NEWS SECTION.
Pages 1 to 8.

THE OMAHA DAILY BEE

Subscribe For
THE OMAHA BEE
Best in the West

VOL. XXXVI—NO. 197. OMAHA, SATURDAY MORNING, FEBRUARY 2, 1907—SIXTEEN PAGES. SINGLE COPY THREE CENTS.

NORRIS HAS NEW BILL

Two Judges for Nebraska and Seven Places for Holding Court.

PROSPECT OF ITS PASSAGE IS GOOD

Measure is Prepared in Accordance with Wishes of Committee.

MEETS REQUIREMENTS OF SITUATION

Deputy Clerk to Be Appointed for Each Court Town.

GRAND JURIES AT OMAHA AND LINCOLN

Plan to Divide State Into Two Districts is Abandoned as Being Opposed to Recommendations of Department.

(From a Staff Correspondent.)

WASHINGTON, Feb. 1.—(Special Telegram.)—A bill providing for an additional judge in Nebraska and for the division of the state into divisions was introduced in the house today by Congressman Norris of the Fifth district, who considers this new bill will have a good chance to get through the present congress. Judge Norris said that while he was personally in favor and preferred that the state be divided into two districts, he had come to the conclusion, from talking with different members of the judiciary committee, that there was no possibility of securing a favorable report on a bill of that kind. The committee has called attention to the fact that in cases similar to Nebraska they have declined to make additional districts, but have provided for an additional judge in the district. The Department of Justice is opposed to the division of the state into two districts, and has a report on file with the committee, together with the opinion of circuit and district judges who hold court in Nebraska, that such a course would not be advisable and would only make useless expense. Both the committee and the Department of Justice, however, are agreed there is too much work for one judge and that another judge should be appointed in the district.

Committee Favors New Measure.

Members of the judiciary committee feel favorably inclined toward Representative Norris' proposition to divide the state into divisions and to require the trial of cases within the division where they arose. Mr. Norris has incorporated in his bill practically all of the provisions in that respect that were included in the bill introduced by him at the request of the delegation. He said today that in his judgment the bill he introduced today would be favorably reported by the committee with but slight changes, if any. He thinks it gives complete relief and gives practically all the advantages that could be had if the state were divided into two districts, with the exception of the appointment of additional officials. The members of the committee with whom he consulted regarding the matter have said they would allow the holding of court in four places in the territory north of the Platte and at three places in the territory south of the Platte. In his bill Mr. Norris fixes the places north of the Platte at Omaha, Norfolk, Grand Island and North Platte, and south of the Platte at Lincoln, Hastings and McCook. The bill provides for the appointment of a deputy clerk at each place designated for the holding of court. It provides for the summoning of grand juries at Omaha and at Lincoln, the Omaha grand jury to have jurisdiction over crimes committed in the territory north of the Platte and the grand jury at Lincoln to have jurisdiction over crimes committed south of the Platte.

The bill also includes several amendments suggested to Mr. Norris by Judge Munger, among others being a provision that the judge shall have power to call a grand jury in any division if in his judgment the business of the court demands it.

Omaha's Request is Refused.

Senator Millard today received from the Postoffice department a letter in regard to railway mail clerks on the Missouri Valley & Chadron railway postoffice. The Omaha Commercial club in recent years has made several efforts to get the department to order the postal clerks on that line to report to the chief clerk at Omaha. It was thought Omaha would profit by the accession of perhaps twenty-five families if the change could be effected. The department, however, has always resisted Senator Millard's efforts and today at some length gives its reasons why the change which Omaha desires would be impracticable and not in the interest of public service. Most of these clerks live at Missouri Valley and Blair, since it is necessary for them to devote several hours to work in the mail cars at Missouri Valley prior to the departure of the cars.

Evans and Woodhurst Nominations.

The nominations of John B. Evans and W. H. Woodhurst for register and receiver of the North Platte land office, which were recommended by the senators a month ago, with the concurrence of Judge Kinkaid, but later were held up pending an investigation of certain vague charges against Mr. Woodhurst, have been sent to the White House by the secretary of the interior and will probably go to the senate tomorrow for confirmation. At the instance of one of the senators, Mr. Woodhurst reached Washington yesterday and saw the secretary of the interior this morning. He was able to thoroughly satisfy that official of the groundlessness of the charges brought against him.

Fish Hatcheries for Nebraska.

It was learned today that the omnibus fish hatchery bill, which will be reported in a few days, will carry $20,000 for a hatchery in Nebraska, the site to be selected by the commissioner of fisheries. Last year Senator Burkett introduced two fish hatchery bills for Neligh and Wilbur, but having understood it would be impossible to pass the measures and that an omnibus bill would be agreed upon, he did nothing further regarding them. Both Wilbur and Neligh will be considered when the omnibus bill passes. Congressman McCarthy, who has a pride in his district, would like to see the hatchery located at Crystal Lake, believing that location is an ideal one for a government hatchery.

