

NEW REGIME IN CUBA

Meeting of Congress Yesterday Marks Beginning of Intervention.

ELDEST MEMBERS PRESENT

Initial Session is Devoted to Passing Upon Credentials.

MAGUON RETIRES THIS MONTH

Government Will Be Formally Turned Over to President Gomez.

PROGRAM OF ADMINISTRATION

First Measures Will Provide for Legalization of Cuck Fighting and Creation of National Lottery.

HAVANA, Jan. 13.—Although the reins of self-government will not be officially turned over to the Cuban authorities until January 20, when the inauguration of President Miguel Gomez and Vice President Alfredo Zayas will take place...

The purpose of the meeting was merely to pass upon the credentials of members. At the senate building there was no outward indication that an important change in government affairs was beginning.

For the first time in the history of the republic the house enjoyed the dignity of occupying its own home, having met during the former period of independence in an old tobacco warehouse.

Eldest Members Present. In both the senate and the house the presiding officer, who today was the eldest member of each body, sits at the end of a quadrangular hall...

Several of the senators were hold-overs from the congress dissolved in 1906, when the American government assumed direction of affairs following the revolution.

Bliss establishing cock fighting and a national lottery will be among the first to be introduced. The liberal party is said to favor a lottery and its members are openly announcing that a bill providing for cock fighting will be one of the first measures to be introduced.

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The second period of American intervention has been made as unobtrusive as possible. Although there are still 4,000 troops here, very few of the men are seen in the streets of the city.

Former Iowa Man Arraigned on Charge of Robbery in First Degree at St. Paul.

MINNEAPOLIS, Jan. 12.—The trial of Sherman Morris, alias Frank Shercliffe, charged with robbery in the first degree, began here today.

FATAL FIGHT ON MULEBACK. Man Behind Stabs Man in Front to Death and Then Disappears.

NOTED FORGER UNDER ARREST. James Suggden, Who Operated in the United States, Taken at Montreal.

MONTREAL, Jan. 12.—James Suggden, alias William Lewis, an alleged forged check operator on an extensive scale, was arrested here yesterday on suspicion of attempting to defraud a local bank.

MRS. M'DOWELL NOT GUILTY. Woman Charged with Ten Thousand-Dollar Diamond Robbery Acquitted at Pittsburg.

PITTSBURG, Jan. 12.—Mrs. Lillian McDowell, who was arrested in Chicago several weeks ago as an accessory to the robbery of \$10,000 worth of diamonds from a Pittsburg jewelry store and brought to this city, was today found not guilty.

SUMMARY OF THE BEE

Thursday, January 14, 1909.

Table with columns for days of the week and numbers 1-30.

THE WEATHER. FOR OMAHA, DUFFELS AND VICINITY.—Snow Thursday; slightly warmer tonight.

Table with columns for hour and degree.

DOMESTIC. Twenty-six bodies have been taken from the mine at Bluefield, and estimates of dead still run from 85 to 100.

ILLINOIS. Illinois deadlock is broken temporarily as Dusen and other republican officers are declared elected.

NEBRASKA. Judge Corcoran at Hastings decides contract between independent companies not to connect with the Bell telephone system to be void as contrary to public policy.

Motive back of fight on supreme judges may be an indirect attack on validity of Railway commission amendment to the constitution.

LOCAL. Social democrats have come in the open and are scrambling for jobs as candidates in the coming election.

The Union Pacific has adopted a plan of concentration, having eight assistant superintendents reporting to one central office on the Nebraska division.

Officers of the Independent Telephone company are adjusting financial conditions with men from the east.

Interest is being worked up in the big wrestling match at the Auditorium Friday night.

Live stock markets. Stocks and bonds.

MOVEMENTS OF OCEAN STEAMERS. NEW YORK, R. P. Harris, sailed.

QUAKE COVERS NORTH ITALY. No Damage is Done, but the Tremors Throw People into Panic.

ROME, Jan. 12.—A slight earthquake was experienced at an early hour this morning throughout Lombardy, Venetia and Tuscany.

COCK FIGHTING AND LOTTERY. Bills establishing cock fighting and a national lottery will be among the first to be introduced.

The first reports that came into Rome were alarming and people feared a repetition of the catastrophe of December 23, but prompt use of the telegraph soon brought out the fact that the shocks had not been severe and that no damage or loss of life resulted.

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RAILROAD BILL IS BLOCKED

Mann Objects to Measure for Change of Right-of-Way Over Niobrara.

