THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, WEDNESDAY MORNING, MAY 23, 1906—TEN PAGES. SINGLE COPY THREE CENTS.

AMNESTY ON FRIDAY

Czar's Proclamation Will Be Issued Sunday on Coronation Anniversary.

TERRORISTS EXCLUDED FROM PROVISIONS

Constitutional Party is Prepared to Accept This Act of Partial Grace.

HUNDREDS OF PRISONERS RELEASED

Number Who will be Affected by Amnesty Being Reduced Daily.

CZAR'S ANSWER TO REPLY TO THRONE

Premier Will Visit Peterhof Today to Put Finishing Touches on Speech Which will be Delivered Friday.

ST. PETERSBURG, May 22.—The long-awaited political amnesty will, the Associated Press learns from a government source, be proclaimed May 27, the anniversary of the coronation of Emperor Nicholas II. The exact scope of the measure has not as yet been determined. It will, as anticipated, be limited, but the Associated Press is in a position to state that the constitutional democratic party is prepared, though grudgingly, to accept the act of grace from which the terrorists are excluded, recognizing, though not publicly, that the government is not altogether unjustified in refusing to set at large men who will be as ready in the future as they have been in the past to shoot down or blow to pieces hated representatives of authority. Their demand for unlimited amnesty was based on the expectation that with the institution of a full constitutional era, the terrorists, as was promised in an open letter just before the assassination of Alexander II, would abandon active operations, but they have been forced to admit that the cringes of the last few days give the government no guarantee that the promise will be kept.

The administration is daily cutting down the number of prisoners who may be affected by the amnesty, releasing convicts by hundreds in the provinces, while among those released in St. Petersburg are twenty-seven members of the Council of Workmen's Delegates, who drew up the famous manifesto preaching a raid on the government's gold reserve.

Czar's Answer to Speech.

Premier Gorymekin has been summoned to Peterhof tomorrow for a conference with Emperor Nicholas to put the finishing touch on the speech which the premier will deliver unless unforseen contingencies prevent in the lower house of Parliament on Friday setting forth the government's position on the various points in the house's address in reply to the speech from the throne.

The premier, Minister of the Interior Stolypin and Minister of Agriculture Stichinsky have been making inquiries with regard to the form of procedure to be observed in the lower house in the matter of answering of interpollations and also as to the rights of ministers to participate in general debates. M. Stolypin specially wishing to speak on the agrarian question if permissible.

Agrarian Problem to Front.

Parliament will probably not meet again until May 25, today being the fete day of St. Nicholas, the miracle worker, and May 24 being Ascension day, another great holiday. The interim will be occupied by the committees in examining the credentials and election of members and in preparations for the coming struggle over the measure for the solution of the agrarian question. The attention of the country and Parliament is now riveted on this problem, all sides recognizing that the manner in which it is solved largely will determine the future course of events.

The liberal papers, which yesterday clamored for an open war of retaliation, owing to the emperor's refusal personally to receive the deputation appointed by the house, after sober reflection commend the course of Parliament in overlooking the point of etiquette in view of the serious work which the country expects it to accomplish. The constitutional democrats agrarian project will be attacked both by the right and the left. The radical workmen and peasant group, which now numbers over seventy members, has decided to make a fight for the complete abolition of private ownership and the establishment of a system providing for the full nationalization of land. While the members of the right have a conservative land program of their own, the details have not yet been given out. They are trying hard to induce the group of forty peasants, who are holding aloof from party affiliations, to join them. They are proceeding on the theory that the constitutional democrats and extremists by excess will discredit themselves before the country and bring about a reaction, which will give the conservatives a majority at the next election.

As evidence of its desire to work in harmony with the lower house, the council of the empire, or upper house, has decided not to press its own views of the great questions awaiting solution, but to await the initiative of the lower house.

Jewish League in Session.

The Jewish league for the realization of equal rights for their co-religionists is in session here. The attitude of their members in Parliament will be defined and all questions relating to the Jews will be discussed. It is also proposed to make arrangements for holding a congress of all the semitic organizations of Russia. Strong opposition developed to the formation of a national group of Jewish delegates in Parliament. After a long debate decision was postponed.

MORALES RESUMES ACTIVITY

Former President of Santo Domingo Again in Field Near St. Thomas.

WASHINGTON, May 22.—Disquieting advices relative to revolutionary movements in Santo Domingo led to a conference today between officials of the State and Navy departments. Details of these movements are vague and are difficult of access, but it is gathered that in substance they indicate that ex-President Morales, who for some time had disappeared from the scene of activity, is now at or near St. Thomas and is making a determined effort to expel Caceres and regain the presidency of Santo Domingo.

