Eight Affidavits Filed to Shew Defendant Mentally Unsound.

ONE SAYS HE IS DANGEROUS CHARACTER

Suffering with Paranois and Likely to Be Vielent at Any Time.

DEFENSE IS NOT READY TO REPLY

Judge Postpones Hearing Until Saturday Afternoon at 2 O'Clock.

DELMAS STILL IN CHARGE OF CASE

Court Refuses to Hear Any Argument from Mr. Hartridge-Neither Thaw Nor the Jury is

Present.

NEW YORK, March 21.-District Attorney Jerome today presented to Justice Fitzgerald eight affidavits in support of the suggestion he made yesterday in the case of Harry K. Thaw that the defendant is now in such a mental state as fo be incapable of understanding the proceedings against him or making his defense. Court was in session for less than an hour, Mr. Delmas, for the defense, stating that their answer to the district attorney's proposition was not ready. Justice Fitzgerald allowed both sides until Saturday afternoon to file such affidavits as they desire. Neither the jury nor Thaw was in court today. The jury having been excused until tomorrow at 10:30 there will be a brief session at that time and a formal adjournment until Monday announced. By Monday Justice Fitzgerald is expected to be ready to announce

his decision. District Attorney Jerome pleaded today for permission to examine Dr. Allan Mc-Lane Hamilton orally, but in the absence of a waiver of professional privilege on the part of the defense Justice Fitzgerald tank of gasoline near Atlantic, Ia. said he would not allow the doctor to be examined further at this time. Justice Fitzgerald added significantly that he would take judicial notice of everything which had been adduced in evidence during the nine weeks of the trial. Dr. Hamfiton, it will be remembered, on yesterday testified that in his opinion Thaw is not at present capable of directing his de-

Two Views of Judge's Act. Refusal of Justice Flizgerald to allow Dr. Hamilton to be interrogated in the proceedings to enlighten the conscience of the court as to appointing a commission was interpreted in various ways by those in court today. The attaches of the district attorney's office were inclined to the belief that Dr. Hamilton having Fremont. aiready stated his opinion to Justice Fitzgerald the latter deemed it unnecessary to precipitate an argument as to the waiving ecutive mansion, as it is not a perquisite of professional privilege. The defense within the meaning of the law. Page 3 soemed inclined to the view that Justice Pitzgerald had held Dr. Hamilton's ext- of the Missourt river bottom land near uld not be taken into consideration, and that consequently the district attorney's position was materially weak-Dr. Hamilton was first called into the case by Thaw's lawyers and it was While he was in their employ that he had

made his examination of the defendant. Under the law he cannot testify unless there is an express waiver from the man who was his patient. Mr. Jerome's affidavits submitted today embraced the opinion of his seven experts who have heretofore testified and a statement by Irvin S. Cobb, a newspaper reporter, who gave the text of the statement which Thaw issued at the conclusion of Mr. Jeromo's long and severe cross-examination of

Mr. Jerome in presenting his affidavits called particular attention to the one declares he is firmly convinced that Thaw appropriation, and they are approved. is suffering from paranola, and that while he knew enough to realize the nature and quality of his act when he shot Stanford White he is now and for some time past has been incapable of understanding the proceedings against him.

Evelyn Thaw.

Affidavit of MacDonald Dr. Carlos F. MacDonald in his affidavit

After careful examination of the exhibits After careful examination of the exhibits and the hypothetical question and the testimony and affidavits of Mr. Cobb and, assuming evidence stated in the case to be true, my personal observation in court during the trial and also including certain observations that I made of the defendant in the library of the district attorney's office on June 26, 1906, I am of the opinion that the accordant is now and for some time past on June 28, 1806, I am of the opinion that the defendant is now and for some time past has been suffering from a form of mental disease commonly known among men skilled in mental diseases as paranola. Yet it is my opinion, based upon what has just been enumerated, that when the defendant killed Stanford White on June 28, 1908, he was then suffering from said mental disease, commonly known as paranola, but that his then mental state was such that he knew the nature and quality of the act that he was doing and that it was wrong, namely, that he then and there knew that he was was doing and that it was wrong, namely, that he then and there knew that he was discharging into the body of Stanford White a loaded revolver; that it was Stanford White into whose body he was discharging a loaded revolver, and that he then and there knew that such discharge was likely to produce death, and that he was likely to produce death, and that he then and there knew such act on his part was against the current morality of the people of this state and in violation of law. I am of the opinion, upon the facts above enumerated, that the mental disease commonly known as paranola, from which the defendant was suffering on the night of June 25, 1986, is a form of mental disease from which it is reasonably certain he will not recover and that the discharge of the recover and that the discharge of anid Harry K. Thaw would be dangerous to public peace and safety and that he should be committed to an institution for the mane. I am further of the opinion upon the facts above stated, that said Harry K. Thaw is now and for some time past has been in such a state of lunacy or instantiy as to be incapable of understanding the proceedings against him or making any defense.