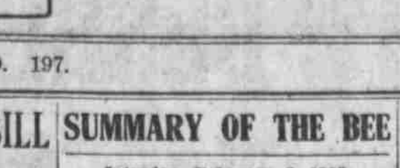
New Deal in Wyoming.

Senators Warren and Clark and Representative Mondell of Wyoming have agreed upon a new deal for federal office in that state, taking the position that eight years is long enough for any man to hold on to the government's pocketbook. Of the six good federal positions in the state five will go to new men. The only man who will succeed himself, if the recommendations made to the president are carried out, as they no doubt will be, is William E.

(Continued on Second Page.)

SUMMARY OF THE BEE

Saturday, February 2, 1907.



THE WEATHER.

FORECAST FOR NEBRASKA—Snow, with north winds Saturday. Sunday, fair.

FORECAST FOR IOWA—Snow and decidedly colder, with high northwest winds Saturday. Sunday, fair and colder in east portion.

Temperature at Omaha yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	32	1 p. m.	32
6 a. m.	28	2 p. m.	34
7 a. m.	26	3 p. m.	37
8 a. m.	26	4 p. m.	36
9 a. m.	26	5 p. m.	37
10 a. m.	27	6 p. m.	37
11 a. m.	29	7 p. m.	37
12 m.	30	8 p. m.	37
		9 p. m.	30

WASHINGTON.

President writes a letter commending the conduct of Rear Admiral Davis at Kingston. **Page 1**

Senate passes bill raising maximum pay of mail carriers to $1,200 a year. **Page 5**

Congressman Norris introduces a new bill providing for an additional federal judge for Nebraska and designating Omaha, Norfolk, Grand Island, North Platte, Lincoln, Hastings and McCook as places for holding court. **Page 1**

LEGISLATIVE.

Iowa legislature proposes to add two members to State Railway commission in hope of securing a reduction in rates. **Page 15**

Senate members of joint primary bill committee fail to attend meeting and house members are much put out. **Page 1**

DOMESTIC.

Rumor of ultimatum from Japan is denied by Secretary Root and at the Japanese embassy. **Page 1**

Senator Perkins, in an address before the National Geographical society, says United States and Japan are natural competitors for supremacy of Pacific and that war between nations is sure to come. **Page 1**

Ann Arbor railroad is fined $15,000 for six violations of Elkins' law. **Page 1**

Twelve members of Thaw jury secured and court adjourns until Monday. Mr. Jerome will seek to have one or more members of panel excused, but it is not probable that defense will consent. **Page 5**

Decline of sixty prominent railway shares to lowest average since 1904 causes no corresponding reaction in commercial or manufacturing lines. **Page 8**

Oleo dealers of St. Louis are arrested by United States authorities for illegally dividing packages of oleomargarine. **Page 1**

NEBRASKA.

W. D. Stratton, a carpenter, is killed in a dispute with a ranchman, John Bower, near Dix. The coroner's jury returns verdict of "accidental shooting." **Page 3**

Carryall containing eleven members of legislature, returning from visit to Grand Island Soldiers' Home, overturned and several of the party slightly injured. **Page 3**

Governor Sheldon announces he will be unable for several days to take up the charges against the Omaha Fire and Police Board. **Page 3**

LOCAL.

A drop in temperature from 30 or 40 above to zero is reported from points in Nebraska and South Dakota, and at midnight a big wind and snowstorm prevails, and it is still growing colder. **Page 1**

Inquest over the body of Samuel Thomas will begin Saturday morning and strict inquiry will be made as to the cause of the street car accident. Henry Deutch is crippled for life. **Page 11**

Great Western and Burlington refuse to abolish proportional grain rates through Omaha. **Page 11**

Postmaster Palmer demands better mail service on the Northwestern between Omaha and South Dakota points. He has taken the matter up with the Commercial club. **Page 16**

Louis Samonson and the city both claim title to lot 5, block 18, Orchard Hill, and others allege title. **Page 11**

W. G. Bivens seeks federal aid to recover $1,000 cash and note for $220 paid for Kansas land which does not exist. He alleged that a Council Bluffs real estate agent is implicated in the deal. **Page 12**

William Reese of 4105 South Twelfth street is at Clarkson hospital suffering from hydrophobia as result of being bitten by a dog December 23. **Page 12**

Report of city engineer showing work of department and extent of public work is made public. **Page 12**

Two boys found running opium joint on Capitol avenue pleaded guilty. One was sent to jail and another fined. **Page 11**

COUNCIL BLUFFS AND IOWA.

