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THE OMAHA DAILY BEE

WEATHER FORECAST
For Nebraska—Snow or rain.
For Iowa—Snow or rain.

VOL. XL—NO. 248. OMAHA, TUESDAY MORNING, APRIL 4, 1911—TWELVE PAGES. SINGLE COPY TWO CENTS.

RAILWAY SERVICE DISTRICT SOUGHT

Omahans at Washington Argue to Secure Division Headquarters in This City.

MR. ROSEWATER GIVES FIGURES

Gives Many Reasons to Show Omaha is the Logical Point.

TALKS OF MILEAGE AND TIME

Nebraska Has Advantages Over Both Colorado and Wyoming.

DISTANCE AN IMPORTANT POINT

By Establishing Headquarters Here Washington Would Be Thirty-Four Hours Closer Than to Other Cities.

(From a Staff Correspondent.)

WASHINGTON, April 3.—(Special Telegram.)—Assistant Postmaster General Stewart in his report to the postmaster general for the year that ended June 30, 1910, recommended the establishment of a new division of the railway mail service to embrace the state of Nebraska, Wyoming and Colorado with certain continuous lines in adjoining states.

"A division so established," said Mr. Stewart, "would start with more clerks than are now employed in three of the existing divisions. The service in Nebraska and Wyoming is at present handled from headquarters at Chicago and that in Colorado from headquarters in St. Louis. These states are too far distant froc centers of supervision for best results. Therefore I recommend that suitable legislation be secured for establishment of such a division."

As a result of this recommendation, with the approval of the postmaster general and by him recommended to congress the last postoffice appropriation bill provided for the creation of such a division to be established July 1. With a view of securing the location of this division at Omaha a committee from the Commercial club of Omaha, Victor Rosewater, ex-Congressman John L. Kennedy and F. A. Brogan, together with Senators Brown and Hitchcock, Representatives Kinkaid, Latta, Sloan and Lobeck and ex-Congressman David Mercer and Charles A. Saunders, were given a hearing today by Assistant Postmaster General Stewart on the claims of Omaha for the location of the new railway mail division.

Mr. Rosewater Spokesman.

Mr. Rosewater was chief spokesman at the hearing and made the principal argument in behalf of Omaha, telling of its advantages over other cities, Denver, Ogden and Salt Lake City, candidates for the new division. Attention was called to the population of Omaha and towns included in Douglas county as compared with the population of Denver and Denver county, the population of Omaha and South Omaha being upwards of 150,000, while that of Denver is 215,000. In all other respects, however, Denver, which is looked upon as the most likely candidate for the location of the new division, falls far behind Omaha in comparisons, which Mr. Rosewater used most forcefully. As to population, Nebraska far exceeds the combined population of Colorado and Wyoming.

Mr. Rosewater assumed that the reason for creating the new district was, first, to facilitate the business of the Postoffice department with the railroads, and, second, to bring supervision closer. He said that the railway mail service was closely connected with the operating deparment of the railroads and that if that was taken into consideration he believed Omaha was in better situation than other cities that are candidates for the location.

"There is no mileage," Mr. Rosewater said, "operated in Nebraska, while Wyoming mileage is operated from Denver. The railway mileage operated in Nebraska is 7,107 miles; in Colorado, 4,208 miles; in Wyoming, 1,151 miles. The number of full postoffice car routes from Omaha are seven in number, while from Denver one. The territory to be included in this new division will be chiefly created out of the Sixth and Seventh divisions. Nebraska and Wyoming would be out of the Sixth and Colorado taken off of seven.

By this agreement the Sixth district would contribute to the new division 577 new clerks and the Seventh between 150

(Continued on Second Page.)

THE WEATHER

For Nebraska—Rain or snow.
For Iowa—Rain or snow.
Shippers' Bulletin—Prepare forty-eight hour shipments north, east and west for temperatures slightly below freezing; shipments south can be made with safety.

Temperatures at Omaha Yesterday.