Hughes Democrats Uninstructed.

PIERRE, S. D., May 22.—(Special Telegram.)—The democrats of Hughes county held a convention in this city today and selected an uninstructed delegation of seven to the state convention at Yankton.

REGRET FOR STUART'S DEATH

Czar's Government Concerned Over Murder of the American Vice Consul.

ST. PETERSBURG, May 22.—In response to a formal request made by Ambassador Meyer to the Foreign office here on the subject of the assassination of William H. Stuart, the American vice consul at Batoum, the ambassador has received from Foreign Minister Iswolsky a note written in his own hand expressing the government's deep regret and also stating that the viceroy of the Caucasus had been ordered to make the most rigid investigation of the crime and apprehend and punish the assassins.

Mr. Meyer applied for and received permission for the British consul at Batoum to represent American interests.

Mr. Spring-Rice, the British charge d'affaires, also sent a note to the Foreign office, Mr. Stuart being a British subject, and received practically the same reply as Mr. Meyer.

WASHINGTON, May 22.—Russian officials are making every possible effort to capture the murderers of W. H. Stuart, the American vice consul at Batoum, Russia, according to dispatches received by the State department today from Ambassador Meyer at St. Petersburg, and Thomas E. Heenan, the American consul at Odessa. Mr. Meyer's dispatch says the reasons for the attack on Mr. Stuart are still unknown. The murder took place at Makhindjauri, and Mr. Stuart died an hour after the [illegible] upon him.

POPE [illegible] OF HIS ILLNESS

Pontiff La[illegible] Press Reports Depicti[illegible] at the Door [illegible]th.

ROME, May 22. [illegible] improvement in the condition of the p[illegible] nues and the attack of gout is co[illegible] to have ended. He was able this m[illegible] descend from the apartment where [illegible]ives his audiences, which is on the floor below the one where he sleeps, and received Cardinal Merry del Val, the papal secretary of state, Mgr. Bisletti, major domo of the Vatican, and Cardinal Katschthaler, archbishop of Salsburg, with whom he conversed for some time. The pontiff joked about his illness, saying that he had been much amused by certain reports in the press, depicting him as being at death's door.

BLACK LIST DOOMED IN PARIS

Government to Prosecute Employers Who Interfere with Their Workmen.

PARIS, May 22.—At a cabinet council today an inquiry was ordered with the view to prosecuting proprietors of the Vallerupt Steel factory on the charge of interference with the liberty of citizens in handing to other employers in their vicinity a list of the locked out employes in order to prevent their obtaining employment. The government, while the inquiry is in progress, will make provision for the locked out men.

The cabinet today decided that the law providing for the separation of church and state abolished the right of divinity students to a reduction of the usual term of military service.

FIRE BREAKS OUT ONCE MORE

Courrieres Mine Again the Scene of Disaster and Apprehension.

LENS, France, May 22.—Fire has again broken out in the Courrieres mines, where the disaster of March 10 last occurred, resulting in the loss of about 1,200 lives. The new outbreak is causing galleries to fall in and the strictest precautions are being taken to insure the safety of the miners.

Francis Joseph Hails Peace.

BUDAPEST, Hungary, May 22.—The Hungarian Parliament was formally opened at the royal castle today by the emperor-king, Francis Joseph, who in a speech from the throne bid the deputies a hearty welcome and expressed his keen thankfulness that the misunderstandings had passed away. "It is painful to our paternal heart," he said, "to look back on the events of the recent past, which disturbed the orderly course of constitutional life. We are thankful to divine Providence that, following the desire freely expressed, the disastrous misunderstandings have vanished, and it is our ardently cherished wish that the constitutional operation of all the legislative factors may remain undisturbed in the future."

King Edward Holds Levee.

LONDON, May 22.—King Edward held a levee in the throne room of St. James palace today. The prince of Wales, the duke of Connaught, the cabinet ministers, the ambassadors and many other distinguished persons were present. Ambassador Whitelaw Reid, who was accompanied by all of the staff of the American embassy, presented Third Secretary Grant Smith and Arthur Harmon of New York.

Jewish League in Session.

ST. PETERSBURG, May 22.—The Jewish league for the realization of equal rights for their co-religionists is in session here. The attitude of their members in Parliament will be defined and all questions relating to the Jews will be discussed. It is also proposed to make arrangements for holding a congress of all the semitic organizations of Russia.

Storer's Leave Vienna.

VIENNA, May 22.—Bellamy Storer, the former American ambassador here, and Mrs. Storer, left Vienna for Paris today. They are going to the United States in the fall.

