THE OMAHA DAILY BEE

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MIND IS DEFECTIVE

Alienist Testifies to Mental Condition of Harry K. Thaw.

DID NOT BELIEVE HIS ACT WRONG

Answer Made to Long Hypothetical Question Covering Mrs. Thaw's Story.

DEFENDANT'S WIFE AGAIN ON STAND

Note She Wrote Night White Was Killed Placed in Evidence.

THAW'S WILL IS PARTIALLY IDENTIFIED

Further Attempt Will Be Made to Place Document in Evidence—Women Barred from the Court Room.

BULLETIN.

NEW YORK, Feb. 11.—Answering a hypothetical question covering every detail of the testimony up to this time in the Thaw trial, including Mrs. Evelyn Nesbit Thaw's narration of her life history, Dr. Charles G. Wagner, superintendent of the state hospital for the insane at Binghamton, N. Y., declared on the witness stand today that in his opinion Harry K. Thaw did not know that his act was wrong when he shot and killed Stanford White.

Dr. Wagner stepped aside for later cross-examination by District Attorney Jerome, and as court adjourned for the day it was announced that the defense would offer testimony from other alienists tomorrow morning.

Dr. Wagner's opinion of a hypothetical question, the man under consideration being the author of the letters which have been introduced as emanating from Harry Thaw during his estrangement with Evelyn Nesbit after their return from Europe in 1903, followed a day of legal sparring between Delphin M. Delmas for the defense and Mr. Jerome for the prosecution.

Mr. Jerome effectually blocked the completion for the time being of the direct testimony of Mrs. Evelyn Thaw by insisting that before she should go further, competent testimony as to Thaw's unsoundness of mind should be given. Mr. Delmas tried to carry forward the young wife's story, but the district attorney was on his feet with an objection to every question.

Testimony Regarding Will.

Mrs. Thaw had been recalled as the third witness of the day. One of her predecessors was J. D. Lyon, vice president of the Union National bank, of Pittsburg, who stated that he had received Harry Thaw's will from the latter's own hands some time prior to April 1, 1906, and had held it in a safe deposit box until late in November last when he directed his secretary to forward it to John B. Gleason of Thaw's counsel. Mr. Gleason then swore that he had received the will by mail December 11, 1906, and that absolutely no changes had been made in the instrument while in his possession. Mr. Jerome admitted the progress of the will from Mr. Lyon to Mr. Gleason without the necessity of calling the former's secretary. Mr. Delmas did not offer the will in evidence, however, owing to the fact that it has not in its entirety been proved as having been legally executed by Thaw.

When young Mrs. Thaw was called to the stand she was dressed precisely as when she occupied the witness chair last week. As she was taking her seat Mr. Delmas turned to the district attorney and renewed his demand of Wednesday that the note which was passed by Mrs. Thaw to her husband at the Cafe Martin the night of the tragedy be produced. Mr. Jerome, at the former demand had remained silent. Today he at once said he would send for the slip of paper. It was brought from his office, identified by Mrs. Thaw, and read by Mr. Delmas, as follows:

"The B—— was here a minute ago, but went out again."

The contents of the note caused a surprise only as to the exact wording. It had generally been supposed that the note read: "The B—— is here."

Mrs. Thaw testified today that "The B——" meant "The blackguard," as Thaw always referred to Stanford White.

The other essential point Mrs. Thaw was allowed to bring out was the statement that the defendant never carried a pistol in New York. She was asked many other questions, embodying various stories she had discussed with Thaw, including the alleged fate of a girl known to them as "The Pie Girl," at the hands of Stanford White, but Mr. Jerome blocked every question with sustained objections.

After compelling the defense to begin expert testimony as to Thaw's insanity by his objections, Mr. Jerome next proceeded to block the testimony of Dr. Wagner as to the results of his six visits to the defendant in the Tombs, and his tests as to the latter's mental condition. Dr. Wagner was not allowed to go into the conversations he had had with the defendant, nor the conclusions he had reached. He was confined to what he actually observed and he declared his observations were so closely interlaced with his questioning of the defendant that he did not know whether he could separate them.

Long Hypothetical Question.

A long argument over the point resulted in Mr. Delmas withdrawing any further questions as to the tests, contenting himself with asking Dr. Wagner to give his opinion of the hypothetical question covering the evidence in the case. The question was almost record-breaking in length—a comprehensive resume of the entire case, including Mrs. Thaw's personal narrative. In it Mr. Delmas accused Stanford White of having "drugged" Miss Nesbit and of having atempted to renew "communication or relations" with her subsequent to her marriage. Mr. Jerome objected to these features and it was amended to embrace the evidence of record as to the disputed points. It was on the amended question that Dr. Wagner gave it as his opinion that Harry Thaw did not know, because of defective reason, that his act in killing White was wrong. When the doctor is taken in hand by Mr. Jerome he will have to give detailed reasons for his opinion.

