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SUBSTITUTE FOR TWO LAND BILLS

Senate Committee, After Spirited Session, Drafts Short Measure Concerning Needed Authority.

RIGHT TO WITHDRAW LANDS

Power Specifically Conferred on President in Few Brief Sentences.

MUST REPORT TO CONGRESS

Reservation to Stand Until Withdrawn by President or Congress.

POSTAL BILL IN SENATE

Mr. Heyburn Commends Measure Because He Thinks It Will Have Effect of Lowering Rate of Interest.

WASHINGTON, Feb. 2.—That there shall be no question as to the power of the president to withdraw public lands for conservation purposes and continue the withdrawal in force until revoked by him or by act of congress, the senate committee on public lands today reported a substitute for two of the administration bills.

The decision to report such a measure was reached after several hearings had been held in which the necessity for the legislation was attacked and defended in spirited controversy. United action was impossible today when the question of reporting a bill was taken up. A three-cornered fight had been carried on in the committee for some time, but when the measure was made up, the senators who believe that the president under existing law has authority to withdraw lands from public entry, senators who were in favor of giving him such power, but who have contended that numerous acts of former President Roosevelt were illegal, and senators who have taken a decided stand against any such authority being conferred on the executive.

In order that acts of Mr. Roosevelt should be validated beyond any question, those senators who were in favor of advanced conservation legislation, but who have questioned the legality of many of the withdrawals already made, joined with the supporters of the administration bills sent to the committee by Secretary Ballinger and agreed to report a substitution. This action still left a minority, composed of Senators Hearnes and Clark (Wyoming) who insist that the right to withdraw from entry should rest in congress. These senators may present a minority report.

The measure as reported by Senator Nelson, is one of the simplest pieces of legislation ever proposed on the subject of land laws, but it is said it will accomplish all of the purposes of the two bills of several sections each, which were sent to the committee from the interior department. As presented, the bill follows: "That the president may, at any time in his discretion, withdraw from settlement, location, sale or entry, any of the public lands of the United States and reserve the same for forestry, water power, irrigation, classification or other public purposes to be specified in withdrawal and such withdrawal and reservation shall remain in force until revoked by him or by act of congress. The secretary of the interior shall report all such withdrawals hereafter to congress at the beginning of its next regular session."

HEYBURN ATTACKS POSTAL BILL

Says It Will Have Effect of Lowering Rate of Interest.

WASHINGTON, Feb. 2.—Should the postal savings bank bill become a law, it would greatly endanger, if not destroy income to the amount of hundreds of millions of dollars, declared Senator Heyburn today. The Idaho senator was engaged in a general discussion of the bill in connection with an amendment presented by Senator Smoot for the withdrawal of the removal of postal savings deposits from banks.

He contended that inasmuch as the fund under the bill would reach fully \$700,000,000, it would enable the Board of Trustees to dictate the rate of interest throughout the country.

"In other words, the government purposes to go into the loaning business," he said, "and intends to fix the rate of interest at 3 1/2 per cent."

In view of this fact, he asked what the effect would be on incomes derived from funds invested at 5 and 6 per cent.

"Should we," he then asked, "forget our duty to the widows and orphans whose funds are thus invested as to disturb the earning capacity of their investments?"

He declared that the bill should be denominated, "An act to constitute the government a collection agency for the banks," and added that under the bill it had the power to convert the government into a general loaning agency.

Mr. Heyburn also asserted that with the money once deposited there was no adequate means of obtaining its return to the depositor.

Senator Carter called attention to the fact that in times of emergency savings banks generally require a notice of thirty days for the withdrawal of funds.

One amendment by Senator Davis, providing for the deposit of postal funds in banks under state inspection, as well as in those under federal supervision, was adopted.

Senator Smoot proposed an amendment providing for the withdrawal of funds from banks, which were not willing to pay 3 1/2 per cent interest and it was under discussion when the senate adjourned.

LAND FOR LARGE HOMESTEADS

Secretary Ballinger Designates Tracts in Wyoming and Montana.

WASHINGTON, Feb. 2.—Approximately 500,000 acres of land were designated today by secretary Ballinger of the interior department as open under the enlarged homestead act. Of this amount 672,760 acres are in Wyoming, 31,542 in Montana and 61,797 in New Mexico.

In aid of proposed legislation affecting the disposal of water power sites the secretary today withdrew from all forms of entry or disposal 1,661 acres along Clark Fork in Montana and Idaho.

