THE OMAHA DAILY BEE

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DEVISES BIG ESTATE

Will of Millionaire John A. Creighton is Filed for Probate.

SPECIFIC BEQUESTS MORE THAN MILLION

Remainder, Whatever It Is, to Be Divided Among Legatees.

UNIVERSITY IS LARGEST BENEFICIARY

Named for Five Hundred Thousand, That Only a Part.

RELATIVES GET ONE-FOURTH OF FORTUNE

Rest Goes to College, Hospital and Charitable Institutions, While the Count's Housekeeper is Remembered with $10,000.

John A. Creighton's will was filed for probate by Judge W. D. McHugh Monday afternoon.

It makes specific bequests to the amount of $1,150,000 and provides that all property in excess of this shall be divided among the legatees mentioned in the same proportions observed in the specific bequests. If, as generally believed, the count's fortune amounted to upwards of $5,000,000, all the beneficiaries will get about four times the amounts mentioned as theirs in the will and Creighton university, the chief beneficiary, will get upwards of $2,000,000.

Approximately, three-fourths of the estate is given to institutions and one-fourth to relatives. To be exact as regards the specific bequests, $900,000 is given to institutions, $240,000 to relatives and $10,000 to Count Creighton's housekeeper.

These are the beneficiaries and the amounts named:

Creighton university	$500,000
St. Joseph's hospital	300,000
Children of sister, Mrs. McShane	100,000
Children of brother, Thomas Creighton	100,000
Little Sisters of the Poor	50,000
Working Girls' Home	50,000
Sisters of Good Shepherd	50,000
Sisters of Poor Clare	50,000
John A. Schenk, brother-in-law	25,000
John M. Daugherty, grand nephew	15,000
Mary Cotter, housekeeper	10,000

To Expand University.

It is generally supposed that there is $4,000,000 or $5,000,000 in addition. This would give each beneficiary named several times the amount mentioned specifically.

That the count left so much money to Creighton university does not surprise the management of that institution, as he has always called it his "child." President Dowling says an expansion of the university is already contemplated.

Two provisions of $50,000 each are for institutions not yet in existence. They are the Working Girls' Home and the Little Sisters of the Poor.

None of the relatives with whom the count had litigation over property are mentioned in the will.

The instrument was dated January 5, 1904.

Text of the Will.

The will reads:

Know all men by these presents: That I, John A. Creighton of the city of Omaha and state of Nebraska, do hereby make, publish and declare this my last will and testament, as follows—that is to say:

First—I direct that all my just debts and the expenses of my last sickness and burial be paid as soon after my death as possible.

Second—I hereby will, devise and bequeath to John A. Dougherty $15,000, if he survive me and at my death be in my employ; if he do not survive me, or if at my death he be not in my employ, the said sum shall go into the residuum of my estate.

Third—I hereby will, devise and bequeath to my nephews and nieces, John A. McShane, James H. McShane, Felix J. McShane, Mrs. Kate McShane Furay, Mrs. Ellen McShane Cannon, the children of my late sister Alice, and to the children of Edward McShane, deceased, who may be living at my death, $100,000, to be divided among them as follows: The said sum shall be divided into seven equal parts, one of which shall go to John A. McShane, one to James H. McShane, one to Felix J. McShane, one to Kate McShane Furay, one to Ellen McShane Cannon, one to the children of Edward McShane, deceased, who may survive me, and one to the children of Thomas McShane, deceased, who may be living at my death.

Fourth—I will, devise and bequeath to my nephews and nieces, John D. Creighton, Mrs. Catherine Creighton McGlinn and Martha Creighton Diner, $100,000, to be divided among them equally. If any one of them die before me, his or her share shall go to his or her children.

Fifth—I hereby will, devise and bequeath to my brother-in-law, John A. Schenk, $5,000, if he survive me. If he die before me the said sum shall go into the residuum of my estate.

Sixth—I hereby will, devise and bequeath to my housekeeper, Mary Cotner, $10,000, if she survive me. If she die before me the said sum shall go into the residuum of my estate.

Seventh—I hereby will, devise and bequeath to the Creighton university, a corporation organized and existing under the laws of the state of Nebraska, $500,000, which shall be kept maintained and preserved, undiminished and unimpaired, and preserved as a capital endowment fund for the said institution, the principal to be invested in interest-bearing securities, and the interest and interest derived therefrom to be applied to the support of the said institution.

Eighth—I hereby will, devise and bequeath to the Franciscan Sisterhood of Nebraska, a corporation organized under the laws of the state of Nebraska, $200,000 for the support and maintenance of the St. Joseph Memorial hospital in Omaha.

Ninth—I hereby will, devise and bequeath to the executors of this, my last will and testament, $50,000 in trust to pay the same to the Little Sisters of the Poor when they shall establish a house in Omaha for the purposes of the charity to which they are devoted.