TO BE CALLED UP IN THE FUTURE

Illinois Representative of Opinion the Interests of the Government Are Not Sufficiently Safeguarded at Present.

(From a Staff Correspondent.) WASHINGTON, Jan. 13.—(Special Telegram.)—Representative Kinkaid today succeeded in getting before the house his bill to grant an additional right-of-way to the Chicago & Northwestern Railway company over and across the Fort Niobrara military reservation, and after considerable debate, in which Representative Mann participated, the measure was laid aside upon the objection of Representative Mann of Chicago.

Representative Mann of Illinois, who objected to consideration of the bill, stated that personally he had no objection to the bill, but it was defective in that there was no clause permitting the government to change the right-of-way at any time.

Ben White, who has been looking after this bill since the assembling of congress after the holidays, intimated that he would have to consult with those in interest before he would accept the suggestion from Mr. Mann. The bill therefore went over without prejudice.

Minor Matters at Capital. Representative Martin today introduced in the house a bill authorizing the creation of a new land district in South Dakota, to be known as the Belle Fourche land district.

W. A. Meserve of Craighead, Neb., arrived in Washington today on business before the Indian bureau.

John M. Garvey of Omaha has been appointed to endeavor to secure the location of a land office at that point.

Roy E. Thompson has been appointed postmaster at Normal, Lancaster county, Nebraska, vice N. Heffline, resigned.

John M. Garvey of Omaha has been appointed clerk in the treasury department. Captain W. B. Cowin of the Eighth cavalry and Mrs. Cowin arrived in Washington today from a short visit to Canada.

Captain Cowin, who recently received his promotion, has been on leave since December 4, having had recent station at Fort Sam Houston. His new station will be at Fort D. A. Russell, Wyo. Captain and Mrs. Cowin will remain in Washington for a few days and then will go west by way of Philadelphia and Cincinnati.

On the recommendation of Congressman Burke, Dr. M. C. Johnston has been appointed pension examining surgeon at Aberdeen, S. D., vice Dr. W. C. Fowler, deceased.

NO BASIS FOR INVESTIGATION

Sensors Say Tillman's Act Not a Violation of Law—May Balk Inquiry.

WASHINGTON, Jan. 12.—Senators who have given consideration to the demand made by Senator Tillman for an investigation of the senate of charges made by President Roosevelt in connection with the senator's attempt to procure Oregon lands incline to the belief that there is no question before the senate for an inquiry except as to whether Mr. Tillman was frank with his colleagues in discussing the case.

The opinion is held generally that even if the charges made by the president were true, the act of Mr. Tillman was not a violation of law. No member of the committee on privileges and elections is inclined to present a resolution calling for an investigation and if one is introduced it is likely that Senator Tillman himself will be the author. His friends, however, are determined to advise him against insistence upon his request for an inquiry.

