

COMMERCE COURT RETAINED IN BILL

Provision Kept in Railroad Measure by Senate is Victory of "Regulars."

CUMMINS' MOTION TURNED DOWN

Iowan's Attempt to Strike Item Out Loses 37 to 28.

IS TRIUMPH FOR REPUBLICANS

Regarded as Fruit of Efforts to Solidify Administration.

BACON'S AMENDMENT LOSES OUT

Georgan's Proposal to Have United States Circuit Courts Act on Commerce Cases Proves Not Popular.

WASHINGTON, May 16.—Whatever may be the fate of the other provisions of the railroad bill the proposal to establish a court of commerce will be retained, the senate today taking affirmative action in that direction, as the house previously had done. The vote was obtained on a motion by Senator Cummins to strike out the entire six sections providing for the establishment of the court, the result being in the negative, 28 to 37.

The entire negative vote was cast by republicans, although eight republicans voted with the democrats in support of the motion. The affirmative republican votes were cast only, except in the instances of Senators Borah and Stanford, by the most pronounced of the "insurgents," Messrs. Beveridge, Bristow, Clapp, Cummins, Dilliver and LaFollette.

The action was a distinct triumph for the regular republican organization and was the first fruit of recent efforts to solidify the administration forces so as to insure the carrying out of the administration program.

Following this action, Mr. Bacon presented an amendment substituting the United States circuit courts for the court of commerce in the trial of commerce cases, but it was voted down without division. A negative vote also met an amendment by Mr. Cummins reducing the membership of the court from five to three.

Following these votes Mr. Cummins offered amendments modifying his substitute for the stock and bond provisions and substituting for the United States Interstate Commerce commission as defendant in cases in the court of commerce. Neither was disposed of during the day.

During the debate Mr. Clapp said he found in the court provision a tendency toward centralization and congratulating the country upon the work done already in eliminating the original bill appeared to the senate to continue that work.

Declaring that senators should vote their wisest convictions Mr. Clapp said he would rather lose his right arm than be responsible for so radical a change in the judiciary as this bill contemplated.

Proceedings Taken Up

The railroad bill was taken up at 11:30 o'clock and Senator Cummins proposed an amendment striking out the court of commerce provisions. He called attention to the fact that the merger section of the bill, which it had been suggested would make business for the commerce court had gone down under such a volume of criticism and disapprobation as would render its reappearance out of the question.

Therefore Congress was providing a new court of five judges to try cases at the rate of seven a year, he added. Commenting on this as an unwarranted act of extravagance, Mr. Cummins declared he could not understand the "insensibility of the men who were willing to squander the public funds."

Mr. Cummins also devoted fault with the possibility that a court devoted to railroad cases might be subjected to special criticism and temptation.

"We are inviting the danger that always has been apprehended with respect to special tribunals," he said.

Senator Bacon, in strong language, questioned the "unfortunate innovation in our judicial system." He thought the change to be fraught with many risks. Mr. Borah criticized the court as unnecessary, because of the small volume of business to be done.

"Every court of the kind that has been created has drifted down into a servile pool," he asserted.

A motion by Senator Cummins that the senate strike out of the railroad bill the six sections to create a court of commerce was defeated. The vote on the Cummins amendment was 28 ayes, 37 noes.

Finds it Hard to Marry Often

Iowa Man, Divorced, Tries Two States in Effort to Get License for Next Match.

Isaac E. Kirby of Spencer, Ia., got rid of his first wife a month ago, or else, he got rid of him. Anyhow, the two were divorced.

Mr. Kirby desired to wed Miss Nellie H. Goddard, and finding the Iowa law hostile to so prompt a remarriage, he came to Omaha. Monday, he discovered on applying for a marriage license, that the Nebraska statute also helps to make the course of true love rugged, when true love is running its second race.

Convicts Killed Trying Escape

Thirty-Four Inmates of Alabama Prison Dead Through Fire Set to Burn Stockade.

CENTREVILLE, Ala., May 16.—A long distance telephone message says that thirty-four convicts were burned to death and another was shot and killed while trying to escape from a stockade at Luette today. The stockade was set on fire by a convict and a wild dog. Liberty is thought to have been planned.

Raise for Lake Shore Trainmen and Conductors

Arbitrators Award Them Same Rate of Increase Granted Men on Baltimore & Ohio.

NEW YORK, May 16.—The trainmen and conductors of the Lake Shore and Michigan Southern railroad and Michigan Central have been granted wage increases identical with the Baltimore & Ohio awarded by the arbitrators, P. H. Morrissey and E. E. Clark. The announcement was made by A. B. Garrison, president of the Railway Conductors, today.