Dr. Evans of the New Jersey State hospital for the insane will be the first witness for the defense tomorrow.

A new rule by Justice Fitzgerald, barring from the court room all women not engaged in active newspaper work, went into effect today. Many of those who, bedecked in gay costumes, had occupied front seats heretofore, were on hand early this morning, but to no avail. The court officers had direct orders this time and obeyed

(Continued on Second Page.)

SUMMARY OF THE BEE

Tuesday, February 12, 1907.

1907 FEBRUARY 1907

SUN	MON	TUE	WED	THU	FRI	SAT
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	
24	25	26	27	28		

THE WEATHER.

FORECAST FOR NEBRASKA—Fair Tuesday and Wednesday.

FORECAST FOR IOWA—Snow Tuesday, Wednesday partly cloudy.

Temperature at Omaha yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	35	1 p. m.	43
6 a. m.	34	2 p. m.	45
7 a. m.	34	3 p. m.	46
8 a. m.	33	4 p. m.	47
9 a. m.	33	5 p. m.	46
10 a. m.	34	6 p. m.	46
11 a. m.	36	7 p. m.	45
12 m.	41	8 p. m.	43
		9 p. m.	40

LEGISLATIVE.

Thomas' bulk sales law passes the Nebraska senate by a vote of 22 to 6. **Page 1**

Congressman Martin has wired Pierre a denial of charges made against him and demands names of his accusers. **Page 1**

Joint committee at Lincoln hears argument on bills for annexation of Omaha and South Omaha, with indications of favorable report on the measure. **Page 1**

Subcommittee of Nebraska legislature gets down to work on the primary bill, but measure is not completed at first sitting. **Page 1**

Iowa legislative committee favorably reports bill fixing a minimum average speed for live stock trains. **Page 8**

Railroad commission bill introduced in both houses of the Nebraska legislature. **Page 1**

WASHINGTON.

Congressman Kinkaid holds out and carries his point regarding judicial bill. Term of court to be held at Chadron. **Page 1**

Inspector McLaughlin has treaty with Sioux for cession of lands in Tripp county, South Dakota, but declines to make its terms public at present. **Page 1**

Senate committee on agriculture gives public hearing on Burkett grazing lease amendment. Cattle men favor the proposition and the sheep men oppose it. **Page 2**

Senate passes the army bill amendments permitting officers to accept free transportation, and increasing pay of officers and men is stricken out. **Page 3**

NEBRASKA.

Pleasanton is four feet under water, as the result of an ice gorge in the Loup river. A big bridge near Loup City has been swept away. **Page 3**

DOMESTIC.

President would deny transmission through mails to papers containing full account of Thaw case; New York federal district attorney will present matter to the federal grand jury. **Page 2**

Old frigate Saratoga, now Pennsylvania school ship, comes into harbor badly damaged by storm. **Page 1**

Dr. Wagner, an expert on insanity, testifies that Harry K. Thaw did not know he was doing wrong when he shot Stanford White. **Page 1**

Omaha, St. Joseph and Kansas City shippers file charges with the Interstate Commerce commission, alleging conspiracy of railroads to raise rates between Missouri river and Atlantic coast. **Page 1**

LOCAL.

Interstate Commerce Commissioner E. E. Clark holds brief session in Omaha to hear complaint regarding switching charges between Council Bluffs and Omaha. The Omaha Grain exchange has ten days in which to file written briefs and the Union Pacific the same time in which to answer. **Page 7**

In a signed note Dr. George L. Miller refuses to continue as member of the Board of Fire and Police Commissioners by appointment of Governor Sheldon. **Page 12**

Councilman McGovern charges market gardeners have formed a combination to control prices. **Page 4**

Byron Reed collection at city library contains letters, autographs and other souvenirs of Abraham Lincoln. **Page 4**

BOERS WIN FIRST ELECTION

Dutch Party Has Working Majority in New Parliament in Transvaal Colony.

JOHANNESBURG, Transvaal, Feb. 11.—The first elections to Parliament under the new Transvaal constitution will be held February 20, with every prospect of the Boers obtaining a useful working majority in the House of Representatives. The nominations for sixty-nine seats occurred February 9, and today ten Hetvolk (Dutch party) candidates were declared unopposed. These include ex-President Schalk-Berger and Generals Delarey and Erasmus. The campaign has been a straight fight between the progressives (British party) and the Hetvolk. The latter secured the support of British mine workers who are opposed to Chinese labor, while the progressives were largely under the leadership of the mine owners. Sir Richard Solomon, former lieutenant governor, of the Transvaal, has joined the Hetvolk and probably will be the first premier.