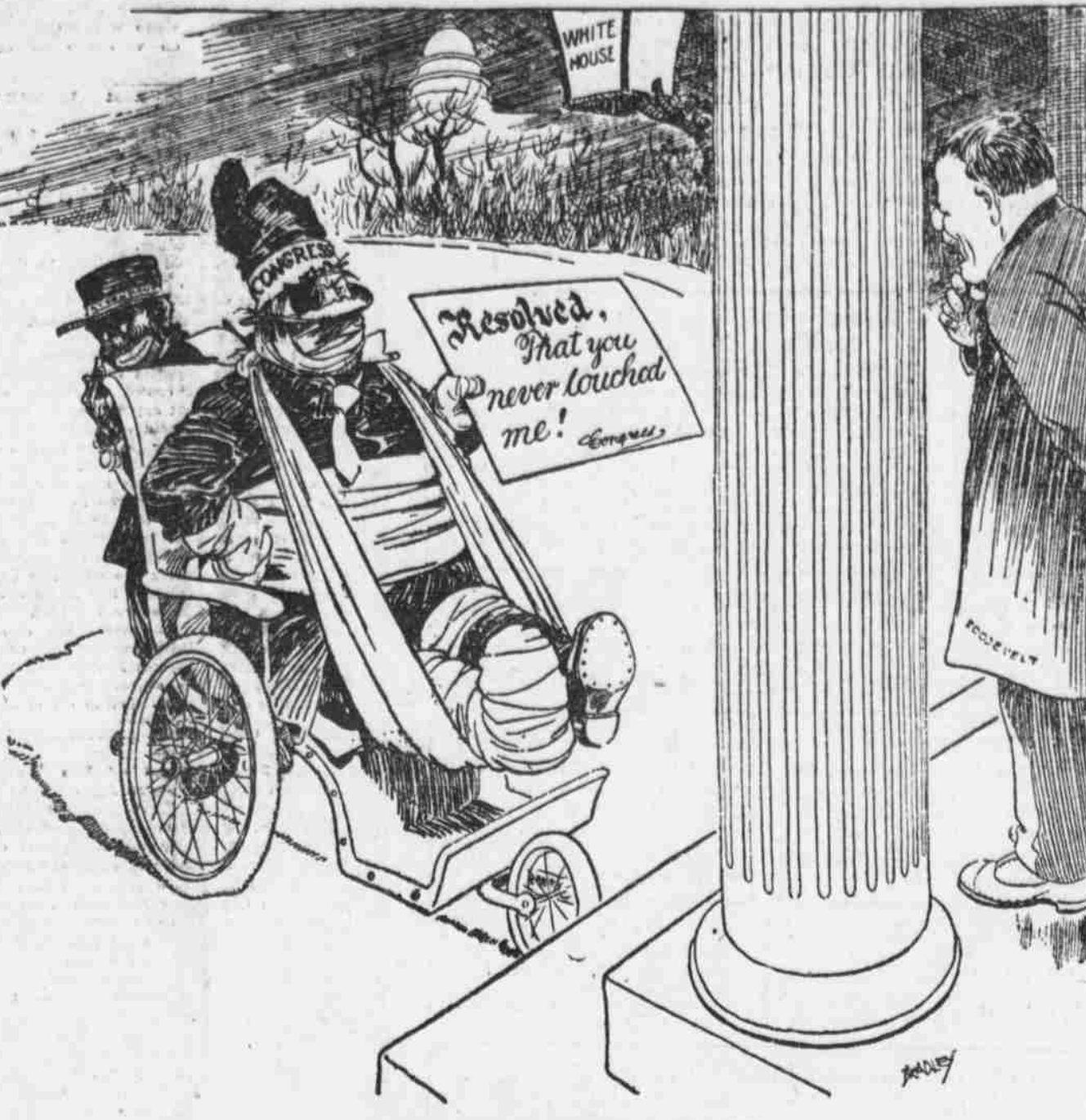
WASHINGTON, Jan. 12.—Answering a reference by Senator Tillman in his speech yesterday to an incident of several years ago, when Mrs. Charles Minor Morris was ejected from the White House, Secretary Loeb today made public letters from Mrs. Morris' son, L. T. Highleyman of St. Louis, and Francis J. A. Barr of Somerset, N. J., bearing on Mrs. Morris' actions. The letter from Barr, addressed to the president under date of September 21, says: "I am writing you my amende honorable for a great mistake I made three years ago."

This refers to Barr's belief expressed at that time that Mrs. Morris had suffered from insanity in her ejection. The letter from Highleyman, referring to Mrs. Morris, says: "I can only hope that she will do nothing rash in Washington; however, every moment, I expect something to happen."

POSTAL BANK BILL ADVANCED

Additional Amendments Are Considered in Senate and Rayner Speaks in Opposition.

WASHINGTON, Jan. 12.—The bill looking to the establishment of postal savings banks was further advanced today by the consideration of additional amendments which were accepted at the time, but will be subject to objection when the measure comes up for final consideration. During the day Senator Rayner will present some constitutional objections to the plans embodied in the bill.



AT THE END OF THE DEBATE.

DEAD TAKEN FROM MINE

Twenty-Six Bodies Are Recovered at Bluefield.

EIGHTY COFFINS ARE ORDERED

Estimate of Death List is Still Between Eighty-Five and One Hundred—Survivor Tells Strange Tale.

BLUEFIELD, W. Va., Jan. 12.—Rescue crews worked incessantly all night at Lack Branch coal mine, the scene of yesterday's explosion, and at 9 o'clock today twenty-six bodies had been recovered. There is no change in the estimate of dead, the number ranging from eighty-five to 100. Identifications proceeded slowly throughout the night, as but few were present at the morgue on account of the cold.

It is not likely that any more bodies will be brought to the surface until late this afternoon, although brattice and rescue crews will work all day and into the night, relaying every few hours with fresh forces of men, who have volunteered from all over the coal field. It was learned early today that the company had ordered eighty coffins and robes.

