VOL. XXXVI-NO. 161.

OMAHA, SATURDAY MORNING, DECEMBER 22, 1906-SIXTEEN PAGES.

SINGLE COPY THREE CENTS.

Nationa Sends Identical Note to Diplomate Accredited to Holy Sea.

OBJECT TO SEIZURE OF CORRESPONDENCE

Action Called Cutrage of the Bights of the cabinet sustained in the defeat of the Religionr

UNJUST HOSTILITY TO FRANCE DENIED

Law is Condemned Because it Takes Authority from Friests.

NEW MEASURE IS PASSED BY DEPUTIES

Bill Proposed by Cabinet is Adopted by Overwhelming Majority Amid Great Enthusinam.

ROME, Dec. 21 .- A note signed by the papul secretary of state, Cardinal Merry del Val, protesting against the search of the papal nunciature at Paris, the expulsion of Mgr. Montagmul and the seigure of the secret eigher, enabling the French government to take cognizance of the papal correspondence and the alleged violation of the right of the pope to correspond with Catholics all over the world, was presented to the diplomatic representatives accredited to the Vatican today, together with a circular setting forth the motives of the Holy See in the action it has taken regarding the application of the law of 1906 providing for the separation of church and state.

note sent by the Vatican abroad protesting against the course of the surrounding the education question, the French government, after asserting that the rights of religion have been outraged by the French government's action in preventing the head of the church from communicating with the French hierarchy AUSTRIAN MAILS DELAYED and by the expulsion of Monsignor Montagnini, secretary of the papal munciature at Paris, says;

at Paris, says:

The representatives of the Holy See abroad have also received a circular in which are set forth the motives for the action of the Vatican regarding the application of the church and state separation law of 1906. These motives are so grave that it is evidently impossible to accuse the Holy See of infransiegence or of unjust hostility to the French government in condemning the cultural associations which disregarded the essential rights which the church derived from its constitution, such as maintaining an ecclesiastical heirarchy, established by its divine founder as the basis of the organization of the church in fact, the law conferred on the cultural associations rights which not only belong exclusively to the ecclesiastical heirarchy, but the same associations were rendered independent of the ecclesiastical property, but the same associations were rendered independent of the ecclesiastical heirarchy, and instead were placed under the jurisdiction.

Were of the lay authorities. The pontiff could not approve of such associations without being lax in his duty as head of the church and without trampeling upon the fundamental domestic principles of the church.

The same can be said of M. Briand's tircular to the parameters of the church.

The same can be said of M. Briand's tircular to the parameters of the same can be said of M. Briand's tircular to the section of the church.

**Were the to Improve Their Condition.

VIENNA, Dec. 21.—A passive resistance strike, involving all the postoffices of Austrike, involving all the postoffices

The same can be said of M. Briand's circular. The Holy See could not admit the unjust and intolerable conditions which the circular imposed—upon the clerg; in the exercise of their duties.

All this evidently shows that the Holy See merely did its duty strictly in giving instructions on the subject to the French clergy. If the French government was animated by calmer sentiments it could create for the church in France a situation which at least would not injure the essential rights of the Holy See, which, might even without admitting the principle of separation of church and state, tolerate such a situation in order to avoid worse svils, as it did in the case of other countries.

Secretary Sees Diplomats.

The papal secretary of state, Cardinal members of the diplomatic corps accredited to the Vatican and communicated to them the text of the Vatican note.

The cardinal particularly requested the Prusslan, Russian and Monacoan ministers to communicate the contents of the note to various governments not having representatives at the Vatican. Great Britain the United States court today into the was the only country besides Italy to affairs of the Lincoln bank of Morton Park, which no communication was made not having a representative at the Vatican or a Vatican agent in London.

gate in the United States, and Monsigner pher. Agius, the papal delegate in the Philippines, although not accredited to the United States It appeared that half the assets of the or Philippine governments, have been en- bank had been turned over to Mr. Armtrusted to unofficially communicate the note strong and he desired to learn something to the authorities at Washington and those of his identity. at Manila.

Monsignor Aversa, the apostolic delegate Cuba, being accredited to the Cuban government, will officially communicate the note to the Havana authorities.

New Bill Passed by Deputies. PARIS, Dec. 21 .- The government's new religious measure was received with enthusiasm in the Chamber of Deputies today and the bill was rapidly voted with the overwhelming majority of 613 against 166. Supporters of the cabinet consider that this legislation will greatly strengthen the ministry for the continuance of the struggie the books of the bank had not been kept to such point as connects with the rail-

with the Vatican. The discussion of the bill was short and confined to MM. Lasies, Ralberti, Ribot, Pion and Barres, who represented various political groups.

