VOL. XXXVI-NO. 239.

OMAHA, SATURDAY MORNING, MARCH 23, 1907-TWENTY PAGES.

SINGLE COPY THREE CENTS.

Judge Fitzgerald Gives the Panel a Recess Until Wednesday Morning.

LUNACY COMMISSION UNDER ADVISEMENT

Defense Will File Counter Affidavite at This Afternoon's Bessien.

Court Will Decide Whether Hearing is Necessary by Tuesday Merning.

DEFENDANT AND FAMILY IN COURT ROOM

leems in Good Spirits and Says He Does Not Fear Lunacy Commission-Hartridge Replies to Jerome's Strictures.

NEW YORK, March 22 .- The Thaw jury was brought before Justice Fitzgerald in the supreme court today and told they need not attend the trial again until next Wednesday morning. Justice Fitzgerald said he would receive affidavits of the defense in answer to the suggestion of Distriet Attorney Jerome that Harry K. Thaw, on trial for the murder of Stanford White, is at the present time in a condition of mental unsoundness which makes him to capable of advising his counsel or understanding the proceedings against him.

Justice Fitzgerald has designated tomorrow afternoon at 2 o'clock as the time for the defense to present its affidavits in the clerk's office. He stated today that the district attorney might have until Monday to make response to the showing of the de-

Clifford Hartridge of Thaw's counsel sented in Thaw's behalf would be made by his attorneys and the various alienists who from First Congregational church of Sioux have appeared for the defense. These affi- City davits merely will state that Thaw at present is able to advise his counsel and fully understand the proceedings against him.

Letters to Be Submitted. "That is all the law requires us to say," said the attorney. "It is not a question as to whether he is of unsound mind at all; the only question at issue is whether or not he understands the proceedings against him. We claim we can produce overwhelming proof that he does. We will also submit dosumentary evidence-Thaw's own writ-

When Justice Fitzgerald took his place on the bench today all the members of the Thaw family were seated in the court room, and when Harry Thaw was called to the bar he seemed surprised and delighted to find them present. They had all been excluded ever since the taking of testimony was begun. The prisoner bowed to each member of the family group in turn and they all smiled at him confidently.

Of Thaw's counsel neither Mr. Delmas nor Mr. Gleason was present. It was generally understood the proceeding was to be

in lunacy shall be ordered. Hearing May Be Necessary.

As the short session was formally opened District Attorney Jerome suggested that the jury be excused until Tuesday morning next. Justice Fitzgerald thought Wednesday would be early enough and he so informed the jurors and they immediately.

Justice Fitzgerald then told the attorneys that if he desired a hearing in the matter of the proposed commission he would inform them by Monday evening or Tuesday

After the jury had retired Justice Fitzgerald said that on yesterday Mr. Hartridge had attempted to be heard.

had something to say in the matter of ad- tors." journment, and I would not allow him to proceed. It occurs to me now that he remark that he served notice on the counsel Before Mr. Hartridge could reply Mr.

Jerome came forward with a statement. with unprofessional conduct," said the district attorney, "but I stand on what I said \$120,000 revenue for city purposes. that if I find at the conclusion of the trial that they had possession of knowledge persisted in trying a man incapable of understanding the proceedings against him I would take the matter up. If my remarks were construed as charging unprofessional conduct I was simply unfortunate in my expression."

Mr. Hartridge said: The district attorney's remarks were given the widest publicity and I did want to have an opportunity to reply. What he said to me was in the course of a private conversation at which no one else was present. It was only a suggestion that if anything developed in the line of what he has pointed out he would take the master up.

Not Hiding Testimony.

I replied to Mr. Jerome by telling him that if he thought our client was insane he should come out and say so. He answered that there was a big difference between official opinion and unofficial pinion; that if he was convinced officially that Harry Thaw was insane he would come out and say so. He also said that we ought not to suppress any testimony, which would tend to shed light on the defendant's present mental condition. I told him we were not hiding or suppressing anything. He wanted to know what we intended to do with regard to the testimony of Dr. Hingaman, and Dr. Doemar, the Thaw family physician and asked if we would permit him to examine them in his office. I said we had not the slightest objection so long as I sould be present at the examination. This examination took place and it was our understanding that anything the physicians said was to be presented to this court. We tried to get the tury at the beginning of this trial but it was ruled out on technical logal objections interposed by the district attorney When these doctors went back to Pittsburg it was with the expressed understanding announced in out; that they would return whenever the district attorney desired.

That was all that was said with regard Not Hiding Testimony.

That was all that was said with regard the suppression of testimony. Now mer will see that instead of supprese testimony of these witnesses, the testimony of these witnesses, we brought them here, placed them on the stand and at last went to the extreme of allowing the district attorney fully to ex-amine them in his private office.