Federal court rules against Haiman on every point involved in his attempt to secure title to land on Cut-off. **Page 15**

Des Moines woman, who conducts a baby farm, arrested on the charge of murder. **Page 15**

SPORT.

Hastings Racing association will vote soon on proposal to abandon race meet because of conflict of dates with chautauqua week. **Page 8**

Motor boat Dixie goes a mile in 2:20 at Palm Beach, making new world's record. **Page 8**

STAMP TAX ON FUTURE DEALS

Proposition in Missouri that Would Discourage Buying and Selling Options.

JEFFERSON CITY, Mo., Feb. 1.—The senate committee today reported favorably the bill introduced by Senator Dowell providing for a stamp tax on every transaction in stocks, grain, cotton and provisions for future delivery. The tax stipulated is 25 cents on each deal. The revenue so derived is to apply on the fund for improvement of roads.

The senate committee on railroads today favorably reported the 2-cent passenger fare bill, to apply on all roads in Missouri over fifty miles in length, and 3 cents on branches less than fifty miles. It is practically the same as the house bill, which is ready for passage.

Senator Devilbiss introduced a bill in the senate today providing for the erection of a new capitol at Jefferson City, to cost $5,000,000. The bill provides for an appropriation of $500,000 for commencement of the work within the next two years.

PRESIDENT COMMENDS DAVIS

Chief Executive Praises Conduct of Rear Admiral at Kingston.

DIFFICULT DUTY IS WELL PERFORMED

Report of Naval Commander Received at Washington, but it is Not Given Out, as Incident is Considered Closed.

WASHINGTON, Feb. 1.—In unequivocal terms President Roosevelt today approved Admiral Davis' entire action in connection with his visit to Kingston, Jamaica, and requested the secretary of the navy to express to Admiral Davis his heartiest commendation of all that he did.

The long-expected report of Admiral Davis of the circumstances leading up to the withdrawal of the fleet from Kingston reached the Navy department today and was at once laid before the president. Inasmuch as the president already has announced that the diplomatic phase is a closed incident, the report itself will not be made public. However, Secretary Metcalfe gave out the letter of Admiral Evans, commander-in-chief of the Atlantic fleet, warmly commending Admiral Davis for his conduct of a situation "which was, to say the least, somewhat embarrassing."

The correspondence is supplemented by a strong letter of commendation of Admiral Davis by the president and by Secretary Metcalf.

The letter from Admiral Evans, dated January 23, says:

Respectfully forwarded, approved, to the secretary of the navy, through the bureau of navigation, the report and its appendices made by officers who were on the spot and therefore best able to judge, appear to set forth the whole situation very clearly.

The commander-in-chief feels he cannot too highly commend Rear Admiral Davis for the very dignified and masterly manner in which he conducted a situation which was, to say the least, somewhat embarrassing, and he deems it particularly fortunate that there was at hand an officer such as he to deal with the problems.

The commander-in-chief heartily approves the commendatory remarks relating to the officers and men of the ships who accompanied Admiral Davis, but they did no more than is expected of officers and men in the navy, and no more than would have been done by officers and men of the other ships of the fleet and, indeed, the ships sent were not chosen above those of others of the fleet for any other reason than that they were more nearly ready for steaming when the news of the disaster was received.

Letter from President.

The president wrote to Secretary Metcalfe, as follows:

I have read carefully the report of Admiral Davis submitted by you, together with the report of Admiral Evans commending the actions of Admiral Davis at Kingston. I return them herewith and desire that you express to Admiral Davis my heartiest commendation of all that he did at Kingston. I approve his entire action. He upheld the best traditions of our navy in thus rendering distinguished service to humanity.

Secretary Metcalf, in his letter to Admiral Davis, says:

The department has carefully considered your report and those of your subordinate officers on the aid rendered by your squadron to the distressed people of Kingston, Jamaica, after the disastrous earthquake and conflagration. The reports, with Admiral Evans' endorsement approving your actions and praising your able performance of duty in the face of so much confusion and difficulty, have been submitted to the president.

The president directs the department to express to you his heartiest commendation of all you did at Kingston. In his note to the department he states that you upheld the best traditions of our navy in thus rendering distinguished service to humanity and approves your entire actions. The department desires to add also its approval and commendation of your able services and those of the officers and men under your command.

Filipino Bank Bill Favored.

After consideration of the Philippine agricultural bank bill for several weeks, the house committee on insular affairs decided today to favorably report the measure. The democrats on the committee opposed the bill. It is provided that the Philippine government may insure to an incorporated banking company an income of 4 per centum per year on the average amount of its capital actually invested in agricultural loans. The corporation is authorized to charge interest not exceeding 10 per centum per year on loans. As an alternative, the Philippine government is authorized to advance capital and start the bank in case private capital cannot be induced to do so.