LEPROSY HAS BEEN CURED

Louisiana Leper Home Board Reports Three Cases in Which Disease Has Yielded.

NEW ORLEANS, May 22.—In a lengthy report submitted to Governor Blanchard by the Board of Control of the Louisiana Leper home announcement is made for the first time that a definite cure has been obtained in three cases of leprosy. The cures are mentioned in the reports of Dr. Hopkins, visiting physician, and Dr. Isador Dyer, consulting leperologist. These patients have been discharged.

It is stated in the report that the disease continues to spread in this state and that the cases show evidence of a recent outbreak and that there are certain centers of infection yet to be investigated. In some instances the disease has been carried to noninfected points by patients who escaped from the home. The legislature is asked to locate all of the points of infection.

The members of the board suggest that an appeal be made to the federal government to establish a hospital for the lepers.

VANDYKE'S BOOK UNDER FIRE

Presbyterian Assembly Discusses Proposed Book of Forms for Two Hours.

MOST INTENSE FEELING IS SHOWN

Definite Action Deferred Until Later in the Session—Cumberland Unionists Win Injunction Suit.

DES MOINES, Ia., May 22.—The much talked about debate upon the adoption of the "book of forms and services" recommended by a special committee of the Presbyterian general assembly materialized late this afternoon, debate continuing for two hours. No conclusion was reached and further discussion is to be made a special order at a late session. Not in many years has an assembly been so stirred as it was today over this issue, and the most intense feeling was shown during the debate. Rev. Dr. Robert Johnston of Montreal, Ont., waved a copy of the book in the air as he spoke and declared that "it smells of priestcraft." The request was made by the moderator that all applause be discontinued, but when Dr. Johnston, stretching himself to his full six feet four, waving his hand frantically, declared that the book smelled of priestcraft, applause broke out in a tremendous roar.

Dr. Van Dyke, chairman of the committee, opened with a witty allusion to the psalm of David, which he said he had been repeating, "for what we are about to receive the Lord make us truly thankful."

"There seems to be two extreme opinions," he continued, "some want it put out and strangled under foot. Others want it adopted. Your committee stands where two seas meet."

He then took up the book and explained its adaptability to the services. He said that the committee had as best it could only carried out the instructions of the general assembly. Dr. William F. McCauley of Cincinnati was principal speaker for the opposition. He declared the question to be the most important that will come before the assembly. He based his arguments principally on the belief that its authorization by the general assembly would be interpreted by the churches everywhere that the assembly wished its adoption, although it was not mandatory. He said that such an authorization might prevent the union with the Cumberland church. Mr. McCauley offered a resolution excusing the committee from further work and thanking it and declaring it inexpedient to make any recommendation on the matter, and that in case editions of the book of common worship are hereafter issued they shall omit any statement of authorization by the general assembly. This resolution was referred to the clerk. Rev. Dr. Edward S. Young of Pittsburg and Dr. Jesup of the presbytery of New York spoke for the book and Dr. Johnston and Rev. Mr. Galloway of Oregon against it.

Today's sessions of the general assembly were devoted largely to home missions and in adopting the report of home missions board, the assembly voted that $1,000,000 be set aside for the work next year, an increase of $100,000. The assembly gave a vote of endorsement to the Platt bill in the United States senate for the suppression of polygamy.

May Consolidate Boards.

The Presbyterian general assembly today voted to authorize Moderator Hunter Corbett to name a committee of ten ministers and eleven elders, one of whom shall be from the Cumberland Presbyterian church, in case union is effected, to draft a plan for consolidating all the boards of the church into one organization, to be divided into executive, legislative and judicial departments.

A resolution was offered by Dr. E. Trumbull Lee of Philadelphia, memorializing congress to stop appropriations for sectarian purposes. This is the outgrowth of the recent charges in congress that Catholics and Lutherans are receiving substantial assistance from the government in their religious work among the Indians. The Presbyterian churches maintain a lobbyist in Washington in the person of Dr. Wilbur F. Crafts and to him will fall the duty of pressing the memorial in congress. The resolution was referred to the committee on bills and overtures and it will undoubtedly be adopted by the assembly.

The assembly today voted to combine with the Hungarian Reform church and the Reform church in the United States (German) in Hungarian religious work. These organizations were invited to name committees of three each, to serve with a similar committee from the general church in carrying on work. About 45,000 Hungarians come to America yearly, and the desire is to bring them into the Presbyterian church.

After the Next Session.

Representatives of four cities are here working for the next meeting of the general assembly. They are Columbus, Kansas City, St. Louis and Denver. The next place of meeting will be decided the last day of the convention.

