

REFORM IN THE STATE COURTS

American Bar Association Committee Has Scheme to Reduce Time and Expense.

ONE COURT, THREE BRANCHES

All Judges Should Be Judges of the Whole C

CHANGES IN FEDERAL COURTS

Proposal to Limit Settlement of Verdicts on Error

TO ABOLISH NEEDLES

Use of Printed Copies of Records in Appeals Should Be Allowed and Duplication of Papers Discouraged.

DETROIT, Aug. 26.—At today's session of the American Bar Association the committee appointed two years ago to consider the matter of unnecessary costs and delays in litigation, submitted a report in which it advocates a gradual but sweeping reform in judicial procedure. The committee reported satisfactory progress in bringing to the attention of congress proposed laws to authorize the appointment of official stenographers for United States courts and fix their compensation, to limit the setting aside of verdicts on error unless the error complained of shall appear to have resulted in a miscarriage of justice and to permit the use of authorized, printed copies of records in appealing cases instead of written or typewritten manuscripts.

Further, the committee outlined the general principles on which it considered a reorganization of state courts should eventually be effected. "The whole judicial power of each state," says the report, "at least for civil causes, should be vested in one great court, of which all tribunals should be branches, departments or divisions. The business as well as the judicial administration of this court should be thoroughly organized, so as to prevent not merely waste of judicial power, but all needless clerical work, duplication of papers and records and the like, thus obviating expense to litigants and cost to the public.

Court in Three Divisions.

"This court should have three chief branches—county courts, including municipal courts, a superior court of first instance and a single ultimate court of appeal. All judges should be judges of the whole court, assigned to some branch or locality, but eligible and liable to sit in any other branch when called upon to do so. Supervision of the business administration of the whole court should be committed to some high official of the court, who would be responsible for failure to utilize the judicial power of the state effectively."

The committee suggests that a similar official, who should be a judge, not a clerk, act in each branch or division and in like manner the clerical and stenographic force be under a responsible officer with suitable subordinate supervision official. The committee's signatures attached to the report are those of Everett P. Wheeler, Roscoe Pound, Charles F. Arndson, Joseph Henry Beale, Frank Irvine, Samuel C. Eastman, William E. McKelvin, Charles E. Littlefield, Charles D. Eastbrook, Edward T. Sanford, Charles S. Hamlin, Charles B. Elliot, George Turner, John D. Lawson and William L. January.

Libby May Be President.

A rumor, which members of the American Bar association, assembled in convention here, will neither confirm nor deny, is in circulation tonight to the effect that tomorrow Charles F. Libby of Portland, Me., will be elected president of the association. Mr. Libby, who is president of the Portland Railway company, was a prominent candidate for the office at the meeting held in 1907 when Secretary of War Dickinson was chosen president. No sessions of the association were held this afternoon or tonight, the delegates attending the Detroit-Philadelphia base ball game and various receptions. All of the business left to be completed tomorrow is the election of officers and the submission of a report on "titles to real estate."

Fraternal Left to Own Resources

Insurance Commissioners Merely Advise Restrictions on Rates of New Organizations.

COLORADO SPRINGS, Colo., Aug. 26.—The convention of National Insurance commissioners got down to business today with the adoption of committee reports recommending that fraternal insurance companies be left to work out their own salvation, and that legislation be advised in the various states prohibiting new fraternal companies from doing business unless they collect rates at least equal to those specified by the fraternal table.

Another report adopted was that the blanks of fidelity and surety companies be amended so as to show the experience of the companies regarding the liability on various classes of risks. In order that this experience may be of value in computing the necessary reserve fund. At present these companies usually maintain a reserve fund amounting to 50 per cent of the premiums paid on risks.

Among the candidates mentioned for president are Vice-president Fred W. Porter of Illinois; John A. Hartigan of Minnesota; Eugene McGivney of Louisiana is prominently mentioned for vice-president. Mobile apparently leads in the race for the next convention.

STEAL PACKAGE OF MONEY

Rubbers Enter Express Office at Big Cabin, Okla., and Secure Loot.

