

EDDY CASE IN COURT

Hearing of Suit Brought by Next Friends Begins in Concord.

INTERVENTION OF TRUSTEES THE ISSUE

Judge Rules that Competency of Mrs. Eddy is Not on Trial.

TRUSTEES WISH TO DEFEND SUIT

Court Directs that Arguments Be Confined to This Point.

DEED OF TRUST IS PRODUCED

Counsel for Mrs. Eddy Attacks Motives of Volunteer Next Friends of Head of Scientist Church.

CONCORD, N. H., May 23.—There was an interested crowd of spectators, mostly Christian Scientists, in the Merrimack county court house today when the hearing of the suit brought by the "next friends" of Mrs. Mary Baker Eddy against Calvin A. Frye and several other Christian Scientists for an accounting of the property of Mrs. Eddy, leader and founder of the sect, Women's Judgment in the assembly.

Judge Chamberlain announced regarding the motion made on Monday that he ruled on the question of Mrs. Eddy's competency that he would not try the main question at this time. He said that arguments should be confined strictly to the question of the intervention of the trustees.

General Frank S. Streeter of counsel for the defense addressed the court. This suit, he said, was brought, not by Mrs. Eddy, but without her knowledge and against her wishes. Three trustees appointed by Mrs. Eddy to take charge of her property wished to be substituted as complainants in this suit. They asked this as a matter of legal right, said Mr. Streeter, and they appeared in court under authority of Mrs. Eddy's trust deed.

Mr. Streeter produced the document mentioned. It is admitted by both sides that there is a genuine deed duly signed by Mrs. Eddy and recorded. Under it the trustees took possession of Mrs. Eddy's property and have since managed it.

Provisions of the Deed. An assessment of the deed and its directions and reservations. He laid special emphasis upon the provisions continuing Mrs. Eddy's past policy in regard to investments, directing the termination of the trust at the death of Mrs. Eddy.

"If this deed is valid," said Mr. Streeter, "not only all Mrs. Eddy's property, but this estate as well has been transferred to the trustees, and they ask that they be allowed to carry it on. If Mrs. Eddy's competency to make this deed is regarded as material, then this question must be decided first," said Mr. Streeter. "Next friends' action can be brought only when the nominal complainant is unable to protect his own interests. If the plaintiff is not thus incapacitated then the 'next friends' have no standing in court.

Mr. Streeter summarized the provisions of the deed and its directions and reservations. He laid special emphasis upon the provisions continuing Mrs. Eddy's past policy in regard to investments, directing the termination of the trust at the death of Mrs. Eddy.

"The person volunteering to bring a suit as a 'next friend' does so at his own risk and must be prepared to defend and vindicate the necessity and propriety of the proceeding at any time when called upon as they are now called upon," said Mr. Streeter.

Mr. Kelly of counsel for the plaintiffs interposed that Mr. Streeter had not so challenged the necessity and propriety of the proceeding as any time when called upon as they are now called upon," said Mr. Streeter.

Mr. Streeter replied that he was laying down a principle of law applicable to this case and quoting his legal authority.

Peril of Next Friends' Position. The peril of the position of "next friends" was dealt upon by Mr. Streeter, who said that he absolutely believed Mrs. Eddy is not incompetent. If the "next friends" were to have any standing in court they must show her incompetent.

These "next friends" he said, are mere volunteers. They stand in peril that their act may be found to be not in good faith. "We submit," said he, "that this deed, being for the benefit of Mrs. Eddy, is valid without proof of her competency to make it which is not material and cannot be inquired into by this court."

Continuing this afternoon Mr. Streeter described Mrs. Eddy as almost 80 years of age, founder of a religion, followed by thousands of good and true people, who was living in peace in possession of property accumulated from her publications and had made a will disposing of the property.

"From the fact that only nine years ago she had devoted almost one-half of her property to the cause of her religion, it is a just inference, though not proved, that by the terms of her will she had devoted a considerable share of her property to that religion. She had one son, an adopted son, and other relatives. She kept herself in seclusion in order to devote herself to her religion. That was the situation March 1, when a bill in equity was brought by certain next friends."

This bill Mr. Streeter analyzed and vigorously attacked.

YOUNG BOY DEAD IN BOX CAR

Son of Prominent Resident of Superior, Wis., Believed to Have Been Murdered.

SUPERIOR, Wis., May 23.—Walter O'Neil, the 11-year-old son of Thomas O'Neil, a prominent resident, was found dead in a Northern Pacific box car today. One side of his head was smashed and the police believe it is a case of murder. The boy has been missing since he started for school on Tuesday.

