning and the wind has died out. The loss everywhere is believed to be greatly exaggerated.

NEBRASKA WEATHER FORECAST

Fair and Cooler in West, Showers and Cooler in East Portion Tuesday. Wednesday Fair.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	69	1 p. m.	79
6 a. m.	61	2 p. m.	82
7 a. m.	62	3 p. m.	83
8 a. m.	66	4 p. m.	81
9 a. m.	69	5 p. m.	81
10 a. m.	73	6 p. m.	81
11 a. m.	76	7 p. m.	80
12 m.	78	8 p. m.	78
		9 p. m.	67

OPPOSITION TO NAVY BILL

Objection Will Be Made in Senate, but Not Such as Will Defeat It.

WASHINGTON, May 21.—The naval program, providing for the construction of one great battleship of a tonnage equal to any afloat or now building, will meet opposition in the senate, but not of such stubborn character as is thought to endanger its defeat.

Several members of the senate committee on naval affairs have expressed themselves as opposed to the building of "the great, unwieldy type of the Dreadnaught," now being constructed for the navy of Great Britain. These men have announced that they will express their doubt, although they have not determined to record their votes against the policy of the administration.

The battleship proposed by the program and provided for by the bill as it passed the house, in some features will be greater than the Dreadnaught. The tonnage must be as great as the biggest battleship contemplated. This is estimated at about 20,000 tons. Its speed must be at least twenty-one knots and its draft will be about twenty-eight feet. It is in the armament that it will surpass the Dreadnaught. According to the plans for this giant defender for the British navy it will have ten 12-inch guns. Chairman Foss of the house committee on naval affairs said the battleship for the United States should have twelve 12-inch guns. The South Carolina and Michigan, plans for which have recently been completed, are the biggest ships now authorized for the United States navy and they will have eight 12-inch guns.

The naval appropriation bill will not be taken up by the senate committee until the last of the week. Hearings will not be had, the house hearings being relied upon, so that it should be reported to the senate by Monday next. It carries just $100,000 less than it did when it was reported from the house committee, the item of decrease being $100,000 for the floating dry dock for Chesapeake bay.

OCEANIC SERVICE CARED FOR

Provision of Ship Subsidy Bill Will Be Carried in Postoffice Appropriation Measure.

WASHINGTON, May 21.—The postoffice appropriation bill will take care of the oceanic service in the manner provided by the ship subsidy bill which passed the senate, but apparently is side-tracked in the house. The senate committee on postoffices and post roads, believing that there is no chance for the shipping bill to pass at this session, has taken from that measure the subsidy provision:

From a port of the Pacific coast of the United States via Hawaii and the Samoan islands to Australasia on steamships of the United States of not less than sixteen knots speed for a service once in three weeks at a maximum compensation not exceeding $237,000 a year in addition to the compensation now provided under the existing contract for ocean mail service between this country and foreign ports.

Under the shipping bill eleven routes were subsidized, but the oceanic service is the only one in existence that the committee says absolutely demands at this time compensation in addition to that provided by existing contracts.

The committee expects to conclude its consideration of the bill by Thursday next and report it to the senate.

SOFT COAL MEN IN SESSION

Operators and Miners Meet and Former Declare They Will Not Increase Wage.

KANSAS CITY, May 21.—Representatives of the Soft Coal Operator's association of the southwest and a committee of the Miners' union from districts Nos. 25, 21 and 14, from Missouri, Kansas, Arkansas and Indian Territory, will hold a conference here this afternoon for the purpose of considering the wage scale. W. C. Perry, president of the operators' association, says if the meeting, which was requested by the miners, was for the purpose of trying to reach an agreement on the demand of the miners for an increase of 8 cents a ton over the scale of 1903, it would be useless, as under no consideration would the operators recede fro mtheir refusal to grant the increase. The miners' representatives refused to indicate beforehand what their attitude would be. Before meeting with the operators the miners held a separate conference.

MUSICIANS IN FANUEIL HALL

Omaha Union is Represented at the Boston Convention by R. Oleson.

BOSTON, May 21.—About 250 delegates were here today to attend the eleventh annual convention of the American Federation of Musicians. The convention, which will extend through Thursday, was opened in Fanuiel hall, where the visitors were received by the members of the Boston Musicians' Protective association, a local body affiliated with the national organization.

The Omaha Musicians union is represented at the Boston convention by R. Oleson, leader of a local orchestra by that name. Prof. E. Nordin, leader of the Boyd theater orchestra, was elected a delegate but was unable to leave. So far as Omaha musicians seem to know there is nothing coming up at the federation meeting of direct special interest to them.

OHIO MINERS TO KEEP SOBER

Lid Put on in District Affected by Strike and Operators Delay Action.

STEUBENVILLE, O., May 21.—The "lid" has been put on Plum Run and Crow Hollow by the miners' union officials, who desire to keep the miners sober and orderly. No beer is allowed in the camps. No attempt will be made to start the mines for several days. The operators have decided not to evict the strikers.