Mr. Jerome said he had nothing more to say at this time and court adjourned. What May Be Done.

If Justice Pitzgerald decides to appoint a commission in lunary it will consist of three members an allenist, a lawyer and a layman. The allegist must necessarily be one who has not figured in the case. The com mission, if chosen, will examine Thaw and report to the court. If it were to find him

(Continued on Third Page.)

Saturday, March 23, 1907. MARCH 1907 1907 WED THU FRI SAT 2 5 6 9 12 13 15 16 10 11 12 13 17 18 19 18 1 22 23 JEROME WILL REPLY MONDAY AFTERNOON 2%, 25 25 28 29 30

SATHER. NEBRASKA-Partly floudy Friday and Saturday.
FORECAST FOR IOWA-Partly cloudy
Saturday and Sunday. Variable winds. aha yesterday: Hour.

LEGISLATIVE.

terminal tax bill with slight amendments, subordination. The first court-martial senthe vote being 66 to 49. Sixteen of the tenced him to be reprimanded and the secrepublicans voted against the bill and five ond court-martial, on which today's action of the fusionists for it. The senate at Lincoln votes to smend the law affecting the sheriff's office as

says national constitution is inadequate for latter day problems. Page 16 Abraham Ruef says he may make a statement that will cause a great sensa-

tion. He intimates that charges against

him are result of plot to steal city gov-Page 1 ernment. Rev. Dr. W. L. Tenney, who is constated today that the affidavits to be pre- sidering a call from First Congregational church of Omaha, has received a call also

Page 16 Thaw jury is excused until Wednesday

ines requested by Nebraska legislature to prevent railroads and other corporations taking tax cases into fedeal court. Page 1

President disapproves verdict of courtmartial which acquitted Captain Koehler. Secretary Taft in reviewing the case says approval of finding would make it necessary. lines requested by Nebraska legislature to and illegal. prevent rallroads and other corporations martial which acquitted Captain Koehler, but a formal adjournment of court until Secretary Taft in reviewing the case says Quatice Fitzgerald has had time to satisfy approval of finding would make it neceshis conscience as to whether a commission sary to try General Wood by courtimartial.

Effective April 1 municipal government n canal zone will be abolished and connamed by commissioners.

POREIGH.

Paris hears that records of nuncio of vatican seized by government contains papers which will cause some embarrass-

ment to statesmen. NEBBASEA.

After twenty-seven years of litigation the Schellenberg land case has been compromised. Decree is entered at Fremont.

Page 3 Letter from Brink, on trial for murder at Ponca, is introduced showing eagerness "I understand," he continued, "that he to meet Miss Newton and "talk over mat-Fage 3

LOCAL. President B. L. Winchell of the Rock might have desired to make a statement Island system takes no stock in talk of with reference to the district attorney's panic as result of agitation and action for reform in railroad matters. Page 4

Effect of terminal tax law in Omaha "I did not mean to charge Mr. Hartridge tion so as to give \$5,000,000 more from which to derive upward of \$100,000 or

which would lead one to believe they had all people of Omaha to co-operate toward cleaning up rubbish from the city Saturday and also one week from Saturday.

contract by which Topeks franchise was transferred to the Western league.

Page 13 Brunke and Neale of Omaha make good scores in bowling contest at St. Louis and He will get part of money in two-man team

> EIGHT-HOUR LAW CONSTRUED Secretary Taft Rules that it Affects Only Mechanics and Laborers on Dredges.

WASHINGTON, March 21 .- Secretary Taft has reconsidered his original opinion of March 7 relative to the eight-hour law in its application to employee on river and harbor works. Then he held that the law applied to every person connected with the work on dredges and steamers of in the logical consequences with respect various kinds, while he is now of the opinion that it affects only mechanics and laborers and does not change the present hours of work of captains, cooks, deck hands, pilots and the like.

General wood which insist follow an approval of the verdict as siready explained and Captain Koehier is simply restored to duty. This is the view of the judge advocate general, in whose recommendation is given by the provided that the control of the verdict as siready explained and Captain Koehier is simply restored to duty. This is the view of the judge advocate general, in whose recommendation is simply restored to duty. This is the view of the judge advocate general, in whose verdict as siready explained and Captain Koehier is simply restored to duty. This is the view of the judge advocate general, in whose verdict as siready explained and Captain Koehier is simply restored to duty. This is the view of the judge advocate general, in whose recommendation is simply restored to duty. This is the view of the judge advocate general, in whose recommendation is simply restored to duty. This is the view of the judge advocate general, in whose recommendation is simply restored to duty. This is the view of the judge advocate general, in whose recommendation is simply restored to duty. various kinds, while he is now of the