The assembly has received a telegram from the Presbyterian church, South, whose assembly is in session at Greenville, S. C., accusing the home board of the Presbyterian church, North, with offering southern churches financial aid to persuade them to change their affiliation. The southern church asked that a committee be appointed for an investigation. The North church replied by telegram that the home board was guilty of no such action and refused to appoint the committee.

Dr. Edward S. Young of Pittsburg stated that in the offering of many overtures having to do with benevolences and the support of members in sickness, he sees the ultimate organization and maintenance of an insurance society whereby the assessments are made by the church boards and the distribution of benefits and premiums conducted by them. The proposition will be discussed by the assembly.

Increase in Gifts to Colleges.

The report of the standing committee on the college board to the Presbyterian general assembly shows a large increase in the number of individual givers to colleges and consequently a large increase in amount of gifts. The last year also marked an increase in the ordinary offerings of the church, there being 271 more contributing churches and 2,294 more individual contributors, increasing the total of gifts to $1,138,500 beyond the present year, an unparalleled record. Specially important was the gift of $200,000 to the endowment of Occidental college in Los Angeles and a similar gift to Pennsylvania College for Women at Pittsburg. Generous offers were also received from Andrew Carnegie. The recommendations of the committee deal largely with increased effort along the line of organized work in securing gifts and endowment of colleges.

Cumberland Unionists Win Suit.

DECATUR, Ill., May 22.—The legal contest instituted to prevent the union of the

(Continued on Second Page.)

LA FIESTA FLORES BRILLIANT

Los Angeles Outdoes Itself in the Great Spring Festival.

LOS ANGELES, Cal., May 22.—(Special Telegram.)—La Fiesta de las Flores for 1906, celebrated this week, just a month after the San Francisco earthquake, has proved how great is the recuperative power of the Californians. The city of Los Angeles is entertaining 75,000 guests, in addition to the 15,000 refugees welcomed from the ruined city, although scores of Los Angeles business men who made the fiesta possible had lost heavily in San Francisco. The floral parade this morning was the most costly and the most gorgeous that has ever passed through the streets of the city. It was more than two miles long and typified the spirit of California, which takes the best from the old order of things for use in the newer civilization.

Spanish cavaliers and Castilian women rode ahead of gorgeously decorated automobiles and carriages, presenting an extraordinary picture of extraordinary beauty for the great assembled crowds come to enjoy the spring festival and to do honor to the 3,000 nobles of the Mystic Shrine who had ignored the imperial mandate countermanding the Los Angeles meeting.

Merchants and business men extended a generous hospitality to the crowd, and buildings along the line of march were gay with fiesta colors, Japanese lanterns and flags. Special illumination was provided on the four downtown streets, famous for their five branched posts, with more than 200 candle-power each.

The electrical parade tonight was one of the most brilliant pageants ever prepared, for it embodied the best that art and science could produce. The sixteen floats, which cost $18,000, were so original and so unusual that they caused a sensation. Effects never previously attempted were produced. A gigantic bear, translucent and glowing with a thousand lights, shook his head at the crowds. A peacock with waving tail-feathers swept along behind him. Scimitar, star and crescent shone in honor of the Shriners. San Francisco, the symbol of hope, brought out cheers that rang from street to street. The Venice of America sent a gondola of light. On all the floats rode school girls, the students of the Polytechnic High school contributing much to the success of the pageant. The lights on the floats, which were operated by trolley, were supplied from the street railway power house.

The fiesta program covers four days and beach attractions are provided for the end of the week.

ZION CITY IN COURT'S HANDS

Federal Judge Landis of Chicago Controls the Dowie Enterprises.

CHICAGO, May 22.—Judge Landis today in the district court issued an order restraining Wilbur G. Voliva and all of his attorneys, agents and employes from disposing of, or in any manner dissipating the assets the the estate of Zion City. An injunction previously issued enjoining the counsel of Voliva from attempting to secure the dissolution of an injunction in the state court, which prevents Voliva from interfering with Dowie, was dissolved by the court. Judge Landis said that he preferred to preserve the estate under his own order.

An order declaring Dowie individually to be insolvent was entered by the court, but it will not become effective until tomorrow, because some of the creditors desire to contest the insolvency of Dowie.

In making these orders Judge Landis said that the agents who had been appointed by him for the purpose of examining into the conditions of affairs at Zion City had reported to him that the Zion City Industries can make money, that there has been no misappropriation of funds and that under proper management the estate can be made to pay 100 cents on the dollar.