TWO-CENT FARE IN NEW YORK

Senate of Empire State Passes Bill and Measure Now Goes to Governor.

ALBANY, N. Y., May 23.—By a vote of 37 to 2 the senate today passed the bill fixing at 2 cents a mile the rate of passenger fare on all railroads over 100 miles in length in this state. It has already passed the assembly and now goes to the governor.

SUMMARY OF THE BEE

Friday, May 24, 1907.

Table with columns for dates 1907 and 1907, and rows for Sun, Mon, Tue, Wed, Thu, Fri, Sat.

THE WEATHER

FORECAST FOR NEBRASKA—Showers Friday, cooler in west portion. Saturday partly cloudy. FORECAST FOR IOWA—Showers Friday, cooler in southwest portion. Saturday partly cloudy.

DOMESTIC

Mrs. William McKinley was stricken with apoplexy yesterday and lies in her home in Canton, O., in a dying condition.

Dr. A. H. Strong, president of Rochester Theological seminary, was elected president of the Baptist convention of North America.

State Board of Assessment is figuring on a new basis of arriving at the valuation of the railroads, which if adopted would materially change the relative assessments of the lines, decreasing some and boosting others.

Announcement is made in Washington that on account of time necessary to make Indian allotments the land in Tripp county, South Dakota, may not be opened to settlement for a year.

Reports in Omaha from the southwest part of the state are to the effect that crop conditions are satisfactory.

The annual crop report of the Union Pacific railroad shows that the total value of crops per acre in Nebraska in 1906 was \$9.95. Similar statistics for other states on the line of the Union Pacific are given.

It is intimated that Loris R. Higgins, who killed Mr. and Mrs. Coppie near Pender, will ask for change of venue, objecting to trial in Thurston county.

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GREECE EXTENDS GLAD HAND

Chamber of Deputies Authorizes Loan of Ten Million Francs to Assist Them.

WASHINGTON, May 23.—The State department received the following dispatch today: "Owing to great numbers of refugees arriving in Greece from Bulgaria and elsewhere in Turkey and Europe, the Greek Chamber of Deputies, before adjourning for the Easter holidays, authorized a loan of 10,000,000 francs for the purpose of furnishing these refugees with the implements, etc., necessary to enable them to begin life in their new homes."

DELAY IN SIOUX OPENING

Lands in Tripp County, South Dakota, Will Not Be Ready for Nine Months.

NO CHEAP RATES FOR OFFICERS' FAMILIES

Gamble Faction Lands Postoffice Plans Over Opposition of Senator Kittredge as Result of Congressman Parker's Work.

(From a Staff Correspondent.)

WASHINGTON, May 23.—(Special Telegram.)—As Congress has not yet passed the bill for the Sioux Indians in Dakota, can be completed today, it is not possible to state approximately the date when the reservation will be opened. An allotment has been appointed by the Indian bureau and he began his labors about a week ago.

After the allotments to the Indians have been made it is estimated that the above mentioned acreage will remain for some time before the expiration of the term for school purposes.

The price to be paid for these lands entered under the homestead laws is to be as follows: For lands filed upon within three months after they shall have been opened to entry, \$5 per acre; for lands entered after the expiration of three months and within six months after they shall have been opened to entry, \$10 per acre, and for lands entered after the expiration of six months from the date of their opening to entry, \$20 per acre.

No Cheap Rates for Army. The Interstate Commerce commission has decided that families of officers and men of the United States army cannot, under existing law, be carried at reduced rates.

Victory for Gamble. The long drawn out fight over the Mitchell, S. D., postoffice was ended today by the mailing of a commission to J. E. Wells, who was made the republican party failed to get together last summer, the Gamble and Crawford faction winning in the state convention and in the election, Senator Kittredge, leader of the opposition, declared open war, and the first thing he did was to hold up the nomination of postoffice.

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MINOR MATTERS AT CAPITAL

Miss Annie Butler, daughter of B. F. Butler of the treasury department, left today with Mrs. Ralph Sabin for a visit to the latter's home in Hastings, Neb.

Mr. Spencer formerly resided in Tecumseh. He spent the Memorial day at the Grant statue in the rotunda of the capitol on Memorial day. It is expected Major General F. D. Grant will be present at these exercises.

WOODMEN CIRCLE ADJOURNS

Mrs. Ellen D. Patterson of Houston, Tex., is Appointed Head of Board of Managers.

