THE OMAHA DAILY BEE

VOL. XXXVII—NO. 38. OMAHA, THURSDAY MORNING, AUGUST 1, 1907—TWELVE PAGES. SINGLE COPY TWO CENTS.

CURRY HAS BIG TASK

Governor of New Mexico Instructed by President to Clean House.

NEW EXECUTIVE AT OYSTER BAY

Tangle of Graft and Intrigue is to Be Straightened Out.

JUDGE RODEY ON SITUATION

Says Tax Assessments in Territory Are Notoriously Unfair.

MINES AND RAILROADS TOO LOW

Value of One Mine Said to Be Equal to Total Assessment of the Territory—Several Changes in Prospect.

OYSTER BAY, N. Y., July 31.—Radical reforms in the territorial government of New Mexico are to be inaugurated upon the arrival in Santa Fe of Governor George Curry, who has just returned from the Philippines to assume that office. President Roosevelt conferred with Governor Curry for two hours today and sent him on his way thoroughly imbued with the necessity of ruling with an iron hand until the alleged tangle of intrigue and graft in New Mexico had been straightened out.

"Clean government is what the President wants," said Governor Curry, on leaving Oyster Bay, and that is what I shall do my best to establish."

Conferences on the situation in the territories were continued at Sagamore Hill after the departure of Governor Curry, as Chief Justice Kent of Arizona and Federal Judge B. S. Rodey of Porto Rico, formerly delegate in congress from New Mexico, were luncheon guests of the president.

Judge Rodey told the president that the tax valuation in New Mexico had been outrageously juggled by the railroad and mining interests. He claims that the value of one mine is equal to the tax assessment for the whole territory and that the actual valuation of the railroads in the territory more than doubles the entire tax valuation of all the territory.

Judge Kent, whose friendship with the president dates back to their college days, said his visit was entirely of a social character.

Cleaning Out in Store.

On leaving Sagamore Hill, Governor Curry said he had gone over the New Mexico situation in a general way with the president. He will spend one day in Washington and then proceed to Santa Fe.

"You know," he remarked, "I have always been a democrat, but I am a Roosevelt man, and next to that a Taft man. The president wants me to take hold of the administration in New Mexico with but one object in view—cleaning out. There will be some changes in the offices of the territory, but this cannot be announced at present. The appointments I shall make will be solely with a view to getting good officials. Wherever I can get such officials from the republican party I shall take them, but shall not be confined to that party in making apppointments.

"The political factional wrangle in the territory has grown to be very acute and the president has honored me with the appointment as governor, a place I was not at all anxious to take, evidently because I had been out of the territory for the last eight years and am entirely free from such alliances."

TWO NEBRASKA MEN KILLED

Ralph Moody of Omaha and F. Butzirus of Hastings Dead in M. P. Wreck.

ATCHISON, Kan., July 31.—Missouri Pacific freight train No. 164 ran away down Shannon hill here this morning and struck the rear end of No. 154, also a freight, standing on the track. Four persons were killed and two injured. F. D. Scott, fireman on No. 164; Fred Butzirus, Hastings, Neb.; Ralph Moody, Omaha, and an unknown man were killed. Butzirus, Moody and the unidentified man were beating their way. Two tramps were injured slightly. Engineer Cooper of No. 164 and the crew of No. 154 escaped by jumping.

Ralph Moody, who was killed in a Missouri Pacific railroad wreck near Atchison, Kan., was a bell boy at the Millard hotel. He resigned his place Sunday and left town on Monday, without saying where he was going, and the next news the Millard hotel people had of him was when they read in The Bee Wednesday evening the account of his death. He was about 17 years of age and had been employed in the Millard less than a week, having come to Omaha from his home in Hastings, where his widowed mother resides.

GEORGIA SUFFERS BIG LOSS

Large Cities Will Lose Immense Sums in Revenues from Prohibition.

AUGUSTA, Ga., July 31.—Chaos reigns in the liquor traffic in this state today, since it is certain that the bill for absolute prohibition, after January 1, will be signed by Governor Smith soon.

Augusta will lose $2,500,000 in property values and license taxes. Atlanta's loss will almost treble that of all other whisky selling places in the state. Brunswick's loss will run above the million mark. Macon will suffer heavy in the loss of revenue and a fine brewery. It was stated here today that the railroads have offered to transport breweries and stills to other states free of charge. The whisky interests will move to Florida and Alabama.

FEWER ACCIDENTS REPORTED

Statistics of Interstate Commission Reveal Number of Deaths Less for Quarter.