Proposed legislation affecting the use and disposition of petroleum deposits on the public domain caused Mr. Ballinger also to withdraw temporarily 48,000 acres of land in California, making the total area of petroleum withdrawal in California to date 2,800,000 acres.

Battle Unusually Fought to Make Records for Efficiency

Seven Fighting Machines Exceed Contract Speed in Recent Maneuvers at Sea.

WASHINGTON, Feb. 2.—A remarkable exhibition of naval efficiency is disclosed in the report from Admiral Schroeder of the speed trials of the vessels of the Atlantic fleet up to January 23 last.

A naval vessel in the past rarely has equaled its contract speed after its acceptance trial, which is always conducted under the most favorable conditions with specially trained crews. But, according to Admiral Schroeder's report, no less than seven of the battleships in their recent trials exceeded their contract speeds, although some of them had been commissioned for several years. These ships were the Connecticut, Minnesota, New Hampshire, Kansas, Georgia, Nebraska and Mississippi.

Not gunnery alone, but general all-around seamanship—engineering, signaling and other qualifications—are hereafter to form the basis of the award of naval trophies for battle efficiency. Secretary Meyer today made this announcement in connection with the award of the pennant for gunnery to the battleship Vermont, as the result of the competition held in the open sea at unfixed ranges and speeds.

The Tennessee and the Maryland are rated high, having made more than 5 per cent of the total score of the Vermont.

The officers of these ships all have received commendatory letters.

State Authorities Await Swope Inquest

Belief Prevails that Radical Action Will Not Be Taken at Once.

KANSAS CITY, Feb. 2.—Virgil Conkling, county prosecutor; J. G. Paxton, executor of the Swope estate, and James A. Reed, an attorney, who have been in Chicago conferring with the specialists relative to the Swope mystery, arrived home this morning. Their return was awaited with a certain degree of expectancy. Immediately they entered into conferences with members of the Swope family and others interested in the case, but nothing developed to indicate that radical action was imminent.

At the prosecutor's office it was reiterated that no action by the state was probable before the inquest over the body of Colonel Swope, to be held next week, had finished its work.

Depositions will be taken tomorrow in the suits brought by Dr. B. C. Hyde in which he asks \$700,000 damages for alleged slander.

Miss Drayton Weds an American

Granddaughter of William Astor Becomes Bride of Legation Secretary.

LONDON, Feb. 2.—Miss Caroline Astor Drayton of New York, only daughter of J. Coleman Drayton and granddaughter of the late William Astor, today became the wife of William Phillips, secretary of the American embassy.

Parish church at Rogate, Sussex, was the scene of the wedding ceremony, which was witnessed by a large party of relatives and friends. Rev. Edgar Shephard, sub-dean of the chapel royal, officiated.

Mr. Phillips was third assistant secretary of state during the administration of President Roosevelt and outside of his official duties was a member of the famous "tennis cabinet." He was appointed to his present post September 15, 1908. His home is in Boston.

Court Overrules Mrs. Ford's Motion

Trial of Alleged Blackmailer Will Go On Despite Action of Prosecutor.

CINCINNATI, Feb. 2.—The trial of Mrs. Jeannette Stewart Ford for alleged blackmail was continued here today. Judge James B. Swing declining to stop the proceedings on the motion of the defense to dismiss, because prosecuting Attorney Hunt refused to obey a court order and furnish the defense with a transcript of the grand jury testimony of Charles L. Warner.

The decision is not final, Judge Swing stating that the point at issue is involved in a case pending before the supreme court of the state and until that is decided he would hold the matter in abeyance.

H. Winter Burn Shifts His Name to Suit the Season

Back away in the summer of 1876, Henry Winter Burn, then a subject of Queen Victoria, filed his original papers declaring his intention to become a citizen of the United States. He was then a mere boy, just of the naturalization age, and as America, and Omaha particularly, looked good to him, he decided he would locate here.

It was a hot summer day, July 23, when he filed his first papers before the United States circuit clerk. The clerk, however, suggested to him to drop the name "Burn," just as a matter of form, on account of the weather, as the name "Winter" sounded extremely good just then.

Henry Winter Burn assented to the proposition and so signed his declaration, and had his friend, John George Frost, sign his name to the declaration as a witness.