NORFOLK, Va., May 23.—The Woodmen Circle, the women's auxiliary to the sovereign camp, Woodmen of the World, in biennial convention here, adjourned this morning following the appointment by the supreme guardian, Mrs. Emma B. Manchester of the following officers:

SLOW PROGRESS IN BOISE

New Venue is Examined for Excuses and One Juror is Partially Accepted.

BOISE, Idaho, May 23.—The net results of this, the tenth day of the Haywood trial, were the partial weeding out of the talesmen of the second special venire entitled to statutory examination and the partial qualification of one juror.

The sixty men of the second special venire presented themselves when the judge ascended the bench at 2 o'clock this afternoon, and when it was announced that the court would hear excuses, twenty-three of the sixty marched forward. Judge Wood said that he would accept only those excuses which clearly came within the statute, and when he made good his announcement the hand of petitioners melted very quickly.

Next began the attempt to fill seat No. 9, made vacant by the release of Juror Curtis on account of illness. The first five talesmen had opinions that would require evidence to change—one of them said his opinion would last regardless of the evidence—and they all went down on challenge from the state.

Next the clerk successively drew the names of four talesmen whose petitions for excuse had just been temporarily denied in order to give them time to get certificates from physicians as to the illness of themselves or their wives, and it was agreed that they should all be passed until the court finally decides on their applications.

JUDGE HARGIS NOT GUILTY

Decision of Jury Comes Three Years After the Shooting of Cockbill.

LEXINGTON, Ky., May 23.—Almost exactly three years after the shooting of Cockbill at Jackson, a verdict of not guilty was returned here today in the case of Judge James Hargis, the first of those who were jointly charged with that murder, and another chapter in the famous Breathitt county feud annals was concluded.

The next trial in this series will be called at Sandy Hook, Elliott county, next Monday, when the same defendants will be tried for the murder of Dr. B. D. Cox at Jackson on April 14, 1892, charged with the murder of John C. Cox and J. B. Marcum, all three of whom have died since by shooting. The defense, however, presented testimony tending to disprove the conspiracy charge and Judge Hargis, testifying on his own behalf, denied all connection with the shooting. Curt Jett, who confessed to the murder of Marcum, was given a life sentence, was a witness against Judge Hargis.

CANNON STILL STANDPATTER

Takes Occasion in Interview to Say that Present Conditions are Satisfactory.

WASHINGTON, May 23.—Speaker Cannon, having his attention called to a report which has gained currency that he is out for tariff revision as a presidential candidate and has abandoned the standpatters, yesterday said:

"I do not know where the 'grape vine' originated. The only knowledge I have in the matter is the report that he was given a life sentence, was a witness against Judge Hargis."

"In the campaign of a year ago the republican party won a victory which gave the republicans a majority of fifty-eight in the Sixtieth congress, which organizes in December next, upon the cry 'let well enough alone,' and I have no doubt that the Sixtieth congress will be true to the pledges made in the campaign."

"Just wait until congress convenes in December and get the real news and not 'think' stories," added the speaker. In a jocular vein, however, he replied to questions affecting his own presidential prospects.

One of his observations in reply to the suggestion that Senator Cullom had said he would be the party's choice was to the effect that he would rather that the people had it in their power to make him president than to be president.

WELL DISTRIBUTED OVER THE STATE

Not Only Nebraska, but States as Far East as Ohio Get Some of This Much Needed Moisture.

The best and most generally distributed rain of the spring season fell over most of Nebraska Wednesday night. The precipitation varied from 1.33 inches at Grand Island to .26 of an inch at Omaha. The heaviest precipitations were at Grand Island, 1.52; Ashland, 1.46; Fairmont, 1.30; while elsewhere throughout the state the average ran from one-third to one-fourth of an inch. The rain extended eastward over Ohio and upper lake region with heavy downpours in northern Illinois, Indiana and Ohio.

The southern part of the corn and wheat belt was not so well favored. The rain extended to the southern line of Nebraska and rain is reported in Kansas and Missouri.

The rain is timely and will be of immeasurable benefit throughout the cattle country, where there has been some apprehension of a shortage of grass. Cattle men in Omaha Thursday from the northern and western parts of the state say the rain means millions of dollars' benefit for the cattle country and that in the wheat and corn sections the value will be even greater.

BEST RAIN OF THE SEASON

Precipitation of Wednesday Most Beneficial to Largest Area.

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Everything is Lovely. Albert Lewis from southwestern Nebraska, who is stopping at the Merchants hotel said: "We have had more rain and moisture in the southwestern part of the state than has fallen in the eastern portion."