Tenth—I hereby will, devise and bequeath to the executors of this my last will and testament $50,000 in trust to purchase a site and build thereon a home for poor working girls expending not more than one half of said sum for the purchase of said site and erecting a building thereon and investing the balance in interest bearing securities and apply the interest derived therefrom to the support of the said charity.

Eleventh—I hereby will, devise and bequeath to the Sisters of the Good Shepherd $50,000 for the support of the charity to which they are devoted.

Twelfth—I hereby will, devise and bequeath to the Sisters of Poor Clare $50,000 for the support of the house already established by them in Omaha.

Thirteenth—I hereby will, devise and bequeath all the rest, residue and remainder of the estate, real and personal, of which I may die seized or possessed to the legatees and beneficiaries hereinbefore mentioned each of them to take and have the proportion of such remainder as the bequest herein made to him or her bears to the whole of my estate.

Fourteenth—I hereby revoke and annul all and every will I have heretofore made and I hereby name, constitute and appoint John A. McShane, James H. McShane, John D. Creighton and John A. Schenk executors of this, my last will and testament and direct that they be appointed as such without bond.

(The will was witnessed by James M. Woolworth and Alvin P. Johnson, and was executed January 6, 1904.)

FATHER DOWLING NOT SURPRISED

Will in Keeping with Opinions Expressed of Count's Intentions.

"Were you surprised at the contents of Mr. Creighton's will?" was asked of President Dowling.

"I am not at all surprised at the terms of the will. As far as they relate to the Creighton university they are perfectly in

(Continued on Fifth Page.)

SUMMARY OF THE

Tuesday, Februar

1907	FEB					1907
SUN	MON	TUE			FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

THE WEATHER.

FORECAST FOR NEBRASKA—Fair Tuesday and Wednesday.

FORECAST FOR IOWA—Fair and colder Tuesday. Wednesday fair.

Temperature at Omaha yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	51	1 p. m.	42
6 a. m.	48	2 p. m.	41
7 a. m.	46	3 p. m.	38
8 a. m.	42	4 p. m.	38
9 a. m.	41	5 p. m.	37
10 a. m.	40	6 p. m.	37
11 a. m.	41	7 p. m.	37
12 m.	42	8 p. m.	36
		9 p. m.	34

LEGISLATIVE.

At Lincoln the house put the finishing touch on county option, by killing the second bill. The vote was 39 to 48. **Page 2**

Republican caucus at Lincoln takes no action on 2-cent fare bill, but sentiment of members was unanimously in favor of passage of the bill. **Page 1**

In the senate at Lincoln the railroad committee was required to report at once on a bill to reduce passenger fare to 2 cents per mile. The measure was made a special order for Tuesday morning. **Page 1**

WASHINGTON.

House passes the conference report on the immigration bill permitting the president to exclude coolie labor by vote of 187 to 192. **Page 2**

Text of agreement between President Roosevelt and San Francisco school board provides for exclusion of all coolies and for admission of alien children under 18 years old who can speak English, to the white schools. **Page 2**

House refuses to accept substitute for La Follette bill regulating hours of railroad employes. **Page 2**

House amends the postoffice bill to provide for further reduction of pay to railroads for carrying mails. **Page 2**

House passes the bill creating an additional judge for the federal court of Nebraska. **Page 1**

Senator Kittredge secures report rejecting the nomination of Elliott as United States marshal for South Dakota. **Page 1**

DOMESTIC.

Missouri river is out of banks at Vermillion; higher than at any time since 1881. **Page 3**

Three barges are adrift off Massachusetts coast, and several members of crews are drowned. **Page 1**

Attorney Jerome takes hand in hearing of New York Central accident before coroner. **Page 1**

Charles Phelan is arrested in Chicago for receiving furs alleged to have been stolen in Omaha. **Page 1**

Governor Hughes notifies Superintendent Kelsey of the New York insurance department to appear for hearing. **Page 1**

Frank Hottman convicted of murder at Kansas City, cuts his throat and may die. **Page 1**

Thaw's lawyers succeed in getting prisoner's statement to doctor as to why he killed White and his will before the jury. **Page 2**

NEBRASKA.

Prof. Barber of the State university inspects the Peru coal mine and will report on bounty claim. Mine is now employing seven men. **Page 3**

FOREIGN.

Russian police raid St. Petersburg school and capture incendiary proclamations. **Page 1**

French premier announces, after cabinet meeting, that cabinet will not resign. **Page 3**

LOCAL.