Hour.	Deg.
5 a. m.	32
6 a. m.	33
7 a. m.	33
8 a. m.	32
9 a. m.	33
10 a. m.	33
11 a. m.	34
12 m.	36
1 p. m.	35
2 p. m.	36
3 p. m.	35
4 p. m.	37
5 p. m.	37
6 p. m.	36
7 p. m.	35
8 p. m.	34

Comparative Local Record.

	1911.	1910.	1909.	1908.
Highest today	37	60	55	67
Lowest today	32	56	37	38
Mean temperature	34	58	46	48
Precipitation	T	.00	.00	.00

Temperature and precipitation departures from the normal:

Normal temperature	45
Deficiency for the day	11
Total excess since March 1	197
Normal precipitation	.07 inch
Deficiency for the day	.07 inch
Total rainfall since March 1	1.32 inches
Deficiency since March 1	.37 inch
Deficiency for cor. period, 1910	1.59 inches
Deficiency for cor. period, 1909	.85 inch

Reports at Stations at 7 p. m.

Station and State of Weather.	Temp. 7 p.m.	High. T'd'y.	Rain-fall.
Cheyenne, part cloudy	42	46	.00
Denver, clear	50	50	.00
Des Moines, cloudy	34	34	T
Dodge City, cloudy	34	36	.64
Lander, part cloudy	54	56	.00
North Platte, cloudy	32	36	.00
Omaha, cloudy	35	37	T
Pueblo, cloudy	38	40	T
Rapid City, rain	38	38	T
Santa Fe, rain	40	54	.54
Sheridan, cloudy	36	42	.01
Sioux City, cloudy	32	34	T
Valentine, cloudy	28	32	.00

"T" indicates trace of precipitation.

L. A. WELSH, Local Forecaster.

Republicans Select Mann as a Candidate for Speaker of House

Cannon Nominates Illinois Man and Madison Escorts Him to Rostrum at Party Caucus.

WASHINGTON, April 3.—Representative Mann of Illinois was unanimously chosen republican candidate for speaker of the house tonight at a caucus of republican representatives.

Mr. Mann's election followed a vigorous nomination speech by former Speaker Cannon, while Representatives Madison of Kansas, president republican, and Catlin of Michigan escorted Mr. Mann to the speaker's rostrum.

Nebraskans Visit National Capital

Senator Young Arrives in Washington with Expectation of Continuing in Office Indefinitely.

WASHINGTON, April 3.—(Special Telegram.)—F. A. Brogan of Omaha today filed a motion in the supreme court to dismiss the case of Harry L. Burgoyne, trustee, and the Union Central Life Insurance company against Patrick E. McKillip, A. Eugene McKillip and Royal P. Drake, as trustees in the estate of Patrick N. McKillip. Mr. Brogan arrived in Washington today, accompanied east by John L. Kennedy and Victor Rosewater of Omaha and Representative James Latta of the Third Nebraska district.

Mr. and Mrs. Herbert Knox Smith, Mrs. Smith being formerly Miss Gertrude Dietrich, have taken a house in the northwest section and have with them ex-Senator and Mrs. Charles H. Dietrich. Ex-Senator Dietrich is now on the road to recovery after a severe illness of several months.

Senator Lafayette Young arrived in Washington today with the expectation of continuing a senator for some time to come. It is questioned whether Mr. Young can continue as senator if the Iowa legislature against Mr. Young's continuance in his present office on the theory that failure of the legislature to elect is tantamount to rejection. Senator Young takes the opposite view.

Charles L. Saunders of Omaha left for the west tonight. He will stop in Indianapolis.

Accused Camorrists Sure of Acquittal

Alleged Criminals Are Gloating Over What They Term the Triumph of Alfano.

VITERBO, Italy, April 3.—In their cells at the medieval monastary of Gardi today the accused camorristi gloated over what they described as the triumph of Enrico Alfano in the court of the assises Friday and Saturday. As a whole they are satisfied with the development of the case and they believe they will be acquitted of the charge of murdering the Cuccolos without even being obliged to introduce witnesses in their defense.

All of the lawyers for the defense visited the prison and conferred with their clients during the day.

Giuspbe de Marinis, commonly known as "O. Mandriere," who is charged with planning the murder of Genarro Cuoccolo and his wife, will be called for interrogation when the trial is resumed tomorrow. He will be the fourth prisoner questioned who bears the scar from a razor slash on the cheek.