Premier Clemenceau did not participate. The attitude taken by Minister of Education Briand made a great impression, especially his statement that the government never intended to close the churches or interfere with the individual conscience, as this would permit the clergy to assume the attitude of being persocuted. The cabinet. the minister explained, had decided to reto hold meetings because it was resolved not to capitulate to the Vatican, which was acting contrary to French law.

ICE OCTOPUS REACHING OUT New Jersey Corporation Secures Control of Chicago Company and Looks Toward Other Cities.

NEW YORK, Dec. 21 .- The newly organdsed Western Ice Company of New Jersey, which is controlled by Edward R. Thomas, has secured absolute control of the Knickerbocker Ice company of Chicago, according to an official announcement made today by Thomas, Maclay & Co. of this city, the company's fiscal bers of the military committees of the agents. It is intended, says the announce- house and senate. ment, that the Western Ice company which has an authorized capital of \$15, 000,000 and an authorized issue of \$30,-000,000 of general and collateral mortgage 5 per cent gold bonds, shall be a controlling factor in the ice business, not only in Chicago, but in other cities of the middle west. Negotiations are under way now which are designed to enable the company to control the trade in a largeter-

Missouri Murderer Hauged. HOUSTON, Mo. Dec. E. Joda Hamilton was hanged here today at 11:05 for the nurder of the Parsons family.

Rendjustment in Prospect Following Retirement of James Bryce, to Be Ambassador.

LONDON, Dec. El.-The cabinet held a prorogation of Parliament for the holidays. Unusual bitterness exists in parliamentary circles over the severe blow which education bill, the principal feature of its program.

The announcement of the appointment of James Bryce to succeed Sir Mortimer Durand as British ambassador at Washagton, is frominent, and it will be followed by a considerable readjustment of the cabinet with a view of presenting an aggressive front when the parliamentary session is resumed in February.

The appointment of James Bryce to be mbassador at Washington is now admitted by Mr. Bryce himself.

During the closing session of Parliament today Mr. Bryce refrained from making any specific statement regarding the reports in circulation, but being repeatedly questioned by his colleagues, he did not deny that this was his last day in Parfament. He declined, however, to make a statement for publication.

The king's message proroguing Parlla ment was read in the House of Lords this afternoon before members of both houses. It was a colorless recitation, detailing the orincipal international agreements to which Great Britain had subscribed during the last two months, from the Algeciras onvention to the treaty for the restriction of the liquor traffic in Africa. It sentioned the Transvaal and Orange Biver constitutions, expressing the hope that they will secure peace and prosperity to both olonies and contribut; to the federation of South Africa.

Dealing with the legislative enactments of the House of Commons, the message all the papal representatives expressed regret at the unsettled difficul-After the reading of the king's message the members of both houses separated until February 2.

Employes Follow Old Rules Strictly in Order to Improve Their

consists of absolute obedience to the strict which he spoke of the splendid record Capletter of the antiquated rules, which are tain Pershing had made in the Philippine quite inapplicable to modern requirements. Service. On the evening of that day some The employes are thus enabled to paralyze of the Nebraska folks celebrated Pershthe mail service without contravention of ing's new honor, Senator and Miss Millard

HOLDS Physician Says He Has Sleep and His Heart Action is Stronger.

ing was as follows: The king had some sleep during the night. His temperature was 98.9 yesterday evening and is the same this morning. His heart action is somewhat strenger. Otherwise his condition is unchanged.

Merry del Val, received during the day the BANK BOOKS ARE CHAOTIC

Woman Seems to Have Secured Bulk of Assets of Illinois Concern.

CHICAGO, Dec. 21 .- An inquiry held in which failed this week, disclosed the fact that \$30,000 of the funds of the bank had been used by W. J. Atkinson, the bank's Monsignor Falconio, the apostolic dele- proprietor, on notes signed by a stenogra-

The attorney for the receiver stated that

Atkinson was asked: "Who is this Armstrong?"

"A stenographer," replied Atkinson. "Where is Armstrong?"

"In Pittsburg." Atkinson said; then said, 'Armstrong is not a man, but a woman." He further explained that the woman had signed the notes, the money for which was that some of the signatures taken to be "Armstrong" were in reality "Addickson." girl formerly employed by him. The proceedings disclosed the fact that railroad transportation from Fort Meade

since November 26. son's bond be reduced, Judge Landis re- thereafter must depend upon their own

"It appears from this man's own statements that there should be about \$70,000 in the bank and there is nothing. I feel that a man, that will use other people's money might be inclined to leave town. I will allow a deputy to go with Atkinson until some other arrangement is made."

CABINET CONSIDERS FAMINE tain the formality of making a declaration Situation in China is Much Worse Than Was at First Reported.