WASHINGTON, July 31.—According to accident bulletin No. 22, issued today by the Interstate Commerce commission, the total number of casualties to passengers and employes while on duty in the three months ended March 31 was 20,562, compared with 20,944 the preceding three months, a decrease of 381. The total number of passengers and employes killed in train accidents was 421 and the number of injured 4,920, 53 less in the number killed and 20 less in the number injured, compared with the preceding six months. The total number of collisions and derailments in the quarter was 3,991 and the damage to property by these accidents amounted to $2,536,110.

SUMMARY OF THE BEE

Thursday, August 1, 1907.

1907	AUGUST					1907
SUN	MON.	TUE.	WED	THU	FRI.	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

THE WEATHER.

Forecast for Nebraska—Fair T

Temperature at Omaha:

Hour.	Deg.	Hour.	
5 a. m.	64	1 p. m.	
6 a. m.	64	2 p. m.	
7 a. m.	65	3 p. m.	
8 a. m.	66	4 p. m.	
9 a. m.	64	5 p. m.	
10 a. m.	71	6 p. m.	
11 a. m.	73	7 p. m.	
12 m.	75	8 p. m.	76
		9 p. m.	74

DOMESTIC.

Judge Smith McPherson decides at Topeka that Captain George W. Kirkman must stay in prison, his sentence being continuous. **Page 1**

Governor George Curry, newly appointed head of the territory of New Mexico, conferred with President Roosevelt and announced that he would leave for his post at once. **Page 1**

Missouri Railway commission rescinds order permitting full speed on Missouri Pacific road and gives ninety days for track repairs. **Page 1**

Ralph Moody of Omaha killed in a Missouri Pacific wreck at Atchison, Kan. **Page 1**

Two fast passenger trains on the Chicago Great Western road collide near Marshalltown, Ia., but no fatalities result. **Page 1**

Millionaire Automobile Dealer Coey of Chicago and the mother of Miss Laura Matthews, who is dead at Colorado Springs, join in the theory that the woman was murdered from ambush. **Page 1**

Chief Hayes of Kansas City, head of the police department for ten years, has been ordered before the police board. **Page 1**

Lieutenant General Miles acted as marshal of the parade at the Boston home coming. **Page 1**

State's attorney at Clinton, Ill., arrives at decision that MaGill and wife entered into a suicide pact and that MaGill failed to carry out his part of the agreement. **Page 1**

Senator A. J. Beveridge will marry Miss Katherine Eddy at St. Petersburg on August 7. **Page 2**

Railway statistics show fewer persons killed by railway accidents during last quarter than for previous three months. **Page 2**

Georgia cities will suffer tremendous loss of revenue from prohibition law that Governor Smith is certain to sign. **Page 1**

NEBRASKA.

Nebraska supreme court decides that Harrison Clarke must hang on August 30. **Page 3**

Governor Sheldon appointed Mrs. Harriet MacMurphy of Omaha a food inspector under the new pure food law. **Page 3**

Big general merchandise store of O. E. Champ at Friend is destroyed by fire. **Page 3**

State Board of Assessment fixes the levy at 7 mills, the same as last year. Douglas county merchandise is increased 15 per cent and Lancaster reduced 5 per cent. Treasurer's report shows increased amounts deposited in country banks. **Page 3**

LOCAL.

Opening by the Milwaukee of its new South Dakota line enables Omaha to extend its commercial interests into a new territory. **Page 1**

J. C. Orr of Schuyler, survivor of the Columbia shipwreck off the coast of California, gives graphic account of the horror. **Page 12**

S. MacMurray of Wood River, who is forced to appeal to Interstate Commerce commission for fair treatment at hands of railroad, was principal witness in hearing of charges against railroads and line elevators. **Page 7**

County board again defers action on the request of Shimer & Chase for a franchise to construct a railway from end of Q street car line to Seymour park. **Page 12**

Real Estate exchange holds enthusiastic meeting, in which speaker shows Omaha investments are four times better today than in boom days. **Page 7**

ORE STRIKE NOW SETTLED

Terms Offered by Steel Corporation Regarded as Acceptable by Men.

DULUTH, Minn., July 31.—The ore dock strikers this afternoon voted to return to work and operations will be resumed tomorrow. This is declared as breaking the strike. The reply of the steel corporation to the striking ore dockmen was delivered to the latter today and a meeting to consider the communication was immediately called. The latter expresses a readiness to re-employ all old men before accepting any laborers not heretofore in the employ of the company and a willingness to take up with any of the employes after they have returned to work, individually or collectively, any issue which the men deem should be readjusted.