BUTTE TO HAVE NEWS AGAIN Printers and Publishers Settle Differences and Papers Will Resume

Publication. BUTTE, Mont. March 22 .- The differences between the newspaper publishers and the Klopsch of the Christian Herald has notimembers of the Typographical union, were fied the State department that his tele- postmasters are not allowed to display them. It will not matter whether the armor is held in Philadelphia and the body will then cape assessment for municipal purposes. settled tonight by the printers voting to graphic advices from China show such an return to work at the publishers' terms. acute condition there that he is sending ture has voted \$2.000 for the search of the inventor sage. The adjustment was brought about by John to the Red Cross at Washington move in boy and has aided me in every possible. The dinner was held in recognition of vicinity, including the cavalry and artillery erty now distributed does not pay any city Baker, national organizer, acting under addition to the flow,000 worth of food sup- way, but I believe a word from you to the what Sir Percy Sanderson has accomplished at Fort Myer, will meet the flow,000 worth of food supdirection of President Lynch of the Inter- plies which he will place on the army trans- federal authorities may be the greatest aid while British consul general at New York. at the railroad station and accompany it to national Typographical union,

President Disapproves Verdict of Court-Martial Which Acqu't el the Captain.

FINDING REALLY AGAINST GENERAL WOOD

Secretary Tuft Says Approval of It Would Make Trial of General by Court-Martial Necessary.

WASHINGTON, March 22. - President Roosevelt tonight announced his disapproval of the finding of acquittal in the cavalry, U. S. A., cavalry commander at Jolo, Philippine islands. Captain Koehler guage in an appeal from the action of General Wood, who reprimanded Captain Koehler for making charges against Major Scott, commanding officer at the Jolo millwho was charged with conduct unbecoming an officer and gentleman in making unfounded and malicious statements regard-The house at Lincoln passes the senate ing his commanding officer and with in-Page 1 | was based, acquitted him.

The president's order follows: THE WHITE HOUSE WASHINGTON. far as Douglas county is concerned, fixing the salary at \$4,000 a year after January 1, 1908, and making the jail feeding subject to contract.

Page 1

DOMESTIC.

Governor Cummins at Iowa celebration says national constitution is inadequate

THE WRITE HOUSE, Washington with the proceedings, findings and acquittal in the case of Captain Lewis M. Koehler, Fourth cavalry, U. S. A., are disapproved. I entirely concur in all that the secretary of war says of Captain Koehler, and of General Wood, and of the poor showing made by the court which last passed on the case.

THE WRITE HOUSE, Washington with the proceedings, findings and acquittal in the case of Captain Lewis M. Koehler, Fourth cavalry, U. S. A., are disapproved. I entirely concur in all that the secretary of war says of Captain Koehler, and of General Wood, and of the poor showing made by the court which last passed on the case.

THE WRITE HOUSE, WASHINGTON WITH THE WRITE HOUSE, WASHINGTO

Taft Reviews Case. Secretary Taft in his letter says: Secretary Taft in his letter says:

Captain Koehler is an officer with an excellent record for courageous service in the field and for attention to duty generally. He distinguished himself at the battle of Mount Dajo. Captain Koehler made himself very annoying to Major Scott by captious insistency that Major Scott should be in his office at certain times and should discharge his duties as military post commander with the same degree of promptness that he would have done had he not the additional duties of civil governor. The friction became so great that Captain Koehler filed charges against Major Scott later filed charges against

vantage to harm me and to protect his own lems like the regulation of railroads, personal friend, Major Scott."

Verdict is Disapproved. General Wood called the attention of the trol of towns placed in hands of a board | War department to the appeal and submitted the question of disciplinary proceedings. A court-martial was then appointed which acquitted Captain Koshler. Secretary Taft's letter continues:

I have no hesitation in saying, after a full consideration of the matter, that the finding of the first court-martial that Captain Koehler was guilty of filing captious and unnecessary charges against his commanding officer, was fully sustained. His statement in his appeal that he was practically denied courses. statement in his appeal that he was practically denied counsel cannot be supported. He might have had counsel had he been willing to take any but two persons who were otherwise engaged on public business. The charge that the department commander was the accuser or prosecutor in the first trial was founded solely on the ground that he directed a court-martial on the charge of Major Scott after an inspector had reported that the charges of Captain Koehler against Major Scott were unfounded. Considering the evidence of the nfounded. Considering the evidence or rst court-martial. I think the lang f the reprimand was sufficiently withi remark that he served notice on the counsel of record that if they possessed information he believed to be in their possession he would call the matter to the settention of the appellate division. I will hear Mr. Hartridge now if he so desires."

Before Mr. Hartridge could reply Mr.

for reform in railroad matters.