A carload of necessities were shipped to the scene of the disaster today. James W. Paul of Pittsburg, representing the United States geological survey, is expected here today with a number of assistants. West Virginia mine inspectors are arriving at the mine with every train, but they are almost continually in the mine and all efforts to talk with them concerning the cause of the catastrophe are futile. One of the most remarkable features of the accident is the escape of Clyde Bowers, a mine foreman, who crawled on hands and knees from the mine while fire, smoke and deadly gases belched forth over him. Bowers is the only man who reached the surface alive and, although he lies in a hospital with two broken ribs and other injuries, it is asserted today he will probably recover.

CAMERON MUST GO TO JAIL

Court Refuses Bail to Magnate Convicted of Offering Bribes.

PITTSBURG, Jan. 12.—Judges Brown, Ford and Van Swearingen, sitting today in quarter sessions court, unanimously refused to permit Charles E. Cameron, president of the Tube City railway, convicted yesterday of offering a bribe to Councilman William A. Martin, to give bail. Following his conviction Cameron's bail was increased from \$10,000 to \$20,000, and counsel for the prosecution pointed out today that Cameron had once before forfeited \$12,000 bail by going to Canada. The maximum penalty in this case is five years' imprisonment and a fine of \$10,000.

Counsel for Cameron today filed a motion for a new trial and arrest of judgment.

GROOM-TO-BE KILLS HIMSELF

Act Follows Decision of Bride to File Criminal Complaint Instead of Wed Him.

SHENANDOAH, Ia., Jan. 12.—(Special Telegram.)—A. L. McClanahan of eight miles south of here committed suicide last evening by taking strychnine. He had obtained a marriage license to wed Mabel Chester, daughter of Joe Chester, a well-to-do farmer of the vicinity. Her father protested and had her swear out a warrant charging McClanahan with a statutory offense committed several weeks ago. He had courted her for about two years. The inquest was held today.

BURTON NAMED FOR SENATOR

Ohio General Assembly Declares Him Successor of Joseph B. Furaker.

COLUMBUS, O., Jan. 12.—The general assembly of Ohio in joint session today officially declared Congressman Theodore E. Burton of Cleveland the successor of Joseph B. Furaker in the United States senate.

FATAL FIRE IN HIGGINS' HOME

Mother of Railroad Magnate Killed and Other Members of Family Badly Hurt.

NEW HAVEN, Conn., Jan. 12.—In a fire that destroyed the residence of Samuel Higgins, general manager of the New York, New Haven & Hartford railroad, here early today his mother lost her life, his mother-in-law, Mrs. M. E. Corbin, was probably fatally hurt and his wife, daughter Isabel, his young son and Mr. Higgins himself barely escaped death by jumping from a second-story window.

Mrs. and Miss Higgins suffered broken legs and Mr. Higgins was badly bruised. The young son, Harold, escaped without injury. A colored cook jumped from a third-story window landing on the roof of the veranda.

As quickly as possible the injured persons were removed to a nearby residence and medical aid summoned. The cause of the fire, it is said, was an overheated furnace. Mr. Higgins was awakened by what sounded to him like a stream of running water. In a moment, he says, he smelled smoke and then realized that the house was on fire. He rushed from his room to that of his mother and endeavored to rouse her by pounding on the door, but, owing to her deafness, he thinks, she did not hear. Mr. Higgins, groping through the smoke and flames, rushed to each room, arousing all the members of the family. He had just got back to her room, but the fire cut off his way. It was then that the rest of the family gathered at the window and jumped for their lives.

The residence was on very high ground and the consequent low water pressure greatly hindered the firemen in their fight. The house occupied by Benjamin Campbell, vice president of the New York, New Haven & Hartford railroad, took fire, but the flames were extinguished. The loss is estimated at \$75,000.

HEAVY LOSS FROM COLD WAVE

Oklahoma Cattle Freeze on Range—Gas Break Causes Much Suffering.

KANSAS CITY, Mo., Jan. 12.—Milder weather prevailed in western Missouri, Kansas and Oklahoma today, with a continued fall of snow. The temperature had risen in the past twenty-four hours and generally was recorded above the zero mark. More or less delay to railway traffic was experienced, however, and on the ranges, particularly in Oklahoma, a heavy loss of cattle by freezing was reported.

Thirty thousand people of Muskogee, Wagoner and Inola, Okla., were without fire today as a result of the breaking of a gas main at a point between Inola and Claremore. The three towns mentioned depend in a great measure upon the natural gas for heating as well as lighting purposes, and there consequently was much suffering.