NEW YORK, July 31.—The Steel corporation has decided to begin operations at its docks at Duluth immediately and has notified the men that any of them who want to come back to work will be taken back; that no outsiders will be taken if the old men desire to return and that the old men will be taken back without any prejudice whatever because of the strike. This is considered fair to the men in view of the serious interruption of business by the strike.

As to wages, the company's position is that it entered into an agreement with the men in May as to what wages would be for the season of 1907 until October 31 next. The company expects and believes that a large number of the men desire this agreement and will show their good faith by returning to work under it. If this is done the company states that it will stand ready at any time, as it has in the past, to take up with its men any questions of mutual interest that may arise from time to time.

HIBBING, Minn., July 31.—Six hundred striking miners assembled today at Chisholm and started out along the country road, planing to make such a demonstration of their strength as would induce the men working at the various locations in the Chisholm district to quit work. Deputy Sheriff Magie and ten deputies, armed with rifles, met the men and ordered them back to town, where they dispersed. Much larger crews were at work at all the mines today.

HARRISON CLARKE TO HANG

Supreme Court Decides Omaha Negro Must Die August 30.

MURDERER OF CONDUCTOR FLURY

He, with Calvin Wain and Clarence Gathright, Wantonly Kill Walnut Hill Car Man Over Year Ago.

LINCOLN, July 31.—The Nebraska supreme court today handed down a mandate declaring that Harrison Clarke, convicted of murder in Omaha, be hanged between the hours of 11 a. m. and 3 p. m. August 30, at the state penitentiary at Lincoln. Clarke's appeal was decided adversely and the death sentence affirmed.

Harrison Clarke, Clarence Gathright and Calvin Wain, three negroes, were convicted for the wanton murder of Edward Flury, the Walnut Hill street car conductor, one cold night in March, 1906, while the car was at the south end of the line in Albright. Clarke was the leader and was the only one sentenced to hang. Wain got a life sentence and Gathright twenty years in the penitentiary. The capture of the three men was effected within a short time by means of a clever piece of work on the part of Officer Joseph Ballew of South Omaha, a colored policeman. He suspected the rendezvous of the murderers as the home of a certain female negro character in South Omaha. He went to the house, but the woman at first persistently denied all knowledge of the men or affair; finally she admitted having made masks for the men. Officer Ballew persisted in searching the premises and was rewarded by finding one of the criminals under the bed, clinging with his hands and feet to the bottom of the springs under the mattress. Having one in hand, it was easy work for him to secure the other two.

About the time of the Flury murder occurred that of Nels Lausten, the Cuming street saloon keeper by the four white youths, of whom O'Hearn was sentenced to die and then given a commutation of sentence to life imprisonment by the supreme court. These four and the three negroes were in the county jail at the same time when two other criminals up for murder were also confined there. Soon after the arrest of the Flury murderers one bitterly cold night a crowd of perhaps 1,000 men, one of whom carried a rope that would reach several rods, made things exciting around the county jail, battering down one door and finally searching in vain for the prisoners, most of whom were securely and quietly ensconced in the court house, having been slipped over through the underground passageway by the sheriff's men.

Flury was an unusually quiet and inoffensive man, but determined enough to attempt to protect his employers' money when the three outlaws went to hold him up. He shot one, slightly, but sustained shots himself which took his life in a few hours.

CHIEF HAYES ON CARPET

Head of Police at Kansas City Accused of Aiding Son, an Attorney.

KANSAS CITY, July 31.—There was a sensational turn here today in the police investigation when Chief John Hayes, whom Governor Folk recently charged with irregularities, was ordered to appear before the Board of Police Commissioners and answer charges of alleged corruption. The hearing will be had this afternoon.

As a result of the hearing it is stated Chief Hayes will be dismissed. Senior Captain John Branham probably will be named as acting chief until some other man can be definitely determined upon for that position. Hayes has been chief for ten years.

The charges against Chief Hayes involve his son, a lawyer, whom he is alleged to have aided in a police court case. The case was that of a man arrested for criminal assault. Young Hayes was retained by the prisoner as attorney. One of the principal witnesses against the prisoner was a police officer whom, it is alleged, Chief Hayes sent out of town to prevent his testifying at the trial. As a result of this act young Hayes, it will be charged, gained his suit and the defendant was discharged. Chief Hayes denies any complicity in the case.

JOINT RATES ARE ORDERED

Iowa Railroad Commission Will Compel Steam Roads and Interurbans to Confer.

(From a Staff Correspondent.)