Seven-story apartment house of latest and most modern design and construction will be erected at northwest corner of the application for a court of incling within the legitimate discretion of the application for a court of the application f

Effect of terminal tax law in Omaha will be to raise assessed property valuation so as to give \$5,000,000 more from which to derive upward of \$100,000 or grown of \$120,000 revenue for city purposes.

Page 4

Mayor Dahlman issues proclamation for all people of Omaha to co-operate toward cleaning up rubbish from the city Saturday and also one week from Saturday.

Page 5

John L. Kennedy says the amount of the appropriation by congress for river improvements which Omaha gets depends entirely upon the industry of Omaha business men in looking out for the city's own interests.

Page 4

SPOETS.

Secretary Farrell of National Association of Base Ball Leagues gives out terms of contract by which Topeka franchise was signed and that General Wood had only the slightest acquaintance with Captain Koehler and no occasion for personal feeling against him.

Verdiet Really Against Wood.

Verdiet Really Against Wood. Verdiet Really Against Wood.

After much consideration I am convinced that this finding of the court involves affirmative inferences and conclusions of fact that cannot be supported by the evidence. You, as the reviewing authority, are put in this position—that if you approve the findings you necessarily affirm or approve the statement derogatory to General Wood contained in the appeals, and if you do so capprove those statements, then it would become your duty, as commander-in-chief, to order General Wood before a court-martial for perverting his power as department al for perverting his power as departm commander to accomplish an unjust an unfair purpose against his subordinate officer. You cannot in justice to Genery Wood find any evidence in the record t sustain the bringing of such proceedings of the finding of a court against him.

A reviewing authority may mitter to A reviewing authority may mitigate a sentence, but it cannot change a finding of an acquittal to one of conviction. It can, however, in any case, disapprove the entire proceedings and refuse to confirm a finding of acquittal. The effect of this is to set aside the proceedings as if they had not been commenced. By this course you, as the reviewing authority, are not involved in the logical consequences with respect to

ACUTE FAMINE IN Christian Herald Sends \$50,000 Washington for Use of Red

Cross Society. WASHINGTON, March 22.-Dr. Louis port Buford at San Francisco next month.

Senator Burkett Preparing Bill Along Lines Asked by Nebraska Legislature.

(From a Staff Correspondent.) WASHINGTON, March E. - (Special Tele_ CALHOUN MAY APPEAR BEFORE JURY gram.)-Senator Burkett teday received opy of a joint resolution passed by the Nebraska legislature, memorializing the congres of the United States to pass a law to prevent railroad companies from enjoining the collection of state taxes. The senator has replied to the legislature that he will present the resolution at the opening of congress and that he also expects to prepare and introduce a bill to cover the point. It is known that the senator has had case of Captain Lewis M. Koehler, Fourth this legislation in mind for a considerable time, in fact, has drafted a bill which, arrival here from New York, be given an according to his ideas, will meet it. He dewas charged with using disrespectful lan- layed introducing it, however, until the decision of the supreme court in the Ne- of the sileged bribery of the supervisors braska tax case should be rendered, inas- in the matter of an overhead trolley franmuch as the point covered in that case was chise granted the United Railways company the same as he hoped would be reached by last May. tary post and civil governor of Jolo, and his bill. The decision did not come out until the day before congress adjourned, and it was therefore too late to accomplish have not even been trusted to the secret it up early at the next session of congress.

Kittredge Goes to Isthmus. Senator Kittredge of South Dakota arturns to Washington to join Secretary afternoon for Charleston, S. C., where they flower on Sunday for a trip to the Isthmian canal gone.

Allison on Railroad Question, Senator Allison of Iowa, left Washington today for his home at Dubuque. When | tion." asked his opinion as to the advisability of legislation for the extension of government regulation of railroads, Senator Allison declined to speak for publication.

On the larger question of the relative jurisdiction of the federal government and of the states in control of railroads and in dealing with modern economic questions Senator Allison, referring to the debate now running in a magazine between Senator Beveridge of Indiana and William J. Bryan on the issues likely to figure in the

Thaw jury is excused until Wednesday morning. Judge Fitzgerald has question of lunacy commission under advisement. Defense will file affidavits this afternoon and prosecution will reply Monday. Page 1

Error is discovered in list of guns used at Brownsville and Secretary Taft calls for original entries; negro under arrest at Houston said to be man who confessed at Galvaston.

Page 3

J. Raiph Burton, released from prison in Missouri, says he has no enemies to punish and will devote his life to advocating better governmental system. If will edit a paper.

Page 3

Dun's review of trade shows that business is unusually heavy and jobbers are rushed with reorders. Demand for iron and steel still exceeds the supply.

Senator Burkett is preparing bill along in the prevention of the reprimend. Captain Koehler and of corrections of the sunday of war, alleging he was practically denied with reorders. Demand for iron and steel still exceeds the supply.