In the meanwhile Mr. Burn appeared on the naturalization rolls as Henry Winter, and he had forgotten all about it until Tuesday morning, when he went to the office of the United States circuit clerk to complete his naturalization and take out his final papers.

It looked for a while as if he might lose out because of the climatic change in his name from forty years ago. But Jack (G.) Frost was still on deck and he was ready to prove that as he and Burn came from the same ballfield in England, he knew his real name to be Burn, and that he just dropped the name Burn as a joke at that time on account of the weather, and let them get as much winter into his name as summer as possible, as Colonel Welsh had not arrived in this territory then with his weather bureau and fixings.

So Henry Winter Burn, recognizing the eternal fitness of things, has now become a full-fledged American citizen during this winter under the name of Burn, as he became a preparatory citizen forty years ago under the refreshing name of Winter during an extremely hot summer.

AND JACK FROST has helped him out now, as he did then.

SIXTY RAILROADS REJECT DEMANDS

Locomotive Firemen Are Notified that Proposed Scale Cannot Be Accepted.

WILL ARBITRATE WAGE RATE

All Other Concessions Asked Are Flatly Refused.

AFFECTS TWENTY-TWO THOUSAND

Machinists on Twenty-Seven Roads to Present Demands.

MINERS FOR TEMPERANCE

Constitution Now Prohibits Officers and Delegates from Becoming Intoxicated While on Duty.

NEW YORK, Feb. 2.—Sixty railroads in the country have notified the representatives of 22,000 firemen of the rejection of their demands for a 30 to 35 per cent wage increase and other concessions. News of the rejection was contained in a private dispatch from Chicago today.

The roads express a willingness to arbitrate the question of wages, but flatly refused other demands.

CHICAGO, Feb. 2.—W. S. Carter, an official of the Brotherhood of Locomotive Firemen and Enginemen, said today that the report that the railroads had rejected the demands of his organization for an increase in wages and other concessions was true in part.

WASHINGTON, Feb. 2.—Demands for increases in the wages of machinists and shop workers on twenty-seven railroads of the south will follow a meeting of the general executive board of the International Association of Machinists, which went into session here today.

President O'Connell of the machinists' organization will meet the general managers of the southwestern roads in Chicago next week to discuss negotiations.

INDIANAPOLIS, Feb. 2.—Reports of committees occupied the attention of the United Mine Workers today. The leaders hoped to be able to complete their work and leave for Toledo tonight. The convention voted \$2,000 for the families of the men killed at the mine explosion at Drakesboro, Ky.

A temperance wave swept over the convention and a clause was inserted in the constitution providing for the dismissal of any officer or delegate who should be intoxicated on duty.

TOLEDO, O., Feb. 2.—At an executive session of the operators of the Ohio, Indiana and Pennsylvania mining districts, lasting until noon today, J. C. Kolsam, manager of the Jackson Hill Coal and Coke company of Terra Haute, Ind., was agreed upon for chairman of the joint wage conference with the miners. Another meeting will be held tonight.

Auld Wrestles with Dr. Cowles

Physician Tells of Encounter with Dr. Cowles at Navy Yard Dance.

BOSTON, Feb. 2.—Apparently with the hope of hearing Paymaster George P. Auld testify in his own defense a very large crowd of spectators filled the seats when the naval court-martial convened for its third day's session at the Charleston Navy Yard today.

The testimony of Miss Healer of Evanston, Ill., and Miss Swift was strongly in favor of the paymaster, but Mrs. Cowles testified directly against him. She admitted that it was she who went to Washington and had the charges pressed after they had been apparently dropped following a resignation to Paymaster Auld and Surgeon Robnett.

Paymaster Auld took the stand as the last witness.

Auld said he was surprised to see Dr. Cowles at the dance and considered it an affront to the committee in charge of the affair. Auld said he interviewed the physician in the dance hall and told him that "We wish you would not attend dances at the navy yard."