COURT-MARTIAL FOR CROWLEY

First Lieutenant in Twenty-Ninth Infantry Charged with Financial Irregularities.

SALT LAKE CITY, Utah, Feb. 11.—The court martial of First Lieutenant Eugene P. Crowley, company M, Twenty-ninth infantry, on the charge of financial irregularities, has been ordered and will be held at Fort Douglas. Lieutenant Crowley was first lieutenant and regimental adjutant of the second Oregon infantry in 1898 and afterwards captain in the Thirty-fifth United States volunteer infantry. He was appointed second lieutenant of the Fourth regiment regulars in 1901 and was first lieutenant in the Twenty-ninth in 1903. His regiment is now stationed at Fort Duchesne, Utah.

Persia Discusses Belgians.

TEREHAN, Feb. 11.—The Persian government has dispensed with the services of Minister of Customs and Posts M. Naus, who is a Belgian, and of M. Prisino, another Belgian official, in consequence of representations on the part of the people that the government was continuing to support the Belgians, against whose conduct in the administration of their offices serious complaints have been made for some time past.

KINKAID CARRIES HIS POINT

Secures Term of Federal Court for Chadron in New Judicial Bill.

M'LAUGHLIN HAS TREATY WITH INDIANS

He Nor Commissioner Leupp Willing to Give Out Terms of Agreement Regarding Tripp County Land.

(From a Staff Correspondent.)

WASHINGTON, Feb. 11.—(Special Telegram.)—The judicial division bill will be reported to the full committee of judiciary of the house on Wednesday and a favorable report will be made immediately thereafter. Judge Moses P. Kinkaid of the Sixth Nebraska district, not being enamored of the manner in which the judicial division bill was drawn and introduced by Judge Norris, started a crusade against it and by reason of his work with members of the judiciary committee today wrote into the bill a new place in which to hold federal court in the Sixth district, thereby winning a substantial victory.

When everything seemed to be up in the air after the final conference of the delegation, wherein Judge Kinkaid insisted that at some place other than North Platte in the Sixth district court should be held and was outvoted, Judge Kinkaid took up the whole subject of a new judge for Nebraska with the judiciary committee. He so impressed the committee with his arguments and incidentally worried the delegation that it was finally agreed to leave the whole subject to Senators Millard and Burkett as a subcommittee to endeavor to present the claims of the Sixth district to the subcommittee of the judiciary committee of the house. They performed that work today with the result that Chadron was selected as the official place in North Platte district to hold a term of court.

Judge Kinkaid insisted that in view of the extent of territory and the number of desirable towns in which court should be held, if an additional judge was to be given to Nebraska that Alliance and Chadron should be considered. He wanted both, but the subcommittee could not see any reason why both towns should be included in the new division bill and accordingly cast their vote for Chadron, and for which Judge Kinkaid has been contending.

Other Changes Made Necessary.

With Chadron named as one of the places for holding court in the North Platte territory, some changes had to be made over the bill introduced by Judge Norris so far as the counties attached to the several districts are concerned. As a result of the realignment Cherry county is taken out of the Norfolk district and put in the Chadron district. North Platte loses no counties except on the north, Box Butte, Sheridan, Dawes and Sioux being included in the Chadron district. As the bill now stands and which was reintroduced this evening by Judge Norris, places for holding court in the north half of the state, using the Platte river as a divisional line, are Omaha, Norfolk, Grand Island, North Platte and Chadron. In the south, Lincoln, Hastings and McCook.

From the beginning Judge Kinkaid insisted that the proportion of population preponderated for Chadron, and going over the statistics he showed the committee that if the bill was intended to bring relief to the district court of Nebraska and at the same time work out a better condition for those who were compelled to resort to court, that Alliance, Valentine and Chadron were towns to take into consideration. It was early demonstrated that Valentine could not be considered and it resolved itself into a question of choice of two places—Alliance and Chadron, and Chadron won.

Congressman Kennedy, who was but one of the delegation who believed a division of the state at this time was unnecessary, realizing that he would have to make the best terms possible, insisted upon counties naturally contiguous to Omaha, with the result the Omaha district is left in fairly good shape, so that when the bill passes, as now seems certain, with the concessions made, that it will be provided with a section of territory that is wholly natural to the metropolis of Nebraska.

