THE OMAHA DAILY BEE

VOL. XXXVIII—NO. 171. OMAHA, TUESDAY MORNING, JANUARY 5, 1909—TEN PAGES. SINGLE COPY TWO CENTS.

ESTIMATES TOO LOW

Foreign Officers Place Loss of L... at Messina at Ninety Thousand.

THIRTY THOUSAND AT REGGI...

Others Place Total Dead in Both Cities at Seventy-Eight Thousand.

FURTHER SHOCKS ARE FEARED

Earthquake Expert Says Heavy Tremors Will Come This Week.

FIRE IS THREATENING MESSINA

Blaze Breaks Out Anew in Doomed City—Heavy Shocks Throw Inhabitants Into a Panic.

NAPLES, Jan. 4.—Foreign officers who have explored the ruins on both sides of the straits give higher estimates of the loss of life than Italian reports. They believe that 90,000 persons have either been killed or trapped in the ruins of Messina and 30,000 at Reggio, where the tidal wave rose to double the height that it did at Messina. Signor De Nava, a Reggio member of the Italian Chamber of Deputies, has personally traversed most of the earthquake region on both sides of the straits. He estimates the total dead at 85,000 and the wounded at 4,000. Of the dead, Signor De Nava calculates that 50,000 are at Messina, 28,000 at Reggio and 7,000 at other coast and interior towns affected. The radius of destruction extends thirty miles north and south of the coast of Sicily and on the mainland and for an equal distance below Radicena towards the south.

More Shocks Predicted.

MESSINA, Jan. 4.—There is reason to believe that the devastation by earthquake of Calabria and Sicily is not yet at an end. Further heavy shocks have been predicted for today and scientists declare that others still more severe should be expected January 7 and January 8, when the relative position of the sun and moon will produce the greatest strain on the crust of the earth. Several minor shocks were experienced Saturday and many tottering walls were thrown down, but it is not known that any persons were killed. The new earthquakes are starting the fires afresh and the people are in a condition bordering on panic.

Messina is to be evacuated entirely as soon as possible. The disposition of the dead is one of the greatest problems confronting the authorities.

Two days spent amid the ruins of Messina and Reggio bring convincing evidence that the horror of the situation in the straits of Messina has in no sense been exaggerated.

Messina and Reggio have ceased to exist. In the ruins of the former city two-thirds of the inhabitants lie buried, while at Reggio one-half the people lost their lives.

New Shock Causes Panic.

Saturday night at 9 o'clock there was a fresh shock of earthquake and a panic ensued ashore and on board ship. Many of the tottering walls fell, but no fatalities were recorded. There have been a score of tremors since the disaster of last Monday morning but this was the first that was distinctly perceptible. After this shock the fire in the municipal building flamed up and was burning fiercely when this ditpatch was sent.

Earthquake experts who are here today to study the phenomenon generally agree that the earthquake was the result of a geological formation under Messina, which constituted a line of contact in the volcanic action between Mount Etna and Mount Vesuvius and that a slip occurred similar to the one which detached Sicily from the mainland. That a subsidence occurred at some points and that there was a rising of the earth's surface at others is proved by soundings which show the channel of the harbors deeper at some places and shallower at others. The British battleship, Exmouth, at a distance half a mile south of Reggio, found fifty-eight fathoms of water where formerly there were 243.

At Nivsa, between Messina and Catania, a freight train today ran into and telescoped a relief train crowded with injured persons, five of whom were killed.

Twenty Looters Shot at Messina.

ROME, Jan. 4.—Parliament will be convoked January 11. The minister of war says that the forts around Messina, which contain tons of powder and millions of cartridges, have not been injured. He also said that while he was at Messina at least 15,000 persons were taken from the ruins, injured and uninjured, of which number 1,000 were saved by the Russians and 1,000 by the English sailors. The Italian navy has sent 600 tons of provisions to the affected district. All the treasure found has been placed aboard warships.

A pocketbook was picked up containing $14,000, and much clothing has been found at Messina and elsewhere with bank notes sewed in it. Advices from Messina says that twenty looters were shot there yesterday. That city will be evacuated today. Six thousand persons already have left there and 8,000 more will leave today.

Famine in Mountain Villages.