CONSULS CONCEAL AND LOSE

One Unexpected Result of the Law to Reorganize the Consular Service.

WASHINGTON, May 22.—One of the unexpected results of the consular reorganization act now being placed in operation is the discomfiture of some consular officers who have been concealing the actual amount of the unofficial fees of their offices. The practice was not dishonest in one sense, for the consuls are in many cases permitted to retain all such fees. But for the sake of the records of the department and in order to enable the officials to know the state of business of the consulates it was required that all such fees should be accounted for. Some consuls feared that to publish the amount of such fees they received would be to make their offices too attractive to officeseekers, so they failed to make the full returns.

Their punishment came when congress passed the reorganization act on the basis of substitution to lump salaries for the combined salary and fee system of compensation. There was no intention of reducing the compensation of many of the consuls, but it has naturally followed that the consuls who failed to return their full fees have suffered a substantial reduction.

NONUNION MINERS DESERT

Imported Men Join Strikers in Ohio and Defeat Company's Plans.

SMITHFIELD, O., May 22.—Desertions from the ranks of the nonunion men imported by the United States Coal company have so crippled the available force that the company has been unable to start its mines today as expected. Of over thirty miners brought here eight remain. One hundred men were brought from Chicago last night. Fourteen of them arrived at Plum Run. The remainder were persuaded by union delegates to desert. The men now at the mine, sixty in number, are absolutely insufficient to man the machines. The union officials claim a victory. There was more firing in the hills last night, but there are as yet no reports of personal injuries.

TERRE HAUTE, Ind., May 22.—Miners and operators of Indiana met here today and referred questions in dispute to a committee composed of twelve men from each side.

REPUBLIC OIL LEAVES OHIO

Another State Abandoned by the Standard's Decoy Company.

COLUMBUS, O., May 22.—The Republic Oil company, subsidiary to the Standard Oil company, today announced to the secretary of state its withdrawal from Ohio

Mrs. Davis' Recovery Expected.

NEW YORK, May 22.—Mrs. Jefferson Davis was reported as so much better today that her recovery was considered almost certain.

CITY COUNCIL PROCEEDINGS

Johnson of Fourth Ward Elected President After Many Ballots.

DAVIS OF EIGHTH BREAKS THE DEADLOCK

Long Fight Ended Suddenly and New Administration Gets Under Way with Paving Bids to Open.

On the 118th ballot the new democratic city council succeeded in electing a president last night and organizing for its term of three years. Councilman L. B. Johnson of the Fourth ward was made presiding officer by the vote of Councilman Davis, who had been allied with the Bedford faction. Johnson was one of the "big six," constituting the Funkhouser crowd, who claimed a victory by virtue of his selection. Councilman Bedford was elected temporary president by acclamation. Organization was accomplished after two sessions had been held for the purpose on Monday and Tuesday afternoons.

An audience that filled the lower floor of the chamber was present to see the termination of the presidential struggle and the democrats take possession of the city's law making machinery. Sheafs of roses presented by admiring friends stood on the desks of Councilman Zimman, Bridges and McGovern. Mayor Dahlman, his wife and daughter Ruth were there to see the ceremonies.

Mayor Brown Present.

After they began the mayor espied Mayor Brown of Lincoln in the throng. He promptly escorted the Lincoln executive to a seat by his side to the right of the rostrum. On the way Mayor Dahlman presented Mayor Brown to the assemblage, saying:

"I want to introduce to you the mayor of Lincoln. He is a democrat. I want him to see how we do things in Omaha."

To which Mayor Brown blinked ponderously, and, evidently observing that the new hands had not yet succeeded in electing a president, ejaculated:

"I am afraid you are yet in the primer class of the business, gentlemen."

This remark rather chilled the atmosphere so far as the statesman from out in the state was concerned thereafter.

W. H. Elbourn, retiring city clerk, appeared loth to lay down the official burdens under which he has staggered for six years. He officiated as general coach and tried to count his foeman, Councilman Zimman, out of the making of Johnson's election unanimous. The latter was on the alert and promptly denied any lack of courtesy to the associate chosen for presiding officer. After Mr. Johnson mounted the throne and grasped the gavel it was apparent he had not schooled himself for the job. Whereupon Comptroller Lobeck occupied a chair beside him and endeavored to oil the channels of legislation, such as it was.

Diagram of the Situation.