Giovanni Rapi, the treasurer of the Camorra, and known as the proprietor of gambling resirts in Naples, Rome, Paris and Ostend, said he would prove that the Italian government intended to appoint him a consul in Egpt, where he proposed to establish a gambling house. At present, he said, he was the head of the southern club of Naples, which is in reality a gambling association.

BURKETT HASTENS TO HELP POSTMASTER B. F. THOMAS

Has a Hasty Conference with Thomas and His Attorney, F. H. Gaines.

E. J. Burkett of Lincoln, late senator of the United States from Nebraska, was an eastbound passenger on Saturday evening, his destination being Washington. It is understood that Mr. Burkett is going to Washington as a special representative of Postmaster Thomas in the matter of the report of the investigators who recently looked into charges against the Omaha postmaster, and which charges are now before the Civil Service commission.

At Omaha Senator Burkett was met by Postmaster Thomas and Attorney F. H. Gaines, and a conference as long as the time between trains would permit followed.

Senator Burkett gave as his reason for hurrying on to Washington the excuse that he had been suddenly called by the illness of his wife. The fact that his sleeper reservation at Omaha had been made a day or two in advance of his arrival almost discredits this statement.

WIFE ON TRIAL FOR KILLING

Counsel Asks Jurymen if They Believe Woman Had Right to Protect Home.

FORT WORTH, Tex., April 3.—The trial of Mrs. Lizzie Brooks on the charge of murdering Mrs. Mary Binford, a saleswoman, began here today. Mrs. Brooks' counsel asked each juryman: "Do you believe that a woman has the same right as a man to protect her home?" On January 14 Mrs. Brooks, the wife of a prominent attorney of Fort Worth, went with a revolver concealed in her fur muff to the department store where Mrs. Binford worked and shot her to death.

PALMER FUNERAL TOMORROW

Services for Deceased Pioneer Are to Be Held Wednesday at All Saints' Church.

The funeral of Captain H. E. Palmer, who died of heart disease at his home, 608 South Thirty-second avenue, Sunday, will be held Wednesday afternoon at 2:30 o'clock at All Saints' church.

Services will be conducted by Rev. T. J. Mackey, rector.

RAILROADS LOSE IN COAL DECISION

Carriers May Be Divorced From Fuel Business as Result of Supreme Court Opinion.

COMMODITIES CLAUSE REVIVED

Government is Now Allowed to Amend Its Original Petition.

FORBIDS COMMINGLING AFFAIRS

Railway Company May Not Control Another Corporation.

THREE SYSTEMS MAY YET ESCAPE

Cases Against Erie, Central of New Jersey and Pennsylvania Dismissed and Doubt Exists as to Status.

WASHINGTON, April 3.—The "commodities clause" of the Hepburn rate law, interpreted two years ago by the supreme court of the United States, was given new life today by that tribunal in a second interpretation. So effective was the reconsideration of the subject that government officials predict the evil will now be remedied and railroads divorced from the coal business.

Chief Justice White announced the decision of the court. The entire bench agreed with him, although on the previous consideration Justice Harlan dissented.

The chief justice took the position that the lower court had erred in refusing to allow the government to amend its original petition.

Must Not Commingle Affairs.

"While that decision expressly held," said the chief justice in referring to the previous holding of the court "that stock ownership by a railroad company in a bona fide corporation irrespective of the extent of such ownership did not preclude a railroad company from transporting the commodity manufactured, mined, produced or owned by such corporation, nothing in that conclusion foreclosed the right of the government to question the power of the railroad company to transport in the course of interstate commerce a commodity manufactured, mined, owned or produced by a corporation in which the railroad held stock and where the power of the railroad company as a stockholder was used to obliterate all distinctions between the two corporations. That is to say, where the power was exerted in such manner as to commingle the affairs of both as by necessary effect to make such affairs practically undistinguishable and therefore to cause both corporations to be one for all purposes."

Summary of Decision.

