

MILLION FIRE BURNING YET

Ruins of Maney Mill, Nye-Schneider-Fowler Plant and Yarded Cars Are Flaming Still.

OWNERS COUNT THEIR LOSSES Reaffirm Estimate of \$1,000,000 Reached on Scene by The Bee.

BIG INSURANCE PROTECTION Policies Cover Most of Damage in the Scourged District.

FALL OF SMOKE OVER SCENE Vapors and Fumes from Tangle of Debris Hang Above.

FUGITIVES BACK INTO HOMES Rehabilitations of Houses in Danger Zone Has Begun.

VEERING WIND FANS EMBERS Department's Fighters Invade Pit of Destruction with Hose Lines to Cool seething Tangle of Twisted Ruins.

Fire starting at midnight Sunday night, wiping out the Nye-Schneider-Fowler elevator, the Maney Milling plant and scores of box cars, is burning in the ruins yet today. The fire remains a source of possible danger to the district which it threatened last night. The flames which were damaged by the conflagration of the flames are still in the zone where winds from the west have driven the fire northward.

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President Taft In Touch with Predecessor

Story that Senator Root and Collector Loeb Are Mediators of Communication.

WASHINGTON, April 4.—President Taft is in no doubt about the attitude of Theodore Roosevelt, his predecessor, towards his administration. Roosevelt is not depending upon chance meetings with Americans, newspaper men or others for information as to the attitude of his successor towards the problems besetting the executive. These two sentences comprise the substance of a report current in Washington today. This report, to state it directly, was that while there may have been no recent direct communication between the two men, President Taft and former President Roosevelt have been in touch with each other by means of mutual friends. Neither confirmation or denial was to be had at the White House.

It is known that Senator Root, who is very close to Colonel Roosevelt, recently wrote to the former president at Kharthum a full story of political events during the time the distinguished hunter was in the African jungles. It also is known that William Loeb, Jr., who was President Roosevelt's secretary, now collector of customs at New York, has maintained contact with Colonel Roosevelt both by letter and cablegram. Mr. Loeb has been a frequent visitor at the White House of late and has seemed to be on notably friendly terms with President Taft.

These incidents, it is believed, have been largely responsible for the story that President Taft reads with interest the reports from abroad that he and former President Roosevelt's friendship and the president would not be adverse to his name used as a candidate.

Praise Fire in South Dakota

Number of Homesteads in Newly Settled Parts of Perkins and Meade Counties Devastated.

PIERRE, S. D., April 4.—(Special.)—Among the prairie fires of a short time ago, one which appears to have been the most destructive has been little heralded, from the fact that it did its destructive work in the newly settled section of northern Perkins and Meade counties, remote from communication. The loss of life and property was so high in the case of one individual as to be a sad commentary on the fire. The fire, which was just as severe as any in that section, was the loss of a homestead, and an entire Perkins county, reports from communication. The loss of life and property was so high in the case of one individual as to be a sad commentary on the fire. The fire, which was just as severe as any in that section, was the loss of a homestead, and an entire Perkins county, reports from communication.

Roosevelt Meets Pinchot in Genoa

Former President and Forester Will Have Conference Next Monday—Neither Will Talk.

ROME, April 4.—Mr. Roosevelt will meet Gifford Pinchot at Genoa on April 11. After our interview I shall have nothing to say, said Mr. Roosevelt today, "and I shall be surprised if Pinchot has." Mr. Roosevelt said he had not heard from Mr. Pinchot since he had been in Africa, when he received a telegram from Mr. Pinchot at Capoenango announcing his coming visit to Genoa.

Bridget Plays Hookey and So Do Hazel and Mabel

If a certain pug dog named "Bridget" had been a truant (then Hazel and Mabel O'Brien would not have played hookey either and would not have been brought tearful and fearful before juvenile court. Hazel and Mabel are 5 and 10 years, respectively, and Bridget, who is owned in common, is the joy of their existence. Without Bridget the universe is empty and void of meaning and purpose.