Exhibit A, to which Dr. MacDonald alluded, is the district attorney's hypotheti-

lunnality is Hereditary. Dr. Austin Flint declared in his affidavit that he had been informed by Dr. Bingaman of Pittsburg that Thaw's sunt, Mrs. taning, Pa., informed him that N. A. Copley, brother of Harry Thaw's mother, was an imbecile from birth and that Josah Copley, another brother of Mrs. William Thaw, was violently insane and confined in an asytum. Dr. Flint adds that Dr. Deemar also told him that John Ross, son of one of the maternal aunts of Harry Thow, was an epileptic from infancy and prior to his incarceration had maniacal outpursts in which he attacked his mother with chair, and that he also attacked his sister and his family physician.

Dr. Flint expressed the same conclusions as did Dr. MacDonald and the other physi-

The reporter, Cobb, in his affidavit sets

(Continued on Second Page.)

SAY THAW IS INSANE SUMMARY OF THE BEE LINE-UP ON COUNT'S WILL PROBING TELEPHONE DEAL PLANS FOR IMPROVING RIVER FIRE RAGES OVER BIG TRACT ON

Friday, March 22, 1907.

MARCH

THE WED THU

236 25 26 27 28 29 30

emperature at Omaha yesterday: ur. Deg. Hour.

LEGISLATIVE.

amendments being offered and voted down.

Measure is finally sent back to the commit-

tee on rallroads. The senate passed the

Aldrich maximum freight rate bill, a bill

establishing a bureau of commerce, provid-

ing for publicity of the prices paid for

grain by compelling reports to the labor

DOMESTIC.

ally suspended because of washouts and

landslides. Eighty miles of San Pedro line

washed out in Meadow Valley canyon and

Woman and her daughter are burned to

Governor Crawford issues statement in

Three men are probably fatally burned in

fire started by explosion of 20,000 gallon

FOREIGN.

United States marines are landed in Cen-

First Parliament of Transvaal colony

meets and will pass anti-Asiatic law.

WEBBASKA.

ner, held by Anna Schellenberger during

twenty-seven years of litigation, is still

in dispute. Case is on trial on merits at

effect governor need not pay rent for ex-

Supreme court hands down opinion to

March temperatures exceeding the ninety

from flames by sudden change of wind.

WASHINGTON.

LOCAL.

Title to eighty acres of land near Scrib-

reply to charges involving him in fraudu-

death in prairie fire which, late at night,

Page 4

Page 1

Fage 1

Page 8

Page 8

Page 3

Page 3

this part of road may be abandoned.

threatens Herrick, S. D.

lent land transactions.

over until Monday.

mark are recorded.

ircumstantial evidence.

freighter on the plains.

plans to contest the will.

rado, kills himself at Hastings.

row money.

control of the rallway commission.

SUM MON

clens are Preparing Their Feroes For General Court Fight.

ALL INSTITUTIONS UNDER THE BAN On One Part Elements Agree, that is for Early interpretation 10 11 12 13 14 .5 16 of that Mooted Thir-17 18 19 20 21 22 23 teenth Clause.

> is now evident, will be much more comprefew days ago, had been agreed on, is knocked sixteen different ways and a wide-

open fight to a finish is inevitable. It is now stated that all factions, not Nebraska house puts in most of the day well, will co-operate toward a decisive and discussing the senate anti-pass bill, many early interpretation of that mooted thirteenth clause, which is the key to the whole situation, primarily,

> contests will be made on the bequests to these institutions: Creighton university, Creighton Memorial (St. Joseph's hospi

bureau and placing warehouses under the Little Sisters of the Poor (Old Woman's Page 1 Working Girls' home. Rallway traffic in California is practic

Attack on Hospital. be made just the same. Certain heirs have data on the opposition.

ing this bill, but failed. After hearing affidavits of alienists Justice Fitzgerald decides Thaw case will go urged. States and Mexico will intervene to end

The Working Girls' home will have hard sailing as well, if the heirs can make it so. This benefaction is outright \$50,000, with a share in the surplus, which probably would bring the total up to \$100,000.

University Comes in, Too.