Brief Honor for Mulkey.

Senator Mulkey of Washington, who was sworn in Wednesday last to serve until March 4, the shortest term on record, was presented today with another record for brevity. He was made chairman of the committee "on examination and disposition of documents" and allowed to hold the chairmanship just fifteen minutes, when he was deposed. Mr. Hale presented the resolution making the appointment and the senate agreed to it without discussion. A quarter of an hour later Mr. Hale asked to have the vote by which the resolution was adopted reconsidered. This was done. Mr. Hale then withdrew the resolution, also without explanation, and Mr. Mulkey was thereby divested of his chairmanship. On inquiry, it was developed that the chairmanship had been promised to Senator-elect Alden Smith, who may also be appointed to fill the unexpired term of the late Senator Alger.

Monthly Balance Sheet.

The monthly comparative statement of government receipts and expenditures shows that for January the total receipts were $55,227,498 and the expenditures $47,827,241, leaving a surplus for the month of $7,410,258 and a surplus for the seven months of this fiscal year of $82,461,167. The receipts from customs amounted to $29,186,654, an increase of $2,500,000. Internal revenues, $20,075,855, increase $900,000; miscellaneous, $3,975,059, increase $1,825,000. The expenditures so far this fiscal year on account of the Panama canal approximate $11,000,000.

Musicians Favor Kittredge's Bill.

Victor Herbert, the music composer, is here working for the passage of Senator Kittredge's copyright bill. He seeks justice for the composers, he says, from manufacturers of talking machines.

For more than fifteen years the best compositions of American composers have been reproduced and sold in the form of phonograph records and other devices adapted to mechanical reproduction without the payment of any royalty to the composers, and to the unjust enrichment of the manufacturers of these devices.

Mr. Herbert insists royalties should be forthcoming from this source as well as from publishers of music. Manufacturers, he declares, have grown rich from these musical compositions, but that the composers themselves have gained nothing.

Steamboat Project Goes Slowly.

No meeting of the stockholders of the Omaha & Missouri River Navigation company will be held until about the middle of next week. One or two of the men who were circulating subscription lists have been out of town and have not completed their lists. It is expected the entire amount of money which the promoters of the project wish to get before incorporation will be secured by Wednesday or Thursday.

DUKE AND DUCHESS AGREE

Royalty is Delighted that Marlborough Affair is to Be Kept Out of Court.

LONDON, Feb. 1.—An authoritative statement, embodying what the family desires to say in the case of the duke and duchess of Marlborough, was given out tonight. It follows:

"The differences between the duke and the duchess of Marlborough have been settled privately. The children will arrive at Sunderland house today and the duchess and her children will proceed to the continent early next week."

This statement is somewhat ambiguous, owing to the possible interpretation that the duke and duchess have settled their differences and resumed the relations of husband and wife, but the family expressly desires to let it stand as it is. In well-informed quarters the statement is interpreted as meaning that the duke and duchess have arranged privately a settlement of terms under which each will have the care of the children for a portion of the year. In other words, the children will pass six months of the year with each parent. It is understood the duchess will continue to make Sunderland house her London home, while the duke will have town headquarters at a West End hotel, as he has done since October last.

King Edward has been made acquainted with the full terms of the settlement through the duke himself, who had an audience with the king at Buckingham palace today. There is great relief in royal and social circles that the Marlboroughs' affairs will not get into the courts.

The duchess has not been very well lately, and as she thinks well of the cure at Montlore, France, she will, after a short sojourn in Paris, proceed to the Riviera with her sons. It is said the duchess will have an audience of Queen Alexandra while in Paris next week, and this is one of the reasons given for her decision to go abroad now.

EARTHQUAKE ON ISLANDS

Solomon Group Severely Shaken and Appearance of the Land Is Changed.

SAN FRANCISCO, Feb. 1.—The Solomon islands in the South seas were visited by a fearful earthquake several months ago and so heavy was the force of the trembler that the earth was opened and deep gorges created. The entire appearance of the islands was changed by the great upheaval, but as far as can be ascertained there was no loss of life.

The news was brought here by Governor C. B. L. Moore, who arrived on the Oceanic steamer Sierra yesterday from Samoa. He stated that a trading schooner came into Apia from the Solomon group shortly before he left for this country with news of the trembler. The details brought by the trader were meager. It is deemed probable that the earthquake that was experienced in the Solomon islands was the one recorded on the seismographs in various parts of the world. According to the instrument at Apia, Samoa, it lasted for several minutes and was said to be the heaviest shock ever recorded. It was figured that it took place somewhere in the South seas, but as not report came from that civilized island it was believed that it took place at sea.

OLEO DEALERS UNDER FIRE

Internal Revenue Collector at St. Louis Enforcing Old Law Regarding Division of Packages.

