THE OMAHA DAILY BEE

VOL. XXXVIII—NO. 198. OMAHA, TUESDAY MORNING, FEBRUARY 2, 1909—TEN PAGES. SINGLE COPY TWO CENTS.

TAFT AS PACIFICATOR

President-Elect Pours Oil on Troubled Political Waters in Panama.

COMMISSARY WILL CONTINUE

Colonel Goethals Says Canal Will Be Finished by January 1, 1915.

RAINEY CHARGES ARE DENIED

President of Panama and Members of Assembly Sign Statement.

TAFT AND CROMWELL IN NO DEAL

Names of Americans Never Mentioned in Connection with Timber Contract Along Atlantic Coast, Say Officials.

PANAMA, Feb. 1.—That Mr. Taft is acting as pacificator in the strong post-election factional feeling which at times has been very marked, is shown by the fact that invitations have been sent to both President Obaldia and Senor Arias, at one time opposition candidates for the presidency, to the dinner and reception arranged for tomorrow by Herbert G. Squiers, the American minister, in honor of Mr. Taft.

Mr. Taft this afternoon called on ex-President Amador, who is ill. Amador and President Obaldia have not been on friendly terms for a long time because of political differences. Mr. Taft wishes to make it plain that his cordiality is toward Panama as a whole and not toward one or another political faction, and he has endeavored during his stay here to treat all in the same cordial manner.

Both sides of the controversy which has arisen through the commissary system will be given a hearing, but he will make no recommendation with regard to the treaty, which refers the question to arbitration. Without doubt the commissary will continue, although so-called luxuries will be eliminated. Mr. Taft has expressed full confidence in the judgment of Secretary Ivest in this matter.

Prior to the visit of Mr. Taft and the board of engineers to the Culebra cut today all dynamite was removed from the workings, so that possibility of accident might be avoided. Although not speaking for publication, the engineers do not conceal their satisfaction at the feasibility of the Gatun dam. Colonel Goethals and the engineers engaged in the construction work are much gratified at the results of the investigation of the special engineers.

Colonel Goethals said today that naval vessels would sail through the lock canal by January 1, 1915.

The charges made in the United States house of representatives recently by Representative Henry T. Rainey of Illinois against Domingo De Obaldia, president of Panama, and others, have brought out denials from the president and sixteen members of the national assembly. The assemblymen have signed a statement asserting that they were present at a meeting in the president's office, where the contract for the exploitation of the timber industry along the Atlantic coast of Panama was discussed and that during the meeting neither President Obaldia nor anyone else said or implied that Charles P. Taft, William Nelson Cromwell or Roger T. Farnham had any direct or indirect participation in the business. Among those making the statement are Dr. Pablo Arosemena, Judge Fuenegar and other prominent opposition leaders of the assembly.

Concerning some of the charges President Obaldia has given out the following statement for publication:

"My attitude, while in the Colombian congress of 1903 and my entire public life lies beyond the reach of slanderers. The Roosevelt-Arias government was not overpraised, but after the expiration of its constitutional term it was defeated in a free election.

"At the meeting in my office neither Mr. Taft nor any outsiders were present, and no mention was made of Charles P. Taft, William Nelson Cromwell or Roger T. Farnham. The railway proposal was presented to the assembly by a Mr. Ward and was rejected. The assembly then enacted a law, authorizing the construction of a railway with national funds to become a national property. Mr. Ehrman's timber contract also was rejected by the assembly, where a bill is now being discussed, regulating the foreign exploitation on the Atlantic coast between the river Concepcion and Costa Rica, including the entire Chagres valley."

President Obaldia has discharged a local government employe who published a pamphlet criticising William Nelson Cromwell and President Roosevelt.

ALTON OIL REBATE CASE

Judge Landis Subpoenaes Fifty Witnesses to Testify in Second Trial.

CHICAGO, Feb. 1.—Judge Landis has subpoenaed fifty witnesses for the second trial of the government's case against the Standard Oil company of Indiana, the first hearing of which resulted in a fine of $29,240,000 against the company.

The trial will start in Chicago, before Judge A. B. Anderson of Indianapolis, February 23, who consented to preside at the request of Judge Landis.