WASHINGTON, Dec. 21 .- Reports' having been received here from consuls and other officials that the condition of the Indians be worked on railroad construcfamine sufferers in China is worse than tion during the winter in Arizona and New
at first supposed, the matter, at the instance of the American National Red
Cross, was brought to the attention of the character of more time. The plan contemplates further, that the
generally in life insurance. Expenses are
to be reduced where possible and waste
eliminated. The association will publicly
present its views to law-making bodies
and all others wishing light and information on life insurance matters. famine sufferers in China is worse than tion during the winter in Arizona and New at first supposed, the matter, at the in- Mexico, and then to give them work in Cross, was brought to the attention of the character of work in which men, women cabinet. It is probable an appeal will be and children can be profitably employed, issued for supplies and steps taken to as- being in the main, tasks of weeding beet

work of transporting them. In order to send a government vessel it will be necessary, however, to secure the consent of congress, and to this end Secretary Taft will consult with the mem-

EXPRESS BOX IS ROBBED Thirty Thousand Dollars Said to Have

Been Taken from Nevada

RENO, Nev., Dec. Il.-A Wells-Fargo & Co. express box said to have contained \$30,000 was stolen from the company's office here after the arrival of last night's train

Office.

Edward Crafton, the messenger, continued on his way to San Francisco.

Investigation D sproves Rumors Concerning General Pershing.

special session today preliminary to the NEBRASKA FIGURE of Given Opportunity Ute Indi: send of their Desire to Really Stneere-John

> (From a Staff Correspondent.) WASHINGTON, Dec. 21 .- (Special Teleup the last week or ten days over rumors that Brigadier General Pershing had comin the army.

Offered to Them.

attractable men who burst upon the social life of the capital was the then Captain me special service and was one of the lions in the army set, and at this point commenced a romance which is worth telling. Miss Helen Warren of Wyoming, who had been one of the leaders in the senatorial circle of the capital by reason of being the strike, involving all the postoffices of Aus- daughter of Senator F. E. Warren and an extremely charming girl, with just enough today began as a protest against the condi- dash to distinguish her from her sisters. heard the president's message read on the opening of the Fifty-ninth congress and in giving a dinner and among those invited were Senator Warren and his daughter. Captain Pershing and Helen Warren met at this dinner. There were other functions following and Captain Pershing and Miss Warren were thrown together, and it turned out that Captain Pershing danced as well as he fought and, more than that,

he danced with Miss Warren more than with anybody else. That was the beginning of the courtship which resulted in the marriage of Miss Warren and Captain Pershing, who is now a brigadier general, whom all kinds of stories are being told of derelictions in the Philippines, but sifted down the stories that Pershing had improper relations with a Metize woman in the Philippines and that he left behind him two children, has, sen investigation, proved to be a lie out of whole cloth, and has been traced to rough stories of the camp where sometimes fancy takes the place of truth.

I do not think either or any child born to Mrs. Anna M. Brudley is or are mine, but whether such child is or is not I expressly provide that neither or any of them shall receive anything of my estate.

I have never married Anna M. Bradley and never intend to. If she should pretend that any such relation ever existed between us to justify such inference. I direct my executor to contest any claims of have receive nothing from my estate.

The testator bequeaths all his property, sometimes fancy takes the place of truth. riage of Miss Warren and Captain Persh-STOCKHOLM, Dec. 21 .- The bulletin is lations with a Metize woman in the Philipued by King Oscar's physicians this morn- pines and that he left behind him two day traced to rough stories of the camp where

sometimes fancy takes the place of truth.

Work for Ute Indians. If the Utes now encamped at Fort Meade, S. D., are sincere in their expressed desire to secure work and become selfsustaining American citizens that wish will be gratified. A plan to bring this about has been suggested to the secretary of the interior. The proposition comes through Charles Dagnetie, superintendent of the Indian employment divison of the Indian office, and in effect guarantees employment to all ablebodied Indians upon railroad work in New Mexico and Arizona. All of the tribe who may be physically able to wield a pick and shovel will be given \$1.20 per day and the railroad compapy will in addition furnish them and their families free quarters in construction cars, with fuel and water free. The Indians will be allowed to take with them their wives and children, and such of the tribe as may be too old to work will be transported to this proposed new field of industry to be cared for through the labor of those of the tribe who are able to labor The wives and children and old men will be given free quarters in construction cars and all that will be required of the ablehodied men of the band is to provide food for those not able to work. The obtained by himself. Atkinson deciared supplies of food and clothing will be furnished to the Indians at cost price by the rallroad company. Should this plan go

In response to a suggestion that Atkin- will be suitably clothed as a starter and same as the white man. Must Make Good on Talk.