Senator Burkett is preparing bill along in the correction of the reprimend. Captain in the prevention of the sunday and other corporations.

Referring to the reprimend. Captain on the issues likely to figure in the Major Scott.

Major

knows how to evade as well as to assert." Inspecting College Military. Captain Ulysses G. Alexander, general staff, will proceed to the places specified for the purpose of making the annual inspection of the military departments of the educational institutions named: Nebraska University of Nebraska, Lincoln: Iowa, Simpson college, Indianola; State university, owa City: South Dakota, South Dakota

of South Dakota, Vermilion; Wyoming, University of Wyoming, Laramie. Minor Matters at Capital.

The People's National bank of Albia, Ia., has been authorized to begin business with president, J. S. Moon, vice president, and B. P. Castner, cashler.

The Irving National Exchange bank of New York and the Hamilton National bank of Chicago have been approved as reserve agents for the United States National bank

Rural carriers appointed for Iowa routes: Ankeney, route 1, David N. Essick, carrier; Anna Essick, substitute; Bon Durant, route Harry Lee, carrier; Mary M. Lee, substitute: LeGrand, route 1, Ira M. Gaunt, carrier: Walter Weltzel, substitute: Mystic, route 1, Doctor C. Haines, carrier; Cora Heseltine, substitute; New Albin, route 1 Frank Kelley, carrier; John Kerrigan, substitute: Peterson, route 2, George H. Mil. ler, carrier; Hiram E. Davis, substitute; Waterville, route 3, Michael J. Kelly, carrier; John B. McCormick, substitute.

Iowa postmasters appointed: Beloit, Lyon ounty, Mrs. Anna C. Henderson, vice Ellen M. Morton, resigned; Meriden, Cherokee county, Nelson C. Buswell, vice J. E. Jones, resigned; Randolph, Fremont county, Lewis O. Clark, vice James H. Wylie, resigned; Superior, Dickinson county, D. B. apply to other indictments. Smith, vice E. J. Oison, resigned.

MARVIN BOY IN ENGLAND

Police at Portsmouth Have Child that Answers Description of Kidnaped Baby.

WASHINGTON, March 2 .- Third Assist ant Secretary of State Wilson tonight received a cablegram from the American consul at Portsmouth, England, saying the authorities have a boy who answers the description of Horace Marvin, kidnaped recently from Kitts Hammock, Del. Dr. Wilson immediately conferred with President Roosevelt regarding the matter and, acting on the president's instructions, forwarded the message to Governor Lea of purpose." Delaware. Mr. Wilson stated tonight that this government stands ready to co-operate with the state officials in every possible way in the efforts to solve the kidnaping

DOVER, Del., March 25.-Dr. H. N. Mar vin, whose 5-year-old boy disappeared on March 4. tonight telegraphed President Roosevelt asking for aid in the search for

"As a sorrowing father of a missing child," says the telegram, "I make bold to ask if government aid can be extended along two lines. Many threatening letters vented after ten years of experimenting. are sent me every day saying my boy may and which, he declares, had been the aim be killed by his supposed captors and it of inventors for years. causes me much expense investigating these. They should be looked into.

"I have sent out pictures and notices re-

Says Charges Are Result of Attempt to Eteal the City Government.

President of United Railways Will Be Asked to Testify-No Attempt Made to Remove Supervisors.

SAN FRANCISCO, March 22.-It was stated today at the prosecuting attorney's office that Patrick Calhoun, president of the United Rallways company, would, upon his opportunity to appear before the grand jury in connection with that body's investigation

From the same source it was also learned that a number of secret indictments which anything by legislation. He expects to take file for fear that their contents might leak out, are not all against one person, but are said to contain the names of several.

Abraham Ruef said to the Associated rived today in Washington and is a guest Press today that he is considering the at the New Willard. Senator Kittredge re- preparation of a statement to the public, and declares that when he tells his story Taft and his party, who leave tomorrow it will contain sensations equal to the disclosures of the alleged confessions of the will board the United States Steamer May- supervisors. He expressed the opinion that the investigation now going on was in furtherance of an organized attempt to scize the municipal government and asserted that it was "government by indictment," instead of "government by injunc-

Dunne to Hear Cases.