The decision was summed up in these words:

"It must be held that while the right of a railroad company as a stockholder to use its stock ownership for the purpose of a bona fide separate administration of the affairs of a corporation in which it has a stock interest, may not be denied the use of such ownership in such instances for the purpose of destroying the entity of a producing corporation and of commingling its effects in administration with the affairs of the railroad company so as to make the two corporations virtually one, brings the railroad company so voluntarily acting as to such producing corporation within the prohibition of the commodities clause.

"In other words, that by operation and effect of the commodities clause, there is a duty cast upon a railroad company purposing to carry in interstate commerce a product of the producing corporation, in which it has a stock interest, not to abuse such power so as virtually to do by indirection that which the commodities clause prohibits, a duty which plainly would be violated by the unnecessary commingling of the affairs of the producing company with its own so as to cause them to be one and inseparable."

Will Amend Petition.

As a result of the decisions, the lower court will now allow the government to amend its petition in the Lehigh Valley Railroad case. A different situation arises in regard to the Erie, the Central of New Jersey and the Pennsylvania.

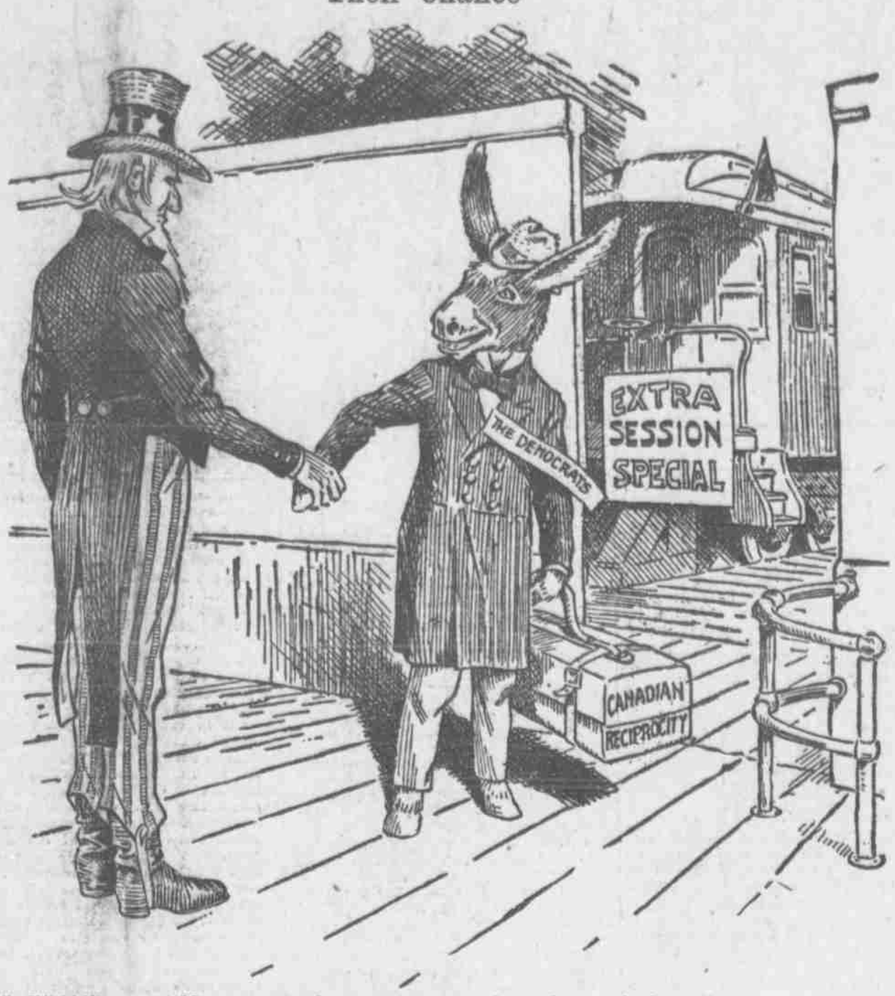
In these cases the government did not ask for leave to amend, considering the Lehigh Valley suit a test case. It was asked that the court dismiss the Erie, Central and Pennsylvania cases without prejudice, but this was refused and the circuit court dismissed the cases.