It will come as a great surprise to many tacked is now said to be unquestionable. which the whole fight seems to revolve:

within the meaning of the law. Fage 3

Contract is let for drainage of 5,000 acres of the Missouri river bottom land near law for the Missouri river bottom land near Peru at cost of \$20,000.

Page 3

Thirteenth—I I: reby will, devise and beguesth all the rest, residue and remainder of the estate, real and personal, of which i may die seized or possessed, to the legates and beneficiaries hereinbefore mentioned, each of them to take and have the proportion of such remainder as the be-quest herein made to him or her bears to the whole of my estate.

Like other big projects, the Platte river power canal is tied up by inability to bor-Page 3 Prairie fire devastates tract fifteen miles specifically bequeathed in the will goes secret service. ng near Hemingford and town is saved into the undevised portion and swells their Page 1 Prosecution of Frank Brink for murder of former sweetheart at Ponca has only clause. There is a rumor that certain for a writ of habeas corpus to transfer Page 3 heirs insist on cleaning up the whole litiga-Joshua F. Wright, a daring gambler who tion within six months, but that the in- to that of Sheriff O'Neill, and to be taken has operated in Texas, Nebraska and Colostitutions oppose this. This, is said by some lawyers, would be impossible any-Page 3

way. How the Figures Stand.

Colonel Quinn, engineer in charge of Mis-Acording to a so-called agreement it has souri river improvements, submits plans to signed by Dr. Charles F. MacDonald, who secretary of war for spending of \$400,000 been stated that these figures were settled

Page 1 News of General Wint creates profound Good Shepherd sorrow among his associates at army These figures are given as those of a empromise in addition to what the will headquarters and other friends in Omaka, where he was very popular. Page 4
Henry A. Homan, who sived fifty-one provided and when they were submitted to a man desply involved in the post mortem affairs of Count Creighton he said: years in Omaha, passes away after illness of several months. He was early "Please do not ask me to say anything

Page 7 about that; I simply cannot." While executors and attorneys are pre-The will made these provisions for these paring the inventory of the estate of institutions: Count Creighton heirs are laying their niversity Page 1

that no contest will be made as to the

count's right or competency in making his

will and that the only fight will be on the

interpretation of this thirteenth clause with

fight will be waged with all the skill and

TWO DEAD IN PRAIRIE FIRE

to Fight Flames in Effort to

BONESTEEL, S. D., March El .- (Special

Telegram.)-A terrible prairie fire driven by

a furfous wind has been raging since 10

o'clock this morning on the reservation

Mrs. C. B. Yocum and her daughter

Tonight the town of Herrick is threat-

Thousands of dollars of damage has al-

ready been done. Many farm houses have

been burned, the fire having covered a

EGYPT TO RAISE BIG DAM

Connell Decides to Prepare Ground

for a Large Yield of

Cotton.

It is calculated that this will give muffl

stretch of several miles of country.

ened and the entire population is out fight-

have been burned to death.

ing the fiames

power of gifted lawyers.

consequent entanglements, but that

before signing the ordinance to grant con-The next legal step of a public character cession for trackage on Eighth street. will be the filing of the inventory. Until Page 7 then nothing toward a contest will be done H. C. Grady, chairman of the Brother publicly. Work on the inventory is progood of Railway Trainmen of the Oregon gressing as rapidly as possible, since all Railway and Navigation company, enroute parties are anxious to get at the real matter as soon as possible. It is still admitted

thinks strike is not at all probable. Business men from North Platte visit Omaha in interest of May festival at the Lincoln county metropolis, which is grow-

Mayor Dahlman says he will visit site

ing steadily. Page 7 SPORT. Garry Herrmann is elected president of the American Bowling congress and Cincinnati captures the next convention. Beselin of Smaha rolls 612 in individual class and holds first place until Matak of St. Paul Citizens of Herrick, S. D., Turn Out scores 624 Page 4

OIL PAINTINGS ARE STOLEN Valuable Pictures Cut from Frames by Thieves at Henry Siegel's

Home.

NEW YORK, March 21 .- The summ home of Henry Siegel, proprietor of several department stores in New York and other cities, was looted by thieves last night at Mamaroneck. The house was occupied only by caretakers, Mr. Siegel being in Boston and Mrs. Slegel in New York, Six or seven valuable oil paintings were cut from their frames and stolen, costly pric-a-brac, which adorned the house was Hersch, was an epileptic. Dr. Plint also thrown about, and closets and bureaus declared that Dr. John T. Deemar of Kit- were runsucked and their contents scattered about the floors.