John A. Creighton's will gives one-fourth his estate to relatives and three-fourths to institutions, Creighton university being the largest beneficiary. **Page 1**

Young Woman's Christian association lacks $2,600 to complete building fund. **Page 7**

Permit issued for new gas holder at Twentieth and Center streets. **Page 7**

Ten thousand dollar fund for new line of boats on Missouri river is raised. **Page 12**

James McElligott was instantly killed by a falling derrick at Twentieth and Izard streets. **Page 7**

Representatives of street railway men's union confer with ministerial union. The ministerial union took the request for endorsement under consideration. **Page 7**

Judge Redick declares that question of jurisdiction must be determined before final ruling in Bassett divorce case is made. **Page 5**

Omaha banks, the Commercial club and other business interests have filed protest with the chairman of the house committee on postoffices and post roads, protesting against proposed reduction of appropriation for carrying mails on western roads. **Page 12**

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
NEW YORK	Minnetonka	Noordam.
NEW YORK	Cymric	
NEW YORK	La Gascogne	
PLYMOUTH	Kaiser W. II	
ROTTERDAM	Potsdam	
BOSTON	Cymric	
GLASGOW	Mongolian	Ontorian.
GLASGOW	Columbia	
FIUME	Pannonia	
CHERBOURG		Auguste Victoria.
NAPLES	Madonna	
BREMEN		Rhein.

REVOLUTIONISTS IN THE TOILS

St. Petersburg Police Raid University Building and Capture Proclamation.

ST. PETERSBURG, Feb. 18.—The social revolutionists have been holding meetings in the University building here under the cover of university autonomy. The police, however, determined to put an end to these gatherings and yesterday surrounded the university, arrested seventy-one revolutionists and seized 1,300 pounds weight of incendiary proclamations.

The prefect of police has ordered the arrest of all persons distributing election literature in behalf of the radical party, and today closed two establishments where radical ballots were being prepared.

WARSAW, Feb. 18.—The Catholic churches throughout Poland today held special supplicatory services in behalf of the nationalist candidates in the final elections, which are to take place tomorrow. The clergy celebrated masses and offered up prayers for the success of the Polish nationalists against the candidates of the Jews and socialists. Interest in the outcome of the electoral struggle here is intense.

JUDICIAL BILL IS PASSED

House Decides Nebraska Needs an Additional Federal Judge.

MUNGER OF LINCOLN TOUTED FOR PLACE

Senator Kittredge of South Dakota Carries His Point and Committee on Judiciary Turns Down Elliott Nomination.

(From a Staff Correspondent.)

WASHINGTON, Feb. 18.—(Special Telegram.)—The judicial bill, which passed the house today as a substitute for the senate, or so-called Burkett bill, is the result of Judge Norris' earnest and persistent efforts. Judge Norris saw after amending the senate bill and providing for two divisions, an additional judge, marshal, district attorney and all the machinery of the new federal judicial districts that such a bill could not pass. Wherever he went in his proselyting for the bill he heard objections. Believing that relief should be given to the south half of the state and that there should be a rearrangement of the divisions within the district, he prepared a substitute for the Burkett bill, which undoubtedly will become a law, the intention of Senator Burkett being to move that the senate concur in the house substitute, which provides for an additional judge without creating a new district.

The divisions as outlined, seven in number, were the result of Judge Norris' close study of geographical conditions in Nebraska, the trend of railroads and the natural contiguity of the counties upon certain towns or places where court is to be held being closely considered by the author of the bill, which really ought to be known as Norris' bill instead of the Burkett bill.

The selection of Chadron as one of the places in the North Platte country for holding court was at the instance of the subcommittee and was adopted because it was satisfactory to Judge Kinkaid.

Munger Touted for Place.

Now that the bill is out of the woods and its passage only a question of a day or two at the most, people of the South Platte country will have an opportunity to speculate on who the delegation will select for recommendation to the president as the judge. Probably the man whose name is most talked of in Washington is that of Thomas C. Munger of Lincoln, who, when Senator Burkett was in the house, was the latter's chairman and campaign manager. Of course Senator Burkett would like to make Mr. Munger a federal judge, but there are others in the South Platte country who also demand serious consideration. There is C. C. Flansburg, Judge Sedgwick, Judge Letton, Paul Jessen and others out for the place. But it is generally thought here Mr. Munger will get the plum. It is understood a petition signed by a large number of the Lincoln bar is on its way to Washington in behalf of Mr. Munger.

Senator Burkett said tonight the delegation would be called upon to recommend a suitable person to the president for appointment to the new position.

Senatorial Courtesy—Wins.