Railroad conductors and W. G. Lee, president of the Brotherhood of Railway Trainmen, made the following statement: "The award of the arbitrators in the Lake Shore and Michigan Southern and Michigan Central cases gives the same rates as obtained by the Baltimore & Ohio, thus making it on those two properties the same as on the Baltimore & Ohio, which settlement has been made, the terms of the award are the same as the New York Central, but the deferred payment in any case."

"It establishes the New York harbor rate across the province of Ontario on the Michigan Central from Detroit to Buffalo."

WASHINGTON, May 16.—Another uprising at Chang Sha, China, is feared. The commander of the United States gunboat Helena has telegraphed the State department from Hankow that the conditions at Chang Sha were most serious and that all foreigners were notified officially on the 15th inst. to seek refuge on ships that were available. The war vessels in the river are believed to be sufficiently strong to control the situation.

Conditions at Chang Sha Again Most Serious

All Foreigners Are Officially Notified to Seek Refuge on Ships that Are Available.

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Although the State department has not been officially advised as to the nature of the extent of the present threatened uprising, it is believed it has been directed principally against the Manchou government.

The present movement in Hunan province is of more than ordinary significance, inasmuch as the province is one of the most wealthy and important in all China. The people of the province have long been noted for their anti-foreign sentiment.

The proposed line of railroad from Hankow south runs directly through this province, and it is believed the disturbed conditions there will stimulate the Chinese authorities to their best effort to bring about the construction of this road as early as possible, as upon its completion the government will be in a position to rush troops to the disaffected sections.

Halley's Comet Changes Its Form

Its Nucleus is in Shape of Pointed Crescent and Tail is Much Longer.

GENEVA, N. Y., May 16.—Excellent observations of Halley's comet were taken this morning by Prof. William R. Brooks, director of Smith observatory, who reported the comet's tail stretching out in a broad band across the heavens to a length of more than 40 degrees. The nucleus, Prof. Brooks said, was very bright, being easily visible with the naked eye long after the stars except Venus had disappeared.

Dr. Brooks said that the comet, viewed through the telescope, showed the same remarkable changes in form that were noted three days ago. Its shape this morning was that of a pointed crescent, with the nucleus on the extreme front and much larger than noted at any previous observation.

Light Rains Check the Forest Fires

Towns of Walker and Bemidji, Minn., and State Hospital Are No Longer in Danger.

ST. PAUL, Minn., May 16.—A telephone message from Walker, Minn., today conveyed the information that the forest fires which threatened that town and the State Tuberculosis hospital, near there had been checked by a light rain and that the danger was temporarily passed. The same report came from Bemidji.

It is cloudy there and the prospects for a heavy fall of rain were promising.

Light rains appear to have been general in northern Minnesota during the night.

Woman Defends Old House Number Before Police Bar

With a volume of the city ordinances and certain maps and other documents, Miss Elizabeth P. McCarty presented the old placard of a woman attorney in police court in defense of Dr. and Mrs. J. M. Whitaker, who live in a residence on Pine street, the number of which has been higher than that of any other house in the block.

Whitaker's home should be numbered 82 and all the residences east of it, necessarily, should be renumbered in sequence with higher numbers. The Whitaker home occupies ground covering sixty-six feet frontage and, therefore, by its title is entitled to assume a number for each twenty-two feet of frontage.

Miss McCarty explained she was not officially retained as counsel for the defendants, but was acting as a friend. She has figured prominently in Omaha as former principal of a public school, the secretary of an educational institute and as a leader in the local woman's suffrage movement and charity work. At one time she was a candidate for office in the city educational department.

Miss McCarty's activity in police court is the first case of a woman in the role of attorney in that court.

ROOSEVELT GOES TO LONDON TOWN

Special Ambassador to Attend King Edward's Funeral Met by Vice Admiral Neville.

CALLS UPON KING GEORGE V

Views Body of Deceased Monarch at Buckingham Palace.

CALLS UPON DUKE OF CONNAUGHT

Received by New Sovereign at the Marlborough House.

LITTLE DISPLAY MARKS VISIT

Mourning for Dead Ruler Puts Quiet on Program Initially Prepared—Last Rites Scheduled for Friday.

LONDON, May 16.—Theodore Roosevelt, special American ambassador to the funeral of King Edward VII, arrived in London this morning and was received by King George at Marlborough house and later visited the throne room in Buckingham palace, where the body of the late monarch is privately lying in state.

The entrance to the city of the distinguished American was a quiet one and in marked contrast with his appearance at other capitals and with what would have been made of the occasion here but for the demise of the British ruler.