lotted to them. They sought new fields, opportunity, if they really desire work. It is asserted at the Indian bureau that this is a misstatement of the facts, but to membership. now to test the sincerity of the Utes an opportunity is about to be given them to igation said tonight: work at good wages under much more favorable auspices than the average white

man can secure. The plan contemplates further, that the

and harvesting of the beet crop. Minor Matters at Capital. Misses Hazel Hannah, and Ruby Cornell of Holdrege, Neb., who are students at National Park seminary, Takoma, D. C.

will be the guests of Mrs. W. E. Andrews, wife of Auditor Andrews, during the holi-Otto Muntz of Auburn, E. J. Swanson of Alliance, O. C. Penn of Nebraska City, John Howe of Schuyler, Neb.; W. H. Sisies of Stanwood, L. F. Wright of Spenear, George Knies of Mason City, F. W.

Sauer of Coggan, Is., have been appointed railway mail clerks. The postmaster at Lincoln, Neb., has been allowed one additional carrier, to begin service January 1, next. South Dakota postoffices established: Comstock, Pennington county, Harriett C.

(Continued on Fifth Page.)

PROTEST FROM POPE BRITISH CABINET MEETS STORY STIRS UP THE ARMY CHICAGO JUDGE ASSAULTED GRAIN DEALERS ENJOINED NEBRASKA WEATHER FORECAST MORE Disgruntled Suitor Tries to Kill Pro-

bate Judge and May Be Insane.

CHICAGO, Dec. 21 .- A desperate effort Charles J. Cutting of the propage court, by Frank S. Ellerbrock of this city. The suld-be assassin is believed to be insane, Judge Cutting escaped injury by a hair'sbreadth and overpowered his assailant after a flerce fight.

As the judge entered the criminal court building on his way to his chambers Ellerbrock, who was standing in the hallway, stepped forward, and when but two feet distant drew a revolver and fired at the gram.)-Army circles have been all torn judge. Judge Cutting instantly turned and struck his assaliant a heavy blow in the face, almost knocking bim down. Before mitted an indiscretion in the Philippines Ellerbrock could recover Judge Cutting which should have materially interfered grabbed him by the throat and threw him with his confirmation. As a matter of fact, backwards over a steam radiator, where he however, there seems to be pretty general held him despite his desperate efforts to quist Grain company, W. B. Banning, evidence that "Jack" Pershing, who is now escape. Two deputy sheriffs hastened to on his way to assume command of the di- the assistance of the judge and wrested the assistance of the judge and wrested the revolver from Ellerbrock. Judge Cutting of scandalmongers almost unheard of in the army.

The injunction prevents the grain dealers from continuing their organization with more more. The two men struggled back and forth across the hallway, and the Spanish-American war he left behind him. tim of scandalmongers almost unheard of ting then allowed him to rise from the Evans Grain company and John T. Evans.

opportunity presented. That was before the Incoherently to the effect that as he could diction get no satisfaction in the courts he de- Chief Justice Sedgwick wrote the opinion Starts at Nebraska Dinner. cided to kill the judge before whom the and he endorses the findings of the referee the congressional season of 1994 opened suit was pending. In the next breath the length promise of social brillancy, not the length promise of social brillancy, not the length promise of social brillancy. the least among the highly available and the judge. I only wanted to have him put on trial himself. I pulled the trigger twice. Once the bullet failed to explode Pershing. He had been ordered here for and the other bullet struck the floor. I murrer to the petition of the attorney did not aim to shoot the judge at all."

> ediy Insane. The grand jury has promptly returned attempting to kill.

WILL OF EX-SENATOR BROWN

valued at about \$75,000, to his two children by his first and second wives, Alice Brown

and Max Brown. The children so specifically disinherited are Arthur, aged 7, and Mark, aged 3 years, The attorneys engaged by Mrs. Bradley's relatives in Salt Lake City decline to disrelatives in Sait Lake City decline to discuss the will at this time, but there is acarcely a question that a contest will be instituted, as much for the purpose of establishing their pafentage as to secure a monetary consideration. This is the more likely, as Mrs. Bradley is, or was a few likely, as Mrs. Bradley is, or was a few months ago, in possession of letters signed with Brown's name, in which the relationship with one or both of the children is acknowledged.

LIFE PRESIDENTS ORGANIZE Heads of Insurance Companies Form Association in Interest of Policyholders.

life insurance business.