VINITA, Okla., Aug. 26.—Rubbers entered the Missouri, Kansas & Texas railway depot at Big Cabin, eight miles south of here, early today, rifled the safe and escaped with an express package containing \$1,000 in currency, consigned to the bank of Big Cabin. The station and the assistants believe the robbery was the work of the crew of a freight train and arrests are expected within a few hours.

Woman Shot by Jealous Suitor May Survive

Shot Fired by Andrew Madsen of Doon, Ia., Into Own Brain Caused Instant Death.

Mrs. Martha Rasmussen, wife of Axel Rasmussen, an ice man living at 417 Avenue K, East Omaha, was shot this morning and probably fatally wounded by Andrew Madsen of Doon, Lyon county, Ia., between 2 and 3 o'clock this afternoon at the woman's home. Madsen then turned the weapon against himself, the bullet entering his forehead, piercing the brain and causing instant death. Jealousy of the woman, whom he wanted to marry, is believed to have prompted the deed. Mrs. Rasmussen, who says she is only 18 years of age, although she has been married two years, is at St. Joseph's hospital under the care of Dr. Hishon, who, with Detective Maloney and Van Deusen of the Omaha police, went to the scene.

"I left my husband last November when we were living at Doon, because he drank so much," said the woman after the shooting. "I met Andrew Madsen and he became so well acquainted that he wanted to marry me. But last week my husband came to me and promised to be good to me if I would go to live with him at East Omaha."

"I'd sooner go back than get married again," she went to East Omaha last Saturday and were just settling when the other man hunted me up. "He told me he would shoot me if I did not go with him and get married."

Going first to two other houses in East Omaha Thursday afternoon, Madsen is said by Lawrence Thorsen, who lives in East Omaha and was one of the principal witnesses in connection with the tragedy, although he did not see the shots actually fired, to have finally found Mrs. Rasmussen scrubbing a floor in her own home.

"He brushed past me as he came out of the door of Jens Christensen's house, 419 Avenue K," says Thorsen, "and when I asked him what he wanted, he muttered 'Never mind, never mind,' and went into the house into which the Rasmussen couple had recently moved."

"I heard four shots fired. Then Mrs. Rasmussen ran out the back door and fainted in my arms. I had been working around there. She whispered there is a man in there who shot me. He shot himself, too. I'm hurt bad." Then she fainted dead away again.

Thorsen entered the house after assisting the woman to 423 avenue K, where a neighbor woman cared for her. He found Madsen's dead body.

Rasmussen is an ice wagon driver and doesn't know anything of the affair until informed by his wife who was shot. He has been working for two months in the ice business, being employed by Jens Christensen, his next door neighbor. Little is known here about Madsen. He was well dressed when he appeared in East Omaha and wore an Old Fellows' button on his coat lapel. The revolver, containing one unused cartridge, was taken in charge with the body and his effects by Coroner Cutler of Council Bluffs, as the affair occurred in Pottawattamie county, Ia. An inquest will be held.

Mrs. Rasmussen's parents, Mr. and Mrs. Marinus Christensen, live at Larchwood, Ia., which is also in Lyon county. They have been notified of their daughter's condition.

She was shot in the left shoulder, right jaw and neck. The bullet that made the latter wound went clear through the neck, through a pane of glass and into the earth outside.

M'NAMARA BACK FROM FRANCE

Assistant Attorney General Declines to Discuss Work on Panama Canal Case.

WASHINGTON, Aug. 26.—Back from a visit to France in connection with the canal cases of newspaper men, Edward T. Sanford, Charles S. Hamlin, Charles B. Elliot, George Turner, John D. Lawson and William L. January, Libby May Be President.

TWO IDAHO COUNTIES GO DRY

Saloons Voted Out in First Local Option Elections in That State.

BOISE, Idaho, Aug. 26.—Idaho county, Idaho, voted "dry" yesterday under the local option law.

Canyon county also voted out saloons by a majority of 1,850.

These were the first local option elections in the state.