McLaughlin Brings Treaty.

Edward B. Kelly, agent at the Rosebud Indian agency, South Dakota, and Major James McLaughlin, special Indian inspector, arrived in Washington Sunday night, and today had a conference with Commissioner Leupp. Neither Commissioner Leupp nor Major McLaughlin were prepared today to fake public precisely what the latter had accomplished with the Tripp county Sioux. A treaty, it is understood, has been agreed upon between these Indians and the government which will be satisfactory to both parties.

Several bills have been introduced by senators and representatives from South Dakota to open this agricultural land in Tripp county to settlement. Practically all are modeled upon the bill which was enacted throwing open the Rosebud lands in Gregory county three years ago and the methods of payment by settlers is to be about the same. The matter of price per acre has been the point over which there has been some haggling, and now it is said the Tripp county Sioux are willing to accept a maximum price of $6 per acre.

Legislature Not Specific Enough.

Members of the Nebraska delegation have received resolutions adopted by the house of representatives of the state as follows:

First, instructing senators and requesting representatives in congress to work and vote against the ship subsidy bill.

Second, requesting changes in the inspection law of its administration to provide for inspection in farmers' or shippers' yard with permission to ship within thirty days thereafter, thus obviating delay under the present system and consequent financial loss.

These resolutions were introduced today by several members of the delegation.

Congressman Pollard, appreciating the inspection resolution contained very definite matter on a subject of vital interest to growers of cattle in Nebraska, saw both the secretary of agriculture and Dr. Malvin, chief of the bureau of animal industry, this morning regarding the memorial of the legislature and was informed that it did not contain material enough upon which to make a report and they suggested that more definite information be obtained. Following this suggestion, Congressman Pollard today wrote Speaker Nettleton of the house of representatives as follows:

Your memorial is received, praying for more adequate inspection of cattle and sheep in Nebraska. I took this matter up this morning with the secretary of agriculture, Hon. James Wilson, and with Dr. Malvin, chief of the bureau of animal industry. They advised me that if they are furnished more definite information enabling them to find out exactly where the trouble lies and what is necessary to be done to correct the abuse the matter will be given prompt attention. If the only thing that is needed is more inspectors I think there will be no trouble in securing a reasonable increase in their number.

If your honorable body will give me further information, something as a basis for

(Continued on Second Page.)

STEVE ADAMS IS ON TRIAL

Legal Battle for Life of Miner Charged with Murder Begins at Wallace, Idaho.

WALLACE, Idaho, Feb. 11.—The great legal battle for the life of Steve Adams began here today. On one side are the forces of the state, seeking Adams' conviction, the first step toward convicting the leaders of the Western Federation of Miners, who are charged with the assassination of former Governor Steunenberg of Idaho; on the other is the powerful federation, declaring the charges are false and an attempt by the mine owners to break up the union.

The crime charged against Steve Adams is the murder of Fred Tyler, a settler who disappeared from his timber claim on Marble creek about August 10, 1904, and whose body was found later.

Tyler's murder remained a mystery until the death of Governor Steunenberg. Harry Orchard's graphic confession not only implicated Steve Adams and other federation men in the governor's murder, but declared that Adams and Jack Simpkins also killed Tyler because he had taken up the timber claim. Simpkins has never been found.

Adams was arrested at Haines, Ore., February 20, 1906, and taken to Boise, where it is alleged he confessed the Tyler murder. This confession he now denies, and it is believed he will claim it was wrung from him by force and is false. Later he was spirited away from Boise to Wallace, Sheriff Sutherland leaving the railway and journeying by wagon to avoid the service of legal papers to get his prisoner from him.

The preliminary fight over the selection of a jury is expected to continue for ten days or two weeks. About a hundred jurors were summoned.

Warner H. Hanlon is in charge of the case for the state, assisted by Attorney Hawley of Boise and J. E. Gyde and S. P. Knight of Wallace. Senator-elect W. E. Borah may also take a hand.

For the defense will appear F. F. Richardson of Denver, Fred Miller of Spokane, A. A. Crane of Harrison and John Wourms of Wallace. Clarence Darrow of Chicago is expected to arrive tomorrow.

CORRUPTION IN VENEZUELA

Orinoco Corporation Accuses Officials of Attempting to Deprive it of Valuable Property.