Today's meeting was held at the suggest county appealed to the supreme court and through the Indian bureau will furnish tion of President Paul Morton of the the lower court was reversed, the higher Equitable Life Assurance society and court holding: brought together representatives of twentyroad which offers them employment. They four companies, while three other com- bank, as used in section 4 of the revenue the proposed association. Mr. Morton pre- on general deposit in bank." exertions to gain a livelihood just the sided and Thomas A. Buckner, second vice president of the New York Life Insurance ompany, acted as temporary secretary. The Utes left their reservation because, A committee appointed to draft a constias they assert, they could not make a tution and bylaws subsequently reported a living upon the lands which had been al- tentative plan of organization. The plan met with general approval, but final action where they could secure profitable em- was deferred until December 28, when it is ployment and are now offered an excellent proposed to effect a permanent organization. Presidents and vice presidents representing their companies will be eligible

Mr. Morton of the committee on organ-

The plan is only tentative, but under it the welfare of the policy holder will be the first thing considered and next will come a better and more uniform practice

MAN LYNCHED IN MARYLAND sign one or more army transports to the fields and other work incident to growing Armed Mob Executes Negro Who Con-

Assault.

fesses Guilt of Felouious

ANNAPOLIS, Md., Dec. 21 .- Henry Davis, allas Henry Chambers, colored, who committed a felonious assault on Mrs. John Reid of Brownsville, five miles from Anpapelis, last Friday, and who had confeesed his crime, was taken from the fall here this morning by a mob of about sixty masked men and lynched. He was strung up and his body riddled with bullets.

Fatal Wreck Near Spokane.

Nebraska As ociation Must Dissolve, According to Supreme Court Decision.

was made today to assassinate Judge GONDRING ACT DOES NOT NOW APPLY

Companies Do Not Lose Charters and

Elevation Charges Are Matter for Consideration of United States.

(From a Staff Correspondent.) LINCOLN, Dec. 21.-(Special.)-The tem porary injunction issued by the supreme ourt against the members of the Ne braska Grain Dealers' association was to day made perpetual by the court except to these defendants, against whom the Bryan, commenting on Secretary of State proceedings were ordered dismissed: Holmcompany, Atlas Elevator company, Auchor Bryan says;

whole army. Senator Burkett, seeing his the estate of his deceased sister. He had The court merely found the facts as re-

Case Pending for Year. The case has been before the court for almost a year, the defendants filing a degeneral, who charged the dealers were or-The police believe Ellerbrock is undoubt- ganized to control the grain trade of the state and to make prices. Senator Pemberton was then appointed to take testian indictment charging Elierbrock with mony and make a report to the court. assault with a deadly weapon and with This was done and both sides filed exceptions to the report and the case was argued before the court proper before the adjournment for the summer. Following is the syllabus:

Litah Man Denies Parentage of Bradley ley Children and Directs that Her Claims Be Contested.

SALT LAKE CITY, Dec. 21.—Had the late ex-Senator Arthur Brown foreseen his death at the hands of Mrs. Bradley he could have devised no more ingenious retaliation than the post mortem revenge contained in his will. The document, which was written August 24, 1906, four months before Mr. Brown was shot down at the Raleigh hotel in Washington, was filed to-day for probate.

I do not devise or give or bequeath anything to any of the children of Mrs. Anna M. Bradley is the language of the will, do not think either or any of them. Dut whether such child is or is not I expressly provide that neither or any of them.

motion will be dealed.

The report of a referee will not be set aside because it appears that he has given more weight to certain evidence tending to support his report than the facts, as shown by the whole record will warrant. If the evidence, considered together, supports his findings it is sufficient.

For several years prior to the time the act of 1905 took effect the defendants had been engaged, through the means of an association which they had formed for that purpose, in a systematic course of that purpose, in a systematic cours conduct made unlawful by that act. them that this action brought soon afte the act took effect to enjoin a continu ance of the association and restrain the defendants from carrying out its purpose, was necessary and proper for the enforce-ment of the act,

Money on Deposit Taxable. Money on general deposit in a bank is

subject to assessment and taxation, so NEW YORK, Dec. 21.-The first steps posit in the First National bank of Ful- underneath the car and expect now to were taken today toward the formation of lerton \$1,000 and be owed the Union Stock | reach him over it. The man is so near an "Association of Life Insurance Presi- Yards bank of South Omaha \$1,000. The that the workmen have actually touched dents." Broadly stated, the purpose of the county assessor returned the money on de- him. Solid food was handed him this yardmen against eight railroads with organization will be to further the interests posit for taxation and refused to allow morning. He says he is all right and we terminals in this city. Reagan, however, of policy holders and to bring about more the indebtedness to the other bank to offest expect to notify you any time that he has it is said, has received small encourage uniform methods in the management of it. Critchfield appealed to the district been taken out. court and he was allowed the offset. The

"The expression, money deposited in panies sent communications approving of act of 1906, is intended to include money