It was a quiet Monday holiday, but despite this fact the popular crowd at Victoria station was a small one. There was no cheering, but as Mr. Roosevelt alighted from the train and was escorted by Ambassador Reid to the royal carriage, which had been sent for him, those who looked on silently lifted their hats.

The Roosevelt party, which included Mrs. Roosevelt, Miss Roosevelt and Kermit, left Berlin at noon yesterday and reached Flushing, Holland, last midnight. They continued on the regular boat to Queensborough, England, where a special train was waiting for them and which preceded the regular express to London, arriving at Victoria station five minutes earlier than the regular train, which followed at 7:45 o'clock.

Met by King's Representative. At Queensborough Mr. Roosevelt was joined by the aide appointed to attend on him by King George, Lord Dunsand and Commander Charles E. F. Cunningham Graham, and by Vice Admiral Sir George Neville, commanding a division of the home fleet, who received the former president in the name of the king.

The transfer to the special was quickly made, and at 9 o'clock the party proceeded for this city, which was reached at 7:30 o'clock and these preliminary and unaltered notions are solidly opposed, apparently, to the Bryan idea of committing the state organization to second place, behind the strident prohibitionists.

Some of the Jims are taking solace from the fact that Bryan's new managers in Omaha did not dare to risk opening the Auditorium for the Tuesday night's gathering. Time was when no other gathering place would have been considered capacious enough for any meeting Mr. Bryan was to address. There was a chill feeling abroad, though, that gave the meeting managers pause about hiring the Auditorium. A small crowd will be in Washington, hall so there will not be a very noticeable vacuum, whereas the larger building shows vacancy to a freezing degree if it is not pretty well jammed.

Who Will Meet Bryan? Considerable curiosity is now aroused as to the personnel of the party that will meet Mr. Bryan and entertain or consult with him after he has sung his peace song to the Tuesday morning function at the Auditorium. Mayor Dahlman will very likely call on him during the day, or the Lincoln prophet may find it convenient to call on the mayor. Beyond an exchange of personal courtesies, it is a cinch the public will not witness the real talk to be exchanged by the mayor and the democratic control. Mayor Dahlman has made himself understood on the liquor question so plainly that there seems nothing more to be said, and the line of cleavage between the two on this subject is so clearly defined that no bridge will cover it.

There are certain controversies pending that the two can very wisely discuss, aside from the liquor question. Governor Shalzenberger and Mr. Bryan have never been warm in the mutual admiration line, while the exact contrary is true of the "spiritual control" man and the mayor. Then, who

PRISON FOR OHIO BANKER

U. G. Walker, President of Defunct Cleveland Concern, Given Five Years.

CLEVELAND, O., May 16.—U. G. Walker, former president of the defunct South Cleveland Banking company, was sentenced today to five years in the Ohio state penitentiary for making false statements to a state bank examiner. The financial condition of the bank, which failed for more than \$1,000,000, was discovered after the failure of the Werner company, an Akron bank, which had borrowed heavily from the bank. Walker will appeal.



Mr. Bryan—Can that be the presidential bee I hear buzzing?

DEMOS ARE UP IN THE AIR

On Anxious Seat as to What Mr. Bryan Will Say.

PEEVISHNESS IS VERY APPARENT

Both Jacks and Jims Are Keeping Quiet as to Last Situation—Smaller Hall Used for Mr. Bryan's Visit.

Peevishness is very apparent among most of the local democratic leaders touching the meeting to be held Tuesday evening at Washington hall, when Mr. Bryan is to address on the existing political situation in Nebraska.

From Mayor Dahlman's and Boss Flynn clean down the line the old-time Bryan boosters and cronies are keeping the soft pedal on the consultations they hold and the expressions they give voice to.

The turbulent Jacks, with rare exceptions, are keeping their far quiet as the Dahlman men. Some of the Jacks are understood to be quietly urging the Bryan program as the correct one for the party, but their influence along this line in Douglas county is not expected to upset any preconceived notions of the democratic rank and file—and these preconceived and unaltered notions are solidly opposed, apparently, to the Bryan idea of committing the state organization to second place, behind the strident prohibitionists.

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Oil and Tobacco Cases Will Be Reargued in Fall

Supreme Court Sets November 14 as Date for Rehearing—Morse Application Denied.

WASHINGTON, May 16.—The supreme court of the United States today fixed November 14 as the date for the rehearing of the tobacco and Standard Oil cases.

Charles W. Morse was today denied filing of an application for a writ of habeas corpus by the supreme court of the United States.

Kentucky Liquor Law is Valid

Supreme Court of United States Upholds the State License Tax Statute.