According to report one subpoena was issued for J. A. Moffat, president of the Standard Oil company of Indiana. Those of the Standard Oil company officials who thus far have been served are G. W. Stahl, treasurer; John C. McDonald, auditor; Edgar Bogardus, traffic manager.

Other witnesses are George Roberts and C. Crossland, expert rate clerks for the Interstate Commerce commission; Secretary Kilpatrick of the railroad and warehouse commission; F. S. Hollands, rate clerk for the Chicago & Alton railroad, and J. S. Howard, former auditor of the Chicago & Alton railroad.

MEXICAN ROADS ARE MERGED

National Government Takes Over Seven Thousand Miles of Mexican Central Line.

MEXICO CITY, Feb. 1.—The physical merger of the Mexican Central and the National railways became effective today, and the Mexican government has taken over 7,072 miles of line. E. N. Brown has been named president of the new company. S. M. Felton, formerly president of the Central, will remain in Mexico as the representative of the minority stockholders, consisting of a group of Americans headed by H. Clay Pierce. The financial corporation of the Central, of which Mr. Felton remains the head, is not disturbed by the merger.

SUMMARY OF THE BEE

Tuesday, February 2, 1909.

1909 FEBRUARY 1909

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
8	9	10	11	12	13	
15	16	17	18	19	20	
22	23	24	25	26	27	

WEATHER.

FOR NEBRASKA AND COUNCIL BLUFFS AND VICINITY—Fair and warmer Tuesday.
FOR NEBRASKA—Fair and warmer Tuesday.
FOR IOWA—Fair and warmer Tuesday.

Temperature at Omaha yesterday:

Hour.	Deg.
5 a. m.	26
6 a. m.	24
7 a. m.	24
8 a. m.	22
9 a. m.	24
10 a. m.	26
11 a. m.	30
12 m.	36
1 p. m.	38
2 p. m.	41
3 p. m.	44
4 p. m.	45
5 p. m.	45
6 p. m.	43
7 p. m.	42
8 p. m.	41
9 p. m.	39

WASHINGTON.

The house yesterday passed the Payne bill prohibiting the importation of opium. **Page 1**

The senate passed the house bill making hundredth birthday of Abraham Lincoln a legal holiday. **Page 1**

DOMESTIC.

New York in grip of cold wave and heavy frost in south mark progress of storm which recently passed over the west. **Page 1**

President of Panama and sixteen members of assembly sign statement denying statements made by Representative Rainey. **Page 1**

FOREIGN.

American battleships arrive in Gibraltar and salutes resemble naval engagemnt. **Page 1**

NEBRASKA.

Announcement ismade at Lincoln that P. C. Heafey will be the Jacksonian candidate for mayor of Omaha. **Page 2**

Joel N. West, acting for W. D. Oldham asks leave of supreme court to file quo warranto suit against Judge Dean. **Page 1**

Dr. Young and other democratic employes take charge of the Norfolk insane hospital. **Page 3**

LOCAL.

The Conner will case has been postponed, awaiting the arrival of Rt. Rev. Richard Scannell, bishop of Omaha, who will be called to testify on his return from Ireland, where he is at present. **Page 5**

Uncle Sam acquired some new citizens at the federal building Monday, but some failed to pass examinations and cannot "get under the flag" until they know a few more things. **Page 3**

W. J. Connell, attorney criticised by Judge W. G. Sears in open letter, replies to Sears, the citizen, and defends his defense of Wetmore and conduct during the case. **Page 5**

COMMERCIAL AND INDUSTRIAL.

Livestock markets. **Page 7**
Grain markets. **Page 6**
Stocks and bonds. **Page 7**

MOVEMENTS OF OCEAN STEAMSHIPS.

Port.	Arrived.	Sailed.
NEW YORK	Europa	
LIVERPOOL	Sylvania	
HALIFAX	Haverford	
GIBRALTAR	Carmania	Campania.
QUEENSTOWN		Cymric
QUEENSTOWN		Philadelphia.
LONDON		Caronia.
FIUME		Iberian.
BOSTON	Laurentian	

MINERS NOW READY FOR WORK

Walker Faction Gives Up Fight and Decks Are Cleared for Business.