Journal Company Wins. The suit against the State Journal company for \$84,500, which amount the state contended the Journal company received Charge by Governor of Natal Against from the unlawful sale of supreme court reports, was won by the Journal company, the court, with Judge Letton dissenting holding to its former opinion

In the suit of Edward Rosewater, appelcourt.

vious to that time it was of interest be- their control and are a danger to the gov cause Norris Brown was attempting to re- ernment." voke the charters of the grain companies which composed the association. Mr. Pem- charge is wholly unwarranted. It is based, berton decided against Mr. Brown on every they say, on the assertion that in Victoria. point except that of restraining the assoof no interest, because the association dissolved a year and a half ago and has no the field. incentive for reorganization. Mr. Brown gained nothing but what we would have been willing to give six months ago. "That's amusing," said A. H. Bewsher, who at one time was secretary of the association. "Funny thing to restrain an organization from doing business that hasn' been in existence for more than a year."

Miners Want More Wages. SAN FRANCISCO. Dec. 21.—Dispatches have been received here saying that the Western Federation of Miners has voted to demand an advance of \$1 a day, from \$1 to \$5, in the wages at Goldfield, and that a strike would be declared at once BPOKANE, Wash. Dec. II.—In a headend collision between a light engine and a
Great Northern freight train two miles
north of Hillyard early today Fireman Paul
Schuppert, who came here from Indiana,
and Brakeman Guy Salisbury were killed;
Huward, engineer, was fatally hurt, and
Fir man Hunsen of Grand Rapids, Mich,
was badly scaled.

44 to 25, in the wages at Goldfield, and
that a strike would be declared at once
if a favorable reply is not given by the employers within twenty-four hours. Dixon
& Kingfield have met this move by shutting down the Red Top, Jumbo and Combination mines. The lessees on the Mohave and other properties in Goldfield, and
that a strike would be declared at once
if a favorable reply is not given by the emliquid.

Fair and Warmer Saturday.

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BRYAN REPLIES TO ROOT Nebraskan Makes Protest Agains

Further Centralization of Government.

LINCOLN, Neb., Dec. 21.-William J. Root's latest speech, enters his emphatic protest to the doctorine of centralization

When Pershing left Nebraska for the Spanish-American war he left behind him in the university an excellent record for judge with the assistance of the deputy efficiency. He was a friend of everybody. He was particularly a friend of Senator Burkett, who was then a member of the lower house of congress, and later, when lower house of congress, and later, when in his mind's eye for a brigadier general's star. During his campaigning in the Philippines Pershing became the hero of the ippines Pershing became the hero of the Spanish-American war he left behind him once more. The two men struggied back and forth across the hallway, and the judge object of controlling the price to be paid for grain. The action was dismissed against the defendants named because they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment, except the disorsal cause they had not been properly notified of the time and place of taking depositions. No punishment the properly notified of the time and place of taking depositions. No punishment the proper whole army. Senator Burkett, seeing his the estate of his deceased sister. He had friend of old university days win his spurs, repeatedly appealed to Judge Cutting to was among the first to urge on the president Pershing's promotion, and what is most vital, the president promised Senator Burkett to take care of Pershing when the Burkett to take care of Pershing when the appealed. At the police station Elierbrock talked Burkett to take care of Pershing when the appealed to Judge Cutting declined by Referre Pemberton and upheld his recommendations in all law points. It had the payment of the slevation charge is a matter of interstate business over the lurge bernature of his deceased sister. He had the court mersity found the facts as reported by Referre Pemberton and upheld his recommendations in all law points. It had the payment of the slevation charge is a matter of interstate business over the lurge bernature of the transfer ported by Referre Pemberton and upheld his recommendations in all law points. It had the payment of the slevation charge is a matter of interstate business over which the Nebraska court has no juristhe doctrine of local self-government can make an argument in favor of the transfer ported by Referre Pemberton and upheld his recommendations in all law points. It had the payment of the slevation charge is a matter of interstate business over which the Nebraska court has no juristhe doctrine of local self-government can make an argument in favor of the transfer ported by Referre Pemberton and upheld his recommendations in all law points. It had the payment of the slevation charge is a matter of interstate business over which the Nebraska court has no juristhe doctrine of local self-government can make the doctrine of local self-government can be could be an argument in favor of the facts as rethe doctrine of local self-government can make an argument in favor of the doctrine of local self-government can be a state of the case an argument in favor of the facts as rethe doctrine of lo

If Secretary Root has in mind the Japanese question, as it presents itself in Callfornia, Mr. Bryan says, he will find the American people unwilling to turn the government farmer at the Fine Ridge Inschool system over to the federal government merely to please any foreign na-tion, however friendly. If he has in mind the elimination of trusts, he will find it