WASHINGTON, May 16.—The statute of Kentucky passed March 20, 1908, levating a license tax on liquors was declared to be constitutional today by the supreme court of the United States. The court also held the law applicable to "double stamped spirits."

Holding that the federal courts have jurisdiction over perjury committed in naturalization proceedings in state courts, the United States supreme court affirmed the judgment of the federal courts in California, which sentenced Gustave Holmbren to pay a fine and to imprisonment for three years on a charge of perjury.

Nebraska Grain Elevator Act Void

Supreme Court Refuses Rehearing in Case Against Missouri Pacific.

WASHINGTON, May 16.—The supreme court today refused a rehearing of the "elevator case" of the state of Nebraska against the Missouri Pacific Railway company. The court recently held that the grain elevator law of that state as originally enacted was unconstitutional because, in requiring the railroads of the state to build switches to elevators along their right of way, it took private property without compensation.

St. Joseph Churches Desecrated. ST. JOSEPH, Mo., May 16.—Vandalism has been doing considerable damage to Roman Catholic churches here within the last week, and last night St. Joseph's cathedral was entered. The altar box for the poor was smashed and the contents taken. At the church of the Immaculate Conception a costly art window was destroyed.

People who can get along very well with second-hand things, are watching the For Sale columns of The Bee daily.

Every day somebody is advertising an article that they do not need, and every day somebody is snapping up these articles.

You have something about the house that you do not use? What is it? It has value. Somebody wants it, and will pay for it. Call Douglas 238 and describe it to the ad taker and she will tell you what an ad will cost to sell it.

BOOSTERS INVADE DAKOTA

Omaha Trade Excursionists Get Welcome Everywhere.

AT YANKTON AND SIOUX CITY

Gate City Bells Ring Out Everywhere—Stout Citizens Unite to Room Missouri River Markets.

SIOUX CITY, Ia., May 16.—(Special Telegram)—Met at Yankton, S. D., this afternoon by Judge E. T. White, mayor of Yankton, elected on the commission plan for five years, the Omaha trade boosters were escorted into the city famous for its cement, and taken uptown in automobiles decorated with flags. Everywhere flags were flying and badges of the Yankton Commercial club bade the visitors welcome.

A. W. Jetter for the Omahans and Judge White spoke from a stand in the main street. The reception at Yankton is typical of what the visitors are receiving everywhere in South Dakota, where old friends are being made for the market and South Dakota's astonishing resources are revealed to the Omahans. All day they have passed through an arid belt, between lakes of water full of fish and by fields promising good crops as well as cornfields still full of grain.

At Vermillion the University of South Dakota welcomed the visitors. Elk Point, one of the oldest towns in the state, had another ovation waiting.

While Sioux City is no mean city, it was ringing in three minutes with Omaha bells after the party arrived at 7:30 this evening, and marched to the Commercial club rooms for an informal reception by the Sioux City Commercial club. The friendliness of the two cities is said to demonstrate beyond a doubt the co-operation going on between them for Missouri river market supremacy.

Speaking at Tyndall Monday afternoon, the crowd yelled for more from Jeffe's when the whistles blew, and the train got behind for a few minutes for the first time.

Today's Route. This is the route of the trade excursion for Tuesday, May 16, the party traveling over the Milwaukee & St. Paul railway and spending the evening in Scotland, S. D.

Sioux City, Ia. Leave. Arrive. 6:45 am Westfield, Ia. 7:45 am 8:00 am Akron, Ia. 8:30 am 8:30 am Hawarden, Ia. 9:00 am 9:20 am Calloway, Ia. 9:30 am 9:40 am Fairview, S. D. 9:50 am 10:15 am Bellefleur, S. D. 10:30 am 10:35 am Sioux Falls, S. D. 11:00 am 1:00 pm Canton, S. D. 1:40 pm 2:30 pm Worthington, S. D. 2:50 pm 2:50 pm Lennox, S. D. 3:15 pm 3:25 pm Chamberlain, S. D. 3:50 pm 4:30 pm Parker, S. D. 4:50 pm 5:30 pm Mission Junction, S. D. 4:45 pm 4:55 pm Monmouth, S. D. 5:20 pm 5:30 pm Scotland, S. D. 5:50 pm 6:30 pm midnight

All Scramble for the Bells. GEDDES, S. D., May 16.—(Special Telegram)—Under the brightest of skies, the

(Continued on Second Page.)

LIFE SENTENCE FOR DR. HYDE

Kansas City Physician is Found Guilty of Murdering Colonel Thomas H. Swope.

JURY CUT FOR THREE DAYS

Every Attorney in Case Had Given Up Hope of Agreement.