INDIANAPOLIS, Feb. 1.—The cause of the anti-Lewis faction in the United Nine Workers convention has been lost. John Walker of Illinois, who opposed President Lewis for re-election tonight that he would not contest Lewis' election, which probably will be reported to the convention tomorrow.

"Such action would be hopeless," he said. "The convention has been packed against me."

President Lewis' majority likely will be 6,000. Walker learned the sentiment of the delegates toward him when by a vote of 1,027 to 1,054, he was refused an extension of time a speak against the committee report approving the course of President Lewis and the executive board in suspending President Van Horn and other officials of District No. 11, Indiana, for having disobeyed the mandate of the national officers to discontinue the Hudson mine strike.

The refusal of President Lewis to aid the striking miners of the Mercer-Butler field, Pennsylvania caused a debate. This brought a remark from Mr. Lewis that there should be no further quarreling over personal differences and that the business of the convention should be disposed of as quickly as possible. He would give all information asked for in regard to the Mercer-Butler strike, he said, but would not bicker with his critics.

The convention now is in its third week. It will be necessary to elect a vice president and a secretary treasurer during the session, as during the December election no candidate received a majority.

FAMOUS SHOP IS BURNED

Building in Which Steamer Monitor Was Built During War Destroyed by Fire.

SCHENECTADY, N. Y., Feb. 1.—The Central Arcade, consisting of twenty stores on the ground floor and offices, society rooms and printing plant above, was destroyed by fire today.

The Central Arcade was formerly the Clute Brothers machine shop, where the famous United States steamer Monitor, which defeated the Merrimack on the Hampton Roads during the civil war was built. The firemen fought the flames with the temperature registering 8 below zero and scores of them were frost-bitten.

FIRE AT REPUBLICAN CITY

Two Buildings Burned, with Estimated Loss of Nine Thousand Dollars.

REPUBLICAN CITY, Neb., Feb. 1.—(Special.)—Fire in this city early yesterday morning burnt two buildings owned by a nonresident. One was occupied by Tom Gorden, for furniture and undertaking goods, the other was used by Harvey Reiter as a restaurant. The estimated loss on buildings is $6,000; the insurance on buildings, $2,000; furniture, $2,000; restaurant and fixtures, $900.

SALUTES LIKE NAVAL BATTLE

Exchange of Courtesies at Gibraltar Takes Place Monday Morning.

SPERRY CALLS ON GOVERNOR

Norfolkshire Regiment in Coats of Red Forms a Guard of Honor for American Admiral on Official Visit.

GIBRALTAR, Feb. 1.—For one hour this morning the port of Gibraltar seemed to be the scene of a naval engagement at close range. The American battleships that arrived yesterday were exchanging salutes with the shore and the foreign warships in the harbor that were omitted because of Sunday. The Connecticut saluted the port and flag of Vice Admiral Sir James Goodrich, the commander of all the naval establishments at Gibraltar, with twenty-one guns, and when these had been returned gun for gun from a shore battery and the British battleship Albemarle other salutes were fired to and answered by the Russian, French and Dutch warships in port. The reverberations were incessant for an hour and clouds of gray smoke blew over the waters.

The colliers promptly took up their positions alongside the Minneapolis, Vermont and Kansas and before the sound of the saluting guns had died away the bands on board these ships were playing "rag time" to liven up the dirty and arduous work of coaling.

Each ship requires from 1,200 to 1,600 tons to fill its bunkers for the homeward voyage.

The Rhode Island and New Jersey came into port at 10 o'clock this morning and were followed an hour later by the fourth division, the Wisconsin, Illinois, Kearsarge and Kentucky, which anchored outside the breakwater. The third division, consisting of the Louisiana, Missouri, Ohio and Virginia, brought up the rear and presented a beautiful picture as they steamed in, glistening in the sunlight and their signal flags cracking in the smart breeze. The warship basin is too small to permit the entrance of the entire American fleet; consequently some of the vessels had to anchor outside.