ST. LOUIS, Feb. 1.—The seizure of large quantities of oleomargarine was begun by internal revenue officers yesterday and continued today and more than 1,000 pounds of the product has been confiscated.

Delivery wagons of dealers are being stopped in all parts of the city and when packages of "oleo," whether marked or unmarked, are found, the dealer is asked to produce orders showing that the customer had distinctly ordered oleo. If such orders are not shown the oleo is seized. The seizures are being made under an old law which makes illegal the removal of oleo in small packages from the original tax paid packages. The internal revenue commissioner has ruled that only when the contents of a tax paid package have been bargained for and sold in advance can small packages be removed for delivery without a violation of the law.

VERDICT FOR IRON WORKER

Ohio Man Given Judgment Against Former Employer Who Induced Another to Discharge Him.

COLUMBUS, O., Feb. 1.—Because it influenced the discharge of Robert Summers from the employ of the Meahan Boiler & Construction company of Youngstown, O., the Columbus Iron & Steel company was today held liable for $2,000 damages to Summers by a jury in common pleas court.

Summers had been employed by the Columbus Iron & Steel company previous to his employment by the Meahan company and was alleged to have been concerned in a strike at the former's plant. When he was employed by the Meahan company he was sent to Columus to work on a building being erected for the Columbus Steel company when the latter influenced the Meahan company to discharge him.

FIFTY BODIES YET IN MINE

Twenty-Four Taken from Shaft in West Virginia and Thirty in Sight.

CHARLESTON, W. Va., Feb. 1.—Twenty-four bodies, all mangled beyond recognition, have been taken from the Stuart mine at Oak Hill and it is expected that by this afternoon it will be possible to get most of the other fifty bodies which are certain of being in the mine.

About thirty bodies is the estimate of the number at the bottom of the shaft, and all of these are being removed today. The officials believe the total dead in the mine will be between seventy-five and eighty.

President Acknowledges Prize.

CHRISTIANIA, Norway, Feb. 1.—In a letter to Foreign Minister Loevland, who is president of the Nobel commission, President Roosevelt, who was awarded the peace prize December 10 last, writes that he will value the diploma and medal so long as he lives, and after his death they will be as highly prized by his children. The president, in informing Mr. Loevland of the disposition of the money part of the prize, adds that peace among the various classes of society in modern civilization is of just as great importance as between nations.

ORIGIN OF RUMOR OF WAR

Alleged Remark of Baron Hayashi is Attributed to Secretary Root.

ULTIMATUM STORY DENIED AT EMBASSY

Government Has No Intention of Increasing Naval Force on Either Side of the Pacific.

WASHINGTON, Feb. 1.—Secretary Root positively refused to make any statement touching the Japanese situation in its relation to the conference which took place at the White House Wednesday evening between the president and some members of the cabinet and the California congressional delegation. He does, however, deny the authenticity of any of the published interviews attributed to him as to the imminence of war, the state of the treaty negotiations or any phase of this subject, which he regards as one eminently unsuited for public discussion at this time.

The Japanese ambassador declined to be seen this afternoon, but the members of the embassy staff declared he had not authorized any newspaper statement on this subject. The fact appears to be that a statement in the press cable dispatches ascribed to Baron Hayashi, the Japanese minister for foreign affairs, to the effect that in event the courts upheld the San Francisco school officials, then the matter of discrimination against Japanese would require diplomatic treatment, was n some quarters erroneously attributed to Secretary Root, who was put in the position of stating that he had received an ultimatum from the Japanese minister for foreign affairs. Mr. Root denies that he has received any such communication, and careful inquiry fails to show that the alleged remark of Baron Hayashit has ever been communicated officially to this government.

It was said at the Navy department today, as an evidence of the slight importance attached to the naval officers in the present discussion of the Japanese affair, that there was not the slightest intention on the part of the department of strengthening the naval force on either side of the Pacific.

School Bound to Come East.

SAN FRANCISCO, Feb. 1.—After a conference at the home of Mayor Schmitz this morning, the members of the board of education decided that the entire board, with Superintendent Roncavieri and Assistant City Attorney Williams, will go to Washington to confer with the federal officials on the Japanese question.

Mayor Schmitz will also be one of the party. The determination of the mayor to accompany the school directors came as a great surprise. In explanation of this, it was stated that a telegram had been received by him from some one in Washington saying that his presence was urgently needed. As Schmitz is under bonds to appear for trial, it will be necessary for him to obtain Judge Dunne's permission to leave the state. President Walsh today received a message from Congressman Hayes reading:

"Come at once."

This was in answer to the board message sent last night. The party will leave here at 10 o'clock Sunday morning.

SENATOR PERKINS ON JAPAN

Californian Says War with Yankees of the East is Sure to Come.

