

STATES LOSE IN RESERVES FIGHT

Supreme Court Decides Federal Government May Say How Its Property May Be Used.

UNITED STATES FIX TERMS May Withhold Land or Dispose of it at Any Time.

FENCE LAWS NOT APPLICABLE Willful Trespasses Not Authorized by Existing Measures.

VIOLATION OF RULES IS CRIME Offense Against Secretary, but is Not a Crime Under Laws of United States and Its People.

WASHINGTON, May 1.—The legal battle against the federal reserves of the west in particular and conservation by the federal government of natural resources in general was lost today in the supreme court of the United States.

The immediate results of the conclusion of the court are that Fred Light, a Colorado cattlemen, will remain enjoined from allowing his cattle to graze on the Holy Cross forest reserve in Colorado and that Pierre Grimaud, K. P. Carjous and Antonio Inda, California sheepmen, must answer to the indictment charging them with grazing sheep upon the Sierra forest reserve without a permit.

The subject was dealt with in two opinions delivered by Justice Lamar. The entire court concurred. The basic principle upon which he proceeded was that "the nation is an owner and has made congress the principal agent to dispose of its property."

"The United States can prohibit absolutely and fix the terms on which its property may be used," said the justice in the Colorado case.

Private Owner Has Protection. "As it can withhold reserves of the land it can do so indefinitely. It is true the United States does not and cannot hold property as a monarch may, for private and personal purposes. But that does not lead to the conclusion that it is without the rights incident to ownership, for the constitution declares that congress shall have power to dispose of and make all needful rules and regulations respecting the territory or property belonging to the United States."

"All the public lands of the nation are held in trust for the people of the whole country, and it is not for the courts to say how that trust shall be administered; that is for congress to determine. The courts cannot, in this case, be asked to compel it to not to add the lands for settlement, nor to suffer them to be used for agricultural or grazing purposes; nor to interfere with the exercise of its discretion, congress establishes the forest reserves and decides to use the national and public purposes in the same way and in the exercise of the same trust, it may disestablish a reserve and devote the property to some other national and public purpose. These are rights incident to proprietorship, to say nothing of the power of the United States as a sovereign over the property belonging to it."

Even a private owner should be entitled to protection against willful trespasses and statutes providing that damages done by animals cannot be recovered unless the land has been inclosed with a fence of the size and material required, do not give permission to the owner of the land to use his neighbor's land as a pasture. They are intended to condone trespasses by straying cattle; they have no application to cases where they are driven upon unfenced land in order that they may feed there."

"Fence laws do not authorize wanton and willful trespasses nor do they afford immunity to those who in disregard of property rights, turn loose their cattle under circumstances showing that they were intended to graze upon the land of another. This the defendant did under circumstances equivalent to driving his cattle upon the forest reserve."

In the California case Justice Lamar upheld the rules which the secretary of agriculture had promulgated for the con-

Labor Takes Charge of the Defense of the Two McNamaras

Samuel Gompers Says He Has Evidence that Disproves the Charges Against Them.

INDIANAPOLIS, Ind., May 1.—Samuel Gompers said this afternoon that he had completed his work here in connection with the arrest of J. J. McNamara and would go to Chicago this evening.

"I have received evidence," said Mr. Gompers, "which clearly disproves the charges against the men. At the conference this afternoon a permanent organization was effected. This organization will have charge of the defense against the charges at Los Angeles and also will prosecute the charges of kidnaping which have been made in connection with the taking of McNamara out of this state."

LOS ANGELES, May 1.—In the case of John J. McNamara, secretary of the International Association of Bridge and Structural Iron Workers, and his brother, James E. McNamara, charged with dynamiting extrajurisdictional property, no further plans of either side were definitely announced.

District Attorney Fredericks is not expected to ask for the arraignment before the arrival about the middle of the present week of his assistant, Joseph Ford, from Indianapolis.

The defense has opened extensive headquarters. Andrew J. Gallagher and R. B. Rosenthal, labor leaders of San Francisco, have come here to confer with union men of Los Angeles regarding charges against the McNamaras.

Both the McNamaras have asked that their meals be sent from some outside restaurant, but the request was denied. They are permitted to buy food outside, however, and have it prepared in the jail. The brothers continue in good spirits.

Orie E. McNamara maintains his air of joviality. It is said that his wife will be brought here as a witness for the prosecution.