Rear Admiral Sperry, accompanied by the members of the staff, came ashore at noon and called officially upon General Sir Frederick Forrestier-Walker, the military governor. A guard of honor, consisting of a company of the Norfolkshire regiment, in red coats, met the admiral's launch at King Stairs and escorted the carriages of the American naval officers to the residence of the governor.

WAR CLOUDS ARE DISPELLED

Russia Presents Plan to Reconcile Dispute Between Turkey and Bulgaria.

ST. PETERSBURG, Feb. 1.—The Turko-Bulgarian deadlock over the amount of money to be paid Turkey by Bulgaria because of the Bulgarian declaration of independence is practically broken and the war clouds in southeastern Europe have been dissipated by the acceptance of a plan proposed by Russia which reconciled in a novel manner the Turkish claim of $21,000,000 and the Bulgarian offer of $16,000,000.

This plan is based on the war indemnity of $1,600,000 a year, which, in accordance with the Berlin treaty of 1878, Turkey is to pay Russia for 100 years. These payments bear no interest. The Russian proposal is to remit them until the Turkish claim against Bulgaria is satisfied. Russia will collect instead $16,400,000 from Bulgaria in similar installments. These payments will bear interest and the amount of this interest will recoup Russia.

Bulgaria has formally assented to this proposal and the Russian government has assurance that the plan is satisfactory to the Turkish government.

COURT HOLDS OIL COMPANY

Affirms Verdict of $14,500 for Death Due to Substitution of Gasoline for Oil.

WASHINGTON, Feb. 1.—The supreme court of the United States today held the Waters-Pierce Oil company of Missouri responsible for the death of the wife and two children of Albert Deselms of Orlando, Okl., thus affirming the decision of the supreme court of that state, which affirmed an award of $14,500 damages by the trial court. Mrs. Deselms and the two children were burned to death on February 4, 1902, in a fire which consumed Deselm's house and which it was claimed originated in kindling a fire by the use of what was supposed to be pure coaloil supplied by the Waters-Pierce company, but it is now contended that there was such a large percentage of gasoline as to render it unsually inflammable.

RIDGE WILL CASE IS SETTLED

Contest Over Distribution of Over Million Averted by Compromise.

KANSAS CITY, Mo., Feb. 1.—The contest over the $1,200,000 estate of Dr. I. M. Ridge, a pioneer physician of Kansas City, who died in 1907, was settled today through compromise. By the term of settlement the doctor's widow, who was his second wife, will receive two-fifths o fthe tstate and the three children by Dr. Ridge's first wife, each one-fifth. The will of Dr. Ridge left the entire estate to his widow, cutting the children by his first marriage off with $500 each. Dr. Ridge's first wife is dead. It was alleged that Mrs. Ridge had exerted undue influence over her husband at the time he made his will.

RIGHT TO USE PART OF PARK

House Committee Votes to Grant Two Valleys in Yosemite to San Francisco.

WASHINGTON, Feb. 1.—By a vote of 8 to 7 the house committee on public lands today decided to report favorably the resolution which grants to the city and county of San Francisco the right to use the Helchy and Lake Eleanor valleys in the Yosemite National park for reservoir purposes.

SECRETARY GARFIELD ILL

Cabinet Officer Confined to Residence by Attack of Grippe.

WASHINGTON Feb. 1.—Secretary of the Interior Garfield has been confined to his residence for the past two or three days with a severe attack of the grippe.

His condition is marked by high fever. He was much improved today.

Bryan—Mother, I want you to get me a sled like Georgie Chamberlain's.

From the Spokane Spokesman-Review.

NEW YORKERS SUFFER IN COLD

Lowest Temperature of Year, Accompanied by Biting Wind.

MUCH DISTRESS AMONG POOR

Soup Line Longest in Years and Many Are Sheltered in Mission—Killing Frosts in the South.

BULLETIN.

WASHINGTON, Feb. 1.—Killing frosts as far south as the twenty-sixth parallel and temperatures from 6 to 8 degrees below freezing were reported from central and north Florida today. The cold wave continues east of the Mississippi river while to the westward temperatures are again above the seasonal average except in the southwest. The weather bureau today announced that the cold snap will continue tonight in the east and south, followed by rising temperature Tuesday. Freezing temperatures will again occur in the south Atlantic states.