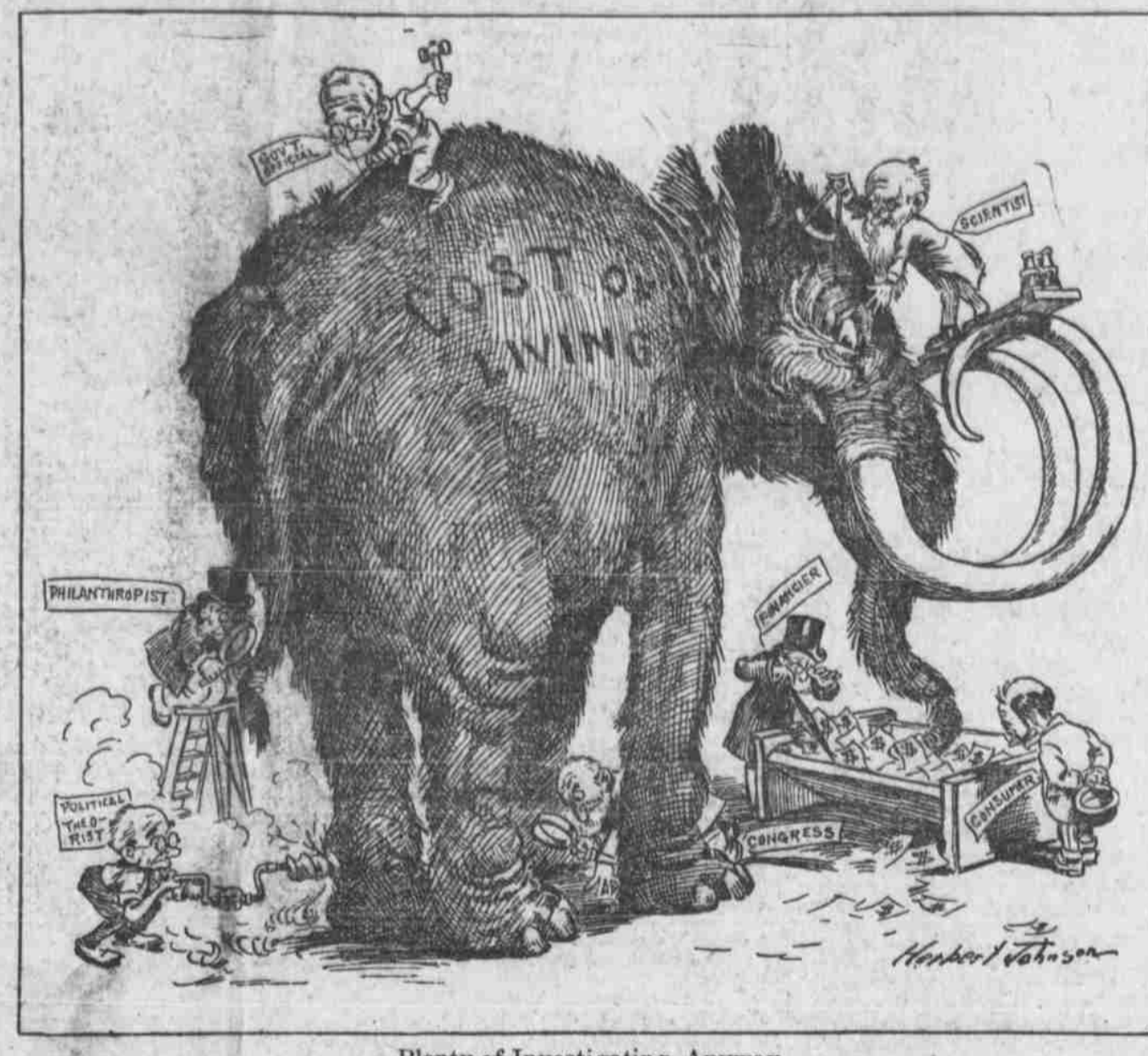
Auld admitted he followed Dr. Cowles down stairs, where the latter's language became violent. Then came the clash.

Auld said he took hold of Dr. Cowles by the shoulders and the two had a wrestling bout in which Cowles was thrown. Auld denied emphatically that he struck Dr. Cowles.

The court then adjourned until tomorrow, when arguments will begin.

Society Women Forward Strikers

PHILADELPHIA, Feb. 2.—There were no society women on hand today to furnish bail or pay fines for fifteen girl shirt waist strikers who were arraigned before a magistrate on minor charges, and as a result some of the young women were sent to the county prison for ten days.



Plenty of Investigating, Anyway. From the Philadelphia North American.

PACKING COMPANY FAILS

New Jersey Corporation Doing Business in Mexico Bankrupt.

STOCK OWNED IN ENGLAND

Company Which Holds Valuable Concessions Has Large Sum on Deposit in Bank Which Suspended.