> "EL MOCHO" LEAVES AMERICA Enemy of President Custro Missing from New York and May

Fight. NEW YORK, March 21.-General Jose Hernandez of Venezuela, better known as that reservoir by nearly twenty feet above "El Mocho," an avowed enemy of Presi- the present maximum dent Castro, has disappeared from his usual haunts here. Friends say he has gone to cient new water to irrigate another 1,000,000

General Hernandes arrived here recently mated, would yield an increased after a year's stay in Colombia and crop to the value of \$17,500,000 to \$20,000,000 Panama. He did not deny a report that he annually. It is stated that the work will we could only send over a big enough anese war it has been the practice not to appointed as secretary of the State Board was engaged in obtaining money for an take six years to complete and will cost fleet to wipe Japan from the sea. That permit any part of the detailed plans of of Agriculture and immigration commisbm \$7,500,000, insurrection against Castro

Officials of San Francisco Corporation Before Grand Jury-Halsey

Arrested in Manila.

SAN FRANCISCO, March B .- The grand jury today resume dthe work of investigat- FOUR HUNDRED THOUSAND AVAILABLE ing the alleged wholesale graft and corruption in the municipal affairs of this city, and after an all-day session, with a Colonel Quinn, Engineer in Charge, brief recess at noon, adjourned tonight until li o'clock Saturday morning. No indictments were returned today. The entire day was taken up in probing into the alleged bribing of the supervisors by the While the executors and attorneys are telephone companies, on which twenty-

the benefactions. The Bee is informed by Pacific States Telephone and Telegraph sions of the rivers and harbors bill passed where it ended when the furious gale that most reliable sources that this contest, it company to ten of the supervisors to pre- at the recent session of congress will be vent the granting of a franchise to the started about May 1. The plans for this hensive than was originally thought and Home Telephone company. For the pur- work have been submitted to the War de- directly west of here the town was so that the truce, which it was announced a pose almost all of the officials and books partment by Colonel J. B. Quinn, at Sloux filled with smoke that the school was disof the Pacific States company were aken City, engineer in charge of the Missouri missed and all business was stopped, and before the grand jury by Secret Service river, and were approved today by General everybody prepared to fight the fire. In Agent Burns. Among the officials exam- Alexander McKenzie, chief of engineers. ined were: Henry T. Scott, president; E. alone the unmentioned heirs, but others as J. Zimmer, former auditor, but now vice president; B. C. Carroll, general agent; expended as follows: Between the mouth John S. Curran, adjuster; A. B. Cooper, station man; C. J. Hall, secretary to T. V. Sherwin, auditor, and Frank D. Drum, a \$100,000. From the same sources it is stated that director of the company. The latter emerged from the grand jury room somewhat pervous and excited and assaulted a newspaper photographer who attempted from the channel. On this work about and driven by a high wind swept all the to take his picture. President Scott was half of the total appropriation will be ex- country between this place and Julesburg, in the jury room but a few minutes and pended. It is believed that when it is Colo., today. Lack of telephone connection, it provided that lawyers and physician upon comin gout declined to discuss the finished the river will be in condition for prevents securing all details of damage swered all question put to him."

Auditor Sherwin said that he was re-The fight will be made on the hospital quested to explain the bookkeeping methon the grounds that the law limits its ods of the company and was asked about be put at work, the C. R. Suter between head of cattle. quested to explain the bookkeeping methholdings of this sort to \$100,000. That is the various amounts on the books which Kansas City and St. Louis, the James B. Engineers of westbound freight trains to state, could be strictly sustained in a fight. under the interrogation of Heney, exremoved. However, it is said the fight will the publicity department and of gathering

been to Lincoln in the endeavor of defeat- Miss Nellie Smith, stenographer to Gerstle, Frick & Beedy, the attorneys who from Sioux City to Fort Benton, \$37,000, The attack on the bequest for Little Sis- represented the Home Telephone company ters of the Poor, who are to maintain the in the obtaining of a franchise from the home for the old women, is based on the supervisors, was recalled today and spent tion will be expended on revetment work Page 1 fact that that order is not now established over an hour in the grand jury room. She and protection of banks where such work is Big Tank of Gasoline Explodes with in Omaha and must come here in order to is considered by Heney and Burns to be necessary to navigation. avail itself of the benefaction. The con- one of the most important witnesses in the trai America to protect property of for- tention by some is thought not to be deal by which the Home company is said river at St. Joseph, which was specifically eigners. It is probable that the United strong but affords an opening and will be to have paid \$52,000 to the supervisors provided for in the rivers and harbors through Ruef for their franchise. It is bill, can be completed at an expense of said that all efforts so far to get any about \$1,000. The purpose of this survey information from her have failed.