Poor Suffer in New York.

NEW YORK, Feb. 1.—Swept by a biting northwest wind, New York City today experienced the coldest weather of the winter. The temperature in some portions of the greter city was down to zero just before daylight and the official thermometer of the weather bureau registered 5 degrees above zero.

Two thousand applicants for food and coffee were lined up at the Bowery mission during the night, the largest number fed there this winter. In addition to these 218 persons, including twenty-four women, were given shelter at the City lodging house and the pier of the Charities department, at the foot of East Twenty-sixth street. The street cleaning department had 600 men at work removing the snow during the night, but when the cold became so intense the work was discontinued.

Eighteen families were driven from their homes in a tenement house in East Seventy-seventh street by a fire early today. Policemen whose pity was excited by their suffering from the cold went through the adjoining houses in search of neighbors who would give them shelter. The fire caused little damage.

Kentucky is Shivering.

LEXINGTON, Ky., Feb. 1.—Although the weather was intensely cold throughout central and eastern Kentucky, the temperature continued slowly dropping today. Great suffering is reported in the mountain districts and much live stock is reported to have died from the cold. Great snow drifts in this section are being plowed through today and rural mail service will soon be resumed.

Canadian Town Out of Coal.

WINNIPEG, Man., Feb. 1.—A telegram last night from Aberdeen, Saskatchwan, on the Grand Trunk Pacific railway, said:

"The worst storm of the season is raging and the town is completely out of coal. Traffic is also blockaded."

It is believed here that a number of places in that region are similarly affected, as the Grand Trunk Pacific has not run a train over that portion of its line for three weeks, owing to snow blockades.

Suffering in Mexican Adobes.

EL PASO, Tex., Feb. 1.—The coldest weather of the season has prevailed in northern Mexico for the last few days. Great suffering is reported among the poorer classes, who live in adobe huts and are unprepared for snow and cold.

GRANT B. SCHLEY WILL APPEAR

Manager of Syndicate to Testify Before Steel Probe Committee of Senate.

WASHINGTON, Feb. 1.—Service has been secured by the sergeant-at-arms of the senate upon Grant B. Schley of New York and he will appear before the special committee of the senate tomorrow when it resumes consideration of the resolution providing for an investigation of the president's authority for permitting the absorption of the Tennessee Coal and Iron company by the United States Steel corporation. Mr. Schley is a member of the brokerage firm of Moore & Schley and was named by Oakleigh Thorne, president of the Trust Company of America, as one of the managers of the syndicate which held a controlling interest in the stock of the Tennessee Coal and Iron company at the time of the merger.

TWO HUNDRED LOST IN FIRE

Charred Bodies of 170 Victims of Conflagration in Fleet of Flower Boats Recovered.

CANTON, China, Feb. 1.—At least 200 lives were lost in a fire which occured today in a fleet of flower boats. The charred bodies of 170 victims have already been recovered, but many persons are still missing.

FORTY OF CREW DROWNED

British Steamer Clan Ranald a Total Wreck Near Melbourne, Australia.

MELBOURNE, Feb. 1.—The British steamer Clan Ranald is a total wreck near Edithburg and the captain and forty-six of the crew, most of whom were Asiatics, were drowned. The vessel was drifting ashore last night, but sank before boats could reach it. Eighteen members of the crew, including twelve coolies, were picked up.

The Clan Ranald was struck by a heavy sea yesterday afternoon and rendered unmanageable. Then being driven ashore it turned turtle.

PHILADELPHIA, Feb. 1.—There is considerable anxiety over the German steamship Maria Rickers, now thirty-one days out from Grenock, Scotland, and more than ten days over due. The anxiety is made all the greater by the fact that terrific storms have swept the Atlantic lately.

The ship is under command of Captain A. Rupp and carried a crew of thirty-two men when it left Grenock, January 2. It has no cargo but is to load case oil here for Japan.

To the recent storms shipping agents ascribe the tardiness of the Hamburg-American liner Louise, for Hamburg; the Cosmopolitan liner Canadia, from Rotterdam, and the Atlantic transport liner Montana, from London. They are from two to four days overdue, but are expected to make port today.