ST. LOUIS, Mo., Jan. 12.—A renewal of the snow fall in this section today caused increased trouble to railroad officials. All trains from the west and southwest were delayed from one to six hours and suburban traffic was also hampered. Reports to the local weather bureau showed the storm to be general over Missouri and Northern Arkansas. Southeastern Illinois also was affected, the movement being to the northeast toward the lake region.

RATE COMMITTEE IN SESSION

Western Classification Officials Representing Seventy-One Lines Meet at Mobile.

MOBILE, Ala., Jan. 12.—The Western Classification committee, with representatives of seventy-one lines present and half a hundred heads of transportation companies and industries, convened here today and will be in session ten days or more. The members of the committee reached this city early this morning on a delayed special train that met with many delays on account of the extreme cold weather from Chicago south.

F. W. Becker of Chicago, presided over the meeting with F. W. Meadows in the secretary's chair. Representatives of his shipping and manufacturing interests are appearing before the committee for the adjustment of freight rates.

NO CHANCE FOR NEW JUDGES

Supreme Court Has Already Passed on Point Raised by Ransom.

OPINION BY JUDGE SULLIVAN

In Merrick County Case Omission of Notice of Repeal in Title of Bill Does Not Invalidate the Law, Says the Court.

(From a Staff Correspondent.) LINCOLN, Jan. 12.—(Special.)—The high-handed action of the democratic legislature yesterday in making the first move toward disrupting the supreme court and starting a campaign which may end in the calling out of the militia is still the talk of the hotel lobbies. The enormity of the action is forcibly brought to light when considered along with a decision of the supreme court involving the identical question passed upon yesterday.

This decision was written by Judge John J. Sullivan, and is directly contrary to the position taken by Frank Ransom and his democratic followers. The basis of the attack on the court yesterday by the democrats was a claim that the law of 1895, which repealed the 1877 law, was not legally passed by the legislature because the repealing clause was left out of the title when it went through one house. The 1877 law provided that the legislature should have the right to canvass the vote cast on constitutional amendments, so if the 1895 act is unconstitutional, the democrats held the 1877 law was still in effect.

A case tried in the supreme court from Merrick county involves exactly the same point of law. It was claimed by the Union Pacific railroad, the plaintiff, that a law was not constitutional because when the bill reached the governor it bore a different title from that which it bore when it passed the legislature. Judge Sullivan wrote the opinion and in his syllabus he said: "An immaterial change in the title of a legislative bill, wherever made, is without legal effect."

In his opinion Judge Sullivan said: "The constitution regards substance rather than form; it requires that the subject of legislation shall be clearly expressed in the title of every bill, but beyond this it does not go. The form of the expression is not a matter of legislative choice. We believe it has never been held that the subject of legislation must be expressed in the title of a bill in exactly the same language when the bill receives final legislative assent and executive approval. It may be further remarked that the expression in the title of an intention on the part of the legislature to repeal the amended section of all acts and parts of acts inconsistent with the new law, was altogether unnecessary. That part of the title served no useful purpose, if it had any effect; it was a mere redundancy and might have been stricken out of both titles without changing their meaning or legal effect. An amendatory act cannot become effective without expressly repealing the amended statute and repealing by implication of repugnant or inconsistent laws, hence an intention to repeal is always necessarily implied and need not be expressed in order to apprise the members of the legislature and the public that the new law adopted will take the place of the old one."

Judge Sullivan also gave his endorsement of the action of the state canvassing board to canvass the vote and the right of the governor to appoint judges by accepting a judiciary from Governor Sheldon. But in the face of that, all of which was told then by Taylor of Custer county, the stock yards attorney was able to line up the majority in an attempt to disrupt the supreme court of the state.

NEW MOTIVE FOR ATTACK

It develops that Senator Ransom in fighting for a new supreme court may have directly in view an attack upon the legality of the constitutional amendment by which the railway commission was created, and that he hopes at least to make it impossible to delegate new powers to the commission at this session.

The amendment creating the board was declared carried by a proclamation of Governor Mickey on the returns of the canvassing board and not on the declaration of the legislature.

The same point is involved in the supreme court amendment and a decision that the latter was illegally declared carries the same point.

(Continued on Third Page.)

PEACE DOVE HOVERS

Senate and House Hold Mild Sessions After Tuesday's Storm.

HOPEWELL GIVES SENATE CUE

Last Legislature Sets a Mark for Present One to Match.