T. V. Halsey, the "outside" man for the planned to prevent the diversion of the Pacific States Telephone company, who, it is water of the Missouri through Lake Concharged, handled the bribe money for the trary should be continued. supervisors from the telephone company, has been arrested in Manila and is about lined by Colonel Quinn provides for the to hear that the contest is to extend to begin his journey back to San Fran- improvement of the harbor at Bismarck, Creighton university, but that the claims cisco to face trial on the ten indictments | 8. D. These improvements will consist of of this, the central institution, will be at- filed against him yesterday by the grand the construction of pile dikes and other jury. Halsey was taken into custody by work that will involve a total expenditure This is the thirteenth glause around Chief of Police Harding of Manila im- of \$40,000. The work will be done on the mediately upon the receipt of the cable- east side of the river and below the Northgram from the authorities in this city, ern Pacific railroad bridge. The engineers the wreck. He was thought to be far Subsequently District, Attenney Langdon at the war department say the Missouri was notified by cable from Chief Harding river work cannot be fairly started until feet the tank. The gas in the neighborof the arrest and that Halsey had

It is expected that Halsey will be returned to this country on the next Pacific The heirs making the attack take the Mail steamer, leaving Hong Kong in charge position that every dollar of property not of Chief Trowbridge of the United States ing him that the Merchants National bank

The state supreme court today on the reprorate just as much. No one denies that quest of the attorneys of Abraham Ruef, all parties concerned are eager for the the central figure of the municipal graft earliest possible interpretation of this investigation, dismissed Ruef's application him from the custody of Elisor W. J. Biggy from the St. Francis to the county tall. WASHINGTON, March 21.-The United States supreme court today received the record in the appeal of Abe Ruef of San Francisco, charged with extertion, from the decision of Judge Hebbard dismissing the petition for a writ of babeas corpus

and remanding ht minto custody. MR. FISH ON STOCK JOBBERY Railway Magnate Says Honest Off

cials and Not More Laws

Are Needed. PHILADELPHIA, March 21 .- Stuyvesant the part of Governor Crawford in proving Fish, until recently president of the Illinois up on public lands in South Dakota, issued Central railroad, addressed the students the following over his own signature: of the Wharton School of Finance today on

Fish said in part: Stock jobbery cannot be stopped by legislation, and the only way it can be stopped is by getting rid of dishonest officials. Laws

edy the evil. What is needed The legitimate rise and fall in railroad ecurities is a necessity. The railroads need noney for improvements and they can only ecure it by the legitimate sale and bonds. To have these sales restricted by law or controlled by government legistion would be rather hard on the corp

I believe, and I think that you will agree I believe, and I think that you will agree with me, that there should be fair dealing for everybody. The regulation of rates so that there can be no discrimination is per-

that there can be no discrimination is per-fectly fair and proper, and I am satisfied that it should be done.

The finances of this country are in an excellent condition. The supply of gold in the national banks and in the United States treasury is not lacking and I am quite sure that old mother earth is furnishing more than enough to keep up with the demand. Mr. Fish answered such questions as the students put to him. Among the questions was one as to whether or not the railroads can stand the 2-cent fare throughout the country. His reply was that the railroads seed money and that it must be provided through the collection of farcs. He said the demand of the public for fast train service, etc., made an expense upon the various companies that cannot be met by the payment of the smaller fare. Of course, some of the roads could stand it, while others could not.

STONE FEARS THE JAPANESE Missouri Senator Thinks Islanders Desire to Take Philippines from United States.

speech here last night at the monthly din-CAIRO, Egypt, March 21.-The council of ner of the Knife and Fork club, said; ministers today adopted the proposition to "If we are ever to have serious trouble ncrease the height of the Assouan dam sufficiently to raise the water stored in Japan wants the Philippines. I am not made public. acres of northern Egypt, which, it is estiwould be a huge and costly task,

Two Seasons to Be Spent in Removing Snags from M saouri.

Submits Estimates of Work and Methods of Spending Money and They Are Approved.

THE WEATER.

FORECAST FOR NEBRASKA—Fair and cooler Friday. Saturday fair.

FORECAST FOR IOWA—Partly cloudy Friday, cooler in west portion. Saturday

While the executors and attoring seven indictments have already been based.