DES MOINES, July 31.—(Special.)—An order was issued by the Iowa Railroad commission to the effect that steam roads must make joint rates with interurbans after August 1, when the joint freight rate schedule goes into effect. The order was issued in the case of the Boone Brick, Tile and Paving company against the Newton & Northwestern.

The Newton & Northwestern is an interurban, owning the line from Ames to the State Agricultural college grounds. The brick company ships brick from Boone to the college grounds. It maintained that the interurban was entitled only to a switching charge from Ames to the college. The Chicago & Northwestern, over which the brick was shipped to Ames, was really back of the deal. The interurban maintained that it was entitled to the minimum charge for a shipment.

The railroad commission took the ground that if it allowed the charge to be a switching charge the steam roads all over the state would make switches of the interurbans. It therefore ruled with the interurban that it was entitled to the minimum shipping charge, the distance being about two miles. After August 1 the rate must be a joint rate of 80 per cent of the locals.

The order of the commission, it is believed, will result in the Chicago & Northwestern building a switching spur to the college grounds, the tracks of the road already going through the college farm.

RAISULI THREATENS TO KILL

Moroccan Bandit Forces Government to Call Off Troops that Are Pursuing.

TANGIER, Morocco, July 31.—On the request of the British minister Lowether, following a letter from Caid Sir Harry MacLean, stating that Raisuli, who holds him prisoner, threatens to kill him unless the government troops are withdrawn from the Erkmes territory, Mohammed Gabbas, the minister of war, today ordered the suspension of all operations against Raisuli.

ABOLITION OF CONTRABAND

British Proposition Adopted by Committee of The Hague by Good Majority.

THE HAGUE, July 31.—The British proposition for the abolition of contraband was adopted in committee today, 25 to 5, United States, Germany, France, Russia and Montenegro voting no. Japan, Spain, Panama, Greece and Roumania abstained from voting. There were also ten absentees.

Explaining the American vote in opposition, Joseph H. Choate declared it was the plan of the United States to limit in every way possible the list of objects that shall be considered contraband of war, but to go further than this now would be a violation of a long-established custom. The change, Mr. Choate continued, would create many uncertainties regarding the rights and duties of neutrals and belligerents, prove more injurious to the commerce of the world than the existing custom and contribute nothing to the interests of peace.

The British proposal on contraband, together with the proposals submitted by the United States and Germany on the same subject, has been sent to committee for examination. The American proposals divides contrabands into two classes, absolute and conditional.

ICELAND MAY KEEP ITS FLAG

King Frederick Promises to Recognize Freedom, but Still Holds the Country.

REYKJAVEK, Iceland, July 31.—At a banquet given in his honor last night King Frederick of Denmark, who, accompanied by Prince Harald, Premier Christensen and forty members of the Rigsdag, arrived here yesterday, announced his policy regarding the future relations between the Danish crown and Iceland.

"I have inherited the kingodm as a unit," said King Frederick, and as such it shall remain from generation to generation, but I have also inherited from my father the tradition that the Icelanders are to be a free people who co-operate with the king in framing the laws under which they are to live. I have therefore established a commission, consisting of members of the Danish Rigsdag and the Icelandic Althing, to arrange for legislation to define the constitutional power of Iceland in the realm and to find a form under which the freedom of Iceland may be built up and protected while at the same time the unity of the realm is preserved and insured."

RAMESES GIGANTIC FRAUD

Egyptologists Declare He Was Vain, Did Nothing, but Fooled Posterity.

LONDON, July 31.—Egyptologists claim that they have discovered that Rameses II was a fraud and that he is not entitled to the appellation of "Great" which historians have given him. Recent explorations, it is stated, have developed the fact that the many temples and monuments bearing his name, and, therefore, supposedly his work, existed 1,000 years before him. The explorer believes the king was vain and caused his name to be cut everywhere.

Prof. Naville, one of the official explorers of antiquities in Egypt, had this to say about Rameses:

The more we discover about Rameses the more convinced we are that he was a fraud. He was not great in any way, but his vanity was colossal. To satisfy this he conceived the notion of causing his name to be inscribed on every temple, statue and monument that he imagined would stand the test of time. The plan succeeded only too well for many years. In consequence of it explorers united in deciding that he must have been a great king. Now we are beginning to find him out.

BEVERIDGE WILL SOON MARRY

Indiana Senator and Miss Eddy to Take Vows in St. Petersburg Soon.