REGGIO, Jan. 4.—A detachment of troops which went to the villages on the east coast of Calabria found nothing but ruins and the bodies of persons killed in the earthquake. The survivors had fled. There is every reason to believe that dreadful havoc was wrought in the mountain villages that have not yet been explored. A convoy with 1,000 rations of bread which was going through Bagnara was rifled en-route by famished persons here.

A number of small boats, all of them overloaded, put out into the channel to request food of incoming steamers, which compelled the officers of the vessels to rescue them. Several of the small craft capsized and a number of persons were drowned.

Equipment of Red Cross.

WASHINGTON, Jan. 4.—The Italian Red Cross, through which relief is now being contributed by all nations of the world to succor the earthquake sufferers, is wide in scope and the equipment at its command is reasonably large. It has facilities for operating eight field hospitals of 100 beds each, each with two doctors and one pharmacist; forty-five field hospitals, with fifty beds each, with twenty-eight men; sixty-one relief posts, each with a doctor and nine men; one commissary officer and forty-two men; fourteen ambulance corps, having one doctor and four men each; two hospital ships, with four doctors, a pharmacist, commissary officer and forty-eight men each, and fourteen hospital trains, each with doctors, commissary officers and

(Continued on Second Page.)

SUMMARY OF THE BEE

Tuesday, January 5, 1909.

1909 JANUARY 1909

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
24/31	25	26	27	28	29	30

THE WEATHER.

FOR OMAHA, COUNCIL BLUFFS AND VICINITY—Fair Tuesday; decidedly colder Tuesday with cold wave.

FOR NEBRASKA—Tuesday, cold wave.

FOR IOWA—Fair Tuesday; cold wave, Tuesday.

Temperatures at Omaha yesterday:

Hour.	Deg.
5 a. m.	36
6 a. m.	37
7 a. m.	38
8 a. m.	35
9 a. m.	36
10 a. m.	38
11 a. m.	42
12 m.	44
1 p. m.	37
2 p. m.	33
3 p. m.	32
4 p. m.	28
5 p. m.	25
6 p. m.	22
7 p. m.	19
8 p. m.	16
9 p. m.	13

DOMESTIC

Omaha and Lincoln Commercial clubs present memorials to congress asking substistence alowance for postal clerks, more pay for federal judges and for a tariff commission. **Page 1**

Supreme court hands down decision refusing to review government's appeal from the United States court of appeals reversing fine of $29,000,000 against Standard Oil company. **Page 1**

Congress appropriates $8,00,000 for the relief of Italian earthquake sufferers. **Page 1**

President Roosevelt sends message to congress giving detailed information as to why secret service bureau is necessary. **Page 5**

Climax in Haines murder case is reached when Thornton Haines, the author, takes witness stand in his own behalf. **Page 2**

FOREIGN.

Earthquake experts predict more heavy shoks at Messina this week and inhabitants are terrorized. **Page 1**

Former President Castro of Venezuela underwent an operation in Berlin. **Page 2**

NEBRASKA.

Case on trial in the federal court at North Platte involving question whether the Union Pacific right of way is 200 or 500 feet wide. **Page 3**

COMMERCIAL AND INDUSTRIAL.

Live stock markets. **Page 7**

Grain markets. **Page 7**

Stocks and bonds. **Page 7**

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
NEW YORK	La Touraine	California.
NEW YORK	St. Louis	
LIVERPOOL	Sylvania	Winnifredian.
QUEENSTOWN	Baltic	Campagnia.
SOUTHAMPTON	St. Paul	
ST. JOHN'S	Numidian	Lae Manitoba.
HAVRE	La Bretagne	
NAPLES		Republic.
HALIFAX		Tunisian.

EFFORT TO KNOCK OUT JUDGES

Democrats Want Legislature to Canvass Supreme Court Amendment Vote.

(From a Staff Corrcspondent.)

LINCOLN, Jan. 4.—(Special Telegram.)—An effort is forming here today to have the legislature canvass the vote on the amendment relating to the supreme court judges, the purpose being to knock out the appointments made by Governor Sheldon and permit Governor-elect Shallenberger to fill the places.

Frank T. Ransom of Douglas and three or four others held a conference with Mr. Shallenberger this morning and the matter will be brought up in caucus tonight. If a majority favors action an attempt will be made to have the legislature canvass the votes. Democratic legislators profess the opinion that the legislature and not the state canvassing board should go over the vote.