Quiet May Day in European Capitals

Small Riot in Streets of Paris is Only Demonstration—Mass Meeting in Berlin.

PARIS, May 1.—Detachments of troops patrolled the squares and open places of the city today in anticipation of workmen's May day demonstrations. Less than half of the workmen of the city observed the holiday.

Towards evening a crowd estimated at 25,000 gathered in the Place de la Concorde and the adjacent streets. The greater number were sightseers, but in the throng were many thousands inclined, apparently, to make a demonstration. The latter pressed into the square, resisting the police and breaking through the line. When the disturbances became more aggressive the cavalry charged into the crowd repeatedly.

An officer was stabbed in the leg. One policeman was struck over the head and rendered senseless. Among the rioters were many American tourists.

BERLIN, May 1.—The workmen of Berlin held seventy-five May day meetings, at which resolutions favoring disarmament in the interest of world peace were adopted. Perfect order was maintained.

MADRID, May 1.—A huge May day parade of workmen, republicans and socialists and many school children was made here today. The paraders sang revolutionary airs.

Military precautions to preserve public order have been taken, but up to this afternoon no trouble had occurred.

SIX MILLION LOSS IN BANGOR FIRE

One-Third of New England City is Destroyed, Causing Loss of Much Property.

BUSINESS SECTION IS WIPED OUT Nearly All Public Buildings and Many Fine Residences Burn.

THOUSANDS OF PEOPLE HOMELESS Destruction of Retail Section Adds to Problem of Feeding Victims.

FIRE BURNS ALL DAY SUNDAY Rain Aids in Quenching it, but Adds Greatly to the Suffering of the Victims—Only Two Lives Are Lost.

BANGOR, Me., May 1.—Homeless, wet, hungry and exhausted by the long fight against the flames which last night destroyed practically a third of the city of Bangor, thousands of persons today faced the problem of providing themselves with food, shelter and clothing, while city and state authorities began the consideration of plans for the rebuilding of the city.

When dawn broke over the smoldering city today hundreds of groups of men, women and children could be seen huddled around smoldering bonfires or stretched along the edge of the smoking ruins endeavoring to warm and dry themselves.

Although the rain brought discomfort to the homeless, it was the means of bringing under control the great conflagration which raged for more than seven hours last night. At a time when the battle against the flames seemed hopeless, a providential shift of wind and a downpour of rain drove the fire back over the burned district and drenched out the flames which had just started in unburned property.

At 7:45 a. m. today the fire was virtually extinguished. One-third of the city had been destroyed, including some of the finest homes in the residential part of Bangor, nearly all of the public buildings with the exception of the city hall, and the greater part of the retail section.

Loss is Six Millions. Estimates of the probable loss varied, but it was generally thought at least \$6,000,000 worth of property had been destroyed. The loss of life, so far this morning, was confined to two persons, and only a dozen injured had been admitted to the hospital.

The rain and change of wind having solved the problem of controlling the fire, the attention of the authorities was directed today towards housing the homeless and feeding the hungry. Every household in Bangor whose home escaped destruction opened its doors last night to those who were forced to spend the night in the streets, surrounded by the few articles of clothing and household utensils they had been able to save from the flames. Many of these suffered greatly from cold and exposure.

More serious, however, than the problems of sheltering the homeless was the matter of feeding them, on account of the destruction of food supplies in the retail district. Every morning train brought food to the city, but it was some little time before the authorities could arrange for its distribution.

To aid the police in the protection of the little heap of furniture and clothing saved from the fire by individual householders, one company of militia was ordered out for patrol and guard duty.

Fire Burns All Night Sunday. The fire started near the corner of Broad and Union streets, in the vicinity of the city hall, at 5 o'clock yesterday afternoon. Fanned by a strong wind, the flames swept north along Exchange street.

Nearly all public buildings and banks except the city hall, which was saved after a hard fight, were destroyed.

The burned area includes about forty city blocks. Among the principal buildings destroyed were:

Bangor High school, Bangor public library, in which was located the banking rooms of the Bangor Savings bank; Central fire station, United States custom house and postoffice, Universalist, Central Congregational, First Baptist and Adventist churches, Noremberg hall, including the Gayety theater, Exchange building, in which was located the law school of the University of Maine; Windsor hotel, Morse-Oliver building, Haynes and Chalmers building, 8th block, Strickland block, Stearns building, Graham building and Kendall's building.