NEBRASKA LAW DECLARED VOID

Statute of 1905 Requiring Railroads to Furnish Switching Service to Elevators Unconstitutional

VICTORY FOR THE RAILWAYS Decision Does Not Prejudice Cases Arising Under Amendments.

MANLEY FARMERS FOR PAID Were Dissatisfied with Treatment of Missouri Pacific.

STATE WAS AWARDED JUDGMENT Justice Holmes Holds that "Railroads Have Rights" and that Property Cannot Be Taken Without Payment.

(From a Staff Correspondent.) WASHINGTON, April 4.—(Special Telegram.)—The supreme court today in the so-called elevator cases against the state of Nebraska decided against the state in an opinion by Justice Holmes, Justice Harlan and McKenna dissenting. At the time of their passage, these cases were looked upon as being extremely vital in the enforcement of the rate regulation law passed several years ago by the legislature of Nebraska and later developed by the then attorney general, Norris Brown, now senator. This case grew out of the Missouri Pacific company refusing to run a spur alongside or near an elevator operated at Manley, Neb., by the Manley Co-operative Grain company of that place. It was shown by the plaintiff in the primary court and the defendant in supreme court that the Missouri Pacific company had established a number of stations along the line of its railroad in Cass county, and that it maintained a station at Manley, that it had been requested by the Manley Co-operative Grain company to erect a sidetrack or switch of suitable length to approach as near as four feet of the outer edge of the Manley Co-operative grain company's elevator, but the railroad company paid no attention to the request, whereupon the elevator company brought action against the railroad company in the sum of \$500 damages.

The case was tried in the district court of Cass county, and a jury in 1905 and a verdict was rendered for the state. An appeal was taken to the supreme court of Nebraska, which affirmed the decision of the court below, whereupon the railroad company brought the matter before the supreme court of the United States and secured a reversal today. Justice Holmes in his decision reverses the supreme court of the state, taxing the costs to the state and remanding the case. Judge Holmes, in announcing the opinion of the court, said the "railroads, like other owners of property, have the right to their property, and the constitution and their property could not be taken without compensation. He held the law did take the property of the railroad without compensation and hence the law was unconstitutional.

However, he said, it was agreed that the law had been amended so as to give the railroad compensation for the taking of their property. He had looked at the statute as amended, he said, and found this was so, yet as the case before the court originated before the amendment, he was ineffective, the decision of the Nebraska court must be reversed, without prejudice to the cases arising under the law as amended.

Two Western Bills. Two bills of considerable interest to the west passed the house today through the efforts of Representative Mondell, chairman of the committee on public lands. The first provided for a survey of the unsurveyed lands within the railroad land grants for a forfeiture of unsurveyed lands. There are approximately 12,500,000 acres of unsurveyed railroad land and approximately an equal area of public lands in the same territory. The intent of the bill is to force railroad companies owning land grant land to co-operate with the government in making surveys so as to determine just what is railroad land and what is public land. It is deemed wise that these lands be surveyed as promptly as possible that they may become taxable by states and communities and secondly that the government may dispose of its lands which join railroad lands and in order that where railroad lands occur within forest reserves—about 2,000,000 acres—these areas being in reserve—government officials may be able to determine the boundaries of public lands for the purpose of controlling and regulating the same.

The second bill provides that the state of Wyoming may select lands in place of those which will be overflowed through operations of irrigation projects. Necessity for this legislation arises from the fact that a building the Shoshone dam, forming a great reservoir covering 6,000 acres, considerable areas of land owned by the state were wholly or partially submerged.

Both in Season



From the Washington Herald.

POPE'S ACTION STIRS FRANCE

Refusal to Meet Colonel Roosevelt Creates Wide Interest.

MAY INFLUENCE COMING ELECTION Will Prove Strong Card for Government, It is Thought, Because of Lung Separation Fight.