A meeting and parade of 700 miners was held at Smithfield today, where a train load of strike breakers was expected.

PRISON FOR BURTON

United States Supreme Court Affirms Sentence Passed in Missouri.

SIX MONTHS FOR KANSAS SENATOR

Justice Harlan Hands Down Opinion Overruling All Pleas of Defense.

BREWER, PECKHAM AND WHITE DISSENT

They Hold that United States is Not Interested in Case.

SIXTY DAYS TO FILE NEW PETITION

Permit Will Carry Case Over to October Term—Senate Will Declare Burton's Seat Vacant.

WASHINGTON, May 21.—The supreme court of the United States today rendered a decision in the case of United States against Senator Ralph Burton from Kansas. The decision was against Burton affirming the decision of the United States district for the western district of Missouri by which Burton was sentenced to six months imprisonment in the jail of Iron county, Missouri, required to pay a fine of $2,500 and deprived of the right to hereafter hold office under the government.

The opinion was by Justice Harlan. All of the points made in Burton's interest were overruled.

Justices Brewer, White and Peckham united in a dissenting opinion delivered by Justice Brewer. Their opinion was based on the theory that the United States was not legally interested in the case be-against the Rialto company by which Burton was employed as counsel.

Senator Burton was prosecuted on the charge of violating section 1782 of the revised statutes, which prohibits senators and representatives from receiving compensation for services rendered before any of the government departments in any matter in which the government may be interested. He was specifically charged with accepting a fee of $500 per month for five months, from the Rialto Grain and Securities company of St. Louis, for services rendered that company in an effort to prevent the issuance of an order by the Postoffice department, prohibiting the use of the mails by the company.

Second Appeal.

This was Senator Burton's second appeal to the supreme court. In the first case the circuit court found him guilty and imposed the same penalty that was imposed in the present case, but the supreme court reversed the decision in the first instance because it was made to appear that the money was paid in Washington and not in St. Louis, where the case was tried.

It was contended on behalf of Senator Burton that the fee was paid on account of the criminal proceeding against one of the members of the Rialto company and not because of services rendered in the government prosecution of the company. The law under which he was prosecuted was also attacked as unconstitutional on the ground that the senate was the sole judge of the qualifications of its members, but this doctrine was not upheld by Justice Harlan's opinion. The statute was upheld in all respects and held to be fully applicable to Burton's case.

"If Senator Burton does not resign," as a prominent senator puts it, a resolution was to be introduced to declare his seat vacant.

Burton Declines to Talk.

Senator Burton received the first news of the court's decision by telephone at his room in the Raleigh hotel, where he is stopping. To the newspaper men who called to see him Senator Burton said: "I shall adhere to my original policy of saying nothing until my case is finally determined."

He would not say, in reply to a question, that he intended to take further legal steps, but from the fact that he does not regard his case as finally decided, in view of the sixty days granted for a rehearing, it is inferred that he will do so.

Motion for Rehearing.

Immediately after promulgating its decision in the Burton case the supreme court of the United States today granted a motion to give sixty days to Senator Burton in which to prepare a petition for a rehearing. The action will have the effect of taking the case over until the next term of court, beginning in October, as the present term will expire next Monday.

That the senate will be compelled to take cognizance of the case is indicated by the decision in the following extract:

The final judgment of conviction did not operate ipso facto to vacate the seat of the convicted senator, nor compel the senate to expel him or to regard him as expelled by force alone of the judgment. The seat into which he was originally inducted as a senator from Kansas could only become vacant by his death or by expiration of his term of office or by some direct action on the part of the senate in exercise of its constitutional powers.

Justice Harlan also held that the sentence could not cover an election to the United States senate, "as they do not hold their places under the government of the United States."

Gossip as to Successor.

TOPEKA, Kan., May 21.—Governor Hoch, who, if Senator Burton's seat were declared vacant, would probably appoint a successor, was asked today:

"Will you appoint W. R. Stubbs?"

"I am not ready to answer that question," replied the governor.

"Will you appoint Congressman Charles Curtis?"

Governor Hoch replied that he would give out nothing for publication today.

W. R. Stubbs is a railroad contractor of Lawrence, Kan., and recently was chairman of the republican state central committee.

"The fact of the matter is," continued Governor Hoch, "while I have given the matter considerable thought, I am not in a position now to say anything. I shall take some time to consider it."

Among those spoken of by politicians in connection with the senatorship beside ex-State Chairman Stubbs and Congressman Curtis are Judge J. W. Johnston of the state supreme court, J. L. Bristow of Salina, former fourth assistant postmaster general, and Congressman Philip P. Campbell of Pittsburg.

Methodist Church South.

BIRMINGHAM, Ala., May 21.—The general conference of the Methodist Episcopal south today adopted the report of the church extension committee, which made several changes in the personal of the board. The report also recommended hearty support of the church extension work, especially in the new fields of Cuba, Oklahoma and Indian Territory and the rural districts of the south. The first Wednesday in May, 1910, was selected for the next general conference.