The power of a United States senator, if he elected to invoke what is vaguely understood as senatorial courtesy, was shown today in the unanimous report of the judiciary committee of the senate against the confirmation of James D. Elliott as United States attorney for South Dakota. But back of this senatorial courtesy are statements that Mr. Elliott, during his former term as United States attorney, had an opportunity to prosecute certain charges against the present governor of South Dakota, Coe I. Crawford, who was alleged to be interested in questionable land transactions. These papers, report states, were before the judiciary committee of the senate, being sent there by the Department of the Interior. During the fight for senator and which resulted in Senator Gamble's re-election, Mr. Elliott took sides with Crawford and Gamble as against the Kittredge and Martin crowd. There was crimination and recrimination and things got to a white heat, with the result that Mr. Elliott, who at one time had been the friend of Senator Kittredge, and largely through the latter's influence was made United States attorney, sent in his resignation and took the field openly for Coe I. Crawford for governor and R. J. Gamble for United States senator, and then the fur commenced to fly. After the convention and before the convening of congress President Roosevelt reappointed Mr. Elliott United States attorney, and when congress assembled sent his name to the senate for confirmation. In the meantime Mr. Elliott qualified and drew his salary as a recess appointment, but recently the comptroller of the treasury held that Mr. Elliott was not entitled to any salary on the ground that the president had failed to make an appointment while congress was in session, Elliott having resigned before congress adjourned last June. This ruling compels Mr. Elliott to reimburse the treasury for some $1,900 which he has received as salary, and now gets a black eye by unanimous vote of the judiciary committee against his confirmation.

Senator Gamble refused to say anything regarding the action of the committee except that he would make a fight on the floor for Mr. Elliott when the adverse report of the committee was received.

Burke and Martin Score.

R. E. Niemeyer was today nominated for postmaster at Forestburg, Sanborn county, South Dakota. Back of this appointment is a case almost a rival that of Elliott, and shows that Martin and Burke, present representatives from South Dakota, who were knocked out by the convention, are still active partisans and must be reckoned with in the future. R. O. Richards, a close friend and financial manager of Governor Crawford, took a hand in the postoffice fight, with the result that a protest was filed holding up the case for a considerable length of time. Burke and Martin, however, kept pegging away, with the result that they have landed their man. They feel confident that other appointments which have been recommended will be made.

Minor Matters at Capital.

Congressman-elect Boyd of the Third Nebraska district, who, with Mrs. Boyd, has been in Washington since last Friday, was the guest of the house delegation from Nebraska today and was introduced to the leaders by Mr. McCarthy, whom he succeeds.

Congressman Kinkaid has recommended the establishment of a postoffice in section 5, township 19, range 42, Nebraska, with D. J. McDermott as postmaster.

Fred M. Bruner has been recommended by Congressman Kinkaid for postmaster at Geneva, vice W. Redfern, resigned.

The site offered by Pettibone & Nixon for a public building at Plattsmouth, Neb., situated at the corner of Fifth and Vine

(Continued on Third Page.)

AUTOMOBILE TRADE GROWS

Census Bureau Gives Figures Showing Development of Industry in United States.

WASHINGTON, Feb. 18.—The remarkable growth in the automobile industry and the decline of bicycle products are strikingly indicated in a statement issued today by the census bureau on the manufacture of automobiles, bicycles and tricycles for 1905.

The total production of automobiles in 1905 was 22,830 valued at $26,845,084, as against only 2,727 in 1900, with a value of $4,748,041, thus showing an increase in value of 464.1 per cent.

Of the 22,802 "autos" turned out by automobile factories 18,699, or 85.26 per cent were propelled by gasoline; 1,568, or 7.2 per cent, by steam, and 1,425, or 6.5 per cent by electricity.

The figures concerning the manufacture of automobiles, represent the output of the 122 establishments reporting the complete automobile. In addition to these, there are forty-seven establishments engaged in other manufacture, such as carriages, bicycles, wagons, sewing-machines, etc., which during the year covered by the census, turned out 1,128 automobiles, valued at $875,366; and fifty-seven establishments which manufactured automobile bodies and parts to the value of $2,288,472.

In the period between the two censuses, the number of establishments turning out the finished automobile as their principal product increased from fifty-seven to 122, the amount of capital invested in these establishments from $5,788,857 to $25,555,247; and the average number of wage earners employed, from 2,341 to 10,326. The average capital per establishment increased from $101,208 to $163,878, or 67.9 per cent.

Of the total number of automobiles manufactured in automobile factories, 12,125 or 53.9 per cent were runabouts; and 7,229 or 32.3 per cent touring cars. Buckboards stood third in number turned out, 875; Stanhopes fourth, with 520; and delivery wagons fifth, with 411.

The value of American made automobiles and parts exported increased from $948,828 in 1902, the first year that they were separately reported, to $2,461,242 in 1905. The greater part of these exports went to European markets, although Europe's percentage of the total foreign purchases appears to be decreasing. In the years 1902 to 1905 these percentage was 83.9, 79.7, 73.8, and 57.6, respectively. Nevertheless the absolute value of the exports to Europe almost doubled in the three years. To the united kingdom more than $500,000 worth of American made automobiles and parts has been exported in each of the years from 1902 to 1905. In the same period exports to France have increased from $9,651 to $152,742; to Italy from $2,200 to $159,396, and to Germany from $24,491 to $154,141. In 1905 there were in all sixteen European countries which imported American machine.