ARRESTED FOR OMAHA MURDER Man's Wife and Sister Furnish Information to Portland Police.

this morning on information furnished by spiracy to defraud and conspiracy to suborn Mrs. Annie Hillagas of Portland, his sis- perjury; Robert F. Gillaspie, Jacob W. Stetswore the killing was accidental, loving ton, forgery and transmission of forged him well enough to shield him. Bitters papers to enter public lands; J. C. Petty-

Neither Captain Dunn nor any of the old perjury; Charles T. Stewart, unlawful members on the Omaha police force could enclosure; William George, perjury; Alias remember last night, any crime ever committed in the city with which the name of conspiracy to defraud; Thomas M. Hunting-Bitters was connected.

HICKS' RELEASE IS DELAYED Rescuers Are Now So Close to Entombed Miner that They

Can Touch Him.

BAKERSFIELD, Cal., Dec. 21.—Further YARDMEN bstacles have been encountered in the rescue of Hicks, and his deliverance will not be effected tonight. LOS ANGELES, Cal., Dec. 21.-A telethe supreme court held today in the case phone message to the Edison offices here of W. F. Critchfield against the county of has been received as follows: We have had Nance, appellant. Critchfield had on de- to abandon the project of reaching Hicks-

> A narrow passage is being built of timcarried out through that, Hicks laughs and jokes constantly with

the workmen. He seems very high spirited, although not hysterical, The whole camp is grouped about the already received by the other roads. This mouth of the tunnel to watch him when he comes out.

DENIAL FROM MISSION BOARD American Stations Denounced as Unwarranted.

BOSTON, Dec. 21 .- The officers of the lant, against E. W. Himeral, appellee, the American Board of Commissioners for Forcourt affirmed the decision of the lower eign Missions issued a statement tonight denying a charge in a statement by the governor of Natal in a blue book recently "All interest in that case was lost six issued by the British government. Accordnonths ago, when Judge Pemberton sub- ing to a dispatch from London the governor mitted his opinion as referee," said Ed P. of Natal said that "whatever good work Heiress to Schandern Millions Wants Smith, one of the attorneys for the Ne- the American missions have done in the braska Grain Dealers' association. "Pre- past their congregations are now beyond The American board maintains that the

one of the many districts of Natal, the na-

HONORS FOR AN OMAHA BOY Robert Bradford Awarded a Scholarship at Harvard Uni-

CAMBRIDGE, Mass., Dec. 21 - (Special Telegram.)-Two scholarship awards in the long list granted by the Harvard faculty today are upe each to an Omaha and a Bradford, '67 of Omaha, is awarded a Harvard college scholarship, so called, and him. Kennedy Boehner Hawkins, '08 of Burling-. ton, is also awarded a Harvard college the most important of the year,

Government Has Only Made a Feginning on the Cases on the Docket.

SMALL ARMY OF CATTLEMEN IS INVOLVED

Charges in Other Cases Similar to that Against Comstock and Richards.

ONE INVOLVES FORTY THOUSAND ACRES

Former Land Office Officials Defendant in Another Case.

MODISETTS NEXT TO BE PLACED ON TRIAL

Doubtful Whether All of Them Can Be Disposed of at the Present Term of the Federal Court.

With the conclusion of the Richards and Comstock trial, the trial of cattlemen and and speculators has only begun in the inited States district court. Whether all of hese cases can be tried during the present term of the federal court remains yet to be determined. A large number of indictments yet remains upon the criminal docket. Among them are two against F. M. Walcott, who was acquitted in the case just closed. These indictments are for conspiracy to defraud and for the subornation of perjury in certain land transactions.

A. R. Modisett, A. M. Modisett, H. C. Dale and William Smoot are indicted for conspiracy to defraud and conspiracy to suborn perjury, involving the enclosure of 40,000 acres of land. The first three defendants are officers and stockholders in the Stockville bank and Smoot was formerly dian agency. This will be the first case tried and is set for January 4. Rest of the Cases.