CARACAS, Feb. 9.—Via Willemstad, Curacao, Feb. 11.—The boldest attack on alleged Venezuelan government corruption ever recorded has been made by Adolph Dolge, former American consular agent here, resident director of the Orinoco corporation and secretary of the United States commission on Venezuelan claims. Mr. Dolge has field with the government a long exposure of certain prominent officers' attempts to rob the corporation of its immensely valuable rights in the Orinoco delta. Printed copies of the document are distributed widely, because the censored local newspapers cannot publish the charges. In order to avoid causing any embarrassment at Washington, Mr. Dolge has presented his resignation as consular agent to Thomas P. Moffatt, the American consul at La Guaira. In the document Mr. Dolge reiterates a long list of wrongs for which prominent politicians are blamed. The latest aggression complained of is that the authorities consented to the transfer to a New York syndicate known as the Orinoco Lumber company of part of the property which, he asserts according to the decisions of both the Venezuelan supreme court and the international arbitration conference, belongs to the Orinoco corporation.

Mr. Dolge is the son of Alfred Dolge of Dolgeville, Cal.

WASHINGTON, Feb. 11.—The officials here, though not advised of the resignation of Mr. Dolge, were not surprised to hear that it had followed his attack on the Venezuelan government. His status is different from that of a consul, in that his official connection with the government is really established only in the absence of the consul general. It is fully expected that Mr. Dolge will be expelled from Venezuela, as was M. Jaurete for a similar attack. He has filed a claim for presentation through the State department against Venezuela.

Ameer Now a Mason.

LONDON, Feb. 11.—The Ameer of Afghanistan, according to a dispatch to the Standard from Calcutta, has been initiated as a Free Mason. General Lord Kitchener, in command of the troops in India, was among those present at the ceremony.

Robbers Get Russian Gold.

MOSCOW, Feb. 11.—A messenger belonging to the government spirit department here, while on his way to a bank this morning, was held up by ten armed men and robbed of $35,500. The highwaymen in their flight dropped a bag containing $3,500, but got away with the balance.

Fighting in Persia.

LONDON, Feb. 11.—It was announced in a special dispatch from Terehan this afternoon that anti-government bands had seized the ammunition stores at Tabriz and that faction fighting was proceeding in the streets.

Consul Roosevelt Ill.

BRUSSELS, Feb. 11.—The American consul general here, G. W. Roosevelt, who has been under treatment for intestinal trouble has suffered a relapse and his condition is now critical.

Explosion at Woolwich Arsenal.

LONDON, Feb. 11.—A terrific explosion today wrecked the chemical research department of the Woolwich arsenal. It is believed no lives were lost.

Spain Promotes Topete.

MADRID, Feb. 11.—Vice Admiral Topete it is stated, will be named admiral of the Spanish navy in place of the late Admiral Beranger.

COLORADO BACK IN CHANNEL

Break in Big Levee Near Imperial, California, Closed Monday Morning.

IMPERIAL, Cal., Feb. 11.—The last water coming through the break in the Colorado river was shut off this morning after a long and hard struggle by the Southern Pacific Railroad company. The levees have been put in good condition several miles below that break and are being extended rapidly with the aid of hundreds of men and teams. The Alamos river, carrying water to the Salton sea, is rapidly going dry in the valley. It is expected that the Salton sea will now fall steadily and will fully disappear through evaporation in about ten years. The floods have caused little actual damage to the cultivated lands of the valley.

ANNEXATION BILL HEARING

Indications of Favorable Report, with Amendment as to Time.

PRIMARY BILL COMMITTEE HOLDS SESSION

Terms of Dodge and Other Bills Gone Through with Informally, but No Agreement Reached on Number of Points.

(From a Staff Correspondent.)

LINCOLN, Neb., Feb. 11.—(Special Telegram.)—After a joint debate on the Thomas bill to consolidate Omaha and South Omaha, held in Representative hall, it appears practically certain that the senate committee on judiciary will report favorably on the bill with an amendment to allow the present officials of both cities to serve out their terms. This would delay consolidation for over a year, but it is understood the amendment has practically been agreed upon and Senator Thomas tonight said he would not oppose it. The Thomas bill does not provide for the submission of the question to a vote of the people of either city.

The meeting tonight was held by the house committee on cities and towns and the senate judiciary committee. John P. Breen, author of the Thomas bill, and Mayor Dahlman championed consolidation, and A. H. Murdock, H. B. Fleharty and Rev. Robert L. Wheeler of South Omaha vigorously opposed it. The opponents of the bill spent considerable time "knocking" on Omaha. Mr. Fleharty said the people of South Omaha favored ultimate consolidation, but not until all of the suburbs could be merged into one consolidated city and county government.