ST. PETERSBURG, July 31.—It was definitely settled today that the wedding of Miss Katherine Eddy of Chicago, sister of Spencer F. Eddy, first secretary of the American embassy here, and Albert J. Beveridge, United States senator from Indiana, is to take place August 7 at the residence of Ambassador and Mrs. Tower. Senator Beveridge will be obliged to sign a pile of documents three inches deep before the necessary marriage permit can be issued. The senator will arrive from Berne tomorrow. Ambassador Tower, who is at Bad Kissining, and Mrs. Tower, who is in Paris, are to return August 4.

The wedding is to be private. The religious ceremony, which will be performed by the Rev. Thomas Hall of New York, will be preceded at the registrar's office by the civil ceremony. A wedding breakfast to members of the family will be given by Mr. and Mrs. Spencer Eddy at their residence here.

VALUABLE AID TO OCULISTS

Dr. Fortin of Paris Discovers Method of Securing Image of Back of Eye.

PARIS, July 31.—Dr. Fortin has reported to the Academy of Science a new contrivance which he believes to be of great service in eye diagnosis. The physicians found that the light from a mercury vapor lamp, passing two sheets of blue glass and reflected into the eye by a large lens, reveals the internal condition infinitely better than the ordinary white light. By placing a screen with a pinhole between the light and the eye a magnified image of the vessels at the back of the retina which have hitherto been invisible, has been obtained.

WINE GROWERS ARE PACIFIED

Situation in South France Improves and Troops Are Being Withdrawn.

PARIS, July 31.—The situation in the south of France over the discontent of the wine growers has improved to such an extent that the authorities began today to withdraw the troops sent into the disaffected districts. Furthermore, the government has decided to release on bail M. Ferroul, former mayor of Narbonne; Marcellin Albert and other leaders of the movement who were taken into custody.

ADOLPHUS BUSCH IMPROVING

St. Louis Brewer Reported on Way to Recovery at Villa in Prussia.

SCHWALBACH, Prussia, July 31.—The physician in attendance upon Adolphus Busch of St. Louis, who has been seriously ill at his villa near here, announced today that Mr. Busch was now out of danger and improving gradually. The doctor added that in order to insure convalescence Mr. Busch might have to spend next winter in a southern climate.

OMAHA TAPS NEW TERRITORY

Secures Entrance Into Fertile Field by Milwaukee Line.

JOBBERS LIKE NEW TARIFFS

First Stock Train from Reliance, S. D., Brings Twenty-Two Cars of Cattle to South Omaha Market.

Omaha has tapped another country new to its commercial interests. By means of the Milwaukee's line into the Chamberlain and Rapid City section of South Dakota Omaha projects its trade extension into a fertile region not heretofore controlled by any one center of business. The first cattle train brought down by the Milwaukee arrived Monday and it contained twenty-two cars of cattle for South Omaha. The shipment originated at Reliance, which is a little place on the new road. The train made schedule time and everything connected with the delivery semes to have been entirely satisfactory.

The Milwaukee officials, as well as business men in Omaha and the packing interests at South Omaha, are feeling good over the prospects held out in this single shipment. If the first train does that well they are confident of building up a large and profitable business, not alone in live stock, but in every other line of trade, and annexing to Omaha's steadily growing field of patronage another very material element of strength.

Much of this country traversed by the Milwaukee's new line has not been commercially tributary to Omaha for the simple reason Omaha has had no effective means of reaching it, but under the new conditions it is brought into close contact with the merchants of the Gate City and it will be thoroughly worked for trade from now on. St. Paul and Minneapolis, and even Chicago, it was thought, might reap greater benefit than Omaha by means of this new line, whose route and schedules, it was feared, would not be favorable to Omaha, but now that freight has begun to move and an insight into the practical outcome is possible the feeling is different. The territory is Omaha's by right of location and Omaha men say they propose to keep their rights securely from the grasp of competing cities.

New Tariffs Please Omaha.

The Milwaukee has published freight tariffs for its new line from Pierre to Rapid City, S. D. Omaha jobbers perused the tariff sheets with much satisfaction, for no discrimination against Omaha and in favor of Chicago and St. Paul is apparent. It was feared the road might make the tariff from St. Paul and Chicago to points on the new line less than the sum of the Missouri river locals, but no such thing was done. Local jobbers seem to be pleased with the new tariffs, though there is still considerable dissatisfaction with the rates from Omaha to points in southeastern South Dakota and an intimation is made that a fight for readjustment will be made later in the season.

Cut Rates from South.

The railroads of the south are making remarkably low rates and expect to reap a harvest as a consequence. August 17, the rate from New Orleans to Chicago and return will be $15, the regular rate being $33, and the round trip rate from Memphis will be $12, the regular rate being $21. The fares are put in at a time when southern people want to go north. Railroads in the west have announced reduced rates are a thing of the past. The Illinois Central is expecting to handle between 20,000 and 25,000 on these rates between August 17 and September 1.