No new developments appeared this morning in the speakership fight. Senator George Tibbits of Hastings holds the lead in the race for president of the senate. The democrats of both houses will hold caucuses tonight at the Lincoln hotel.

DETROIT BANKER KILLS SELF

Continued Ill Health is Cause of Suicide of Henry C. Potter, Jr.

DETROIT, Mich., Jan. 4.—Henry C. Potter, jr., of this city, vice-president of the People's State Savings bank of this city, committeed suicide at his home shortly before 10 o'clock this morning. Mr. Potter had been suffering from nervous prostration for some time.

About a month ago Mr. Potter was found unconscious in the bathroom of his residence on Jefferson avenue. Gas was escaping from an open jet. It was stated then by members of his family that the gas had been turned on accidentally, as he was overcome by an attack of heart trouble. This morning a shot was heard in the bathroom of Mr. Potter's residence. When the family and servants entered the room he was found dead on the floor with a bullet through his head.

NEGRO SOLDIER LOSES SUIT

Supreme Court Refuses to Interfere in Case Arising from Brownsville Riot.

WASHINGTON, Jan. 4.—The supreme court today dismissed the case of Oscar Reid, one of the negro soldiers summarily discharged by the president on account of the Brownsville riot, holding that the amount involved was not sufficient to justify the bringing of the case to the supreme court.

Today's decision leaves in effect the decision of the district court for the southern district of New York, which was against Reid. He sought to compel the payment of his salary since his dismissal.

GAS RATE LAW DECLARED VALID

Supreme Court Upholds Eighty-Cent Measure Passed by New York Legislature.

WASHINGTON, Jan. 4.—The supreme court of the United States today reversed the decision of the United States court for the southern district of New York in the various cases against the Consolidated Gas company of New York City. The cases involved the validity of the New York state laws of 1905 and 1906, the latter of which fixed the price of gas in New York City at 80 cents per 1,000 cubic feet. The effect of the decision is to declare the law unconstitutiona

TWO MEMORIALS TO CONGRESS

Omaha and Lincoln Commercial Clubs Have Some Recommendations.

NEW BRIDGE FOR NORTHWESTERN

Senator Gamble Has Bills for the Creation of Two New Land Districts in South Dakota—Mrs. Boyd is Recovering.

(From a Staff Correspondent.)

WASHINGTON, Jan. 4.—(Special Telegram.)—Senators Burkett and Brown each today introduced memorials from the Omaha Commercial club and the Lincoln Commercial club. The Omaha Commercial club in its memorial to congress favors the passage of the bill which will grant to railway mail clrks their actual expenses while away from home, in other words, subsistence allowances, and also favors the bill granting an increase in salaries of United States circuit and district judges. They would favor an increase of circuit judges to $10,000 and district judges to $9,000 a year. The Lincoln Commercial club favors a bill which would create a tariff commission to settle the pending tariff controversies.

Senator Brown introduced today the first memorial touching upon the proposition of the National Rivers and Harbors congress to spend $500,000,000 in improvement on the inland waterways of the United States and if necessary issue bonds for the purpose of improving the harbors, rivers and canals, to be used at the rate of $50,000,000 a year. This endorsement of the suggestion adopted by the National Rivers and Harbors' congress at its fifth annual session held here during the second week of December was sent to congress by the Plattsmouth (Neb.) Commercial club.

Northwestern to Change Bridge.

Ben. T. White of the law department of the Northwestern railway, with headquarters at Omaha, is in Washington to secure legislation changing the site of the bridge over the Niobrara between Norfolk and Chadron. The present bridge is a low, rambling structure of wood and in nowise fitted to take care of the traffic on this division. The Northwestern railway in improving its roadbed toward the northwest has made arrangements to construct a steel bridge across the Niobrara some 500 feet west of the present structure, but within the present Fort Niobrara reservation. In order to build the bridge congress will have to authorize the change of site. The contemplated bridge will be higher than the present structure. It is understood the War department, which has supervision of the Fort Niobrara military reservation, will not put anything in the way of the railroad in accomplishing its purpose as its necessity is realized.