When the democrats met Monday afternoon to organize there were two leading candidates for president—Bedford and Funkhouser. The first afternoon's jockeying developed that Funkhouser and five others were cemented together as firm as Gibraltar, that Bedford had four other members rallied to his standard and that Zimman refused to mix in the contest of the democrats. It required seven votes for a choice and forty-one ballots produced nothing but the consumption of the time. Overnight little was accomplished in the way of cutting the knot. Incipient bitterness between the factions developed. Yesterday afternoon half a hundred ballots were taken without assembling seven votes for any one man. Funkhouser offered to withdraw if Bedford would agree, but the latter did not meet the terms. In the evening Bedford offered the same terms, but then Funkhouser declined. Meanwhile every other democrat except Hansen was put in nomination. The Bedford strength swung to Bridges and with Elsasser's vote Bridges had six in his favor on several ballots. Every man on the Funkhouser ballot received at least six votes at one time. Jackson and Davis declined to be candidates.

Davis Breaks the Deadlock.

Johnson was not put in nomination until just before the 109th ballot, when the council convened for the evening session. His name was put forward by Funkhouser. Not until several ballots later did Dr. Davis sever allegiance to the Bedford faction. Johnson was elected without any preliminary intimation by the combined Funkhouser strength and the Davis vote. The result was greeted with loud applause. The election was then made unanimous by a rising vote on the motion of Bedford. Johnson thanked his associates and said he would try to be fair to everyone and was escorted to the chair by Bedford and Funkhouser.

The vote that did the business stood:

For Johnson—Brucker, Elsasser, Davis, Funkhouser, Johnson, McGovern, Sheldon—7.

For Bridges—Bedford, Bridges, Hansen, Jackson—4.

For Zimman—Zimman—1.

Council Begins Its Work.

With the doing of this deed the function of Retiring City Clerk Elbourn was finished, according to law, but he wished the council to quit without handling the business before it on the ground that the clerk had not had time to prepare any papers. City Engineer Rosewater immediately pointed out that bids for paving and sidewalk construction were to be opened in accordance with stipulations and should not be shirked. Councilman Zimman urged the transaction of business and his views met with approval. The difficult papers and documents were procured with a few minutes' delay and routine business dispatched.

On the suggestion of Zimman the old council rules were adopted, to be operative until changed.

The paving bids were for three districts and reveal prices about as low as last year. They are as follows:

District 855, Eighteenth Street, Harney to St. Mary's Avenue—Charles E. Fanning, brick block, $2.01; Hugh Murphy, asphalt, $1.98; brick, $2.07 and $2.11; Barber Asphalt Paving company, asphalt, $1.08 and $1.89.

District 857, Howard Street, Twenty-seventh to Twenty-eighth—Hugh Murphy, asphalt, $2.10; brick, $2.12 and $2.15; John Grant, asphalt, $1.96; Barber, asphalt, $1.65 and $1.59.

District 858, Davenport, Twenty-fifth to Twenty-sixth—Fanning, brick, $2.01; Hugh Murphy, asphalt, $1.89; brick, $2.07 and $2.11; John Grant, asphalt, $1.96; Barber, asphalt, $1.63 and $1.59.

Bids for the construction of sidewalks in the four districts covering the city were received for the second time and referred to the engineer for tabulation.

Zimman Gets Scant Courtesy.

The final dig of the departing Elbourn's claw in Zimman's hide developed when a resolution was read and adopted assigning the desks in the council chamber to the councilmen as arranged by the city hall superintendent. Zimman had expressed a desire for the desk given to McGovern and in accordance with the customs of civilized

(Continued on Second Page.)

NEBRASKA WEATHER FORECAST

Fair in East, Showers in West Portion Wednesday. Thursday Fair.

Temperature at Omaha yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	63	1 p. m.	77
6 a. m.	63	2 p. m.	80
7 a. m.	64	3 p. m.	82
8 a. m.	65	4 p. m.	87
9 a. m.	68	5 p. m.	87
10 a. m.	72	6 p. m.	80
11 a. m.	73	7 p. m.	80
12 m.	74	8 p. m.	78
		9 p. m.	74

COMMITTEES FOR ROSEWATER

Organization of Campaign Completed at a Most Enthusiastic Gathering.

The candidacy of Edward Rosewater for the United States senate was given a decided boost Tuesday night at the meeting of the citizens' committee heretofore appointed to further this movement which has gained such great headway during the last week. The meeting was held on the top floor of The Bee building and was attended by 150 of the committee of 175 of leading citizens. A large delegation was present from South Omaha and a good representation from the country precincts. Much enthusiasm was manifested on all sides over the progress which is being made in the campaign and several rousing speeches were made which were roundly applauded.