Reports indicate the rainfall was general. SEWARD, Neb., May 23.—(Special.)—A small tornado struck Ruby, Seward county, last night at 5 p. m. and blew an elevator over; blew the Burlington depot from its foundation and then some of the cars from the track. Three and three-quarters inches of rain fell here last night.

YORK, Neb., May 23.—(Special.)—York county was thoroughly soaked last evening. Farmers are rejoicing over the fine crop conditions. Weather and soil conditions have been such that all ground is prepared and over two-thirds of the corn in York county has been planted.

PLATTSBURGH, Neb., May 23.—(Special.)—Yesterday mercury registered 64 degrees above in the shade, and last night about two inches of rain fell in this locality.

LINWOOD, Neb., May 23.—(Special.)—It began to rain here about 8 o'clock last night and rained most of the night. About one-half inch of water fell. It came just in time as it was very dry. This was the first good rain this spring.

NELSON, Neb., May 23.—(Special.)—A good rain fell over this section last night. There was from a half inch to an inch of rain in different parts of the county. It came in good time as wheat was beginning to need it, as well as alfalfa. Corn planting is finished and this rain brightens the prospect a great deal.

NORFOLK, Neb., May 23.—(Special Telegram.)—Just one-third of an inch of rain fell today over northern Nebraska and the rest of the state.

SIoux CITY, May 23.—(Special.)—Rain in measurable quantities fell here today for the first time this spring and was general throughout northwestern Iowa. The Dakotas at the same time reporting scattering showers. Rain fell gently during the greater part of the day and this evening the weather bureau measured nearly half an inch. Lack of moisture has greatly retarded the growth of vegetation in this district and the rain of today will be of immense benefit.

ASHLAND, Neb., May 23.—(Special.)—The rain last night and today has been of untold worth to the crops in this vicinity. A good-sized wheat crop is practically assured, and the rain came in time to greatly help the corn. Farmers and business men are in much better spirits.

ADOPt CHARLOTTE ARTICLES. General Assembly of Presbyterians of United States Takes Vote in Their Favor.

BIRMINGHAM, Ala., May 23.—The general assembly of the Presbyterian church in the United States today adopted the Charlotte articles of agreement calling for closer relations of churches within the Presbyterian system. The vote stood 96 to 94.

REV. THOMAS B. OWEN DEAD. Methodist Missionary from Iowa Dies of Menstris in South China.

NEW YORK, May 23.—A cable dispatch received from Foo Chow, China, by the board of Foreign Missions of the Methodist Episcopal church announces the death of Rev. Thomas B. Owen, a native of Iowa, who was in Foo Chow, China, on a missionary since 1886.

Several Pieces of Fine Marble for Mausoleum Ruined by Fire at Buffalo.

BUFFALO, May 23.—Several pieces of fine marble being carved at the works of George Mathey & Sons in this city for the McKinley mausoleum at Canton, O., were completely ruined by fire which destroyed the plant early today.

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AMMONIA PIPE EXPLODES

Five Men Killed in Armour Plant in Chicago and Many Overcome by Fumes.

CHICAGO, May 23.—Five workmen were killed and a dozen others seriously injured this afternoon when an ammonia pipe exploded in the beef killing department of Armour's plant at the stock yards.

An ineffectual effort to search for dead in the interior of the building by employees wearing safety masks was made, but they were driven back by the fumes, and it was not until six hours after the explosion that the first body, that of an unidentified man, burned beyond recognition, was taken from the fourth floor. A few minutes later four other bodies were found, all of them having been burned in a horrible manner.

A search of the plant is still being made for bodies, as all the men have not as yet been definitely accounted for. All of the dead and injured were foreigners.

NEW MOVE BY PACKERS

They Will Not Buy Cows or Heifers Except Subject to Examination After Killing.

KANSAS CITY, Mo., May 23.—The live stock commission merchants in Kansas City decided today on a plan of opposition to the "post mortem" inspection order of Armour, Morris & Co., Swift and company, the National Packing company and Schwartzchild & Sulzberger notified the commission men today that beginning Monday, May 27, they would refuse to purchase cows or heifers except subject to examination after killing, with the understanding that if condemned because of a diseased condition of the meat the carcasses would be made on the packers' valuation. The order is to take effect in Kansas City, Chicago, St. Louis, Omaha and St. Joseph.

The commission merchants here met and adopted a resolution today that they will sell no cows and heifers to the packers under the terms of the new order. A roll call of the commission firms doing business at the stock yards was read and every firm was represented. None voted against the resolution. In addition the live stock dealers have advised their customers to ship no fat cows or heifers for the first few days next week.