PARIS, April 4.—Nowhere in Europe has the failure of the pope to grant an audience to Mr. Roosevelt created greater interest than in France, on account of the long separation fight, and it is expected to prove a strong card for the government in the coming elections as supporting the contention of M. Briand, the premier, that the recent agitation of the French episcopate was inspired by the present intolerant attitude of the Vatican.

Mr. Roosevelt also recalled during the course of the interview the visit of M. Tardieu, foreign editor of the Temps, to the United States when he dined at the White House with high representatives of all churches, Catholic bishops on that occasion fraternizing with Protestants and those of Jewish faith.

Tardieu must have noticed, said Mr. Roosevelt, "that I was the friend of ministers of all cults. I have myself mounted a pulpit and delivered a sermon to the faithful of your religion, who listened with the greatest sympathy." "That is a thing that would be rather difficult in Europe," remarked the correspondent.

STARVES HERSELF TO DEATH

Mrs. D. E. Evans of Topeka, Kan., Charged with Arson—Dies in Jail.

TOPEKA, Kan., April 4.—Mrs. D. E. Evans, who was arrested at Logan, Ia., was brought to Topeka to answer the charge of arson died today, having deliberately starved herself to death.

CHICAGO CORN FIRM FAILS

CHICAGO, April 4.—Application for a receivership was made here today by the Burns-McCormick Grain company of Chicago and Burns explained that the application was made in order to conserve the interest of creditors. The firm is known chiefly as a cash corn concern.

Will Not Punish Sugar Combine for Contempt

Judge Lacombe Holds that Subpoena Requiring Witness to Bring Books Too Sweeping.

NEW YORK, April 4.—United States Judge Lacombe today refused to punish the American Sugar Refining company for contempt of court. The government had asked that the corporation be declared in contempt for refusing to produce its books before the grand jury investigating the sugar underweighting frauds, in response to a subpoena directed to the company and served upon its secretary, Charles R. Helke.

JUDGE WILLIAMS IS DEAD

Member of Grant's Cabinet, Who Was Admitted to Bar in Iowa in 1844, Dies.

PORTLAND, Ore., April 4.—Judge George H. Williams, the last surviving member of President Grant's cabinet, died here today. Judge Williams gave up active work several years ago because of poor health, but his condition had not occasioned alarm. He was admitted to the bar in Iowa in 1841 and became district judge. In 1853 he was sent to Oregon as chief justice of the territory supreme court and drafted the constitution of the state of Oregon. As senator from Oregon he served on the Alabama claims commission and the British Columbia boundary commission and was appointed attorney general by President Grant in 1871, serving until 1875.

Two Tobacco Plants Closed

LOUISVILLE, April 4.—The strike of tobacco strikers here today, which was inaugurated last week, resulted today in the closing by the American Tobacco company of two of its largest plants. About 4,000 men and women are now on strike.

Mistake Wfo for Burglar

WELLINGTON, Kan., April 4.—Mistaking her for a burglar, James Vanderwoort, a farmer living seven miles southwest of Wellington, shot and killed his wife here early today.

CUMMINS POSTPONES VOTE

Iowa Senator Delays Action on Railroad Bill Slated for Saturday.

OPPOSES HALE AND ELKINS He Declares that Two Weeks Should be Taken to Consider Amendments and Hasty Action Would Be a Joke.

WASHINGTON, April 4.—Declaring that no less than two weeks' time will be necessary to consider the amendments already offered to the railroad bill, Senator Cummins today related the combined efforts of Senators Hale and Elkins to obtain an agreement to vote next Saturday on the bill. The Iowa senator not only objected to the proposition, but he pronounced it a joke.

Elkins Regarded as Joke

Mr. Cummins regarded Mr. Elkins as not only amiable but jocular. "There were more than 100 amendments to this bill to be considered, he said, and no less than a fortnight would be necessary for the duty. He suggested as a substitute an agreement that no less than three hours a day be devoted to the consideration of the bill and amendments until disposed of, which none have seen, and we receive no assurance as to when the bill would be completed." "Today's amendments are not of a kind that surprise senators," responded Mr. Hale.