After Chairman Baldrige had called the meeting to order Freeman Tucker moved that a committee of nine be named to select a list of delegates to be voted for to go to Lincoln to secure the nomination of Mr. Rosewater for United States senator by the state convention. Mr. Baldrige named the following gentlemen: Robert Cowell, chairman; Freeman Tucker, Victor Rosewater, Harry B. Zimman, Frank Koutsky, John L. McCague, George Shepard, L. C. Gibson and John T. Yates.

On motion this committee was constituted an executive committee to have general supervision of the campaign in Douglas county for the nomination of Mr. Rosewater.

A recess was taken to permit the committee of nine to name temporary ward presidents, as follows: First, E. A. Willis; Second, Fred Hoye; Third, Harry B. Zimman; Fourth, W. A. Foster; Fifth, George A. Shepard; Sixth, J. L. Jacobson; Seventh, John Grant; Eighth, Joe Hummel; Ninth, George D. Rice; Tenth, Fred Bruning; Eleventh, A. D. Brandeis; Twelfth, F. C. Craig; South Omaha, David Anderson, B. E. Wilcox, Frank Koutsky, Rev. F. M. Sisson; country, J. H. Riggs of Waterloo, E. G. Solomon of Benson, and others to be named.

Reports made by various members were all of the most encouraging kind. Representatives of nearly every section of the county told of rapidly growing sentiment for Mr. Rosewater and predicted that he would have an overwhelming preponderance of votes if it came to a contest at the primaries. News from out in the state was equally encouraging, being to the effect that, in addition to the large number of republican newspapers that had espoused his cause, prominent and influential republicans in nearly every county were coming out openly for Mr. Rosewater, practically assuring him a following in the convention that would make his endorsement for senator certain. The meeting disbanded with everyone in a most enthusiastic frame of mind. All agreed that Omaha had never before had a campaign committee of this kind, of such a representative character and whose members had responded to a call for a meeting with such unanimity.

FAMOUS PAINTER IS DEAD

Body of John Mulvaney the Artist Found Floating in East River Near New York.

NEW YORK, May 22.—Papers found today on the body of a man taken yesterday from the East river led to the belief that the body is that of John Mulvaney, the painter of "Custer's Last Stand," a picture which has been exhibited in every large city in the United States. Some of the letters bore the name and address of "John Mulvaney, Brooklyn." Several of the letters contained references to "Custer's Last Stand."

The body was positively identified tonight as that of the painter by his sister, Mrs. Alice Muldoon. Mulvaney, according to his sister, has been missing from his home in Brooklyn since May 1.

John A. Creighton has a portrait of his brother, Edward Creighton, painted a number of years ago by Mr. Mulvaney, and for which he received $750. Mr. Creighton met the painter five years ago in Chicago and has not seen him since. He thought Mr. Mulvaney had died two or three years ago.

Edward Rosewater also has a portrait painted by Mr. Mulvaney.

The painter was originally from Elden, Ia.

WORKMEN IN GREAT DANGER

Exploding Steam Pipe in Glucose Plant Injures Several Men Severely.

NEW YORK, May 22.—A score of men employed in the engine and dynamo rooms of the New York Glucose company's plant in Shadyside, N. J., on the west bank of the Hudson river, opposite Ninetieth street, this city, were more or less injured today by the explosion of a big steam pipe. The roof of the building was blown off and the wreckage caught fire. Some of the thirty men who were at work in the building had narrow escapes from death, but were taken out of the blazing ruins by their fellow laborers from adjoining buildings belonging to the same company.

In the confusion which followed the explosion many reports of serious loss of life were spread among the relatives of the employes, thus exaggerating the extent of the disaster. The company's force and local firemen fought the flames, which threatened to destroy several other buildings in the big glucose plant.

SHERIFF KILLS A BAD MAN

Officer Beats the Bad Man to a Gun and Result is One Bad Man Less.

CHEYENNE, Wyo., May 22.—(Special Telegram.)—James P. Boylan, a bad man, was killed by Deputy Sheriff Young while resisting arrest at Garland last night. Boylan, who formerly resided in Cheyenne, was suspected of being a member of a gang of outlaws which planned to rob a bank at Lovell last week. Boylan got wind of the fact that their plans were known to the officers and attempted to leave the country. When commanded to surrender he attempted to get his gun and was shot dead.

Officers are now on the trail of other members of the gang. A widow of the dead man is night cashier in the Union Pacific dining room here.

RATE CASE VICTORY

Government Scores a Big Point in Hearing at Kansas City.

JURISDICTION OVER EXPORT RATES

Judge McPherson Holds that They Must Be Published Like Other Tariffs.

RAILWAY OFFICIALS MUST STAND TRIAL

Demurrers Filed by Individuals and Corporations Are Overruled by the Court.