Congressman Kinkaid will have charge of the bill in the house and Senator Burkett in the senate.

Mrs. Boyd Recovering.

Representative Boyd said that his wife, who has been seriously ill, is now rapidly convalescing. Mr. Boyd stated that his wife has been able to sit up daily for several days and he is consequently happy this new year over the encouraging prospects of her complete recovery in a few weeks.

Miss Norris Much Better.

Representative Norris of the Fifth Nebraska district, who was called home, owing to the illness of his daughter Gertrude several days after congress met December 7, was in his seat when the house assembled today. Judge Norris states that his daughter has passed the danger point in her illness, diphtheria, and is rapidly regaining her health.

Bills for New Land Districts.

Senator Gamble today introduced a bill authorizing the creation of a new land district in South Dakota to have its headquarters at La Beau. This proposed new land district is to be created to facilitate the disposal of 3,500,000 acres of land in the Cheyenne river and Standing Rock Indian reservations, soon to be opened to white settlement.

The secretary of the interior has made a favorable report to congress upon the bill introduced by Senator Gamble for the creation of a new land office with headquarters at Belle Fourche, embracing lands in Butte and Meade counties.

Resurvey of Nebraska Lands.

Representative Kinkaid today introduced a bill instructing the secretary of the interior to make a resurvey of lands in Nebraska in township 23 north, range 16; township 21 north, range 25; township 30 north, range 29; township 30 north, range 34; township 27 north, range 39; township 21 north, range 48; townships 17, 18, 19 and 20 north, ranges, 36, 37, 38, 39 and 40, all west of Sixth principal meridian.

Minor Matters at Capital.

Mrs. Russell B. Harrison, daughter of the late Senator Alvin Saunders, will spend the winter in Washington with her daughter, Marthena, a debutante, who promises to be a charming addition to the social set here during the season. The Harrisons have taken apartments at the Toronto, a fashionable apartment house. Colonel Harrison will spend as much time with his family here as he can spare from his law practice in Indianapolis.

Postmasters appointed: Nebraska, Adaton, Sheridan county, John M. Distel, vice C. S. Rucker, resigned; Daykin, Jefferson county, Gladys M. Miller, vice S. K. Babers, resigned; Gates, Custer county, Edwin J. Johnson, vice A. K. Bishop, resigned. Iowa, Spring Hill, Warren county, E. J. Yount, vice D. D. Hughes, resigned.

Rural carriers appointed for Iowa routes: Guttenberg, route 2, John Ellers, carrier; Otto F. Ellers, substitute. Postville, route 1, Adelbert C. Marston, carrier; Newton Harvey, substitute. Russell, route 1, Harry Latham, carrier; U. S. Cooper, substitute.

"HOBO KING" ISSUES A CALL

Conclave of Unemployed to Be Held in St. Louis Latter Part of the Month.

NEW YORK, Jan. 4.—Friends of J. Eads How, familiarly known as the "King of Hoboes," have received a letter from him at St. Louis, in which he extends an invitation for a gathering of the unemployed in that city. How left New York two months ago, and his whereabouts was not generally known, until the receipt of the letter, in which he says:

"Realizing that this is going to be a hard winter and that there are all the way from 35,000 to 100,000 men out of employment in all the large cities of the country, we have decided to call a convention of delegates from the different centers to meet in St. Louis on January 22, 23 and 24. The object of this convention will be to secure employment for all those desiring work and to attempt to get transportation for unemployed men to their [illegible]