The exports to foreign countries of North America increased from $77,801 in 1902 to $682,909 in 1905, nearly nine-fold. In 1905 nearly two-thirds of this value went to Canada, which stood next to the United Kingdom among all foreign countries in imports of the American made machines.

The total number of countries importing the American product in 1905 was fifty-three. In 1895 the census of the manufacture of bicycles and tricycles disclosed great decreases since 1900. The number of factories declined from 312 to 101; the capital invested from $29,793,659 to $5,883,548; the number of wage earners from 17,525 to 3,219, and the value of products from $21,815,968 to $5,159,780. Many establishments that manufactured only bicycles in 1900 were, at the later census engaged principally or to some extent in the manufacture of automobiles.

The number of chain bicycles turned out decline from 1,196,122 in 1900 to 246,394 at the census of 1905; chainless from 42,929 to 4,077; and tricycles from 26,110 to 1,963. The tricycles were almost entirely childrens' toys. Motor cycles increased from 139 to 2,436.

TYLER'S SKULL IN COURT

Prosecution in Adams Case Proves Fact That a Murder Was Committed.

WALLACE, Idaho, Feb. 18.—The shattered, dried, weatherbeaten skull of murdered Fred Tyler was in evidence in the trial of Steve Adams today, held up before the jury by the hand of Deputy Sheriff C. B. Williams. A big bullet hole back of the left ear and another hole on the right side, where it is supposed the ball came out, showed how he met his death, shot from behind.

The state, it is believed, has won the first round in the battle of witnesses by producing a mass of evidence which seems to leave no doubt that the body found in the woods in the St. Joe country was that of Tyler. Jacob Yeager, brother-in-law of the dead man, today added his testimony. He declared he had known Tyler for nine years and had identified the body by the shape of the skull, the color of the hair, the calloused feet and the crooked finger. He declared he had made the shoes found near the body.

C. B. Williams, the deputy sheriff, was the next witness. He cautiously declared he could not identify some of the articles produced in court as those found with the body in the woods, but did positively identify the skull. At the request of the prosecution he held up the battered skull and described the wounds indicated. He said the body was found about half a mile from the cabin of Jack Simpson.

While the identification of the body as that of Tyler is considered very strong, it is expected still more witnesses will be brought forward by the state to clinch the evidence on this point.

WANTS THOUSAND FOR STAB

Ole Gregor Says Foreman Waye Cut His Leg After Discharging Him.

Ole Gregor filed suit in the county court yesterday against the M. C. Peters Mill company and A. E. Waye, foreman, asking $1,000 damages for injuries which he alleges were inflicted upon him by Waye following his discharge. He relates that he was discharged on February 12, 1907, and that while he was waiting for his wages Waye entered and in an altercation, stabbed him in the leg.

KELSEY ON THE CARPET

Governor Hughes Serves Notice of Hearing on New York Insurance Commission.

ALBANY, N. Y., Feb. 18.—Governor Hughes served notice today on Otto Kelsey, state superintendent of insurance, to appear before him today at 2 p. m. to give testimony concerning the insurance department.

This is regarded as the first step of Governor Hughes toward the removal of Mr. Kelsey as superintendent of insurance.

CAUCUS TAKES NO ACTION

Sentiment, However, Favors the Passage of Two-Cent Fare Bill.

LIKELY TO GO THROUGH UNCHANGED

Meeting Opens a Lively Debate as to Whether the Caucus Should Be an Open or Closed One.

(From a Staff Correspondent.)

LINCOLN, Feb. 18.—(Special Telegram.)—The republicans of the legislature met in open caucus tonight to consider action on the party pledges, and after a free for all debate on the 2-cent rate bill adjourned without agreeing upon any concerted action, though the sentiment for the flat 2-cent rate without the Ned Brown amendment was clearly the sentiment of the majority, and even those who favored the amendment believe the bill will be recommended for passage tomorrow without a single change in it. This amendment provides the state railway commission shall have the power to increase the rate on any railroad which shows the rate is not compensatory. This amendment was endorsed by Speaker Nettleton, Ned Brown, Barnes, Lee, Harvey and Gilem, while those who opposed the amendment in their talks were Farley, Lahners, Eller, Raper, Renkel, Thiessen, Cuddles, Walsh, Springer and Senator Wilise, who was invited to speak. Senator Wilsey of Frontier, who was also invited to say something, said the republicans were too close together for even an argument on the question.

The entire republican membership favored a 2-cent rate and the only difference was how to get it with a law which would hold water. Those who favored the amendment argued that it saved the law because if one road could not stand the 2-cent rate the commission could lower it and the law would still apply to the other roads. Those who were opposed believed the railroads could not make such a showing; that even if the law were knocked out the railway commissioners could then make the rates and therefore the amendment was not necessary.