WASHINGTON, D. C., Feb. 1.—In address tonight before the National Geographical society, Senator Pergins of California dwelt at length nupon the probability of a conflict between the Americans and Japanese—"two irreconcilable races"—as he pronounced them.

Senator Pedkins said:

Hawaii has the Japanese on her hands as we in California will soon have; and as this people is more, aggressive, more tenacious, more cunning and more determined than the Chinese, it will never do to permit a long delay before settling the question once for all. For the people of Japan have started out on a course of commercial development which will soon bring the United States and Japan so close together that it will be difficult to settle the question at all. Japan is still in the flush of its great triumph over what was considered the strongest of European powers. It successfully interposed a barrier to Russian supremacy in eastern Asia.

The primary ambition of Japan is to colonize the overflow population of the empire in adjacent countries under its own sovereignty. This is the true beginning of real national expansion; but in addition to this the inherent Japanese traits of patriotic impulses will make them a foreign element in any country to which they migrate. Real expatriation is a condition practically impossible to the Japanese mind. The extent to which the Japanese will occupy the territory of friendly powers will be a displacement of the sovereignty of the power extending to them a welcome and the presence of the sovereignty of the mikado of Japan.

Japan, as the dominant oriental nation, naturally will form with the other oriental nations an alliance which will consolidate these nations into effective co-operation.

The science of war supervenes only upon a foundation of all other sciences. No nation in all history has ever manifested a greater capacity for perfect unity of purpose than the Japanese; no nation has manifested a greater aptitude to seize upon and appropriate all that the ages have discovered in the other nations in art, science and in government.

The Japanese race, wherever distributed, will remain a consolidated unit in support of the aspirations of the Japanese race, and however distant their residence from the throne of the mikado, will always constitute a unit in the strength of the empire. Naturalization in any country to which they might migrate will not eliminate this racial instinct.

Conflicts between nations are the result of antagonism which lie at the very foundation of their purposes, their aspirations, their growth and expansion. The presence of Russia as a prime factor in the commerce of the Pacific was inimical to the aspirations of the Japanese empire in the same line. The occupation of Manchuria and the fortification of Port Arthur was the immediate excuse, but not the real cause of the war. The real case of the war was the inherent antagonism of interest and purpose which could find no other solution than the arbitrament of the sword. We have acquired territory in the Pacific ocean, we have laid the foundation for commercial primacy on that great se. We have a position at the very doors of the orient by the possession of the Philippines and a base of naval operations in the middle of the ocean by the incorporation of the Sandwich islands. We have a shore line under the jurisdiction of the American flag which comprises 25,000 miles. The countries under the jurisdiction of our flag, lying behind this line, possess resources equal to the ultimate support of empires of wealth and population. We have laid the foundation for commercial supremacy on the Pacific ocean and at some point in the future course of future destiny the pathway of national progress on the part of Japan and the United States will converge to a point of inevitable conflict.

It is useles sto speculate what the occasion or excuse for this conflict may be. The small cloud of war now hanging on the horizon of the two nations appears to relate to the dissatisfaction of Japan with the domestic policy of California relating to its educational interests. The administration of California's educational affairs have not been fortunate in meeting with the approval of the empire of Japan, but this educational policy is not the reason for disturbing the amicable relations between the two nations. This fundamental cause lies at the very foundation of the national character of the nations to the controversy.

The senator then modified his prediction

(Continued on Fourth Page.)

COLD WAVE, SNOW AND WIND

Most Severe Storm of Winter Strikes Nebraska and Other Northwestern States.

Nebraska and South Dakota, and the northwest generally, are in the throes of what promises to develop into the most severe spell of winter weather so far experienced this season. The cold wave struck Omaha between 8 and 9 o'clock Friday evening, with a fall of seven degrees in an hour, and by 10 o'clock snow was falling and a severe wind blowing from the north.

Reports received at midnight show the cold wave covers Nebraska and that in South Dakota there has been a drop of from thirty to forty degrees and that the drifting snow is causing a severe blockade of railroad traffic. In Nebraska the most rapid fall in temperature was reported from Ainsworth, in Brown county, where the mercury dropped from over 40 above to below zero between 3 in the afternoon and 7 in the evening. As far south as McCook there was a fall of twenty-five degrees in two hours in the early evening. A blinding snowstorm is reported from Billings, Sheridan, Alliance and other points on the northern line of the Burlington.

ALLIANCE, Neb., Feb. 1.—(Special Telegram.)—A drop of thirty degrees in less than three hours was the weather record here today. Tonight it is snowing hard with a good wind blowing. The thermometer stands 10 above and it is growing colder.