The dismissal was today approved by the supreme court. Ordinarily this would preclude the government bringing new suits against these railroads. Government officials tonight expressed doubt as to whether further proceedings could be taken against the Erie, Central and Pennsylvania, but an investigation will be made with a view to renewing the action against them if possible.

Wealthy Frenchman Dead in St. Louis

ST. LOUIS, April 3.—Frederic Bernardo, a wealthy manufacturer, of Marseilles, France, is dead of a heart stroke at a hotel here. His daughters who had toured South America and Mexico with him will take the body to France. M. Bernardo became ill in Mexico.

Their Chance



From the Philadelphia Record.

"Now prove that you're not altogether a jackass."

MORE PEACE TALK AT EL PASO

Arrival of Father and Brother of Madero Starts Rumors.

REFUSE TO MAKE STATEMENTS

Are Met by Secretary of Local Junta and Conference Begins—Courier is Sent to Insurrecto Commander.

EL PASO, Tex., April 3.—Interest here in the Mexican war situation today centers in Francisco I. Madero, Sr., and Alfonso Madero, who arrived in El Paso last night, presumably on a mission of peace.

While maintaining a complete silence regarding the reason for their presence here, the father and brother of the insurrecto leader intimated that developments might be expected within the next few days, and it is believed they are to await the arrival of messengers upon which he will consent to a cessation of hostilities. That these terms must be formulated by the men who are in the field was declared by Alfonso Madero last night.

That the elder Madero's influence will be strongly for peace is the statement of those who claim to know his attitude. The father of the insurrecto leader, it is said, has never given the movement his whole hearted support and would welcome the end of the war upon any reasonable terms. Couriers who left for the insurrecto chief's camp near Chihuahua a few days ago are now believed to have carried messages from the elder Madero, and these, it is surmised, urged the son to make for peace.

Both Refuse to Talk.

To reporters the two Maderos refused to make any statements. Asked if he had come here on a mission of peace, the senior Madero said: "Perhaps so. I will tell you later."

Replying to a question as to when he had last seen his son, Francisco, he said:

"I have not seen him since he left San Antonio three months ago or more."

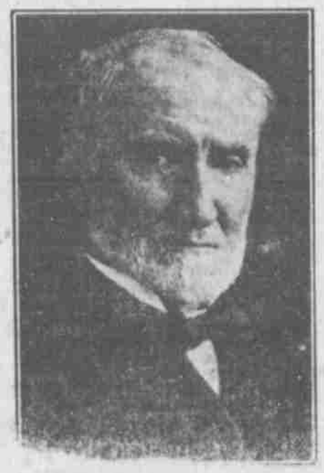
Gonzales Garza, insurrecto secretary of state, met the two Maderos and accompanied them to their hotel, where a conference began at once.

For some time Garza has been declaring that he did not believe in the peace rumors. So far as can be learned, there are no representatives here of the federal government. The local insurrecto junta is supposed to be in communication by courier with Francisco Madero, who is with the army near Chihuahua.

In an interview last night, following the conference, Alfonso Madero declared he was unable to make known the object of their visit to El Paso now, but expected to be able to give something tomorrow or Tuesday that will throw light on their visit. He indicated, however, that fighting would continue unless demands of the in-

(Continued on Third Page.)

Going and Coming Speaker



JOSEPH GURNEY CANNON, Retiring Speaker of the House of Representatives.

CHAMP CLARK, Speaker-Elect of the House of Representatives.

IN COMMAND AT CRITICAL POINT ON MEXICAN BORDER.

COLONEL GLENN, U. S. A., IN COMMAND OF TROOPS AT FORT McINTOSH, LAREDO, TEXAS.

Bryan Will See Democratic House Begin Its Session

Nebraskan Has Number of Conferences with Champ Clark, Senator Owen and Other Leaders.

WASHINGTON, April 3.—William J. Bryan is in the national capital rejoicing with the members of his party here that tomorrow there will be called to order the first democratic house of representatives in sixteen years.