PHILIPPINE ASSEMBLY MEETS

Governor Smith, in His Message, Sharply Criticises Municipal Government of Manila.

MANILA, Feb. 1.—The Philippine assembly opened today with simple ceremonies, president Osmena presiding. The first business to come before the body was the annual message to the assembly of Governor General James F. Smith.

Governor Smith deplored the growing gulf between the Americans and Filipinos in the Philippines, and strongly urged that they draw closer together and act in unity for the best interests of both. His message sharply criticises the municipal government of Manila and the municipal police force, the personnel of which, he said, was not equal to that of the public servants of the city.

The provincial government Governor Smith pronounced to be entirely satisfactory.

The annual report on the revenues of the island shows a decline of about 1,000,000 pesos (about $500,000) for 1908, under the figures of 1907.

DEATH CHAIR FOR GOVERNALE

Murderer of Policeman Electrocuted at Sing Sing—Billik Goes to Penitentiary.

OSSINING, N. Y., Feb. 1.—Salvatore Governale was put to death in the electric chair at Sing Sing prison today for the murder of two New York City policemen, George M. Sechler and Albert A Silleck, on Sunday afternoon, April 14, 1908. The double murder followed a fight in Washington square during which Governale fired a revolver at a fellow countryman. The policemen interfered and chased Governale into a hallway from which he fired on the officers, shooting both fatally.

CHICAGO, Feb. 1.—Herman Billik, after two years imprisonment in the county jail, during which period he has five times been respited from death on the gallows, was taken to the Joliet penitentiary today to begin a term of life imprisonment for the murder of Mary Vrzal. The death sentence was commuted to life imprisonment by Governor Deneen.

MANY INDICTMENTS EXPECTED

At Least Three Hundred Bills Looked for in Oklahoma Grand Jury Case.

MUSKOGEE, Okl., Feb. 1.—It was stated here today from a reliable source that the government expects the federal grand jury now in session here to return at least 300 indictments involving from fourteen to twenty persons in the alleged Muskogee town lot fraud cases. The jury resumed its session today, examining several witnesses. It hopes to have heard all the evidence by Thursday evening next, when it is believed any indictments that are to be made will be returned promptly.

PORTSMOUTH BANK REOPENED

Examination Fails to Show Wrong Doing by Cashier, Who Killed Himself.

PORTSMOUTH, Ia., Feb. 1.—The State Bank of Portsmouth, which has been in the hands of the state bank examiner since the suicide of the cashier, C. S. Scroggins, was reopend today in temporary charge of T. J. Korth of Council Bluffs. There were but few withdrawals of deposits. The bank examiner reports the bank in excellent condition and says no evidence was found of wrong-doing by the cashier.

PAYNE OPIUM BILL PASSED

Measure Prohibiting Importation of Drug Goes Through House.

ARMY BILL IS CONSIDERED

Provision to Pay Traveling Expenses of West Point Cadets to Inauguration is Stricken Out.

WASHINGTON, Feb. 1.—Unless the senate comes to their rescue the West Point cadets will not be able to attend the inauguration on the 4th of March at the expense of the government. The cadets have been one of the big attractions of the inaugural ceremonies for many years past. By a point of order an item providing funds for the cadets' trip to Washington was stricken from the military appropriation bill.

Another item removed from the bill was an appropriation for the construction of an asylum for refugees in time of war and another for a storehouse on Corregido island in Manila bay. On account of time consumed with bills under suspension of the rules the consideration by the house of the appropriation bill was not completed.

Under suspension the house passed the Payne bill, prohibiting the importation of opium, but refused to pass the senate bill to pension federal judges.

The Bennett bill, for the exportation of aliens convicted of a felony, was also denied passage. A limitation was placed upon the scope of the Olmstead special committee to investigate appropriations for and the work of the secret service of the various departments.

The house adjourned at 5:28 p. m.

PROCEEDINGS OF THE SENATE

Mr. Foraker Attempts to Get Consideration for Brownsville Bill.