WILL MOVE FOR NEW TRIAL

If This is Refused Appeal Will Be Taken.

PRISONER MUST STAY IN JAIL

Missouri Law Does Not Permit Release on Bond of Persons Who Have Been Convicted of Murder.

KANSAS CITY, May 16.—Behind the bars of the county jail, Dr. B. Clark Hyde is confined, convicted of murdering Colonel Thomas H. Swope, his wife's uncle, on last October 3. The jury, after being out since last Friday, returned its verdict this morning. The prisoner smiles.

Out in her fashionable home on Forest avenue, Mrs. Hyde and two sisters of the convicted man were waiting and hoping. All of them believe the supreme court will reverse its decision.

In Independence Mrs. Logan O. Swope, mother-in-law of Dr. Hyde, is near collapse. She is glad to be endorsed by a jury for easiest prosecution of her daughter's husband, but the shock of the conviction has made her nervous and weak. She was not present today when the verdict was returned.

Dr. Hyde will be sentenced into this week. At first Judge Latah thought he would sentence the prisoner Thursday, but it will probably be Saturday. The physician's attorneys will ask for a new trial and then appeal the case. By law, Dr. Hyde cannot now be allowed to bail.

Verdict is Returned. Dr. B. C. Hyde was found guilty at 10:23 today of murdering Colonel Thomas H. Swope. His punishment was fixed at life imprisonment.

"Oh, Clark," cried Mrs. Hyde when the verdict was read by Judge Latah. She threw her arms about his neck and wept silently. Then she patted her husband on the cheek.

Dr. Hyde sat motionless. He looked firmly at Judge Latah while the verdict was being read. As the words "life imprisonment in the state penitentiary during his natural life" were pronounced his eyes fell upon the floor.

"Don't worry, dear," Dr. Hyde said to his wife as she clasped him in her arms. Mrs. E. N. Hopkins and Miss Laura Hyde, sisters of the physician, looked distressed, but did not break down. They tried to comfort Mrs. Hyde and appear brave before her.

"We hope for the best," they said. "We don't understand this verdict. Clark is innocent." "I haven't lost hope," declared Dr. Hyde. Hyde taken back to cell.

Within ten minutes after the verdict had been returned the physician was on his way to the county jail. Mrs. Hyde remained in the court room for some time. She was extremely weak. Neither Mrs. Logan O. Swope nor any of her children except Mrs. Hyde was in the room when the jury reported.

The physician will be sentenced in open court by Judge Latah either Thursday or Friday. In the law suit the defense four days in the law to file a motion for a new trial.

"Treat that prisoner the same as any other," Judge Latah ordered County Marshal Joel B. Meyers. "Give him a few privileges and no luxuries."

The usual rule of permitting prisoners to send out for their meals will apply in Dr. Hyde's case, but he must sleep in a cell.

Will Ask New Trial. "I will file a motion for a new trial and then take an appeal in the case," said Frank P. Walsh, chief counsel for Dr. Hyde.

The verdict came unexpectedly. Every attorney in the case had given up hope of the jury, which had been out since Friday night, coming to an agreement. It was reported this morning that one jurymen vowed that he would vote for acquittal "until I die of old age."

Judge Latah was obviously perturbed by the actions of the jurymen. Half an hour before the verdict came in he decided to change his plan of discharging the jury tomorrow morning, if they did not agree. He planned to hold them for several days longer.

Crowd Quickly Gathers. Only a small crowd was in the court room when the announcement came that the verdict was ready. However, the news spread rapidly and every inch of space in the court room was occupied when the judge took his seat.

"There must be absolute quiet in the room," said the court. "The marshal is ordered to arrest anyone making a demonstration."

From out of a little side room Dr. Hyde, his wife and his sisters walked and sat down at the defense's table. The overcast the physician had worn for two days, as if he were ready to go home was conspicuously absent.

Judge W. T. Johnson and John A. Lucas, attorneys for the defense, came in and set down. All of the state's attorneys were present.

The group at Dr. Hyde's table was hopeful, but inclined to nervousness. Reports unauthorized, but persistent, were that for many hours the vote had been eleven to one for conviction. The arrival at an agreement made it practically certain the physician had been found guilty. But in the face of all the discouraging prospects, Mrs. Hyde tried to be brave.

"I think it will be all right," she said to her husband, and smiled.

Little time was wasted in reading the verdict. The crowd heard it, and, at the marshal's orders, arose and silently trooped out of the room. There was no more confusion than if the throng had been leaving a theater.

Jurors Go Home. Judge Latah thanked each of the jurors individually and then they hurried home. And they were glad to go, for it is just five weeks ago today that the trial started.

An hour after the verdict was reached,