Debate on Open Caucus.

The caucus was open, but not open until a big fight had been pulled off, in which many members took part, some favoring and some opposing talking before others than republican members. This was precipitated when Keifer moved that those not members be excluded from the room. McMullen objected and said he favored an open caucus because that precedent had been established at the organization of the house and because the house today had passed a bill compelling the university regents to hold open meetings. Knowles and Killen both spoke for the open meeting and Dodge got the floor. The member from Douglas said: "We are meeting to see whether the democrats are running the house or whether a few republicans shall join with the newspapers to run it." He opposed a caucus at which were present "democrats, newspaper reporters and lobbyists."

Lahners was for the open caucus, as was Speaker Nettleton and Best, while Clarke and Noyes were for the closed meeting. The vote was 32 for the open caucus and 24 for a closed meeting. Clarke then moved to exclude all but accredited newspaper reporters, and this was lost and followed by a motion by Lee for adjournment, which was also lost. The meeting came to an end when Walsh moved that the republicans of the house agree to pass all the bills from joint committees covering party pledges without amendments and let the senate discuss them. Someone moved to adjourn and the Walsh motion was never put.

Harrison of Otoe presided at the caucus and Hart of York was secretary. Among the onlookers were Chairman Allen of the democratic state committee and a number of his democratic friends, A. W. Sertliner of the Union Pacific, former State Treasurer Peter Mortensen and others.

Former State Treasurer Peter Mortensen came in from Ord tonight to spend tomorrow visiting among the legislators. Mr. Mortensen is an advocate of the flat 2-cent rate bill and he believes its passage will be appreciated by the people of the state generally.

"I hope the rate will apply to the branch lines," said Mr. Mortensen, "because we have such poor service, we in truth should be paid to ride on the trains. The people along the big lines can afford to pay higher than we on the branch roads."

Mr. Mortensen is in favor of some of the bills which have been introduced affecting the university and very much opposed to some others affecting that institution. Inasmuch as he has had considerable experience with the finances of the school, his ideas of how the money should be paid out are expected to have much weight with the committees looking after this class of legislation. He probably will go before the committees.

HERMANN CASE IS DELAYED

Former Land Commissioner Objects to New Facts Being Shown Against Him.

WASHINGTON, Feb. 18.—When the trial of Representative Binger Hermann of Oregon, charged with the destruction of public records, was resumed today the jury was excused until tomorrow morning, in order to afford discussion of law points which had been raised respecting the admission of the additional bill of particulars filed by District Attorney Baker last week.

The attorneys for the defense objected to the introduction of the new bill in the case, maintaining it placed in jeopardy the interests of their client and that the testimony which was indicated in the new bill ought to have been in the possession of the district attorney when the case was begun.

Several witnesses were examined as to the time when they placed the additional testimony, upon which the new bill of particulars is based, in the hands of the district attorney.

After hearing various witnesses, including District Attorney Baker and Assistant District Attorney Adkins and the arguments of counsel for both the government and the defense, Justice Stafford announced his decision that the additional bill of particulars might be filed.

The trial will be resumed tomorrow morning before the jury, unless the defense should obtain a temporary postponement to enable counsel to examine the new bill of particulars.

DEATH RECORD

Major C. W. Pierce.

LINCOLN, Neb. Feb. 18.—Major C. W. Pierce of Lincoln, one of the framers of the Nebraska constitution and a pioneer lawmaker, died suddenly at Hastings, Fla., where he had gone for his health. He was a member of congress from the Fourth Alabama district in the late sixties.

FIRST SHOTS FROM POST

White Soldier Tells Senate Committee of Beginning of Fight at Brownsville, Tex.

WASHINGTON, Feb. 18.—The first shots fired in the Brownsville affray of August 13 were fired from the rear of the post commissary and not from the town, according to the testimony of William C. Nolan before the senate investigating committee today. Nolan is a white soldier belonging to the Hospital corps. He was in the hospital at the time of the shooting. He heard the first of the trouble, he said. This was followed by shots from the direction of a negro saloon in the town. Nolan said that a few nights before the shooting Private Newton, a negro soldier, came to the hospital for treatment. His face was badly bruised and Nolan asked him how he was injured. According to Nolan's story, Newton said that he was in town and that a man knocked him down with the butt of his six-shooter without reason. Nolan told the man it was queer he did not know the reason for the assault and Newton insisted that he did not. Nolan said Newton then said: "Well, that's the way it was, but we'll fix the —— —— —— yet."

William Harden, a negro ex-private, said that on the night of August 13, while walking between the post exchange and the hospital, he almost ran into Major Penrose, Major MacComb and another man. He said he stepped back to let them pass and they stopped and began to talk. The strange man, according to Harden, said: "I tell you, Texas won't stand for it." He then said something about an assault upon his wife, and added: "If some soldiers are not put under arrest by 10 o'clock tonight we'll kill every nigger in Fort Brown."