WASHINGTON, Feb. 1.—Seventy-five bills on the calendar of the senate were passed today. The consideration of these measures, most of which were of local character or of minor importance, consumed nearly the entire session of the senate

Senator Foraker attempted to get consideration for the Aldrich substitute bill providing for a court of inquiry to pass upon the qualifications of the discharged negro soldiers of the Twenty-fifth regiment, charged with having shot up Brownsville, August 13-14, 1906, but postponed making a motion for that purpose in order that Senator McLaurin of Mississippi might speak on the Brownsville affair tomorrow.

Mr. Foraker announced that after Mr. McLaurin's speech he would endeavor to get action on the bill. The senate passed without amendment a house bill declaring February 12, 1909, the centenary of the birth of Abraham Lincoln, to be a legal holiday and recommending a general observation of that day.

Senator Carter, in charge of the postal savings bank bill in the senate, today announced that he would endeavor on Wednesday to get a vote on it, although he "fully realized the improbability of that bill becoming a law in the few remaining days of this congress."

Bills passed by the senate today follow:

Providing that sentences of the general court martial which involve the dismissal of a midshipman at the naval academy shall be approved by the president.

For the naturalization of aliens who served five years in the United States navy or marine corps.

Appropriating $80,083 to pay war claims of religious orders of the Catholic church in the Philippines.

CLEVELAND FARES INCREASED

Two-Thirds of Street Car Patrons Are Now Paying Five Cents a Ride.

CLEVELAND, O., Feb. 1.—In accordance with instructions recently issued by Judge Tayler of the federal court to the receivers of the entire street railway system of this city, the rate of fare was increased, beginning this morning, on all lines except upon those where the franchise specifically provide a rate of not more than 3 cents. Approximately two-thirds of the street car patrons are now paying a straight 5-cent fare, or eleven tickets for 50 cents. Patrons of the 3-cent fare lines are compelled to pay 2 cents for a transfer, while passengers passing the regular 5-cent fare obtain transfers free to any line in the city.

Judge Tayler ordered the rate of fare increased because of the inability of the company to pay running expenses and to liquidate accumulated debts under the 3-cent fare, which rate has been effective on all lines in the city since April 29.

NO REHEARING IN GAS CASE

Supreme Court Denies Application of Company in Effort to Void Eighty-Cent Law.

WASHINGTON, Feb. 1.—The supreme court of the United States today denied the application of the Consolidated Gas company of New York for a rehearing. The case involves the validity of the 80-cent gas law and was recently decided against the company and in favor of the law.

OLDHAM MAKES MOVE

Through Attorney Seeks to File Action to Oust Judge Dean.

MATTER IS UNDER ADVISEMENT

Runs Afoul of Long-Standing Rule of the Supreme Court.

DEAN NOW HOLDING THE EDGE

Must Waive Rights in Order to Permit Oldham to File.

CONTENTS OF THE PETITION

Allegation Legislature and Not Board of Canvassers Has Authority to Canvass Vote and Sheldon's Appointments Illegal.

(From a Staff Correspondent.)

LINCOLN, Neb., Feb. 1.—(Special Telegram.)—Joel N. West of Omaha in behalf of W. D. Oldham, Governor Shallenberger's latest appointee as supreme judge this afternoon filed a request with the supreme court for permission to begin quo warranto proceedings to oust Judge Dean and seat his client.

The supreme court took the request under consideration.

The reason for the court taking the question under advisement is the practice of the court heretofore in permitting the filing of quo warranto proceedings directly in the supreme court only when the action is taken by the attorney general. It has been the practice in all except these cases to require the original filing in the district court. Oldham filed with the supreme court a waiver of his right to a hearing in the district court and Judge Dean was also asked to do so. He has this matter under consideration, but has not indicated when he will return an answer.

Inasmuch as the case involves the supreme court, it would seem rather peculiar for district court to assume jurisdiction.

The suit which Mr. West will file if the court grants him its permission is entitled Oldham vs. Dean, and the petition asserts the state board of canvassers acted without authority when it canvassed the vote on the supreme judgeship. It contends the legislature has the sole right to canvass the vote and that therefore Governor Sheldon's appointees are without right to the office. It also asserts the law of 1877 giving the legislature the right to canvass was never repealed. In conclusion it asks that Judge Dean be ousted and Oldham seated.