DOCTORS SAY CHLOROFORM

Medical Experts Declare Mrs. Pet MaGill Met Death from Its Use.

CLINTON, Ill., July 31.—The report of the medical experts who made an analysis of the contents of the stomach of Mrs. Pet MaGill, the first wife of Fred MaGill, was received here today and State's Attorney Miller announced that the report is to the effect that Mrs. MaGill died from chloroform poisoning. A trace of arsenic was also found. The belief is growing here that Mrs. MaGill did commit suicide.

CHICAGO, July 31.—Dr. Adolph Gherman, the chemist who examined the stomach and other organs of Mrs. Pet McGill of Clinton, Ill., said today that he had not sent a full report of his investigations to the authorities at Clinton, for the excellent reason that he had not yet completed them. He had, however, sent a partial report. He admitted that arsenic had been found in the stomach, but said he thought it came from the embalming fluid. He refused to say anything further whether the proportion of arsenic was such as might be expected from the embalming fluid.

State's Attorney Miller made this statement today:

"The theory the state will go on now is that there was a suicide compact between Mr. and Mrs. McGill and that she carried out her part of the agreement."

TAFT CHANGES ITINERARY

Secretary of War Expects to Speak in Lincoln August 20 on His Way West.

WASHINGTON, July 31.—Advices from Secretary Taft at Murray Bay, Canada, indicate that he has made several changes in the itinerary of his transcontinental trip to Seattle, Wash., on his way to the Philippines early in September. According to plans at present, he will arrive in Washington on August 12, and dispose of all public business requiring his attention, so as to be able to leave this city on the 18th and keep an engagement to address the republican clubs at Columbus, O., on the evening of the 19th. He is considering an invitation to make an address in Kentucky, preferably at Louisville, August 22, and probably will do so, but that is not yet settled. He will make addresses at Oklahoma City August 24 and at Joplin, Mo., on the 26th, and if possible at Springfield, Mo., August 26 or 27, and at Lincoln, Neb., on the 29th, if it can be arranged. He will speak at Denver August 30, at Portland, O., September 6, Tacoma September 7, and at Seattle September 9, and will sail from the latter city on the steamship Minnesota September 10 for Manila.

MUTILATED BODY OF WOMAN

Another Strange Case of Murder Presented to Police of New York.

NEW YORK, July 31.—The mutilated body of a young woman, consisting of the torso from the waist down and the legs which were severed below the knees, floated ashore today near an amusement park on Staten Island. There is every indication of murder.

THROWS LIGHT ON MYSTERY

Miss Matthews' Nurse Testifies at Colorado Springs Inquest—Rumbaugh Identified.

COLORADO SPRINGS, Colo., July 31.—Coroner Richardson stated this noon that in his opinion both Miss Laura Mathews and Amos R. Rumbaugh committed suicide.

He said he believed Miss Mathews killed herself because of unrequited love on the part of C. A. Coey, the Chicago millionaire, and that Rumbaugh, who had been drinking heavily, had killed himself because of infatuation for the girl.

Miss Green, the nurse, the first witness called to the stand at the coroner's inquest today, testified that C. A. Coey, the wealthy Chicago automobile dealer, has sent her several telegrams since the tragedy, one of which reads as follows:

"Will meet you at train. Forward letters. Keep your own counsel."

The witness admitted receiving $345 from Coey yesterday.

Miss Green testified that Rumbaugh on Monday told her that he and Laura had been driving in a closed carriage on Friday and that after Laura had disclosed to him her relations with Coey, she suddenly drew a revolver and attempted to shoot herself. Rumbaugh wrested the pistol from her. Rumbaugh also told Miss Green that he and Miss Matthews had determined to marry and go abroad. Rumbaugh had engaged a section in a Pullman for himself and Miss Matthews and they were to leave for New York on Monday.

The nurse said Rumbaugh was very much agitated when told of Miss Matthews' death and talked excitedly about going east and taking revenge on Coey.

Miss Green said she had no desire to withhold any information from the jury. After identifying a large bundle of letters written by Coey to Miss Matthews, witness was excused. These letters have not been made public, but are said to be moderate in tone and simple.

They were addressed "Dear Girl," "Dear Little Laura," and "My Dear Laura." Several telegrams also were offered in evidence.

One letter begins "Find inclosed fifty dollars," another "Your loving letter received."

The coroner when asked as to the nature of the letters said they were of character which do not reflect seriously upon Mr. Coey.