First Testimony Taken in Alleged Peonage Case

PITTSBURG, Aug. 26.—The first testimony offered in the federal government investigation into the charges of peonage against officials of the Pressed Steel Car company in Schenerville, whose 3,500 employees are on strike, in which it is alleged force was used to compel imported laborers to work developed late today. The Pressed Steel Car company's attorney attempted to detain the man who testified that he was made to work against his will, but this was prevented by the Austro-Hungarian consular attorney and the assistant federal district attorney.

All testimony was taken today in the form of affidavits. Of the first dozen witnesses called little information upon which to base peonage charges was elicited. The witnesses for the greater part declaring that their food had been bad and their treatment rough, but citing no definite persons as being responsible.

Alexander Friedman, a Hungarian, of New York, was the witness who made the sensational charges of peonage. He said he was in the plant several days before he learned of the strike. Friedman alleged that the car company picked out the strongest looking imported workmen

REMSSEN BOARD IS VINDICATED

Convention of State Food Inspectors Approves Its Report on Benzene of Soda.

DR. REED LEADS ATTACK

Cincinnati Physician Charges that Facts Are Not Stated.

REMSSEN DESCRIBES HIS WORK

Conclusion Reached After Number of Practical Experiments.

SEVERAL RESOLUTIONS ADOPTED

Congress is Asked Not to Reduce Tax on Colored Oleomargarine and to Pass More Drastic Label Laws.

DENVER, Colo., Aug. 26.—President Roosevelt's famous Remssen "referee board of consulting scientific experts" was endorsed by the convention of the association of state and national food and dairy departments today. After a fight in which the term "medicated garbage" was used, the association approved of the use of benzene of soda as a food preservative.

The resolution, adopted by a vote of 47 to 4, follows: "That this association endorse the report of the referee board of consulting scientific experts, appointed by Secretary of Agriculture Wilson at the direction of President Roosevelt, upon the use of benzene of soda in food products."

The delegation from the United States Department of Agriculture voted "yes." Secretary Wilson was an attentive spectator, but was not a delegate.

A committee headed by Dr. Floyd W. Robinson of Lansing, Mich., which had been appointed to "investigate" the Remssen board, previously had reported adversely to the board's findings, declaring benzene promoted "the practice of concealing unsanitary methods" and calling upon President Taft to institute another investigation on "broadened lines."

The debate began following addresses by Dr. Ira Remsen of Baltimore, Dr. Russell H. Chittenden of New Haven, Conn.; Dr. John H. Long of Evanston, Ill., and Dr. Christian H. Baxter of New York City, who as members of the referee board told how their experiments had been made upon "eighteen healthy young men" at Chicago, New York and New Haven, which brought them to the conclusion that the chemical, when administered in small quantities in the daily diet, was harmless.

Reed Attacks Report.

Dr. Charles A. Reed of Cincinnati quickly took the opposite view. "The report to the government that benzene of soda might properly be used," he said, "puts the government in the position of licensing medicated stuff fit only for the sewer. The experiments carried out by the board, I have reasons to believe, were left in a large measure to subordinate. The subjects were healthy young athletes, and as a matter of fact while the various squads at Chicago, New York and New Haven were taking the benzene they were being stuffed with all kinds of food, from heavy soups and roasts down to sausages and pickles. The report attributes no abnormality to benzene while the experiments were going on, but I find on reviewing the report that there were abnormalities. In the Chicago squad I find several of the young men were depressed. In the New Haven squad I find stomach troubles of one young man were attributed to 'cold weather' and to 'hard work.' It is rather noteworthy that cold weather and hard work should have these effects rather than the chemical."

Dr. Remsen in reply said: "I consider these remarks as accusations of incompetence and of bad faith. The facts on our part and which in all good humor we certainly deny."

The association adopted the following resolutions: "That more drastic laws relative to labeling of oleomargarine be passed by congress."

"That congress be asked not to reduce the tax on colored oleomargarine."

"That the association eliminates any discussion of what is whiskey" pending a settlement of that question at Washington.

The association will adjourn tomorrow after the election of officers.

George L. Flaxey of Albany, N. Y., is considered as the probable next president to succeed J. Q. Emory of Wisconsin.