SAN ANTONIO, Tex., Feb. 18.—Lon A. Evans, a state quarantine officer whose wife was, it is charged, attacked by a negro soldier the night before the Brownsville raid, testified at the Penrose court-martial today. He said that on the night of the raid a negro soldier returning to the post passed so close to him that he could have touched the negro's gun.

BARGES ARE IN DISTRESS

Two Members of One Crew Drown and Tug is Not Seen.

HIGHLAND LIGHT, Mass., Feb. 18.—The barge Girard, coal laden, went ashore today near the Highland Light life saving station and two of its crew were drowned. Captain Larsen and another member of the crew were saved by the life savers. The barge will be a total loss.

Shortly before 11 o'clock two other barges were sighted driving ashore on Peaked Hill bar. The life saving station at once prepared to go to their assistance. It is believed that these two, in company with the Girard, were in tow of the tug Valley Forge. The tug and three barges were sighted going north at dark last night, but the tug has not been seen today.

The barge was in tow of the tug Valley Forge bound from Philadelphia for Boston. In the heavy northeast gale, which prevailed early today with a thick snow storm, the Girard broke adrift and was driven ashore. It was sighted from life saving stations, and as the four men aboard could not launch boats on account of the rough seas the life savers shot a line aboard the steamer and Captain Larsen and Seaman Morton Burke were brought ashore in the breeches buoy. Seamen Joseph Johnson and Joseph Hansen were caught in the cabinet and drowned.

Shortly before 1 o'clock one of the barges, believed to be the Alaska, was thrown on a bar by the breakers, and in a few moments went to the bottom with all hands on board.

It is believed that there were at least three or four in the lost crew. The two barges in distress are the Alaska and the Bethayres.

STATE TO WATCH HEARING

Cause of New York Central Wreck Will Be Ascertained by Coroner.

NEW YORK, Feb. 18.—District Attorney Jerome's office will be represented at the coroner's inquest today into the wreck on the New York Central railroad Saturday evening and it is expected that the disputed question as to the speed of the wrecked train will be answered by the testimony of the motorman, E. R. Rogers, the train inspector, who was riding in one of the electric motors, and from the reports of the tower men who recorded the passage of the train.

An effort will be made to ascertain just what caused the rail to be tore up and the breaking of a wheel on the leading motor.

All the bodies of the passengers, which were held at the Bronx park police station, have been identified and removed. Of the injured in the hospitals four were regarded today as being in a critical condition. They were:

Mabel Smith of Oneonta, N. Y., skull fractured.

Elsie Sniffen, Englewood, N. J., skull fractured.

Arabelle Fowler, Pleasantville, N. Y., leg broken.

Ernest Knoll, Mount Kisco, N. Y., fracture of the thigh.

Coroner Schwannecke was informed today that Mr. Knoll was likely to die and went to the hospital to take his statement.

Altogether there were twelve sufferers from the wreck in the Fordham, Lincoln and Lebanon hospitals today.

Assistant District Attorney Smyth said today that he had arrived at the conclusion that the accident was caused by a broken rail.

Ernest Knoll of Mount Kisco died at the hospital this afternoon.

CHICAGO MAN RECEIVED FURS

Charles Phelan, Arrested on Order from Omaha, After He Receipts for Package.

CHICAGO, Feb. 18.—(Special Telegram.)—Charles Phelan was arrested after he had receipted for a package of alleged stolen furs at the American Express office.

The police assert that the furs, valued at $500, are the proceeds of a burglary committed in Omaha. Lieutenant Larkin received a telegram from Omaha to look out for the furs. Phelan was booked on the charge of receiving stolen property.

Dynamite Explosion in Kentucky.

LONDON, Ky., Feb. 18.—Foreman Sutton and three of his crew were blown to atoms by a dynamite explosion today near Hazel Patch, in this county, while constructing the double track on the Louisville & Nashville railroad. The bodies were blown to atoms.

Summons for Harriman.

NEW YORK, Feb. 18.—A subpoena was served today on E. H. Harriman, head of the Union Pacific and Southern Pacific systems, calling for his appearance before the Interstate Commerce commission on Monday next. Mr. Harriman accepted service.

COUNTY OPTION DEAD

House Kills Bill a Second Time by a Decisive Majority.

DODGE NAILS DOWN A FAKE-FACTORY TALE

On Personal Privilege Denies Having Ridden on Pass This Year.

SENATE GETS A TWO-CENT FARE BILL

Decides to Get Ahead of House on Measure as Prepared.

COMMITTEE REPORTS IN HURRY ON BILL

Delay Due to Waiting for House to Pass on Joint Committee Bill, but Eagerness for Action Will Not Be Patient.