C. L. Kingsbury, a bellboy at the Acacia hotel, testified that on Saturday afternoon he overheard a telephone conversation between a man and Miss Mathews. He cut in on the wire just as the conversation ended, but overheard the man say, "Kill you from ambush." Miss Mathews said, "What?" and the man repeated what he had said.

Amos R. Rumbaugh, who shot himself late yesterday rather than testify at the inquest over the body of his friend, Miss Laura Matthews, died early this morning at the St. Francis hospital. The coroner's inquest held over the body of Miss Matthews, which was adjourned yesterday when it became known that Rumbaugh had shot himself, resumed here this morning.

PITTSBURG, July 31.—The suicide of Amos R. Rumbaugh at Colorado Springs yesterday has cleared the mystery of his disappearance from his home at Mount Pleasant, Pa., near here two weeks ago. Rumbaugh was married and was one of the most prominent citizens of Mount Pleasant. Two weeks ago last Monday he left home without indicating to his wife or relatives whither he was going and until now all efforts to locate him were unavailing. Yesterday, his wife, despairing of his return, had her household effects packed and was preparing to leave today for the home of her father, A. C. Ruff, at Loudenville, O. As a result of the information from Colorado Springs, however, she will defer her departure for the present and Charles R. Rumbaugh, a brother, will go to Colorado Springs. Amos R. Rumbaugh was a private in Company F of the Tenth Pennsylvania volunteers and served with distinction with that regiment in the Philippines during the Spanish war. His relatives say they never heard of Laura Matthews or the C. E. Coey mentioned in the Colorado Springs dispatches.

ORDERED TO REPAIR TRACK

Railway Commissioners Rescind Order Removing Speed Limit on Missouri Pacific Road.

ST. LOUIS, July 31.—Following a meeting of the Board of Railroad and Warehouse commissioners during which the recent inspection of the Missouri Pacific tracks was warmly discussed and Commissioners Oglesby and Wightman disagreed with Chairman Knott concerning the findings, it was announced today that the board's recent orders reducing the speed limit of Missouri Pacific trains has been set aside and the road will be given ninety days in which to make repairs.

Chairman Knott stated that Governor Folk will be requested to appoint a committee of railroad experts to make an inspection of the Missouri Pacific tracks and report, in the hope of terminating the board's disagreement in opinion regarding the condition of the tracks.

MAGILLS ARE KEEPING SILENT

If Grand Jury Make No Indictment Full Statement Will Be Made Public.

CLINTON, Ill., July 31.—Fred MaGill and his wife, Mrs. Fay Graham MaGill, who are awaiting the action of the grand jury concerning charges that they caused the death of MaGill's first wife, are confined in cells almost exactly opposite in the county jail. They spend a great part of the time standing at their cell doors peering through the gratings at each other and conversing across the corridor.

MaGill said to a reporter:

"If the grand jury does not indict I will make a full statement to the press. If I am indicted my story will first be told upon the witness stand at my trial. It will be proper for me to talk then and not before."

MINUS CANDIDATE FOR JUDGE

Nebraska Prohibitionists at Lincoln Adopt Extreme Platform on Liquor Problem.

LINCOLN, July 31.—Prohibitionists of Nebraska gathered here today in a state convention and adopted an extreme platform on principles, demanding the "constitutional and statutory outlawry of the liquor traffic." Because of the new direct primary law no candidates for state offices were nominated by the convention, and no candidates for judge of the supreme court will be nominated by the prohibition party in Nebraska, but candidates for regents of the state university will be chosen. The platform adopted congratulated the reformers of state and nation on victories already won in "educational, legislative and judicial" warfare on the liquor traffic.

KIRKMAN LOSES SUIT

Writ of Habeas Corpus is Denied Former Army Officer.

HIS SENTENCES CONSECUTIVE

Claim that They Were Cumulative Denied by Court.

ALLOWANCE FOR GOOD CONDUCT

It is Also Ruled that Statute and Army Rules Govern.

SENTENCES EXPIRE OCTOBER 5

Kirkman Was Convicted of Unbecoming Conduct and Given Sentences of Two and One Years for Separate Offenses.

TOPEKA, Kan., July 31.—Judge Smith McPherson of the United States district court for the southern district of Iowa filed an opinion here today with the clerk of the federal court denying an application for a writ of habeas corpus made by George W. Kirkman, ex-captain of the United States army, now serving three years in the federal prison at Leavenworth, Kan. The decision is important as bearing upon the matter of time off allowed military prisoners for good behavior. It is Kirkman's second rebuff in an effort to secure release.