NEW YORK, Feb. 2.—The Mexican National Packing company, a New Jersey corporation, controlled by English investors, and operating slaughter houses and packing houses in Mexico under concessions from the Mexican government, failed today with liabilities, including stock, of \$7,000,000.

The assets were not given, but it is announced that they are in excess of the liabilities. The company will continue to operate its plants as usual. Henry De Kay was appointed receiver by Judge Lansing of the circuit court in New Jersey this afternoon.

The appointment of a receiver was not brought about by any condition in the live stock market, but by the tying up of a part of the company's funds in the United States Banking company in Mexico City, which suspended recently.

Samuel Untermyer, as counsel representing English bankers and other investors in the property, said tonight:

"Deposits in Default Bank. While we have no definite figures showing the position between the packing company and the bank at the time of the suspension of the bank we are advised that the packing company had upwards of \$400,000 of its credit in the United States Banking company at the time of the bank's suspension.

"The tying up of the packing company's immediate resources and the uncertainty as to the possible action that might be taken to the appointment of a receiver to conserve the assets until a settled course can be pursued. The company continues operations and all its plants are maintaining its volume and supplying people of Mexico with their meat products.

It is not expected that these operations will be interfered with in any way. Arrangements were under way in England for furnishing the company with a large amount of additional capital at the time of the suspension of the bank. These arrangements will proceed without interruption."

Iowa School Gets Rockefeller Money

Cornell College at Mount Vernon is Given \$50,000 by General Education Board.

NEW YORK, Feb. 2.—Fifty colleges and two universities were the recipients of conditional gifts and appropriations made by the Rockefeller fund of the general education board, which held its seventh annual meeting today. The following are among the favored institutions:

Williams college, Williamstown, Mass.; \$100,000; Wesleyan university, Middletown, Conn.; \$100,000; Cornell college, Mount Vernon, N. Y.; \$50,000.

Requests were received from forty-two institutions of learning in the United States for a share in the appropriations, the aggregate amount of the requests being in excess of \$4,000,000.

RULES FIGHT NOT ENDED

House Insurgents Announce They Will Move on Enactment of One.

WASHINGTON, Feb. 2.—The house "insurgents" made it known today that they had no intention of abandoning or postponing their fight on the rules of the house and that they proposed to continue it without cessation.

Zelaya Plans Revolution

NEW ORLEANS, Feb. 2.—That Zelaya, the deposed president of Nicaragua, is going to Europe to foment a revolution against Estrada Cabrera, president of Guatemala, was the assertion of General Alfonso Gallardo, formerly of the Honduras army, who is in New Orleans. Zelaya sailed from Vera Cruz for Belgium yesterday.

Let us help you find the room you want.

On the want ad. pages of The Bee you will find a list of practically every vacant room in Omaha. The people who have rooms to rent are learning that the way to secure tenants is to advertise the rooms in The Bee.

Have you read the want ads today?

Bond Shrinkage Caused Failure of Big Brokers

Fisk & Robinson, Declared Bankrupt Tuesday, Are Suspended from Stock Exchange.

NEW YORK, Feb. 2.—The suspension of Fisk & Robinson, the bond and banking house, whose failure came yesterday when an involuntary petition in bankruptcy was filed, was announced at the opening of the stock exchange today.

As a result of the unexpected news after the close of yesterday's business on the exchange, the market today opened with declines running from substantial fractions to a point or so with a considerable volume of liquidation by speculative who had not recovered from nervousness caused by the market break of a couple of weeks ago.

The failure was due to the shrinkage in the market value of certain bonds which the firm had underwritten. That caused the bank which had loaned money on the securities to demand additional collateral, which the firm was unable to supply.

The receiver estimates that the secured obligations of the firm will amount to about \$5,000,000 and the unsecured obligations to more than \$1,000,000.

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REGENTS GET FARM LAND

Secretary of War Consents to Lease Tract Near Valentine.

WASHINGTON, Feb. 2.—(Special Telegram.)—Senator Brown today had a conference with Secretary of War Dickinson with the result the secretary has agreed that the regents of the University of Nebraska may lease some 1,000 acres of land near Valentine, Neb., pending the passage of the Browder bill, which provides for the donation to the State university of this land. The desire of the regents is to acquire it for the purpose of establishing an experimental farm in connection with the university.