(From a Staff Correspondent.)

LINCOLN, Feb. 18.—(Special.)—County option is dead and it will not be resurrected at this session of the legislature. The senate killed the bill the other day and this afternoon the house killed it again though its defenders tried hard to have it placed on the general file for consideration. The judiciary committee reported the bill for indefinite postponement. Hart of York, who introduced the measure, asked that it be placed on general file and its friends be allowed to offer certain amendments to it which would make it less objectionable to the house as well as the senate. Walsh of Douglas very seriously opposed overriding the committee and referred to the bill as a "stalking horse for prohibition," and as Walsh comes from the rural districts of the unorganized territory, his talk had some effect. Hill of Chase county was opposed to taking up the time of the house on a measure which the senate had killed, as also Eller of Washington, while Jennison and Carlin both asked that the bill be placed on the file for discussion, though Jennison said he would not support the bill as it had been drawn. The roll call to place the bill on general file and override the judiciary committee was as follows:

Yeas—

Baird,	Fletcher,	Loggston,
Baker,	Fries,	Marsh,
Barrett,	Gilman,	Milligan,
Blystone,	Hammondstec,	Noyes,
Boles,	Hansen,	Raper,
Brown, N. P.,	Hart,	Redmond,
Brown (Hamm.),	Henry,	Rohrer,
Buckley,	Howard,	Snyder,
Carlin,	Jennison,	Springer,
Cline,	Johnson,	Stalder,
Cuddles,	Jones,	Whitham,
Davis,	Keifer,	Wilson,
Duncan,	Linn,	Worthing—38.

Nays—

Adams,	Killen,	Saunders,
Barnes,	Knowles,	Schoettger,
Besse,	Kuhl,	Scudder,
Clarke,	Lahners,	Shubert,
Dodge,	Leeder,	Smith,
Doran,	Lee,	Steinauer,
Eller,	McCullough,	Stolz,
Farley,	McMullen,	Talbot,
Funk,	Mallatt,	Thiessen,
Gilem,	Metzger,	Van Housen,
Graff,	Murphy,	Vogelsinsky,
Green,	Neff,	Walsh,
Greig,	Pilger,	Weems,
Harvey,	Quackenbush,	White,
Heffernan,	Reskod,	Mr. Speaker—41.
Hill,	Repka,	

This action on the part of the house settles for this session at least, all hope of the prohibitionists to get the county option bill passed as introduced in the senate and house, or in any amended form as has been suggested repeatedly since the senate killed the bill. It will also doubtless relieve the members from the constant presence of such perniciously active lobbyists as Tom Darnell, Samuel Zane Batten and a crowd of their supporters who have been hanging around the corridors since the session began either working on this measure or some other along similar lines.

Charters for Organized Towns.

Mike Lee of Douglas county introduced two bills in the house this afternoon of much importance. One provides that in all cities and towns of over 5,000 inhabitants the people shall have the right to amend their own charters without having to come to the legislature every two years when a change is desirable. Under the Lee bill the council and mayor submit the amendment to a vote of the people and they shall be adopted by a two-thirds vote. His second bill provides that county treasurers may serve more than two consecutive terms. The first bill is Mr. Lee's idea of home rule, and he believes if that becomes a law much time now taken up in the legislature over a discussion of the private bills of various towns will be devoted to the making of general laws, tending to better conditions in every way.

The McMullen employers' liability bill was reported favorably by the judiciary committee of the house. This is the same bill as introduced in the senate and recommended for passage with an amendment providing it shall apply only to employes of railroads engaged in the hazardous work of running trains. Some say without this amendment the bill is not constitutional, even though it is backed by the railroad employes with the exception of a few who have been made to believe it will affect the Burlington relief department.

Dodge Enters a Denial.

N. P. Dodge, jr., of Douglas county rose to a question of personal privilege in the house this afternoon and denied the insinuation published in the World-Herald that he was riding on Northwestern passes. Inasmuch as some of the very best men in the house have been maligned by this demo-pop organ, Mr. Dodge thought it time to say something. His statement, which was made a part of the record, was as follows:

Mr. Speaker: Whereas, the Omaha World-Herald on Saturday, February 16, published an article (copy of which I attach) wherein the following words appeared: "The motion to postpone consideration of the 2-cent fare bill until next Tuesday was made by N. P. Dodge, jr., who, for some strange reason, has made many of his trips between Omaha and Lincoln over the Northwestern, along with other members of the delegation, ignoring the short Burlington route."

I desire to state that I have never made a trip between Omaha and Lincoln over the Northwestern, and furthermore, that I have no passes, nor have I received any free transportation over any railroad in the United States since January 1, 1907; that I purchased a 2,000-mile interchangeable mileage book on January 1 and have used nothing else.

The insinuation in the article above referred