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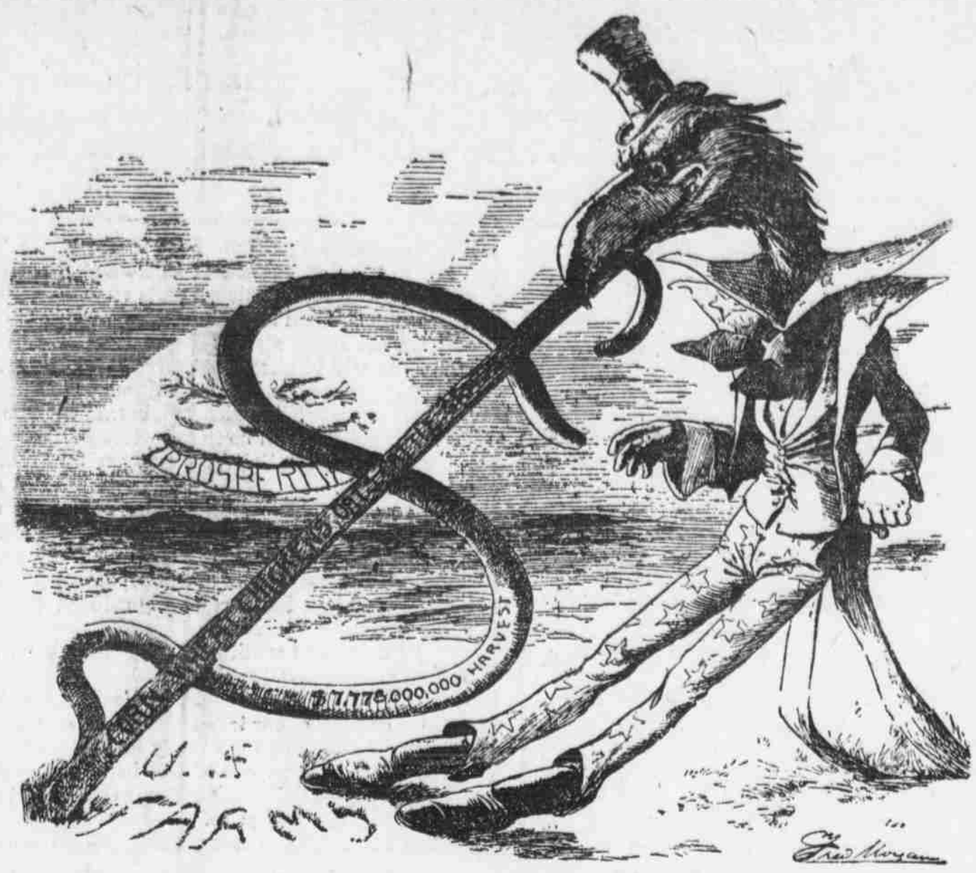

THE EARLY BIRD

From the Boston Herald.

MONEY FOR QUAKE VICTIMS

Congress Appropriates $800,000 After Listening to President's Message.

SECRET SERVICE MESSAGE READ

President Roosevelt Sends Communication in Respect to Charges Made in His Former Message.

WASHINGTON, Jan. 4.—Following the receipt of President Roosevelt's special message asking an appropriation of $500,000 for the relief of Italian earthquake sufferers the house and the senate passed resolutions appropriating $800,000, which will be immediately available.

The resolution passed by the house called for the appropriation of $300,000 more than the president asked and the senate agreed to it.

Secret Service Message Read.

Unusual attention was paid in the house of representatives today to the reading of a message from the president replying to a resolution of that body calling on him for an explanation of the intimation in his annual message that members of congress were afraid to be investigated by the secret service. The galleries were packed to the doors.

The message was read as soon as the Italian relief measure was put through.

The president's specific references to certain speeches by Messrs. Tawney of Minnesota, Smith of Iowa, Sherley of Kentucky and Fitzgerald of New York when the provision for the restriction of the operations of the secret service was up for discussion and also to Mr. Busby, the speaker's private secretary, called a storm of laughter. The speaker several times vigorously rapped for order.

In his invocation upon the reconvening of the house of representatives today Chaplain Couden feelingly referred to the death recently of Representative Davey of Louisiana and to the earthquake in Italy.

Almost immediately upon the conclusion of the prayer Mr. Latta, one of the president's secretaries, appeared in the chamber with a message from the president urging approval of his acts in extending relief and also an additional appropriation of $500,000 for further relief.

Text of President's Message.

The text of the president's message is as follows:

"To the senate and house of representatives: The appalling calamity which has befallen the people of Italy is followed by distress and suffering throughout a wide region among many thousands who have escaped with life, but whose shelter and food and means of living are destroyed. The ordinary machinery for supplying the wants of civilized communities is paralyzed; and an exceptional emergency exists which demands that the obligations of humanity shall regard no limit of national lines.

"The immense debt of civilization to Italy; the warm and steadfast friendship between that country and our own; the affection for their native land felt by great numbers of good American citizens who are immigrants from Italy; the abundance with which God has blessed us in our safety; all these should prompt us to immediate and effective relief.