The action of the supreme court in taking the application under consideration is taken to mean the application is not considered a mere formality.

Text of the Petition.

Following is the text of the petition:

The relator, however, shows to the court that the said board of canvassers in canvassing the vote on the said constitutional amendments, acted unlawfully and without authority and that their acts with respect the vote were utterly void and with no effect, for that section 4 of chapter 3 of the compiled statutes of Nebraska of 1895 as enacted in 1877 expressed provided: "Public notice that the proposed amendment or amendments is, or are to be voted upon shall be given in each county in the same manner as is or may be required by law regulating general elections, and the returns shall be made and the books canvassed in the same manner and by the same officers as is or may be required by law in the case of electing the executive officers of the state."

While it is true there was contained in the compiled statute of Nebraska of 1895, which purports to be a law enacted by the legislature of 1895, whereby it, the law of 1877 above referred to, purports to have been repealed, and by which act of 1895, th power to right to canvass upon the constitutional amendments purports to be conferred upon the state board of canvassers, yet in that behalf the relator shows to the court that the said act of 1895 never was in fact legally and constitutionally adopted because of the following defects and omissions, towit:

The bill for said act of 1895 originated in and was passed by the senate as an act entitled, "An act to amend section 4 of chapter 3 of the compiled statutes of Nebraska" and as so passed by the senate contained no words or language whatever repealing or purporting to repeal or attempting to repeal said section 4 so attempted to be amended by said act, and was thereupon sent to the house where the said bill was amended by adding thereto another section in the following words and figures, towit: "Section 2: That said original section 4 of chapter 3 as heretofore existing is hereby repealed." That thereupon the said bill, as amended in the house as aforsaid was passed by the house and sent to the senate for its concurrence, but relator shows to the court that said bill as amended was never voted upon by the senate nor passed by the senate, but the bill, amended as it came from the house, without being voted upon by the senate or in any manner passed by the senate, was signed by the president of the senate and the governor and appeared in the compiled statutes of 1895 as the purported law; whereas, in truth and fact the same is utterly null and void because not passed in the manner and form required by the constitution of the state of Nebraska.

History of Legislation.

Your relator further shows to the court that after the publication of the compiled statutes of 1895 in which the said section 4 of chapter 3 as dassed in 1877 did not appear, and in which in lieu of said section 4 of said chapter 3 as enacted n 1877, there did appear the alleged and pretended amendment of said section as said amendment was attempte to be made by the action of the legislature of 1895 as hereinabove recited, and thereupon the said legislature of 1897 passed and adopted an act as chapter 5 of the laws of 1897 entitled, "An act to amend sections 4, 11 and 18 of chapter 3 of the compiled statutes of 1895 and to repeal said section as now existing." That thereafter in the compiled statutes of 1897 and thenceforward to and including the compiled statutes of 1905, the said section 4 of chapter 3 as enacted in 1877 and hereinabove alleged, did not appear, but in lieu thereof there appeared in an alleged section 4 of chapter 3 as the same was passed at the session of the said legislature of 1897, being a purported amendment not of the said section as adopted in 1877, but an amendment of the said section as attempted and pretended to have been adopted in 1905. Said act of 1897 did not attempt or purport to amend or repeal said section 4 as of the law of 1877.

That therefore the legislature of 1907 passed and adopted an act known as chapter 1 of the laws of 1907 and entitled, "An act to amend section 4 of chapter III of the compiled statutes of Nebraska of the year 1905 (C. A. S. 6954), and to repeal said section and also to repeal section 12 of chapter III (C. A. S. 6962), and thereafter there appeared in the compiled statutes of 1907 as section 3 of chapter III thereof the said section 4 as attempted to be amended by the said legislature of 1907 that by said act of 1897 the right and authority of the state canvassing board to canvass the votes upon constitutional amendments, if it ever existed, was repealed and thereupon the right to canvass the said vote upon constitutional amendments, and to ascertain the result of the said vote and election thereafter inhered in the legislature and was properly and legally exercised by the legislature in the manner hereinbefore related;

First. Because of the said law of 1877, which has never been repealed or amended, and,

Second. Because of the inherent right and power of the legislature to make such canvass and ascertain the result of said