While Mayor Dahlman favored annexation, he gigged back on his former offer to give up his office any time and said he thought a bill which would cut short his term of office would be unfair. Besides the speakers, City Attorney Burnham, City Engineer Rosewater, W. H. Herdman and several of the councilmen from Omaha, and Mayor Hector and a number of the South Omaha officials attended the meeting.

Hearing on Game Bills.

An open meeting of the fish and game committee of the senate was held tonight and stereopticon views were used to convince the committee that spring shooting of ducks and geese should be prohibited. Prof. R. H. Wolcott of the State university was the principal speaker. A number of the senators from the northwest are trying to close the season during the spring months. The committee is considering amendments to the bill passed by the house to permit quail shooting from November 1 to November 15, and to close the duck season April 1 instead of April 15. A large number of sportsmen attended the meeting.

Considering Primary Bills.

The direct primary subcommittee met tonight and discussed section by section the Dodge bill, the principal changes made being the elimination of the petition for nominations. Other minor changes were made with the view to simplifying and shortening the bill, though the filing fee was left as it was in the original bill. The question of the rotation ballot went over with little discussion, as both Patrick and Dodge favor it and it is thought Brown and Aldrich are against it. This probably will be left to the joint committee. The committee did not finish its work.

"The merits or demerits of a direct primary law are not up for discussion at this time," said former Senator A. E. Cady, who came in from St. Paul tonight. "The party is pledged to such a law in its platform and the individual members are pledged to enact such a law, so it should be done. Of course, there are seemingly some objections to a state primary, but there are many objections to a convention, which experience has shown us. A direct primary will bring the government closer to the people and it will also bring the people closer to the government, and this is what the country needs. It places responsibility upon the citizens."

Inasmuch as he fathered the railway commission amendment to the constitution, Senator Cady is naturally interested in the commission bill. "I read the bill," he said, "and thought it good work. I hope the legislature will pass a bill which will give the commission absolute power to change and fix rates, along the lines of the national law. The commissioners should have power to classify the railroads, so if a rate is not compensatory on one road, it cannot be declared void on all the roads. I did not notice whether such a provision appears in the bill, but it should. For instance, the commission may make a rate which would be compensatory to the three big railroads, but which may not be compensatory to some of the smaller lines. By classifying the roads the rates could be applied where they would be just both to the roads and the people."

Senator Cady believes the 2-cent passenger rate can be knocked out in the courts, as there is a strong likelihood that it will not be compensatory to some of the smaller lines.

Mr. Cady came to Lincoln to look after the passage of a pure food bill in conformity with the national pure food law. He will remain until tomorrow. The senator is much improved in health and appears stronger than he did two years ago, notwithstanding his bad summer.

LAYMEN INSPECT MISSIONS

Commission Representing Contributors to Visit Foreign Stations of All Denominations.

NEW YORK, Feb. 11.—At a dinner given tonight at the Waldorf-Astoria hotel under the auspices of the Laymen's Missionary movement, former Mayor Low disclosed the purpose or that organization. In view, he said, of the vast amount of money contributed every year in the United States for foreign missions the utility of what has often been challenged, laymen representing the leading Protestant denominations have determined to make a thorough and critical investigation. The motive, he says, is to strengthen the missionary cause and to develop co-operation between the different churches.

A commission of business men, who have been for years contributors to the foreign missionary cause, is being appointed. It will leave at an early date to make personal inspection of the various missionary establishments throughout the world. Among the subjects to be investigated are: The number of converts, the number of genuine transformations of character, instances of persecution and of devotion and sacrifice, salaries of workers—native and foreign—and contributions of natives. It is also proposed to investigate whether the moneys and accounts are handled in a business way, whether the native population is being effectively reached, to examine the present missionary equipment and to report on any additional necessities in the way of workers or equipment.

JAP ISSUE IS DISCUSSED

Californians Present Written Statement of Their Views to President.

WASHINGTON, Feb. 11.—As a result of an hour's conference at the White House this afternoon at which President Roosevelt, Secretary Root, Mayor Schmitz of San Francisco and the members of the school board of that city participated, Mayor Schmitz late tonight made a statement summarizing the situation.

When asked whether the proposition submitted by the San Francisco delegation called for the exclusion of Japanese coolie labor from this country, Mayor Schmitz replied:

"We are not making a treaty and have not discussed with the president the question of excluding the Japanese from this country by treaty. Saturday we heard the president's views and today we presented our side of the questions. It now remains for us to modify our views in order to reach an agreement with the president, or for Mr. Roosevelt to modify his views to reach an agreement with us. Today's conference adjourned subject to the call of the president and I do not believe that we will be called to the White House again until Thursday or Friday."