"Private generosity is responding nobly to the demand by contributions through the safe and efficient channels of the American Red Cross society.

Action Already Taken.

"Confident of your approval I have ordered the government supply ships Celtic and Culgoa to the scene of the disaster, where, upon receiving the authority which I now ask you, they will be able to dispense food, clothing and other supplies with which they are laden to the value of about $300,000. The Celtic has already sailed and the Culgoa is at Port Said. Eight vessels of the returning battleship fleet are already under orders for Italian waters and that government has been asked if their services can be made useful.

"I recommend that the congress approve the application of supplies above indicated and further appropriate the sum of $500,000 to be applied to the work of relief at the discretion of the executive and with the consent of the Italian government.

"I suggest that the law follow the form of that passed after the Mount Pelee disaster in 1902.

"THEODORE ROOSEVELT."

"The White House, Jan. 4, 1909."

House Passes Resolution.

The members of the committee on ap-

ATTEMPTS TO POISON FAMILY

Mrs. Moats of Grafton Made Deathly Sick by Strychnine in Sugar.

GRAFTON, Neb., Jan. 4.—(Special.)—It has just developed that an attempt at criminal poisoning was made here a week ago. The intended victim being apparently Mrs. P. C. Moats. The attempt was made by placing poison in the family sugar bowl. Sunday evening the family partook of bread and milk which they sweetened with sugar from the bowl which was all right. Afterwards Mr. and Mrs. Moats went to church and their absence afforded an opportunity for some person with malicious intent and a familiarity with the house and habits of the family to poison the sugar. Monday morning for breakfast Mr. Moats drank his coffee without sugar and was unharmed. Mrs. Moats seasoned hers with sugar from the bowl and in a very few minutes turned deathly sick and wanted to vomit, but could not. With rare presence of mind she thrust her finger down her throat and succeeded in vomiting freely. During the morning, but after the poisoning, an envelope was discovered near the doorway upon which was written: "Mrs. Moats, your sugar bowl is poisoned; burn the sugar."

Two horses belonging to Mr. Moats recently died under suspicious circumstances and in convulsions. The sugar has been submitted to Dr. Clark of Sutton for a chemical analysis and it is reported that he found unmistakable evidence of the presence of strychnine. No arrests have been made.

FATAL WRECK NEAR TULSA

Passenger and Freight Trains Collide and Two Trainmen Are Killed.

TULSA, Okla., Jan. 4. A passenger train and a freight train on the St. Louis & San Francisco railroad collided head-on, near Fisher, a small station twelve miles west of Tulsa, this morning. One engineer and one fireman were killed and a score of others were more or less seriously injured.

None of the passengers was fatally hurt.

The trains were what is known as the Meteor, a fast passenger train, southbound, that left Kansas City last night for Oklahoma and points south and a northbound freight train.

The dead:

W. A. MILLER of Enid, Okl., engineer.

FIREMAN, name unknown.

The seriously injured:

Fireman Hancock, arm, leg and back crushed; may die.

Conductor Barnard, leg broken.

C. E. Hosey, passenger, address not known.

Frank Weddle, express messenger, knee crushed.

CASTRO UNDER THE KNIFE

Before Going on Operating Table Venezuelan Executive Issues Formal Statement.

BERLIN, Jan. 4.—Former President Castro of Venezuela was operated upon in this city this morning by Dr. Israel, the German specialist, for the kidney complaint with which he is suffering. The operation is designed to overcome the effects of an unsuccessful one performed in Venezuela about a year ago.

The president's operation was regarded so dangerous that, before submitting to it, President Castro caused the following statement to be given out:

"I can only express satisfaction that this operation is to be performed, so that the whole world may know I did not come to Germany in order to shirk responsibility, and much less because I imagined for a single moment what was going to happen in Venezuela during my absence."

It is understood that Castro came through the operation fairly well and he is doing as well as could be expected.

WIRELESS TO COVER SEABOARD

Tower Five Hundred Feet High Will Be Erected in Washington.

WASHINGTON, Jan. 4.—Bids for the construction of a steel tower, about 500 feet high, to be used as a station for the wireless telegraphic system at Washington will be opened tomorrow. When this station is in operation it is said by officers who have charge of the wireless service of the navy, that the department will be in constant communication will all vessels on the Atlantic seaboard. It is believed that it will be possible to communicate directly with ships within 1,000 miles of Washington.