The sixty-five charges of bribery against Ruef were today assigned by Presiding Judge Coffey to Judge Dunne's department of the superior court. They will be placed avoid possible conflict between the chief was 30 degrees on March 29, of police or the sheriff and Elisor Biggy

former residence of Mayor Schmitz, in which he resided when elected, and often entertained and dined Ruef, and where the mayor and the political boss laid many of their political campaign plans, may become Ruef's prison for some months. The present owner is attempting to rent it to Ruef when he takes the latter away from

the St. Francis hotel. Supervisors to Remain. The true reason for the determination of toward removing from office the super-visors was disclosed this afternoon. District Attorney Lagdon stated that in order lifted, but on the Shasta route cannot be Howard, Funk of Phelps, Heffernan of to remove them it would be necessary to resumed for several days, and the coast Dakota, Quackenbush of Nemaha and the public will learn to think more who are or will be indicted. Assistant Distudy more the problem of retaining trict Attorney Heney declared that the study more the problem of retaining trict Attorney Heney declared that the study more the problem of retaining trict Attorney Heney declared that the study more the problem of retaining trict Attorney Heney declared that the study more the problem of retaining trict Attorney Heney declared that the study more the problem of retaining trict Attorney Heney declared that the study more than the in the states the authority which is theirs mayor, having the appointive power, could said clothing the federal government with the vacancies created by the removal of the railroad lobby, and are counted with the republicans who stood up for their the powers it needs to deal with great prob-"Mr. Beveridge must be alert, for he has this obstacle it would be necessary first in every direction from Ogden is demoralin Mr. Bryan an able antagonist, who to remove the mayor and this Heney ad- ixed. The Southern Pacific has scheduled

mitted, the prosecution was in no position a train from Sacramento to arrive late as yet to do. It also developed that the this evening without eastern connection, district attorney would run counter of the and no attempt is made to run regular same law that defeated the attemp of Ruef trains. and Acting Mayor Gallagher last fall to term of office had expired.

The grand jury did not meet today, but San Francisco is \$20, but by way of Ogden will hold a short session tomorrow, at a charge of \$55.90 is made. a capital of \$75,000. Lafe S. Collins is which time the investigation of the alleged ments are expected to be filed tomorrow.

> Jury Will Be Guarded. The same care and watchfulness that has marked the custody of Ruef will be exercised in guarding the jury against any possible outside influences when his trial begins. Instead of a bailiff or the sheriff having charge of the jury, District Attornney Lagdon stated today that the jury will be placed in charge of Elisor W. J. Biggy. This is said to be the first time in the legal history of the United States that an elisor has been appointed by a court to apprehend a defendant and given such power to keep him in custody during trial. Up to the present time the ordinary functions of an elisor has been perfunctory and his appointment was usually for the purpose of drawing, returning and taking charge of juries when the sheriff or other proper officers

> were disqualified. The present appointment of an elisor extends only to the one charge of extortion, for which Ruef is on trial, and does not

In order to appoint the elisor to take charge of Ruef during the trial of the other cases, it will be necessary to show that the sheriff and other regular officers are disqualified. The report that there is dissension among Ruef's attorneys seems to be borne out by the fact that they no longer confer with him together, but visit him

singly. Ruef was in much better spirits when seen this afternoon. He submits gracefully to the restraint placed upon him and expressed his appreciation of the courtestes extended to him by Elisor Biggy and his guards.

When told that Mayor Schmitz's former residence may become his temporary prison, Ruef jokingly said: "Why not take my house? I offer the elisor my bome for the

NEW INVENTION BY MAXIM Fuse that Will Cause Armor Piercing Shell to Explode at Right Point.

NEW YORK, March 23.-Hudson Maxim, inventor of high explosives, made the tinner tendered Sir Percy Sanderson by the Canadian club tonight the occasion of the first announcement concerning a new safety detonating fuse, which he has in-

By it, he said, it is possible to send an the burial will take place. armor piercing shell through armor and

a post from which he recently resigned.

THAW JURY EXCUSED SUMMARY OF THE BEE KOEHLER CASE IS REVIEWED CHECK ON DODGING OF TAXES RUEF PROMISES A SENSATION WARM WEATHER IN THE EAST

Thermometer Registers Muety in Washington and Eighty in Pittsburg.

WASHINGTON, March 22 .- According to the United States weather bureau to day was the hottest March day ever experienced in Washington. The temperature reached its highest point at 4 o'clock this afternoon, when the thermometer registered 30 degrees. The records of the weather bureau for the last thirty-seven years show that the nearest approach to this mark was on March 22, 1894, when the thermometer registered 83 degrees, The temperature went up 50 points from 6 o'clock in the morning, when it regis tered 49 degrees, until 4 o'clock in th afternoon, when the record-breaking mark

was reached. The official advices received tonight show that the Ohio valley was the only other section affected by the hot wave. The official forecasters predict coole weather by tomorrow night.

DETROIT, March 22 .- This was the warmest March day in the history of the local weather bureau. The thermomete reached 75.3 at 3 g'clock this afternoon The previous record was 75 degrees or darch 31, 1875. Inspector Conger of the weather bureau says that the indications are for another twenty-four hours of the unusual leat.