It can be authoritatively stated that the president has appealed to Mayor Schmitz and his associates to bring the anti-Japanese agitation to an end and by rescinding the order for oriental schools. Under the California law the question of separate schools is left to the discretion of the school authorities, and before the earthquake the Japanese were admitted to the white schools. Mayor Schmitz declares that the only reason for establishing the separate schools was because the Japanese were crowding the white children out in certain districts. When asked as to the general tone of telegrams received from San Francisco, Mayor Schmitz said:

"The people of California do not give a rap about the school question, but are opposed to the admission of Japanese coolies into this country."

OMAHA SHIPPERS PROTEST

Charge that Railroads Conspired to Raise Rates from Missouri River to Atlantic Coast.

WASHINGTON, Feb. 11.—The petition to the Interstate Commerce commission containing the complaint of a large number of shippers of Kansas City, St. Joseph and Omaha against the Chicago, Rock Island & Pacific and four other railroads in the matter of through rates from the Atlantic coast, was received at the commission today. It is alleged that the rates are unjust and unreasonable and that they are the result of an unlawful combination between the Chicago, Rock Island & Pacific, the Chicago, Burlington & Quincy and the Chicago & Northwestern roads in the spring of 1906 to maintain certain through rates, and that these roads threatened the other defendants, the Chicago, Milwaukee & St. Paul and the Chicago Great Western, and refused to treat them as friendly connections or to route goods over their lines and in all ways that they could strove to injure and destroy their business; that the result was that the Chicago Great Western and Chicago, Milwaukee & St. Paul entered into the agreement to maintain the rates complained of.

WYOMING COAL LAND FRAUDS

New York Witnesses Tell of Making Entries and Assigning Rights to Mining Companies.

NEW YORK, Feb. 11.—The federal grand jury continued today its investigation into alleged coal land frauds in Wyoming. E. B. Tinnen, a representative of the Secretary of the Interior, who it is said, has secured the major portion of the evidence now being presented, assisted Assistant United States Attorney O'Brien.

A score or more of witnesses told their stories and explained how they came to make entries in the coal lands of the Big Horn basin of Wyoming, and later assigned their rights to the Owl Creek Mining company and the Northwestern Coal company who now hold title to 9,500 acres.

It was reported about the federal building that numerous indictments for both perjury and subornation of perjury are likely to follow.

A large percentage of the original claimants to the coal lands in question are residents of suburban New York.

SMELTER CONCERN ELECTS

Board of Directors Increases Membership and Fills Vacancy Caused by Guggenheim.

NEW YORK, Feb. 11.—The board of directors of the American Smelters Securities company increased its membership by two and elected the following new directors and members of the executive committees: Arthur L. Walker, Joseph Clendenin, John K. MacGowan and William H. Pierce. John N. Steele, general counsel of the company, was elected a director.

The directors of the American Smelting and Refining company today increased its executive committee by two, electing Arthur L. Walker, Joseph Clendenin and John MacGowan, one of these to fill the vacancy caused by the resignation of Simon Guggenheim.

CATHOLIC CITIZENS PROTEST

Five Thousand Residents of Buffalo Send Message Regarding France to Pope.

BUFFALO, N. Y., Feb. 11.—Prior to the adjournment of the meeting of Catholic citizens last night to protest against the action of the French government toward their church the following cablegram was ordered sent to the pope:

Five thousand Catholic men in Buffalo, at a mass meeting held on the evening of Quinquagessima Sunday, with their beloved bishop presiding, protest against the violation by the French government of the most sacred rights of the church and express their admiration for the brave conduct of the bishops and of the people of France. They offer their warmest thanks to the sovereign for the firm stand taken and profess their obedience to and love for His Holiness.

BANK ROBBERS SENTENCED

Bandits Who Looted Safe at Sawyer, N. D., Given Fourteen to Twenty Years.

MINOT, N. D., Feb. 11.—Sentence ranging from fourteen to twenty years was passed by Judge Goss against the Sawyer bank robbers this morning. The bandits will be taken to the state's prison tomorrow. They were charged with looting the Sawyer State bank of about $5,000.

BULK SALES PASSES

Thomas Measure Carried in Senate by a Vote of 22 to 6.

LIVELY DEBATE PRECEDES ROLL CALL

Clarke Amends Terminal Taxation Bill to Eliminate Car Lines.

INTENDED TO SIMPLIFY THE MEASURE

Railroad Commission Bill Introduced in Both Houses.

DODGE WANTS THE CAPITOL CLEANED UP

Insists the Present Condition of the Building is a Disgrace to the State and Should Be Remedied.

(From a Staff Correspondent.)