PIERRE, S. D., Feb. 1.—(Special Telegram.)—A severe cold wave, accompanied by a high northwest wind and drifting snow, prevails here this evening. The drifting is tying up railroad travel, the train which left here this afternoon being blockaded at Highmore. No attempt is being made to get trains in this direction from the east. The severity of the storm is certain to cause suffering in the little prairie shacks, in which many of the homesteaders live west of the Missouri. It is by far the worst storm of the winter.

HURON, S. D., Feb. 1.—(Special Telegram.)—A severe wind and snowstorm set in from the northwest this afternoon, developing into one of the most severe that has been experienced in several years. All trains are late and none will be sent from here tonight. The wind is blowing forty-five miles per hour.

ABERDEEN, S. D., Feb. 1.—A severe blizzard swept down from the northwest tonight and the local forecast is for a temperature of 25 degrees below zero tomorrow morning.

DECISION AGAINST FIREMEN

Board of Arbitrators Decide that Southern Pacific Contract with Brotherhood Had Expired.

HOUSTON, Tex., Feb. 1.—The dispute between the Southern Pacific railroad and its locomotive firemen, who went on strike on December 23 last, but subsequently returned to work, was finally settled today by the decision of the board of arbitration.

The question before the board was to determine whether or not a letter written by Manager W. G. Van Vleck of the railroad to an official of the firemen's union constituted a contract with that organization. The letter acquiesced in the firemen's claim of control of the seniority of the switch engineers, members of the brotherhood. The finding of the board is to the effect that the letter did constitute a supplementary contract covering the Texas line only, but that it expired on the date, May 6, 1906, when the firemen assert that their contract was abrogated by the road signing an agreement with the Brotherhood of Locomotive Engineers, granting to that organization the seniority clause formerly accorded to the firemen.

The arbitrators further find that the firemen acted in good faith in asserting their claim that the contract did not expire until January, 1907.

RATE HEARING IN OKLAHOMA

Millers Protest Against Flour and Wheat Tariffs of Katy and 'Frisco Railways.

OKLAHOMA CITY, Okl., Feb. 1.—Charges of excessive rates against the Missouri, Kansas & Texas and the St. Louis & San Francisco railways were taken up here today by Commissioner Prouty of the Interstate Commerce commission. Before beginning the session he read a telegram from the Texas millers protesting against a 20-cent rate on flour and wheat to Fort Worth and asking a date for a hearing.

C. D. McNeff believed lowering the rate would raise the price of wheat.

C. Balle, traffic manager for the Missouri, Kansas & Texas, could give no reason for a 30½-cent rate to Fort Worth, while on parallel Kansas, Arkansas & Texas lines a charge of 23½ cents for the same distance is made, except on the ground of competition.

Following C. Balle, H. U. Mudge, second vice president of the Rock Island and head of the traffic department, was called.

ENGINES COLLIDE IN BLIZZARD

Rolling Stock Badly Wrecked in Yards at Sheridan and Fireman is Injured.

SHERIDAN, Wyo., Feb. 1.—(Special Telegram.)—Westbound freight train No. 45 and a switch engine collided here at 12 o'clock today. No. 45 was coming down the steep grade into the yards and the switch engine was pushing a string of cars from the main line on to the siding when the freight struck them.

A blizzard was raging and the enginemen could not see each other until just before they struck. No. 45s engineer reversed the engine and applied the emergency brakes. He and his fireman jumped in time and escaped injury. Fireman Hanson Anderson of the switch crew had a hip mashed and an arm broken. Two refrigerators of meat and several other cars and both engines were badly damaged. Engineer Clarkson and Conductor J. H. Burns were in charge of the freight.

FRUIT CARS FOR HARRIMAN

First Installment of Big Order for Refrigerators Reaches Los Angeles.

LOS ANGELES, Cal., Feb. 1.—Six hundred refrigerator cars, the first of a total of 6,000 ordered by the Pacific Fruit Express company for use in handling Southern California fruit shipments, in opposition to the Armour company, arrived here today. The cars will continue to arrive at the rate of 1,200 a month until the order is filled. The Pacific Fruit Express company is known as an auxiliary of the Harriman railroads, but it is claimed willl furnish competition with Armour, who has hitherto practically had a monopoly of this business.

PRIMARY BILL HALTS

Senate Members of Committee Fail to Appear at the Meeting.

HOUSE MEN WILL MAKE ONE MORE TRY

In Case Senators Continue to Absent Themselves Will Disband.

WILL THEN FORMULATE BILL ON OWN HOOK

Christian Science Bill Finally Laid to Rest in the Senate.

SKIRMISH ON COUNTY OPTION MEASURE

After Some Debate it Goes Over on Decision to Give Public Hearing to Interested Parties.

(From a Staff Correspondent.)