PITTSBURG, March 22.-The mercury registered 80 degrees in this city today. The temperature is the highest recorded during March for over thirty years, CLEVELAND, O., March 21.-The tem perature today reached a maximum of 70 degrees. The day was the warmest thus far this year and a record-breaker for the orresponding day of previous years. The highest temperature was reached at 11:39 this morning. It remained at that point

COLUMBUS, O., March 22.-All March weather records for twenty-eight years, embracing the existence of the Columbus weather bureau, were broken today when on the calendar tomorrow and arraignment a temperature of \$1.4 degrees was recorded. set for some day early next week. To The highest previous record for the month

no bench warrants will be issued on these CALIFORNIA STORM BREAKS It may be the irony of fate that the Rivers Are Falling Rapidly and Railway Communication is Partly Restored.

which has hung over California has been that not a railroad henchman went back broken and conditions everywhere are on the corporations. Elisor Biggy as a place of detention for greatly improved. The rivers running through the great interior vaileys, which nfty-one voted to stand for the republican flooded vast tracts of land and threatened state platform and for the promises they several cities, have fallen rapidly and no made their people. Of the twenty-nine more damage from this source is appre- fusionists present, five refused to be conhended. Telegraph communication, which trolled by the railroads, but stood with the prosecution to take no immediate steps for a time was interrupted, in every direc-

touches will be threshed out in detail in the first congress and as often as the questions come up for legislative action.

The detail in the first congress and as often as the would compel the prosecution to bring formore days. The Santa Fe and Southern questions come up for legislative action.

This prove them it would be necessary resumed for several days, and the coast line to the south may be tied up for two or more days. The Santa Fe and Southern pacific, by a combination of tracks, are Meantime, from the activity of the discus- its entire hand before the trials of those able to get trains through the San Joaquin

The railroad blockade has been partially

OGDEN, Utah, March 22.-Railroad traffic

PORTLAND, Ore., March 22.-Train remove District Attorney Lagdon and put | communication has been re-established be-Ruef in his place. While summary pro- tween Portland and San Francisco, but inceedings could be taken to remove the stead of traveling direct via Southern mayor, the issuance of a writ of probable Pacific railway passengers are being cause by some judge would act as a stay routed by way of Ogden and thence to Agricultural college, Brookings; University of proceedings during appeal, and by re- San Francisco. This necessitates a trip sorting to technicalities, the settling of the of 1.161 miles, or 889 miles more than appeal might be delayed until the mayor's the distance by the Williamette valley line. The ordinary first-class rate to

> WASHINGTON, March 22.-The weather telephone deal will be resumed. No indict. bureau tonight announced that the flood situation in the valleys of California continues very grave. The stages of water are the highest on record, with a further rise indicated for the next two or three days over the lower portions of the two main rivers.

DOCUMENTS OF THE VATICAN Paris Figuro Tells of Papers Taken

from Nunciature by

France. PARIS, March 21.-The Figaro, a paper with Catholic sympathies, says that the documents seized at the papal nunclature here after the expulsion of its secretary, Monsignor Montagnini, included a dispatch from Cardinal Merry del Val, the papal secretary of state, advising Monsignor

garo adds, will prove embarrassing to those involved, but will not compromise the Holy

firming the reports that Premier Clemen- be advanced to third reading. He exultimately to arrive at an understanding its final passage. with the Vatican.

WINT TO REST AT ARLINGTON

Funeral Services for General Will Take Pince Monday at National Cemetery.

WASHINGTON, March 22 .- Funeral serv-

cause it to explode at exactly the distance honors shall mark the burial of Brigadier amendment the railroad spokesman said garding my kidnaped boy, and I am told behind the armor desired by the gunner. General Wint. Religious services will be not a cent of railroad property would espublic buildings. The Delaware legisla- one inch or twelve inches in thickness, the be transported to Washington. An escort, The arguments for the bill, he said, had Arlington.

TAX PASSES

Measure as Amended is Approved by House on Third Reading.

PARTY LINES FORGOTTEN ON FINAL VOTE

Fifty-Six Members Vote for Bill and Forty Against It.

RAILROADS FIGHT TO THE FINISH Hamer of Buffalo Still in Front as Cham-

pion of Corporations. MOTION TO PASS MADE BY CLARKE

Shrewd Parliamentary Tactics Sweep Opponents Off Their Foet-

ROLL CALL ON THE PREVIOUS QUESTION Four Ballots Necessary and Final One Shows Sixteen Republicans in

Opposition-Five Fusionints for Bill.