How Big is Omaha? Everybody Guess

\$25 for those who hit the mark

1883 by census of 1860 16,088 by census of 1870 80,518 by census of 1880 66,536 by census of 1890 102,555 by census of 1900 How many by census of 1910? *Corrected Fill in, cut out and mail to The Bee—April 6, 1910

AUDIENCE WITH PONTIFF IS OFF

Roosevelt and Pope Pius X Cannot Agree and Meeting of Two Cancelled.

BOTH GIVE OUT STATEMENTS Jorn Callan O'Laughlin and Merry Del Val Are Negotiators.

BOTH APPEAR WILLING TO MEET Conditions Named by Holy Father Seem Beyond Arbitration.

INCIDENT STIRS ROMAN CITY Comment in Italy Disastrous to Vatican as Element of Religion Behind Trouble is Delicate One.

ROME, April 4.—Now that Mr. Roosevelt has made public the documents which the Vatican had considered confidential, Cardinal Merry Del Val, papal secretary of state, wishes the entire history of the negotiations for the audience which the former president sought of Pope Pius X to be known. Cardinal Merry Del Val is credited with the responsibility for the Vatican's part in the matter and the following may be accepted as his version. Following the exchanges between Monsignor Kennedy and American Ambassador Leshman and Mr. Roosevelt's decision not to receive under the terms imposed, Cardinal O'Laughlin, who was assistant secretary of state in 1909 and a personal friend of Mr. Roosevelt, called upon Cardinal Merry Del Val bearing an introduction from Monsignor Falconio, apostolic delegate in the United States. Immediately after being introduced to the presence of the cardinal, Mr. O'Laughlin said: "I do not come in the name of Mr. Roosevelt, but on my own account as an American Catholic."

Cardinal Merry Del Val said: "Then who are you here for? It is useless to discuss the matter. If you do not represent Mr. Roosevelt you cannot make any arrangements or speak for him." Answer of Mr. O'Laughlin. Mr. O'Laughlin replied: "What I consider important is to tell your eminence that if the two dispatches sent by Monsignor Kennedy are retracted I can assure you that Mr. Roosevelt will accept an audience in the presence of Cardinal Merry Del Val said: "I will not discuss Mr. Roosevelt's rights, but give the confidential assurances that, defacto, Mr. Roosevelt will not go to the Methodists and the audience will occur."

Mr. O'Laughlin refused to give this assurance. The cardinal then said: "Mr. Roosevelt is free to go to the Methodists and do whatever he chooses, but the pontiff is certainly free not to receive a man who would claim the right to insult him, or perhaps on the same day, as according to your statement he may leave Rome on the same day of the papal audience, thus having only between noon and evening Tuesday in which to see the Methodists. "It is of little consequence whether he is a Catholic, Protestant, Israelite or Buddhist. All religious persons must be on the same terms. The important thing is to be honest and sincere. So far as the form of belief is concerned, I believe that all honest people will be always on good terms with each other." Roosevelt Seeks Audience. Mr. Roosevelt sought an audience with the pope through American Ambassador Leshman and received a reply that the holy father would be delighted to receive him, but the Vatican could not give an expression of the hope that the audience would not be prevented by such a regrettable incident as made an audience for former Vice President Fairbanks impossible.

Mr. Roosevelt in turn stated that he could not accept any stipulation limiting his freedom of conduct. To the latter message the Vatican made answer that the audience could not take place excepting on the understanding first made known. On March 29 Mr. Roosevelt went to Ambassador Leshman with the following telegram: "Proposed presentation is, of course, now impossible." Mr. Roosevelt insists that the incident be treated as purely personal and earnestly hopes it will not give rise to any bitterness. He appreciates the attitude of the Vatican, but feels that as a free American citizen he cannot consistently take any action that might be construed as involving a limitation of the freedom of his personal conduct. He had made no engagement to address the Methodists or other religious bodies of Rome, but at the same time he thinks he should not make promises as to what he will or will not do. It would appear today that, so far as the Vatican and Mr. Roosevelt are concerned, the incident is closed.