The grand jury made a determined effort of increasing the contest the will be equally busy preparing to contest the will in the effort of increasing their portions of increasing the effect of increasing their portions of increasing their portions of increasing the effect of increasing the effec able for Missouri river work \$400,000, to be tween Kansas City and Sloux City, \$150,000; when the worst was over. Halsey, the former general agent; T. S. between Sloux City and Fort Benton, Mont.,

The most important part of the work, as He estimates the cost of this work will be:

Protection for Banks. A considerable portion of the appropria- BURNING CIL INJURES THREE

Colonel Quinn says the survey of the is to determine if the improvements

One of the most important projects out-

Merchants Bank Gets Customs Money. for miles. Burning oil was strewn for Senator Burkett today received a letter rods in each direction. of Omaha will be designated as the depository for such government funds as may in the future be collected by the col-

lector of customs for Nebraska. Brown's First Postmaster. Senator Brown has performed his first fficial act in recommending E. F. Fassett lives are despaired of. for postmaster at Arlington, Neb., vice A. Gierens, resigned.

Fred M. Bryner has been appointed postmaster at Oconto, Custer county, Nebraska, vice C. W. Redfern, resigned.

CRAWFORD ANSWERS CRITICS Governor of South Dakota Sava Home-

stead Filing was Voluntarily

Abandoned by Him HURON, S. D., March 21 .- Governor Coe Crawford, when asked for a statement in regard to the charges made by Secretary of the Interior Garfield, alleging fraud on

"I have all the facts relating to the the financial situation. Speaking on the charges repeated by Congressman Mann to subject, "Faith the Basis of Finance," Mr. the public last year. The fact that I was triumphantly elected in answer to these charges show what the people of South Dakota think of them, "I made a homestead filing upon a quar-

ter section of land five or six years ago in perfect good faith and absolutely without fraudulent intent. I afterwards abanland was not the equivalent of the value of my time in making the necessary improveions and would not be fair, to say the ments and settlement. It was simply a case of abandonment by me of a lawful entry which the government may, of course, cancel. No proof of settlement was ever sade or offered.

"The charge of fraud is unfounded and is made ex parte. The attempt to exploit in the Congressional Record is no doubt re inspired by political enemies upon whom the attempt will react with double force. "As to the other filings mentioned I state most emphatically and unequivocally that never either directly or indirectly made any agreement by which I was to acquire title to government land through others, no matter what Congressman Mann or others

BATTLESHIP PLANS WORTHLESS United States Not Alarmed Over Reported Theft at Scattle Shipyard.

WASHINGTON, March 21 .- The theft of the plans of the battleship Nebraska from the deak of the superintendent of con-Seattle has not been reported to the navy lepartment. The department does not take KANSAS CITY, March 3.-United States the reported theft seriously. The stolen Senator W. J. Stone, in the course of a booklet does not contain plans of mechanism which it is especially desired to keep secret. Officials of the bureau of construction said today that practically everywith any nation it will be with Japan, thing in the booklet has heretofore been vived by a widow and everal children. He

sure whether it would not be best for all | Until very recently the information con concerned if it should get them, but one tained in booklets of this character has thing is certain, and that is that it will not been closely guarded, it is said, as it never get them with our consent. But we was of a character general to nearly all ogram.) Governor Crawford has set Primay have trouble in keeping them. Japan battleships of every country except as to day, April M. as the date of Arbor day, would seize the archipelago in a week and the measurements. Since the Russo-Japbuttleships to be given publicity,

Sudden Change of Wind Saves Hem-

ingford from Flames Which Do Much Damage.

HEMINGFORD, Neb., March 21 - (Spe cial Telegram.)-A prairie fire, which at ne time threatened this city, and spread MANY AMENDMENTS OFFERED AND KILLEI tself over a stretch of country fifteen miles n length and about three-quarters of nile wide, occurred here today.

The fire originated at the ranch of F. Nikon, who lives thirteen and a half miles northwest of this town, who was burning an old straw stack, and after consuming MEASURE GOES BACK TO COMMITTEE barn, a horse and a cow and several out houses, it continued on its journey, doing similar damage to the intervening ranchmen, and terminated at Tom Green's place three miles and a half southwest of here had been blowing all day subsided.