LINCOLN, Feb. 11.—(Special.)—The bulk sales law passed the senate this afternoon, after a scrap more lively than did one that assailed it in the committee of the whole. When the bill came up on third reading Thomas, who introduced it, asked that it be laid over one day, and McKesson immediately moved to recommit it to the committee of the whole for specific amendment. He wanted to cut out the provision requiring the terms of any proposed sale of a stock of goods shall be made known to the debtors of the seller.

The debate was long and exciting. Aldrich charged there was a deal on between the retailers and the wholesalers whereby the retailers were to help pass the bulk sales law and the wholesalers in return were to assist in passing a bill cutting down exemptions of debtors. This was denied, and Thomas took the floor in a long argument in defense of the measure. Ashton of Hall declared the only man who asked him to oppose the bill was a man who made a business of buying up stocks of goods at 25 cents on the dollar. Sackett declared the bill was unfair, in that it interfered with the private business affairs of the retailer. Patrick favored the bill on the ground the giving to the wholesaler the terms of a proposed sale would insure a bona fide sale.

After the debate had waged for over half an hour Thomas withdrew his request that the bill go over and McKesson's motion to recommit was lost by a vote of 12 to 15. The bill was then put on its passage and passed, with the following vote:

Ayes—
Ashton, Beck, Byrnes (Platte), Clarke, Dodson, Gibson, Glover, Goodrich, Hanna, Holbrook, McKesson, O'Connell, Patrick, Phillips, Randall, Saunders, Sibley, Thomas, Thompson, Wiltse (Cedar), Wilsey (Pntr.), Wilson—22.

Nays—
Aldrich, Burns (Lostr.), King, Luce, Rent, Sackett—4.

Absent—
Epperson, Gould, Latta, Thorne, Wilcox—4.

Amending Terminal Tax Bill.

Clarke of Douglas county will amend his railroad terminal taxation bill before urging its passage in the house, and when he makes the changes he has in mind, he believes there can be no objection to the measure except, of course, by the railroads, which will have to pay more taxes in every city and town and village in the state than they do now, and he believes there will be no question that the bill will stand the test of the courts. He proposes to cut out of the bill reference to all car companies and leave its provisions to apply only to railroads. This will avoid the reference to car companies, which, it is believed, may prevent the bill from accomplishing that for which it is intended. He has figured as a matter of fact that the revenue derived from the city tax on car companies would be so small it would hardly pay to jeopardize his bill with that section in it. In order to get more revenue out of the Pullman company, however, it may be a bill will be introduced to amend the present law so the Pullman company's right to do business in the state can be taxed, as its physical property is now assessed and taxed.

Railroad Commission Bill Filed.

The railroad commissioner bill was introduced in the house and senate this afternoon and upon being read tomorrow a second time will be placed on general file, without the formality of being referred to the railroad committee. This is a measure which defines the powers and the duties of the state railway commission. While the committee has voted on all of these railroad measures to stand as a unit and push them through without amendment, it is not improbable strenuous efforts will be made to change this bill in several particulars. A large part of the members want to make the present railroad freight rate the maximum rate, leaving the commission power to reduce these rates on any one commodity without permitting the railroads to increase the rate on some other commodity. Another change which is thought desirable to which public attention has not been called is in that section giving authority to the commission to employ attorneys in addition to requiring the assistance of the state legal department. Some members believe this power should not be given to the commission, and one of the commissioners who was interviewed also objected to it, inasmuch as the attorney general is elected to look after the legal business of the state and state officers and boards, this commissioner thought the attorney general could attend to the legal business of the commission and should other legal talent be desired or necessary, the attorney general should have the power to employ the same.

It is evident this legislature will not pass a reapportionment bill. The resolution which was introduced Friday to have a committee appointed to get up a reapportionment bill, was tabled this afternoon by a vote of 54 to 23 in the house.

Both the house and senate got down to business at 2 o'clock after having been adjourned since Friday, and the first announcement in the house was the postponement of the discussion on the employer's liability bill until February 14. This was done because of the illness of McMullen of Gage, who stands sponser for the bill recommended by the Order of Railway Conductors. Evidence had already been secured to show that the Burlington railroad intended to have on hand this afternoon numerous employes to protest against this measure in the name of their fellow employes, though really in the interests of their employers.

Move to Clean Up Capitol.

Dodge of Douglas, filled with righteous indignation at what he termed the "disgraceful" condition of the state house, instituted proceedings this afternoon which may result in the old building being cleared of bats and cobwebs and dirt and microbes of twenty-five years' standing, and in the walls being decorated with historical paintings, windows put in the dome and other improvements which will permit