John Dapliste and John Harrison of the Omaha Winnebago are in Washington as delegates to confer with the Indian commissioner and the Winnebago of Minnesota and Wisconsin with reference to the ultimate distribution of tribal funds.

Senator Brown was today advised by the Postoffice department that there would be no change in the schedule of rural free delivery between Phillipsburg and Sargent in Custer county.

A. E. Cady of St. Paul, Neb., and John McGraw of Omaha are in Washington today en route to New York.

The army appropriation bill which passed the senate today carries an appropriation of \$40,000 for the completion of the rifle range at Fort D. A. Russell, Wyo.

New Postmasters. Congressman Hineshaw has recommended the appointment of Miss Edith Isaacson as postmaster at Malmo vice Agnes Holmes, resigned, also Charles W. Slaughter as postmaster at Endicott, vice Loren L. R. Whitney, resigned.

The senate today confirmed the nomination of the following postmasters: Charles Miner, Ravenna; William A. McCool, Indiana, Neb.

Wyoming—George W. Hoyt, Cheyenne. The president sent to the senate today nomination of the following postmasters in Nebraska: Harvard, C. Griffith; J. Thomas; Henry Clarence O. Turner; Niobrara, George W. Draper.

Iowa—Creston, Cott Skinner; Fort Madison, Thomas P. Hollowell, Jr.; Keokuk, Samuel W. Moorehead; Sibley, Harold E. Scott; Washington, John M. Lytle.

Nebraska—Lincoln, J. H. Brown; Kearney, John O. Anderson, vice E. Johnson, resigned; Riven, Brown county, Andrew Johnson, vice G. J. Steiner, resigned.

Rural carriers appointed: Iowa—Bagley, route 1, John M. Muir, carrier; no substitute. South Dakota—Burbank, route 2, John L. Kite, carrier; B. M. Kite, substitute. Rev. route 1 and 2, David H. Derr, carrier; no substitute.

The First National bank of Morrill, Neb., has been authorized to begin business with \$25,000 capital. H. B. Clark, Jr., is president; W. W. Scoville, vice president; and L. M. Eastman, cashier.

Zelaya Plans Revolution. NEW ORLEANS, Feb. 2.—That Zelaya, the deposed president of Nicaragua, is going to Europe to foment a revolution against Estrada Cabrera, president of Guatemala, was the assertion of General Alfonso Gallardo, formerly of the Honduras army, who is in New Orleans. Zelaya sailed from Vera Cruz for Belgium yesterday.

ONE BODY FOUND AT CHERRY

Explorers Are Searching Shaft Sealed After Disaster.

CHERRY, Ill., Feb. 2.—The body of one miner and the carcasses of sixty-four mules were found 500 feet deep in the St. Paul mine, today, by the relay parties of repairers and explorers, who began work in the buried passages last night. It is believed the corpse of the miner will be brought to the surface some time today.

The explorers during last night stopped up all dangerous breaks in the walls of the main runway to the west of the main shaft on the second level. The work was extended to the south as far as the air shaft, thus opening a passageway between the two shafts of the mine where it was at the edge of the air shaft that the body was found. It lay sprawled along the runway with hands extended toward the escape pit. Safety could not have been found in the air shaft, however, for it was in this well that the hay blasted so fiercely, causing flames to leap through the fan and melt the steel rivets.

It was discovered today that the third level, 500 feet below the surface, is not full of water, as had been thought, and a stone dropped down the elevator shaft hit the top of the cage that ran from the third level to the second. As this car now rests on the bottom of the third level, the water cannot be more than five feet deep, probably less. Pumps were installed today to draw the water from the mine.

BODIES BLOWN TO FRAGMENTS

Awful Force of Explosion in Mine at PRIMER, Colo., Feb. 2.—The awful force of the explosion in the Primer coal mine, which exacted a toll of seventy-nine lives Monday afternoon was shown this morning as the explorers penetrated deeper into the workings. Seven more bodies were recovered during the night, making a total of forty-nine. But it is extremely improbable that all the dead will be recovered for conditions in the deeper workings indicate that many of the victims were literally blown to pieces. Shreds of human flesh with these jagged fragments of lamps were found by the explorers this morning as they reached the spot where the explosion occurred.

Fresh air has been forced into the workings for nearly a mile. The bodies have all been taken from entries A, 7, 8, 9 and 10.

WEATHER FORECAST. For Nebraska—Threatening. For Iowa—Partly cloudy, colder. For weather report see page 2.