At about 2 o'clock, when the fire was response to a call for assistance the Bur The rivers and harbors bill made avail- lington sent a special train from Alliance with nearly fifty of its shop employes, but before they arrived the wind changed its of the river and Kansas City, \$150,000; be- course, directing the fire to the southwest,

Considering the big territory covered by the fire, the loss will run into many thousands of dollars.

outlined by Colonel Quinn, will consist of CHAPFELL, Neb., March Zi.-Prairie the removal of snags and other obstructions fires started, supposedly, by locomotives committee. The fight started when Har testimony given beyond that he had "an- the navigation of boats of the proposed done; but reports have been received of freight lines that are being organized in the burning of several barns, many tens of Omaha and Kansas City for the greater hay, one home belonging to Albert Naspart of the year. Three snag boats will lund, hundreds of fence posts and several

the present law, although good lawyers were paid to Halsey, but declared that the McPherson between Kansas City and Sloux day say that poor coal, with high winds. are not settled in the conviction that this accounts showed no such sum as \$50,000 or City and the Mandan above Sloux City. is making much trouble and that it is necstatute, designed not specially for the in- any considerable part as having been used None of these boats is now in commission essary to keep men on the top of trains to stitutions, but for the protection of the or paid to the former general agent. Hall, and Colonel Quinn says it will cost \$23,000 guard the cars. Two trains pulled in here goats, and the blame for the house's action to get them ready for work. He thinks it today with cars on fire, one of which had But under the law as amended by the plained his duties as secretary to Halsey, will require two snagging seasons for the present legislature this limitation will be which consisted, he said, of looking after removal of the obstructions in the channel. hose,

Today's losses to farmers will reach far From the mouth to Kansas City, \$85,000; into the thousands of dollars, aside from from Kansas City to Sloux City, \$50,000; the range burned over, making feeding Decessary.

Loud Report Near Atlantic and Starts Fire.

ATLANTIC, Ia., March 21.—(Special Telegram.)-The 20,000-gailon tank of gasoline which was thrown into Camp creek by the wreck on the Rock Island on Wednesday exploded Thursday night with a terrific report, burning the bridge over the creek and probably fatally injuring three men. A house in the neighborhood caught fire. The fire departmet of Marne was unable to cope with the burning oil and allowed It to burn, turning its attention to the dwelling houses in the vicinity, with partial success.

The fire originated with a man with a lantern who was guarding the debris of enough away that the light would not afaroused by the report, which was heard

Railroad traffic has been tied up. All night trains are held here until the bridge repaired Henry Turk, the man with the lantern.

is thought to be fatally burned. H. A. Smith of Walnut and Bert Hammond of Marne, who were standing looking at the debris, were so badly burned that their

INDIGNATION AT BROWNSVILLE Citizens Pass Resolutions Condemning

Alleged Attempts to Fasten In-

famy on Townspeople.

BROWNSVILLE, Tex., March fl.-At a nass meeting of Brownsville citizens tonight resolutions were adopted expressing ndignation because of what is termed an attempt both before the court-martial proceedings at Fort Sam Houston and before the senate committee at Washington to clear the negro soldiers of the Twentyfifth regiment of the crime committed against Brownsville on August 13 last by fastening the infamy on the townspeople

The resolutions declare: was committed by the soldiers The senatorial committee and also the Penrose court-martial is urged to come to Brownsville and make a thorough investi-

FREEDOM FOR BURTON TODAY Former Kansas Senator Will Complete His Jail Sentence This

ST. LOUIS, March 21 .- Former United States Senator Joseph R. Burton of Kansas. sured the house Lee was not in earnest who has been serving a sentence of six and this amendment was killed. Farley months' imprisonment in the Iron county moved to strike out "and families" after it in the newspapers and the placing of it jail at Ironton, Mo., will be released early tomorrow morning. He was convicted of having appeared before the postoffice department in behalf of the Rialto Grain and a vote of 38 to 36. Farley got after Hart Securities company of St. Louis while a and the latter moved to strike out the mamber of the United States senate and word "principally," referring to the time having received compensation for so doing. lawyers and doctors who get passes should He stated today over the long distance telephone from the Ironton jall that he expected to come to St. Louis tomorrow, stop a few hours and then proceed to Abiene, Kan., where he will make a public statement Saturday night.

NEBRASKA STOCKMAN E. H. Lemen of Gordon Falls Down Steps in Wisconsin and

KENOSHA, Wis., March 21.-(Special Telegram.)-E. H. Lemen, a wealthy stock struction at the Moran Bros.' shippards at dealer of Gordon, Neb., fell down the steps leading to the subway of the northwestern rallway station here this morning. His chest was crushed and he died three

hours later. It is supposed that Lemen fell asleep on a seat and started down the steps while asleep. He was 55 years of age and is surcame here with a carload of horses.

Arbor Day in South Dakota PIERRE, S. D., March 21 - (Special Charles N. Mclivains of Huron has been together and both withdrew their motions. stoner. His office will be at Huron,

House Spends Entire Afternoon Debatin the Senate Measure.

Changes of All Sorts Suggested, but Only One Gets Favor.

Some Changes Will Be Made and Bill Sen

Back to the Senate.