Remsen Defends Referee.

Dr. Ira Remsen of Baltimore, Md., chairman of the referee board of consulting scientific experts, said in part: "In the early part of the year 1908 President Roosevelt wrote to the presidents of

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Why Should the Cow Go Dry?



With milk at eight cents a quart the milkman can afford to keep the cow in good spirits.

THOMPSON TALKS OF DEAL

Nebraskan Denies that He Represents Harriman.

NEGOTIATIONS ARE PENDING

If Transaction is Completed Ambassador Will Own Nearly Ten Millions of the Stock—History of Road.

MEXICO CITY, Aug. 26.—Ambassador David E. Thompson emphatically denied today the report that he had purchased the Pan-American railroad for \$100,000,000, acting as the agent for E. H. Harriman. He declares that he was in no way connected with Mr. Harriman and that he had not purchased any railroad.

He admitted, however, that he had been trying to purchase the road for himself. If the deal, which is pending, should go through Ambassador Thompson will own \$5,000,000 worth of the stock.

The Pan-American railroad referred to extends from San Gerardo, a branch station on the Tehuantepec National railroad, to Tapachula, a town on the Guatemalan border. It is owned by an American company, of which D. P. Doak is president and J. M. Neelan vice president. Los Angeles and St. Louis capital is said to control the road. An extension is to be built through Guatemala, and it has been rumored that the line is some day to be purchased by Harriman as a link in his great Pan-American project, which is to extend from New York via San Francisco to Colon.

Road Built from St. Louis. ST. LOUIS, Mo., Aug. 26.—In the absence of members of the syndicate which built and owns the Pan-American railroad, no statement was obtainable today regarding the report that David E. Thompson, American project, which is to extend from New York via San Francisco to Colon.

The line was constructed by a syndicate headed by G. E. Walker & Co., E. S. Roberts, Elenius Smith, capitalists affiliated with the St. Louis Union Trust company, and D. P. Doak, of Mexico City, formerly of St. Louis and Joplin, Mo.

Mr. Doak and J. M. Neelan of Los Angeles, obtained the franchise, with a subsidy of \$15,000 a mile from the Mexican government. As the southwestern part of Mexico lacked transportation facilities, President Diaz desired the road built so that troops might be conveyed quickly to the Mexican-Guatemalan boundary. Mr. Doak interested St. Louis capitalists in the enterprise.

Stock Owned in Los Angeles. LOS ANGELES, Cal., Aug. 26.—The report that the Pan-American railroad has been sold to Ambassador Thompson, American representative in Mexico, is officially denied here by J. M. Neelan, vice president of the road. Most of the majority stockholders of the Pan-American railroad reside in Los Angeles. D. P. Doak is president.

Please bring your Sunday Want-Ads in as early as possible Saturday.

They are received for Sunday as late as 3:30 p. m. Saturday, but it is best to get them in early to insure proper classification.

If you cannot come down town use the telephone.

Call Douglas 238 and ask for the Want-Ad Department.

Would Lay Case Before Christ, Says Mrs. Barclay

Says She Will Give Up Claim if Mrs. Bleakley is Proven Child's Mother.

KANSAS CITY, Mo., Aug. 26.—"I wish my case were at the feet of Christ instead of any court," said Mrs. James G. Barclay of for the custody of 3-year-old Marian Bleakley, the "incubator baby," today.

"When the little child was lying helpless at the point of being formally declared a pauper, the state of Missouri granted me adoption papers. I want the Missouri courts to decide forever whether I shall have the child or not. I want the Missouri courts to give the baby, or declare a reason for not doing so, and forever relieve my soul of the responsibility which I assumed when I adopted it."

"If the attorneys for Mrs. Bleakley can present a single piece of evidence that she is the mother of the child then I will be satisfied. But they cannot. God knows that I would not fight this case if I did not know that Mrs. Bleakley was not the mother."

Mrs. Barclay will not ask bond, although her husband is ready to present it in any amount. She says she prefers to remain in the custody of the matron until Governor Hadley's decision on the requisition papers asked for by the state of Kansas is decided.