Captain George W. Kirkman was convicted by court-martial at Fort Niobrara, Neb., on two separate charges. Under one he was sentenced to imprisonment for two years and the other for one year. Both orders were approved by President Roosevelt June 15, 1905. The wording of the judgments failed to state whether they should be construed or considered as cumulative or consecutively and at the expiration of the two years' term, less credits for good conduct, Kirkman applied to the federal court to be discharged on a writ of habeas corpus, his contention being that the two judgments were cumulative. The court, Judge Pollock presiding, discharged the writ and remanded the prisoner, holding that such judgments were consecutive and in effect a sentence of imprisonment for three years. The court conceded that judgments of the civil courts would be construed as cumulative, but that judgments of military courts should be construed as consecutive. Kirkman appealed to the circuit court of appeals and his appeal is now under advisement.

On July 26 Kirkman appeared before Judge McPherson, sitting at Leavenworth, and again petitioned for a writ of habeas corpus, holding his time was then up, considering time off for good behavior, while Warden McClaughey contended that October 5, 1907, will be the time for release. Judge McPherson in his opinion today discharged Kirkman's writ and remanded the prisoner to the warden.

Opinion of Court.

Judge McPherson in his decision says in part:

The warden concedes that the prisoner is entitled to the fullest legal credits and without full legal credits as applied to his case should be the question and the only question for this court on this hearing. Paragraph 949 of the United States army regulations provides that general prisoners will be allowed abatements when serving sentences of over one year and not over three years ten days for each complete period of twenty days during the whole of which their conduct has been good, to be determined by the commanding officer where the prisoner is confined. These regulations were promulgated by the secretary of war by the direction of the president in 1904. The petitioner contends that this, as to him, is in the nature of and with like effect as a pardon.

The following propositions are conceded by all. The pardoning power is under the constitution solely vested in the president; congress cannot curtail it by statutory enactments. The president can pardon before as well as after conviction. But after the crime has been committed he may as an act of grace and mercy, with or without condition, relieve the offender and give him a legal statue as though he had never violated the laws. And it is conceded that the president may grant pardons to a class of persons without naming them, as illustrated by the case of E parte Garland, 4 Wallace 333, and as was done in numerous cases following the civil war by amnesty proclamations, and as have been done by like proclamations with reference to polygamists.

Regulations Not Pardons.

But it cannot be said that the army regulations allowing abatements of time for good conduct are in the nature of pardons. The president and he alone can pardon and the fact that he is materially aided by the Department of Justice, including a pardoning clerk, does not in any way limit the prerogatives of the president under the constitution. The president can and does remit to others the duties of investigation and making reports as to pardons, but such persons cannot issue the pardon.

Under the army regulations, as has been seen, the abatement of the sentence is by the commander or warden of the prison, and with which the president has nothing to do. Therefore, it was and is entirely competent for congress by enactment to provide what abatement the prisoners may have for good conduct, and such legislation is not infringing upon the powers of the president to grant pardon nor upon his prerogatives as commander-in-chief of the armies.

The statute of June 21, 1902, provides what abatements shall be allowed. And, as I understand the record, the warden is observing the same and will most cheerfully give the credits as that statute provides. And as that statute was in force when the judgments were pronounced, and as the computation under that statute will make the sentences expire by limitation October 5 next the writ must be discharged and the prisoner remanded.

Story of Kirkman's Offense.

Captain Kirkman was first tried in March, 1905, by a court-martial in Fort Niobrara, Neb., and was convicted of conduct unbecoming an officer and a gentleman. He was sentenced to dismissal from the army and to serve a sentence of two years in the federal penitentiary. In April, 1905, he was tried again on a similar charge, found guilty, sentenced to dismissal from the army and to serve an additional year in the penitentiary.

The second charge against Kirkman recited his career for the two years previous and bore particularly upon the alleged relationship ending in the suicide, last winter, in Omaha of Mrs. Chandler, wife of Lieutenant Chandler of Captain Kirkman's own company, the Twenty-fifth United States infantry. "Breach of arrest" charges were filed because of Kirkman leaving the post while under arrest and going to Valentine, Neb., where, it was charged, he met Mrs. Chandler, who killed herself two days later.

Contest in Favor of Settler.

HERRICK, S. D., July 31.—(Special.)—Attorney G. O. Van Meter returned Friday from Mitchell, where he secured a favorable decision from the Land department and defeated the contest in Morse against Mettler for a Rosebud farm. The government seems to favor a settler, particularly when he pays $4 [illegible]

were ha[illegible]used. The closing day was quite a feature in itself. Many things not

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