The other criminal cases are: Anthony unnecessary to deprive the states of present | F. Hatch, perjury; Reuben W. Mahaffy and owers to make congressional action effect Anthony F. Hatch, conspiracy to defraud and conspiracy to suborn perjury; R. W. Remedies proposed by those who ignore Mahaffy, perjury and subornation of perhe arguments on which local self-govern- Jury; David M. Goarley, conspiracy to denent is based are apt to involve changes fraud and for maintaining an unlawful not only unnecessary but really dangerous. enclosure; Earl Comstock (nephew of W. G. Comstock), E. C. Harris, Reason Hudgel, conspiracy to defraud, subornation of perjury and maintaining an unlawful enclor sure; G. T. H. Babcock John Agnew, H. C. Furman, Bert Furman, conspiracy to defraud and conspiracy to suborn perjury; James H. Edmiston, perjury and subornation of perjury. Edmiston was formerly PORTLAND, Ores, Dec. 21 .- (Special chairman of the state populist committee; relegram,)-On the charge of killing a James H. Edmiston, O. W. Hendee, William woman in Omaha several years ago, Wal- R. Keefer, conspiracy to defraud; R. M. ter D. Bitters, aged 60 years, was arrested Allen, Reason Hudgel, Daniel Pardue, conter, and Mrs. Sarah Bitters, his wife. Bit- ter, conspiracy to defraud and conspiracy to ters, they say, escaped punishment because suborn perjury; Jesse C. Headington, perthe Omaha woman, with dying breath, jury (enclosing 640 acres); James H. Edmishimself admits killing a woman, whose John (former register of land office at Valto the referee, to take additional evidence and report thereon. But where there has been a fair hearing before the referee, and there is no evidence of accident or surprise preventing a full investigation of the rates, nor that further evidence can be furnished that might probably change the result reached by the referee, such motion will be denied.

The report of a referee will not be set income with a sun and disk and be former's perjury; Perry A. Yeast, Harry Sutton, construction of the report of a referee will not be set income with a sun and disk and be former's perjury; Perry A. Yeast, Harry Sutton, construction will be denied. ere, but says it entine); J. M. Tucker (former county attor-Something queer lies behind the affair, lands, Harry Sutton, perjury as a witness; for Mrs. Hillagas and Mrs. Bitters say Perry A. Yeast, perjury and subornation of house with a gun and dirk and has threat- spiracy to defraud and subornation of perened to dynamite the place unless allowed Jury (Yeast had enclosed some 55,000 acres to see his son, aged 10 years. Mrs. Bit. of lands); Lawrence E. King, Pairick J. ters left him last summer. He carried no King, Fred S. Baird, conspiracy to defraud weapon when arrested and denies ill inten- and subornation of perjury, two indictments: Charles T. Stewart, Stewart Walker, conspiracy to defraud and subornation of A. Stillwell, subornation of perfury and ton, James K. Reid, Frederick Hoyt, Aml B. Todd, conspiracy to defraud and con-

spiracy to suborn perjucy. Aside from these criminal cases there are twenty civil cases to be tried for maintaining unlawful enclosures of the public lands, in which George G. Ware and Richards. Comstock, Jameson and many others figure.

WILL GO OUT All Attempts to Prevent Tienp of New York Terminals Are Without

NEW YORK, Dec. 21 .- Michael J. Rengan, Industrial mediator of the State Board of Arbitration, has tendered his good offices in the hope of averting a strike of 3,000 ment from either side and tenight he was told that the dispute had passed the point bers over the car and the man will be of possible arbitration and had reached a crists where it was to be a case of either

> backdown unconditionally or fight Tonight the yardmen served upon officers f the Pennsylvania railroad the ultimatum is to the effect that the men will go out tomorrow (probably at midnight) unless the demand of 5 cents an hour increase in wages is granted.

Grand Master P. H. Morrissey of the Brotherhood of Railway Trainmen is exected in town tomorrow and he will be nvited into a conference with the railroad officials. The matter seems to be onfident of a favorable outcome of the liscussion, but the railroad men insist that it will not change the situation, inasmuch as they have all along acted on the suggestions of the grand master.

MRS. HEYL SUES FOR DIVORCE Legal Separation from Her Husband.

MILWAUKEE, Doc. 21 .- Clara S. Heyl, aughter of the late Mrs. Liguie Schandeln and wife of Jacob Heyl, began auft for divorce in the circuit court of Milwaukee clation from doing business. This point is tive preachers and congregations, with county today. Jacob Heyl was the central figure in the celebrated Schandeln will case, which attracted attention throughout the country several months ago and in which an estate valued at over \$5,000,000 figured.

Mrs. Heyl asks for the custody of her two children. In stating the various incidents of alleged cruel and inhuman treatment the complaint recites that on two occasions Heyl tried to kill his wife. Heyl in he answer asserts that the two hildren are not being properly educated by Mrs. Heyl. He admits several allegations in the complaint, but claims that Burlington, Is., student. Robert Ransom his wife has not always worked for his best interests and has not been loyal to

Mrs. Heyl got about \$3,000,000 outright of the Schandein estate and Mr. Heyl is scholarship. These are both awarded for alleged to have received about \$1,000,000 high academic distinction and are among from Mrs. Schandeln prior to her death for services of one kind or another,