Little Marian spent the night at the home of the clerk of the juvenile court. She was quite happy today, romping about the yard of the clerk's home in the suburbs.

DE SAGANS ARE ROBBED

Thieves Get \$5,000 from Princess and \$10,000 from Prince at Rheims.

PARIS, Aug. 26.—A local newspaper publishes a statement that Princess Helle De Sagan was robbed of \$5,000 during her recent stay at Rheims and her husband, the prince, was at the same time relieved of \$10,000. The robbers have not been apprehended.

Taft Discusses Financial Affairs with Aldrich

BEVERLY, Mass., Aug. 26.—President Taft had a two and one-half hours' talk this afternoon with Senator Nelson Aldrich, chairman of the monetary commission and Secretary of the Treasury MacVeagh.

Senator Aldrich is about to take up the adjustment of the monetary system of the country, and it was in this connection that he was called in conference by the president today.

Mr. Taft was anxious to ascertain whether or not the monetary commission will be ready to report its recommendations this winter. It is understood that a definite answer was not given today, but the chances are that the commission will not be able to place its conclusions before congress for several months. There has been talk of calling congress in extra session in the fall of 1910 to begin consideration of such changes in the monetary system as the commission may deem necessary.

Mr. Aldrich said after the conference today that matters had been discussed only in a general way. The senator went to New York tonight and will sail for Europe Saturday to study the monetary systems of the leading European countries.

Mr. Aldrich would not discuss the subject of postal savings banks. It is not believed that he is altogether opposed to the idea, but he frankly told the president

CRABTREE'S DEFENSE FALLS

Effort to Establish Insanity of Accused Trooper is Weak.

ALLENIST HILL NOT POSITIVE

Unwilling to Risk His Reputation on Diagnosis Made of Crabtree for Purpose of Testifying at Trial.

"I found him absolutely normal. I consider him above the average in intelligence," with these remarks Captain Voss, medical corps, U. S. A., a surgeon at Des Moines, and who had been directed to carefully observe Corporal Lyle Crabtree after the shooting of Captain Raymond, dealt a very severe blow at the defense of insanity which has been set up by the counsel for Crabtree in his trial by court-martial at Fort Crook.

Major Bratton, post surgeon at Fort Des Moines, will be called this morning, after which Captain Buchan will sum up for the government and then Judge Parsons will close for the accused. If the court finds Crabtree guilty and sentences him to be hanged, the sentence will have to be approved by the president before being made public. If the sentence should be one of imprisonment, General Morton, the department commander who convened the court, will review and approve or disapprove the proceedings and make public the findings here in Omaha.

Dr. Hill Declines Demostia Pretext. At the opening of court yesterday morning Dr. Hill, the Des Moines alienist, was still on the stand. He stated that he had based his judgment of the condition of Crabtree partly upon his peculiar actions in and about the troop quarters. He alleged that one-fourth of all the inmates of public asylums are suffering from "dementia praecox." The alienist generally shows itself about the time the patient assumes the responsibilities of life. This form of insanity is produced by "predisposing and by exciting causes." It was impossible to say when the insanity of Crabtree had begun and when it had so degenerated.

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HARRIMAN'S REST CURE ABSOLUTE

Railroad Magnate is Completely Isolated from World at His Mountain Home.

DOCTOR TELLS OF CONDITION

Says Illness is Due to General Nervous Breakdown.

JUDGE LOVETT VISITS ARDEN

First Lieutenant Comes for Short Conference with Chief.

HARRIMAN STOCKS ARE WEAK

Union Pacific Drops Below 200 Mark for First Time for Several Days and Other Issues Sell Off.

ARDEN, N. Y., Aug. 26.—Whatever the actual prognosis for Mr. Harriman's recovery, it is evident that his family has determined that he shall make no further sacrifices of vitality in the effort to reassure the public and buoy up the stock market. No armed guards patrol his estate, but for all effective purposes of human intercourse his isolation on his mountain top is as absolute as any devised for an oriental potentate. Except the selected few of his own immediate friends not a soul sees him and no word from the outer world reaches his chambered solitude. His "rest cure" is absolute.