LINCOLN, Feb. 1.—(Special.)—The senate members of the joint committee appointed to draft a primary law in accordance with the pledges in all the state convention platforms, failed to show up at the meeting announced for this afternoon. The house members agreed to meet again Monday night at 7 o'clock in the judiciary committee room, and adjourned without doing anything. Every house member of the joint committee was present, and Senators Thomas and Patrick, members of the committee, were in the state house, but when sent for said they had been doing committee work all afternoon and were too tired to meet with the primary committee. The other senate members who were notified of the meeting and failed to show up were Wilson of Pawnee, Phillips of Holt, Holbrook of Dodge, Luce of Harlan and Aldrich of Butler.

It was expected at the meeting this afternoon that the joint committee would decide definitely whether it would work on a state-wide primary bill or follow the McMullen idea, but as the senate members failed to be present, the house members discussed adopting a report to the house to disband the joint committee and permit the house committee to work on the measure alone. While there was a strong sentiment to adopt such a motion, it was thought best to give the senate members one more chance to make good and that chance will be given Monday night. Should the senate members again fail to take the interest the house members believe they should in this most important measure, there is little doubt the joint primary committee will dissolve and the house committee or the individual members will get up a bill in accordance with the platform pledges.

The house committee is ready at any time to come to a show down whether to report back a state-wide primary or the McMullen idea, because if the majority of the committee agrees with McMullen it will mean a minority report and the members of the legislature will have an opportunity of voting squarely for the pledges they have made to the people or against keeping those pledges.

Right to Abolish Home.

Should the legislature desire to abolish the Home for the Friendless or close it up or remove it, it has a legal right to do so, according to the opinion of Attorney General Thompson. This matter has come up at numerous sessions of the legislature because it has been held the state acquired this property and it is as a home for the friendless specified in the deed. Mr. Thompson's opinion is as follows, and it is directed to Land Commissioner Eaton:

Your favor of January 29, 1907, submits to this department the following question: "The legislature of 1881 established a home for the friendless. July 5, 1882, Sallie N. Franklin and husband conveyed a certract of land 'unto the state of Nebraska for the use and benefit of the Home for the Friendless in the state of Nebraska.' In 1905 the legislature established a hospital for crippled, ruptured, and deformed children and located the same in the Home for the Friendless. Can the legislature provide for the exclusive use of this property as a hospital for crippled, ruptured and deformed children, and establish a Home for the Friendless at some other place, and not forfeit any right to said real estate?"

I observe from the deed that the expressed consideration for the land purchased by the state was $2,100. The deed was executed in 1882. It would seem that the expressed consideration represented the actual value of the land at that time, and that no part thereof was in the nature of a donation to the state, or that the maintenance of the home upon it was an inducement to the grantors. Possibly there are facts in connection with this matter not submitted by you and unknown to me that would modify the opinion here expressed.

While I have been unable to find any authority in this state on the question, a similar one was before the Illinois court. A block of land was purchased for $5,500 by a county and the following provision was inserted in the deed: "To be used by said party of the second part for a court house, jail, and any other necessary county buildings." The county authorities undertook to abandon the land for county purposes and to sell it. In the lower court they were enjoined. The superior court held that the deed conveyed the absolute title without any conditions or restrictions; that the power of alienation was not limited or confined in any way, and that there was no covenant in the deed that the land should be devoted to a particular purpose. (Warren County against Patterson, 58 Ill. 111.) The court used the following illustration of its position:

"If A buys a lot of ground of B and it is declared in the deed that he purchased it as a site for a mill, or other operative establishment, the fee being conveyed to him, he has the undoubted right to dispose of it without carrying out his intention."

Both from reason and the authority cited, based upon the facts at hand, I would say that the state became possessed of an absolute estate in fee simple to the land described in the deed; that the words referred to are simply descriptive of the use of the land, and are not in the nature of restrictions or reservations, and that the state may legally use the land for such purposes as it may see fit, and that it may establish a Home for the Friendless elsewhere whenever circumstances and the public good require it.

Bulk Sales Bill Advanced.

Clarke of Douglas put his bulk sales bill through the committee of the whole in the house this morning and had it recommended for passage, and in doing so he not only had to overcome considerable opposition, but had to almost run over Cone of Saunders, the floor leader of the minority, who opposed the bill, using as a part of his argument his favorite expression, "Class legislation." Clarke called attention to Cone's habitual habit of yelling class legislation whenever he could find no other excuse for opposing a measure. A half dozen or more members spoke for and against the bill, and Killen of Gage, who let the matter go until the last minute, wanted it let alone until some future time when the committee could again discuss it. The motion for it to be recommended for passage was carried almost unanimously. The bill provides that before a stock of merchandise is sold in bulk, the creditors of the merchant must be notified of the sale or the trade is invalid. It was amended, providing notice could be filed with the county judge with a list of the