SENATE PASSES MAXIMUM FREIGHT BILL

Measure Fixes the Tariff at Not to Exceed Eighty-Five Per Cent. of the Bate in Force January 1, 1906.

(From a Staff Correspondent.) LINCOLN, March 21 .- (Special.) -- The ouse spent the afternoon discussing the senate anti-pass bill, and the proceeding would be properly termed horse play. A 5 o'clock a recess was taken after the bill had been referred back to the railross of York offered an amendment to the bil defining employes, and in this definition who were eligible to receive passes shoulbe persons whose time is principally taker up with work for the railroads. After tha amendment, which the house adopted by the close vote of 38 to 36, a dozen or more were offered and voted down and various insinuations were made by one party and another as to why the bill has been so long delayed, and yet not a roll call was had and the sheep were not separated from the could not be located.

Bill Should Long He Passed. Speaking for this motion, Hart said such bill should have been passed forty days ago. The discussion of the matter had been delayed from day to day without good reason, and there was no excuse why the matter should not be definitely settled at today's session. His amendment also permitted the interchange of passes between bona fide employes of rallroads. Thiesser of Jefferson wanted to cut out the families of employes, while Hart said he was ready to vote for the senate bill as it was or with the Hart amendment, though he believed the employes of railroads should not be prohibited from accepting transportation from other roads. He was after

cutting out the politicians, he said, and not the railroad employes. Marsh of Seward was for the house bill, and believed the house ought to stand by that and let the senate take it, as it had been endorsed by the people generally. He did not favor the senate bill. Jenison stirred up some of the members by insinuating it was the politicians and those members who represent them and not the railroads that had kept back the anti-pass bill from becoming a law. He wanted a conference committee appointed and wanted

the senate treated with due respect. amendment which placed under the senate title the house anti-pass bill and Jenison wanted this amendment defeated because he said it made the bill unconstitutional. Harrison and Lahners both indorsed what Jenison had said, while Speaker Nettleton urged the house to be careful and treat the senate fairly, because there were more measures to be considered than the antipass bill, and some of them were of vital importance. Farley wanted both amendments killed and Clarke wanted a conferance committee appointed. The speaker informed the house this could not be done at this time, and not until the house had amended the senate file and the senate had refused to concur in the amendments.

Hart Gets a Triffe Warm. Hart then got a little warm because of the Jenison speech, and he informed the house he would not take off his hat to anyone regarding the passage of the antipass bill, and he wanted to know if any member wanted to go home and face his constituents without having passed an anti-

The Cone amendment was then lost by a vote of 31 to 48. McMullen then moved to amend the Hart amendment and his amendment was accepted by Hart, to include in the list of those who were eligible to accept passes the widows and de-"Such a consummation would be a grave iscarriage of justice and an outrage upon wronged and innocent people, who know eyond the shadow of a doubt that the and against the arrange of those employes who had been killed in the service of the railroads.

E. W. Brown spoke for the senate bill and against the pendent children of those employes who had and against the amendments proposed. And then Cone told what had been eating on him all during the session. He said, in crying over his lost amendment: "I was born in grief, nursed in grief, raised in grief and can stand grief as well as any one," and the house had to stand for it because it was courtesy. Cone finally wound up by saying if the house couldn't stand for the senate bill it should kill it.

> Hart Amendment Carries. Quackenbush was against the amendment Mike Lee moved that care takers of stock and poultry be stricken out and Clarke asemployes. This was lost, and Jenison moved for the committee to rise, and this failed. The Hart motion then carried by be employed by railroads, and insert "ex-This failed because Cone exdiusively." plained the house would be buying a gold brick if it adopted that amendment, as a man being employed three days or less, exclusively, could got a pass. Cone then moved to strike out "make it unlawful for one to receive a pass." This riled up Best, who, instead of speaking to the motion. directed his remarks to Cone, and demanded to know what was the matter with him and why he offered so many amendments and talked so much. Quackenbush moved the ommittee arise, and because it was still able to do something the motion carried.

Hart moved not to concur in the report but to pass the bill up for third reading with his amendment, which had been adopted. Brown of Sherman moved as a substitute that it be indefinitely postponed. Dodge raised the danger signal and asked the house to vote down both motions. Jenison began to talk and Cone moved to adjourn. His motion was lost. Jenison told the house it would have to take the responsibility if it failed to enact an anti-pass law, but that he was ready to face his constituents on his record on the house bill. Hart and Quackenbush got

Cone Gets a Set Back. Farley moved a committee be appointed to prepare amendments to the bill and it