All approaches to the grounds are picketed and admission is denied outsiders. The telephone operator at Arden with access on a direct line to the house has orders to make no connections from the outside. The mountain carriage road and the private railway to the heights are both forbidden to everyone but the household. It is impossible to reach Mr. Harriman either directly or indirectly unless by his own wish or that of his family.

Physician Talks of Patient. Dr. Lytle, the family physician, bridged the gap today with a brief account of his distinguished patient's progress. Mr. Harriman, he said, has been confined to the house for the day by rain, but his sagacious and lucid mind has been busy with the construction work still in progress on his new home. And then Dr. Lytle laughed. "If a certain physician would permit," he said, "Mr. Harriman would be out and on the job today, bossing the finishing touches on the incline railway himself."

"Mr. Harriman passed a good night and ate a hearty breakfast at 10 o'clock this morning. His appetite is better and he relishes good food and plenty of it. "His present condition is due to a general nervous breakdown and there is nothing he needs more than absolute rest."

Judge Lovett at Arden. Judge Robert S. Lovett, who has been mentioned as Mr. Harriman's possible successor, called at Arden this afternoon for another conference. Judge Lovett absolutely refused to discuss today the purpose of his frequent visits. It is thought, however, that with his first lieutenant so often at his side, Mr. Harriman cannot be wholly out of touch with the market or completely separated from business cares.

The Harriman children are now here. Walter Averill Harriman, the oldest son, and last to arrive, stepped off a train from Chicago today and was whisked away by one of his sisters in an automobile. "I am not a public man yet," he said, in declining an interview. "I have come on here from the west about the time I had intended. That is all I can say."

As chairman of a surveying gang on one of his father's lines, young Harriman has begun to learn railroading from the bottom up.

Magnate Looks Better. Charles T. Ford, superintendent of the estate, came down the mountain tonight. "I just left Mr. Harriman sitting on the veranda," he said. "He greatly enjoyed the sweeping view of the valley below and the fresh evening air after his confinement. In fact, Mr. Harriman looked better and brisker to me than at any time I have seen him since his return."

"He takes the liveliest interest in all the vast amount of work on the place that still remains to be done. He discussed with me tonight his plans for the completion of the house, the furniture and the beautiful granite station at the base of the mountain."

"It has to be a very small detail that gets by Mr. Harriman."

SHARP SLUMP IN MARKET

Union and Southern Pacific Lead the Decline.

NEW YORK, Aug. 26.—The state of Mr. Harriman's health continued to be the principal topic of interest to Wall street today. There was little or no definite news to be had and in its absence pessimistic rumors of varied character held the fort and set the Harriman and allied stocks spinning downward. The slaughter of prices was attended by the usual list of "dead" and "wounded" on the speculative field. At the close of the day's business, which aggregated more than 1,200,000 shares, many pyramided accounts had evaporated into thin air and the clerical forces of most brokerage houses were kept working long into the night issuing calls for additional margins.

Since early in July it has been a Harriman or "union" market, although by friends and enemies alike frequently have declared that the recent rise in Union Pacific and Southern Pacific was without his consent or connivance. Today's pessimistic gossip therefore quickly acquired a strength sufficient to give the entire market a convulsive downward movement.

The day's losses in the general list ranged from 7 1/2 points in Union Pacific to 4 points in the preferred, 5 1/2 in Southern Pacific, 4 1/2 in Reading, 3 1/2 in New York Central and 2 1/2 in United States Steel.

In the less active issues declines of from two to four points were recorded by Amalgamated Copper, American Cotton Oil, American Locomotive, American Smelting, Atchafalpa, Chicago & Northwestern, St. Paul, General Electric, Great Northern, Oregon certificates, Illinois Central, Lake Erie & Western, National Lead, Northern Pacific, Peoples Gas, Rock Island common and preferred, United States Rubber and Wisconsin Central.

As a matter of fact, it now becomes evident that the market has been without substantial support since Monday last week. On that day, in spite of the fact that Union Pacific then sold at 219—the