TEXT OF THE COURT'S OPINION

Shipments from Inland Points Are Interstate Commerce Until Transferred to Ships at Seaboard.

KANSAS CITY, May 22.—The demurrer of the Burlington railway denying the jurisdiction of the government in export freight rates was overruled in the United States court here today by Judge Smith McPherson of Red Oak, Ia. The decision is of great importance to many railroads and shipping interests and of particular weight in the present instance, because it destroys the contention of the railroads that export rates need not be made public. It means, too, that the Burlington and other railroads and other corporations and persons indicted here last December must go to trial for granting rebates.

The trial of the Burlington was set for May 31.

Exports to Canada or Mexico, as "adjacent foreign countries," are not involved in the questions at issue. "It is urged," Judge McPherson says, "that it is not within the power of congress to burden or control commerce destined to points beyond the seas, even though that commerce originates at an inland point, the argument being that seaport cities can have no lawful rights which can be denied to cities of the interior."

It is the opinion that congress has the power to so control and legislate. Attention was drawn to the report of the Interstate Commerce commission, December 14, 1905, in which it was said "that it was a mooted question whether the present act requires carriers to file and maintain tariffs under which they transport exports and imports, but the commission had a number of times decided that the statutes covered this point.

"The same section," the decision says, "defines the kind of commerce covered by the act and includes that 'from the United States to a foreign country.' The fact that $500,000,000 worth of exports are shipped from the United States," the decision continues, "is a powerful argument in favor of the proposition that they should not be hampered with rate tariffs difficult or impossible to observe because ocean rates vary from day to day; but is this an argument that can persuade the courts upon the question of what construction shall be given a statute if such statute is a valid one?"

The statute, Judge McPherson says, forbids lowering the rates except on a three days' notice, and raising them except on ten days' notice. "It is clear," he continues, "that carriers by railways and water inland, when acting under a common agreement are covered by the statutes, as well as commerce by any method with an adjacent foreign country. And as to interstate commerce, it is included. Because these are specifically enumerated, it is contended that all others are excluded. Conceding the force of this elementary and recognized rule of construction there, in my opinion, is the error of the entire argument of defendant's counsel. Congress did not enumerate ocean commerce because it would have been frivolous to do so."

Judge McPherson says full force can be given to the statutes only by enforcing it on shipments to New York and then transferring the merchandise to vessels when, of course, it passes from the jurisdiction.

"And it seems to me," he says in conclusion, "that when this is done it can be under an established rate, proclaimed by a published and posted tariff rate."

Demurrer is Overruled.

The government announced that it was ready for trial in three of the rebate cases. The cases called were those of George L. Thomas, a freight broker of New York City, and his chief clerk, L. B. Taggart, under indictment for alleged conspiracy in securing rebates for shippers, and that against George H. Crosby, assistant freight traffic manager of the Burlington railway, charged with conspiracy in giving rebates.

These men were indicted in December last with other railway and packing house officials, whose trials have been set for a later date. H. B. Duncan, a special agent of the Department of Justice, arrived here yesterday to assist in prosecuting the cases and will aid A. S. Van Valkenburgh, United States district attorney, and Leslie Lyons, assistant district attorney. The government has forty witnesses, among whom is J. A. Roberts, an expert on rates, in the employ of the Interstate Commerce commission.

Judge Smith McPherson of Iowa, sitting in place of Judge John F. Philips, overruled the demurrer of the Burlington railway to indictments against officials of that company, and they must now go to trial. The defendants, in a demurrer filed several weeks ago, contended that congress was without power to enact legislation regulating export rates in the giving of alleged rebates in which the Burlington was charged with having violated the interstate commerce act.

Reasoning of the Court.

Judge McPherson said in denying the demurrer:

"The import case (162 U. S. 197) was not of or concerning the ocean rates from New Orleans to San Francisco by rail, and, applying the holding of that case to the one at bar, why should the statute not cover exports from Kansas City to New York City, even though the purpose is evidenced by contract by a single and true bill of lading, and the purpose is to at once place the product on an ocean vessel destined to an European country."

He continued: "It is apparent to many and the commission recognizes that by many it is believed that to bring all export shipments under this statute will work injury to the Pacific coast, and to the south in exports of cotton, and that the same is true as to the grain growing and cattle raising industry of the west. If it be said that the right of contract therefore be denied, the answer is that no one provision of the constitution must be subordinated to another, and full force and effect can be given to both by enforcing the statute on shipments to New York and then transferring the merchandise to the vessels when, of course, it passes from under the statute. And it seems to me that when this is