Mr. Bryan had numerous conferences with various leaders, including Champ Clark, who tomorrow will take the speaker's gavel; Senator Owen and others. He expressed himself as highly gratified by the excellent, harmonious start which has been made, declaring that it augured exceedingly well for the future.

"I have no intention of leaving Lincoln," he declared in response to a query as to what he would tell a committee of prominent business men from Memphis, Tenn., who are on their way here to invite him to make Memphis his future home. He expects to remain here about a week.

Mrs. Charles G. Gates Sues for Divorce

Wife of Son of Millionaire Asks Legal Separation—Attorney Refuses to Talk of Case.

NEW YORK, April 3.—Mrs. Melville E. Martin, a sister-in-law of Mrs. Charles G. Gates, said today that Mrs. Gates had brought suit in this state for divorce from her husband, who is a son of John W. Gates, the millionaire. Mrs. Gates' attorney, Anson McCook Beard, would not discuss the case, and both Mr. and Mrs. Gates were out of town today. He is understood to be in Texas and she on her way home to St. Louis from Atlanta. They were married thirteen years ago in St. Louis and have no children.

ELLSWORTH GRANTED DIVORCE

Decree is Given United States Consul Whose Wife Refused to Live in Tropical Regions.

CLEVELAND, O., April 3.—Luther T. Ellsworth, United States consul at Cuidad Porfirio Djaz, Mexico, was granted a divorce from Mrs. Isabella Gravit Ellsworth here today on grounds of wilful absence. Ellsworth will return to Mexico. Ellsworth has been in the consular service in Venezuela and Mexico fifteen years. He told the court that his wife refused to live among foreigners and returned to her parents in Elkhart, Ind. They have been married twenty-five years, but have no children.

HOW CONGRESS IS DIVIDED

Democrats Have Majority of Sixty-Seven in House.

MANY CHANGES IN THE SENATE

Nine Senators Retire, Many of Whom Have Long Been Prominent in Upper House—Socialists Have One Representative.

WASHINGTON, April 3.—The interesting situation of a democratic house and a republican senate meeting to consider a Taft administrative measure, directs unusual attention to the convening of the Sixty-second congress in extraordinary session at noon tomorrow. The political complexions of the two branches of congress will be as follows:

House—Democrats, 228; republicans, 160; socialist, 1; vacancies, 2, the Ninth Iowa and Second Pennsylvania districts.

Senate—Republicans, 50; democrats, 41; vacancy, 1, from Colorado.

The roll calls in the two branches will show some remarkable changes from the last session. In the house the democrats will show a gain of fifty-four members and the republicans a loss of fifty-five, the socialist member, Victor Berger of Milwaukee, accounting for the difference in the equation.

By reason of the change resulting from the election last November, new faces will be seen not only in the membership of the house, but in the whole organization. Republican employes in great number will go out and their places will be filled by democrats.

Fifty Republicans in Senate.

Instead of the fifty-nine republicans who occupied seats in the senate on March 4, there will be only fifty tomorrow. The ranks of the minority will be increased from thirty-two to forty-one, and to forty-two when the vacancy in Colorado is filled. There was one vacancy in the last session, caused by the death of the late Senator Hughes of Colorado.

More notable even than the large number of new faces in the senate and the house will be the absence of so many veteran legislators. Chief among those whose absence will loom large will be Tawney of Minnesota, Boutell of Illinois, Scott of Kansas, McKinley of California, Bennett, Fish, Parsons and Cocks of New York, Hull and Smith of Iowa, Denby of Michigan, Keifer of Ohio. Mr. Cannon will appear in the ranks of the minority. Four members, Hitchcock of Nebraska, Poindexter of Washington, Gronna of North Dakota and Townsend of Michigan have been elevated to the senate.

Senator Aldrich Absent.

No longer will the senate roll call open with the familiar name of Aldrich, the Rhode Island leader having voluntarily renounced another term to devote himself to leisure and the study of monetary reforms. He will be succeeded by Henry F. Lippitt. Many other striking figures will

(Continued on Second Page.)

SENATORS PASS BILL OVER VETO

Governor Aldrich Refuses to Sign Sunday Base Ball Measure—Upper House Quickly Acting.