STANDARD WINS OIL CASE

Supreme Court Refuses to Review Big Fine Suit.

REVERSAL OF FINE WILL STAND

Decision Turns Largely on Right of Supreme Court to Interfere After Court of Appeals Has Already Acted.

WASHINGTON, Jan. 4.—The $29,000,000 fine case of the Standard Oil company will not be reviewed by the supreme court of the United States. The decision of the court to this effect was announced by Chief Justice Fuller soon after the court convened today. The case came to the court on a petition filed by the government asking the court in a petition for a writ of certiorari to order up the record in the case for a review of the decision of the United States circuit court of appeals for the second circuit, by which Judge Landis' original decision imposing a fine of $29,000,000 against the Standard Oil company for accepting rebates from the railroad companies was reversed. In the supreme court the case turned largely upon the right of the court to interfere in view of the fact that the case had been passed upon by the court of appeals, the government contending for such privilege as a right, while it was urged in behalf of the oil company that the precedents were all against such a proceeding. The action of the court consisted in the announcement that the government's petition would not be granted. The effect of this announcement will be to leave standing the decision of the court of appeals, which was adverse to the government and favorable to the company.

Case to Be Retried.

The court's announcement was the barest formality. No reasons whatever were given and the determination of the court was stated along with a number of other cases of comparatively little importance. The chief justice simply announced in so many words that the petition for certiorari was denied. Under this ruling the case will now go back to Judge Landis' court for a new trial, in accordance with the decision of the court of appeals.

It is stated at the Department of Justice that the decision gives the case its original status subject to the views of Judge Grosscup, as contained in his decisions of July 23 and November 10, 1908. These in effect were:

1. That the trial court (Judge Landis) had erred in its rulings on the admission and exclusion of evidence and in its charge to the jury in adopting the view that a shipper can be convicted of accepting a rebate, even though it is shown on the matter of intent that he did not know what the lawful published rate actually was.

2. That the true tests of the number of offenses is not the number of carloads transported, but the number of single transactions resulting in a shipment; that the offesnse of accepting a concession is the "transaction" that the given rate consummates whereby the shipper for the thing shipped, no matter how great or how little its quantity, receives a rate different from the established rate.

3. That the trial court abused its discretion in imposing an excessive fine of $29,240,000.

The question as to when the case will again be presented to Judge Landis for trial depends upon the United States attorney for the northern Illinois district, but it is expected that some action toward that end will be taken within the next few weeks.

It is presumed that Judge Landis will again personally conduct the trial

May Not End Case.

CHICAGO, Jan. 4.—United States District Attorney Sims was informed of the adverse ruling of the supreme court in a private telegram. He declined to discuss the matter, stating that announcement of any future action in the case must come from Washington.

It is pointed out, however, that the supreme court's ruling by no means necessarily ends the case. The original case may again be tried before Judge Landis, bearing in mind the appellate court's decision that the $29,240,000 fine was excessive, and other errors found in the lower court's decision, or the government may proceed on some entirely new case with practically the same evidence, however, the basis for which already exists in previous indictments. These indictments were returned at the time of the indictment which was adjudicated in Judge Landis' court and may be renewed. Other indictments were voted in Tennessee, and it is not improbable that the government's next attack on the Standard Oil company will take place in that state.

CAUCUSES IN ORDER

Democratic Legislators Fight it Out Behind Closed Doors.

REPUBLICANS MEET IN OPEN

Some Leaks from the Democratic Senatorial Caucus.

TIBBETTS PRESIDENT PRO TEM

Not a Word Filters Outside from the House Conclave.

LIVELY TIMES PRECEDE CAUCUS

House Republicans Endorse Officers of Last Session and Select Kilian of Gage as Floor Leader.

(From a Staff Correspondent.)