TIBBETS TALKS OF HARMONY

Howell of Douglas Also Speaks Along the Same Line.

COMMITTEES START ON JUNKET

State Institutions to Be Visited While Legislature Rees Until Printers Get Bills Ready.

(From a Staff Correspondent.) LINCOLN, Jan. 13.—(Special.)—Gentle language supplanted the louder tones of debate and partisan oratory in the legislature today and in the senate there were expressions of good will and a desire for "peace on earth."

Lieutenant Governor Hopewell, who has not had an opportunity to address the members of the senate before, chose the time of opening of the session to make a brief address, in which he felicitated the members on their election, reminded them of the vastness of the interests they represented and gave them a hint they have something to live up to when they follow after the session of 1907.

A brief address was made by Senator Tibbets, president pro tem, to whom the lieutenant governor surrendered the gavel for the morning session. Senator Tibbets declared the thirty-first session of the legislature would be a business men's session, and he believed bids of wide importance to the state would be considered without regard to party affiliations.

This sentiment was repeated by Senator Howell of Douglas county, who expressed the belief, in which he said he thought all concurred, that nothing but the best of good will could possibly exist. None of the speakers made even a covert reference to the events of the day before.

Both branches of the legislature were without business to transact soon after the presiding officers called the bodies to order. The introduction of bills was all it took place to enliven the proceedings. In the house Armstrong of Buffalo introduced a divorce bill, which was held in abeyance until the next session. The additional deputy oil inspectors, instead of being at present, Brown of Sherman submitted a county option bill and Thomas of Douglas presented the measure providing a person for Omaha firemen and police officers.

In the senate the record set on the opening day was lived up to religiously, and when there was nothing else to do the members sent a few more measures on their way to the committee arid. Among these was Senator King's bill amending the divorce law, which was held in abeyance until the next session. The action of the national legislature at Washington two years ago. The same measure was considered at the last session and defeated.

Bill to Regulate Sleeping Cars. A bill regulating Pullman car fares was also submitted by Senator King. Oils of Valley produced under measure giving the governor the right to specify certain paper in a county that shall print constitutional amendments. Banning of Cans revealed that he is seeking to place the sheriff's office on a fee basis again, while Fuller of Seaward introduced a basic bill giving the right to play the game outside the corporate limits of any city, village or town on Sunday. Oils brought forth a bill placing the clerk of the supreme court on a salary of \$3,000 and leaving open the question whether he is entitled to the additional \$1,500 allowed by the constitution as librarian. The Myers bill for three experimental farms in north Nebraska appeared, as did one by Diers of York to exclude university and college students from participation in elections at the college site when they have a permanent home elsewhere in the state.

The senate committee on public lands and buildings is to begin the biennial junket to the state institutions on Monday or Tuesday. This has not been definitely decided, but there is no work either for committee or members in session and an adjournment probably will expedite business in the long run.

The first visit of the inspection committee will be to the Soldiers' home at Grand Island, following which they will visit the school at Kearney will be gone over and on the return the insane hospital at Hastings is on the itinerary.

Tonight a number of members accepted the invitation of the convicts of the state penitentiary and attended a minstrel show and entertainment given by them at the Lincoln institution for correction.

CAUCUS OF OPTION SENATORS

Some Disappointment Expressed at Bryan's Attitude.

(From a Staff Correspondent.) LINCOLN, Jan. 12.—(Special.)—County option advocates of the senate met in secret caucus last night to discuss ways and means of getting through a county option bill. All of the senators present pledged themselves to secrecy regarding the action. The following were present: King of Polk, Brown and Miller of Lancaster, White of Cedar, Cox of Hamilton, Hardall of Wayne, and Gammill of Warren, Warren of Phelps, Gammill of Gosper.

This meeting is considered of importance in view of the fact that some of the county option advocates are reported to have become somewhat weak-kneed because Mr. Bryan has given them no instructions to pass a county option bill.

It is reported on good authority, and the information comes from an advocate of county option, that Mr. Bryan's attitude on the liquor question is a great disappointment to the option members of the legislature and this element has failed to receive any encouragement at his hands.

The question will be put up to him squarely and he will be forced to show his hand either for or against the bill—or may be go away for awhile to recuperate. Mr. Bryan is trimming his sails to run for the next two years from now and there is no doubt among the members of the legislature who are keeping tabs on events, that the Humphrey bill, which is a pattern of the Oregon law providing for the United States senators by direct vote is believed to have been inspired by the