DEMO CHAIRMAN GIVEN SCORING

Executive Says Legislation Has Been Dictated From Outside.

VOTE OF 20 TO 11 FOLLOWS

Desperate Attempt Will Now Be Made in the House.

UNIVERSITY REMOVAL IS LOST

House Members Fail to Pass Measure Carrying One-Mill Levy to Take Institution to Campus on State Farm.

(From a Staff Correspondent.)

LINCOLN, April 3.—(Special.)—The governor's veto of the Sunday base ball bill did not deter the senate from giving its approval a second time and the upper house passed the bill over the veto by a vote of twenty-one to eleven. When the bill came up the first time it received only nineteen affirmative votes. It received fifty-four in favor in the house and the governor's criticisms of the democratic state chairman are expected to make a few more for it. As a consequence the sixty votes to pass in there may be secured. The friends of the bill are working desperately to get it through. On the motion in the senate to pass the bill over the veto the vote was as follows:

Ayes:

Albert	Horton	Stiles
Banning	Kohl	Smith (B.)
Bartling	Morehead	Talcott
Barton	Ollis	Tanner
Bodinson	Pickens	Tibbets
Buhrman	Placek	Volpp
Cordeal	Reagan	Wilcox—21

Noes:

Brown	Kemp	Selock
Cox (K.)	Lee	Smith (F.)
Cox (H.)	McGrew	Varner—
Hoagland	Reynolds	

Peanut Politicians.

Part of the veto message was as follows:

"The particular objections to this bill which make it incumbent upon me to veto the same, are directed rather to the form of the measure than the subject matter thereof. It is no more than fair to the author of this measure and to those who are interested in obtaining legislation along this line to say that they made an honest attempt to amend he proposed measure to meet the objections in the form of this bill, and I believe that the same would have been done had it not been for the unwarranted interference of peanut partisan politics and an attempt on the part of the political lobbyist who is evidently more interested in having the members of this legislature attempt to put the governor in a false light and alienate the lovers of this sport than to afford them any needed legislation. And it occurs to me that the democratic members of this legislature have in their midst plenty of men of brains and statemanship who are capable of taking care of what they deem to be in interests of their party from a partisan standpoint rather than have it done by a self appointed political dictator.

Roast for Democratic Chairman.

"It has been a matter of common observation for some weeks past that the chairman of the democratic state central committee has been having free accesses to the floors of this legislature and that he has used this position to interfere with free legislation and to thwart the honest judgment of many members of both houses of the legislature. The scurrilous designs of an unscrupulous politican when given free access to members of the legislature are not only highly censurable on the part of the organization that permits it, but such conduct is dangerous to the welfare to the people of this state.

"This kind of an individual by threats and cajolery interferes with freedom of action in legislative matters and is a menace to society. They hang around the halls of legislation wearing good clothes and having plenty of money and yet have no visible means of support. The only kind of legislation which this sort of a lobbyist is interested in is that which keeps him in some position or feathers the nest of some special interest. The people pay the price in the defeat of many just laws for which there is a sincere public demand. Prominent citizens from out in the state and women and children have been led from the house of representatives in this legislature during the session when a bill was on third reading or there was a call of the house while at the same time and on the same occasion this chairman of the democratic state central committee was allowed to remain on the floor and to move freely among the members thereof. This rule mentioned is a good one and should be enforced, but the point I make is that it should be enforced without regard to person or official positions. It was enforced on a congressman who happened to be on the floor of the house and why should it not be enforced on the chairman of the democratic state central committee?

Real Objection to Measure.

"The principal objection to this measure submitted for my consideration is that it leaves no law outside of organized villages, towns and cities to regulate this game. It

March 10, 1911.

Omaha Bee.
Omaha.
Dear Sirs:—

During fifteen years of selling Victors and Victrolas we have used The Bee almost constantly with most excellent and satisfactory results.

Of course, we used other newspapers, both in and out of town, but we have consistently stuck to The Bee, our oldest newspaper, and have never found it wanting.

With best wishes for continued success, we are,

Yours respectfully,
Nebraska Cycle C

Per Geo. E. Mickel

G. M. AVE.