SUNDAY SCHOOL WORKERS

International Convention in Rome Elects Officers and Adjourns.

ROME, May 23.—The Fifth international Sunday school convention ended this evening after a speech by the Rev. B. D. Tyler of Minnesota. Over 1,000 delegates to the convention visited the Coliseum in the afternoon. An inspiring scene was witnessed when the visitors standing bareheaded, offered up prayers and sang hymns.

The following officers were appointed: Vice presidents, Rev. J. C. Harzell, missionary bishop of Africa; O. Waters of London, England; Justice J. C. McLaren of Toronto, Canada; C. W. Fritcher of Bombay. Secretaries, C. Bonner of London, England, and W. N. Hartshorn of Boston.

The following are the American members of the executive committee: H. J. Heinz of Pittsburgh, Pa.; H. A. Wells of Chicago, B. Broughton of Raleigh, N. C.; P. L. Brown of New York, D. S. Johnston of Tacoma, Wash., and J. W. Foster of Washington, D. C.

JUDGE GAYNOR ON RATE EVILS

New York Jurist Addresses the Knife and Fork Club of Kansas City.

KANSAS CITY, May 23.—Judge W. J. Gaynor of the appellate division of the supreme court of New York addressed the Knife and Fork club this evening here at its monthly dinner. Judge Gaynor spoke on freight rate abuses and said that while the actual payment of rebates is now seldom done, favoritism is still practiced in many ways. He spoke of the railroads as public highways and said the fact that they can be used to enable a few men to destroy business values is the basest crime of our day.

Other speakers were Charles H. Treat, treasurer of the United States; Colonel J. E. Brady, Chicago, formerly of the United States Signal corps, and J. A. L. Waddell of Kansas City, a civil engineer.

MRS. MCKINLEY DYING

Widow of Martyred President is Stricken with Apoplexy.

CANTON, O., May 23.—After a consultation this afternoon at the McKinley home by Dr. E. O. Portman, the family physician of Mrs. McKinley, and Dr. J. B. Eymann, superintendent of the Massillon State hospital and a physician of wide reputation, a statement was issued that there are no indications that Mrs. McKinley could long survive the attack of apoplexy from which she is suffering. The doctors say, however, that they think dissolution will not come for a day or two. Mrs. McKinley is in a comatose condition tonight and it is stated that there are no grounds for hope of a better turn. It is announced tonight that Surgeon General Rixey, by special railway arrangement, will reach here at 6:25 tomorrow morning, instead of at 10:10 a. m.

Mrs. McKinley had been driving almost daily up until Tuesday, although she suffered an attack of grip a week ago and later an attack of bronchitis. Tuesday she was attacked with a slight attack of apoplexy and her left arm became paralyzed. Later she lapsed into a comatose state and this afternoon she became unconscious.

Slight Improvement Noted. Dr. Portman, after his visit to the McKinley home at 11 o'clock tonight, announced that he found a change for the better in Mrs. McKinley's condition. She was then in a semi-conscious state. When spoken to she opened her eyes slightly. Dr. Portman, however, said the change was not such as would lead him to expect any great improvement; neither did he think that a fatal turn could be expected before morning. His condition, he said, on this point, that he said at 11 o'clock that he did not expect to remain at the McKinley home during the night or make any other calls unless requested by message to do so. He regarded her condition as satisfactory as could be expected under the circumstances, but at the same time he could predict only a survival of a few days at most, judging from the present state of the patient.

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Curious Case of De Raylan. Investigation to Be Made to Ascertain Whether Dead Russian Was Man or Woman.

CHICAGO, May 23.—The mysterious case of the late Nicholas De Raylan, secretary of the Russian consulate in Chicago, is to be investigated. De Raylan lived as a man, was married twice and divorced once, but when he died at Phoenix, Ariz., the statement was made by those who had charge of the body at Phoenix that the supposed man was a woman.

Public Administrator Reddick has refused to turn over De Raylan's estate, valued at \$6,000, to the widow on the ground that if De Raylan was a woman there could be no legal marriage.

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Mrs. De Raylan, who claims to have many witnesses to prove her assertion, declares that her husband was a man. She has an agent at Phoenix to examine the body, which at the time of De Raylan's death was not seen by any of his former friends. Mrs. De Raylan says some curious mistake was made whereby a woman's body took the place of her husband's.

TRIAL OF SCHMITZ PROCEEDS

Effort to Secure a Jury to Listen to Evidence Begins at San Francisco.

SAN FRANCISCO, May 23.—Five hundred persons