(From a Staff Correspondent.) -LINCOLN, Murch 22 .- (Special.)-By a vote of 56 to 40 the senate terminal tax bill, as amended in the committee of the whole, passed the house on third reading this morning. The fight was bitter and at times personal, and true to the promise made by Hamer, he and the other railroad-controlled republicans and fusionists fought to the last, bringing to bear every device and trick of the trade to secure the recommittment of the bill that it might be killed. In fact, they never quit fighting. The pledges they made to the people who voted for them and trusted them counted for naught. They were under the eyes of a big railroad lobby, which for days has hung over the railing of the house lobby and haunted the hotels, SAN FRANCISCO, March 22.—The storm and which was present this morning to see

Of the sixty-seven republicans present, the pledge-keeping republicans and gave to the bill five more votes than were neces-Weems of Nance. They withstood the demands of Tom Allen, democratic state chairman, who had some political debs to ists were absent: Bolen, Davis, Gilman and

Whitney. Republican Repudiationists. The republicans who violated the republican state convention platform and voted with the railroads were: Baker of York, Buckley of Polk, Culdice of Saline, Gliem of Red Willow, Hamer of Buffalo, Hill of Chase, Killen of Gage, Logedon of Fillmore, McCullough of Gage, McMullen of Gage, Renkel of Webster, Baunders of Knox, Springer of Scott's Bluff, Steinauer of Pawnee and Wilson of Custer.

Johnson of Saline refused to stand for Ralph Brown's smooth railroad talk, and voted for the bill and against the Hamer crowd, though Brown was able to fix Culdice, Johnson's colleague; Barrett of Buffalo killed Hamer's vote by staying with his pledge. Byram of Burt and Lahners of Thayer, whom the railroads thought they owned, also refused on final roll call to do their bidding. The leaders for the railroads, McMullen, McCullough and Killen of Gage, Hamer of Buffalo, Hill of Chase and Wilson of Custer were spotted early in the session as railroad benchmen though Culdice got in later, when Burlington Attorney Foss and Ralph Brown and Ben White and the rest of the railroad lobby got after him.

Leeder in the Fight. The Douglas delegation had splendid assistance from Speaker Nettleton. Ned Brown and the Lancaster delegation, Barrett of Buffalo, Harrison of Otoe, Knowles of Dodge, Jenison of Clay, Keifer of Nuckolls. Hart of York and all the other pledgekeeping republicans and Quackenbush of Nemaha. Whitney of Sarpy, who was recently stricken with paralysis, remained in Lincoln two days to help out, but it was impossible for him to stay to see the Montagnini to give the Catholics free rein final grand finish, while Gilman of Lanto oppose the taking of church inventories caster got up after an operation for apunder the law providing for the separation pendicitis to help, but he, too, was unable of church and state, a report from Mon- to stand the strain and he could not be signor Gaspari, secretary of ecclesiastical present today. Clarke of Douglas has de affairs at the Vatican, embodying informa- voted his whole time practically to the bill tion for use during the French electoral and the delegation assisted him materially, campaign and instructions relative to that At noon Clarke, who fathered the bill in the house, was so exhausted and worn out Continuing, the Figure asserts that one over the long and uncertain fight that he of the most interesting documents is Mon- was about ready to take to his bed. A signor Montagnini's diary detailing con- number of Omaha business and professional versations the prelate had with M. Piou, men helped Clarke to get favorable action one of the founders of the liberal action on the bill, the most conspicuous of them party, M. Denye Cochin, conservative and being W. G. Ure, Victor Rosewater, W. A. other political personages, which, the Fi. Pennock and J. A. C. Kennody, a fusionist. Bill Comes Up Early.

After the house had concurred in the conference committee amendments to the In conclusion the Figure asserts that the railway commission bill Clarke of Douglas documents do not contain anything con- moved that S. F. 361, the terminal tax bill, ceau attempted indirectly to negotiate with plained that several members had come the Vatican, or anything from ex-Premier to the house this morning from their sick-Rouvier, although there are notes in the beds to be able to vots on this bill, and document indicating that the former hoped therefore the measure should be placed on

Clarke's motion did not come as a surprise. He merely beat the railroads to their motion to recommit the bill for specific amendment, for Hamer at once moved as a substitute that the bill be recommitted for specific amendments. His amendment, he explained, was to accomplish what the Cone amendment, which for legal reasons, did not accomplish, namely, cause a distribution of railroad property located in ces for Brigadier General T. J. Wint, towns and villages not located on the United States army, who died yesterday right-of-way, for city and village nanessin Philadelphia, will be held Monday morn. | ment. His amendments were to the title ing at Arlington National cometery, where and to the body of the bill, making it an amendatory act instead of an independent It has been decided that full military act as contemplated by Clarke. Under his comprised of all the available troops in this been that nine-tenths of the railroad prop-

> "I propose now," he said, "to distribute this property to those cities and towns. Un-