LINCOLN, Jan. 4.—(Special Telegram.)—The democrats are meeting in secret caucus tonight to select officers for the senate and house. It has leaked out, over the transom, of the senate caucus that the following have been agreed upon: C. W. Tibbetts, president pro tem; J. R. Smith, secretary; Edward Howell of Douglas, chairman of the committee on employes; Doc Tanner, also of Douglas, chairman of the committee on committees. The house caucus is more secretive and not a word has leaked to the outside of the doings behind the closed doors. The republican caucuses were both open. The house caucus decided to present the officers of the last session, headed by Dan Nettleton of Clay, for speaker. Dan Killian of Gage, was selected as floor leader.

The senate caucus named a committee to ascertain what committees the majority proposed to give them and name the chairmen of those committees and also to ascertain if the democrats desired to allow the republicans to name the majority members of the committees, and if so, to make up such representation. The committee selected for this purpose is: First district, Cain of Richardson; Second district, Laverty of Saunders; Third district, Wiltse of Cedar; Fourth district, King of oPlk; Fifth district, Warren of Phelps; Sixth district, Meyer of Brown.

Clark Refuses to Attend Meeting.

With the approach of voting in caucus and final settlement of the speakership fight the anti-option forces redoubled their efforts to secure a declaration from members. Stoecker of Douglas renewed his activity and the feature was an effort to get all the opponents of option into a meeting together with the candidates for speaker who were on this side. It was plainly an effort of Stoecker to boost his stock under the guise of furtherance of anti-option, but it failed for the Clark forces would not be drawn into the net and when invited by Henry Richmond, candidate for chief clerk of the house, Clark of Richardson, leading candidate of the anti-optionists for speaker, refused to enter the meeting on the ground that the other candidates were not there. Mr. Clark had no hesitancy in giving his decision and remained outside while the fifteen or twenty who had gathered in the caucus room sat there till they grew tired and the company melted away.

The attempt to stampede proved utterly futile and the contest after this returned to the old state of "milling" into which it has been kept by a few clever politicians who hoped at the last to accomplish their desires when the members were worn out trying in vain to land favorite sons and would be glad to jump into the band wagon.

Clark of Richardson during the day played an astute part, keeping aloof from entangling alliances, as was evinced by his refusal to go into a meeting that might give color to his part in a combination.

Hotel Lobbies Lively.

The lobby of the Lincoln hotel, where the members have been holding their preliminary consultations, presented today a scene much like that which always accompanies the conventions of the demo-pop party as they have gathered in the past. The majority of the democratic members have come to Lincoln for the first time and are unskilled in the gentle art of manipulating, but there are some on the ground who have been here before, who have been here for years running and who know what to do in just such cases. These gentlemen are not visible in the lobbies, but their work was seen in the outcome of the contest.

The situation on chief clerkship was unchanged during the day. As between Henry Richmond and Trenmore Cone, Mr. Cone seemed the more certain of success, though at any time a compromise and division of the spoil was a possibility.

During the day the road the band wagon would take was hard to discern. The onslaught of the anti-optionists upon the strength of Henry of Holt, the leading option candidate, was vigorous. The trains brought in many workers, who bent every effort to reduce his strength, and were free in their predictions that even if Henry should be a leader, or even high man, still his lead would be insufficient to make him, and then both Taylor of Custer and Bowman of Nuckolls, leader lights on the option side, would go down, for it was said they could not accomplish what Henry failed to do. Then the hope of the anti-optionists lay in the belief support would flow naturally to Clark in the desire to settle the contest—if a dark horse did not succeed in stampeding the caucus. The dark horse touted most energetically was Pool of Johnson, an anti-optionist. His forces were not thoroughly organized and consequently the predictions in his behalf were not of the roseate hue, though he was frequently mentioned as a man of the option type upon whom the members might unite with less friction than upon Clark, who is the recognized candidate of the allied interests.

Friends of Taylor of Custer, and Bowman of Nuckolls, would by no means admit during the day they were out of the running, and Taylor was mentioned frequently as a man to watch and one whose strength might be a surprise. The fizzle of the Stoecker agitation was generally commented upon. It is known that he has not an absolute hold upon the delegation and one report is that four members from Douglas county would not be swung by him.

Mullin Refuses to Subside.

Arthur Mullen, who gave up his large law practice to be oil inspector under Governor-elect Shallenberger, reached Lincoln last night, and after casting a critical eye over the work of his lieutenants had a conference with Governor-elect Shallenberger. At the conference Mr. Mullen was informed that it was considered very reprehensible in the eyes of the go-