The State Board of Health has received a report indicating that a child at Menlo, Guelter county, is probably suffering from pellagra, and one of the board members has been sent there to investigate. No case of the disease has appeared in Iowa in recent years. Today it was discovered that of the seventeen cases of smallpox in the city detention hospital here nine are students of the Still College of Osteopathy and it is feared that the institution will spread the disease.

KITTRIDGE SLIGHTLY BETTER

Condition of Former South Dakota Senator, However, is Still Precarious.

LOT, SPRINGS, Ark., May 1.—While former United States Senator Kittridge of South Dakota was slightly improved today, his condition is still considered serious.

TAFI TO VISIT KANSAS CITY

President Will Address the Press Club on September Twenty-Fifth.

WASHINGTON, May 1.—President Taft today promised Representative Bortland of Missouri to address the Kansas City Press club September 25.

Suit Filed Against Secretary MacVeagh

Discharged Collector of Customs Wants Damages in Sum of Hundred Thousand Dollars.

CHICAGO, May 1.—Franklin MacVeagh, secretary of the treasury, was made defendant in a suit for \$100,000 damages filed today by Charles F. Leach, former collector of customs at Cleveland.

Mr. Leach charges that following his dismissal from office by President Taft, Secretary MacVeagh, in a statement charged that Leach had turned over to importers thousands of dollars' worth of woolsens before the customs were paid and had been guilty of other breaches.

STETSON HUTCHINS INSANE

Founder of Many Large Newspapers is Admitted Mentally Incompetent.

WASHINGTON, May 1.—A petition to have adjudged insane Silas Hutchinson, founder of the St. Louis Times, Washington Post, Washington Times and once prominently connected with the Iowa State Journal, Dubuque Herald and St. Louis Dispatch, was granted here today. The writ being returnable May 4. Mr. Hutchinson is a multimillionaire and was an organizer and chief promoter of the Merchants' Union.

Space to Walk Through the Garden Seems Wasted—But Now It mustn't step where I've planted.

Now I mustn't step where I've planted.

Now I've got to plant that all over!

Now I've got to plant that all over!

Now I've got to plant that all over!

Now I've got to plant that all over!

Now I've got to plant that all over!

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BRYAN LAYS CORNERSTONE

Protest of Union Labor at Des Moines Comes Too Late. SAYS HE IS UNABLE TO ACCEDE

Building Trades Council Sends Him Warning Structure is on the Unfair List—Pellagra in Meats.

(From a Staff Correspondent.)

DES MOINES, Ia., May 1.—(Special Telegram.)—Despite the threats of union labor to go back on him, W. J. Bryan laid the cornerstone of a new Young Men's Christian association of the city today in Iowa.

When Mr. Bryan reached the city he was confronted with a communication from the officers of the Building Trades council warning him against taking part in the ceremonies laying because the building is on the unfair list. Mr. Bryan said he did not know anything about the conditions under which the building was being erected and it was too late for him to take back his acceptance of the invitation. Officials of the Building Trades council were indignant that their protest had not been heeded and say they will do what they can to injure Mr. Bryan.

At a meeting of the Iowa Jefferson club preceding the annual banquet this evening, at which Mr. Bryan and others spoke, John C. Demar was elected president and H. H. Crenshaw president. Demar was former member of the legislature from Davis county and is now living here.

More Cases of Smallpox. The State Board of Health has received a report indicating that a child at Menlo, Guelter county, is probably suffering from pellagra, and one of the board members has been sent there to investigate. No case of the disease has appeared in Iowa in recent years. Today it was discovered that of the seventeen cases of smallpox in the city detention hospital here nine are students of the Still College of Osteopathy and it is feared that the institution will spread the disease.

Argument on Writs of Habeas Corpus

Attorney of Tilden, Cumming and Benedict Says Illinois Senate Has No Right to Demand Books.

CHICAGO, May 1.—A motion by Attorney John J. Healy of the Helm investigation committee of the Illinois senate to quash the writs of habeas corpus obtained last week by Edward Tilden, W. C. Cummings and George Benedict, was denied by Judge Pettit today when it was found the returns on the warrants for contempt of the state senate were regular.

It had been charged that the writs had been issued before the men actually were arrested, but this was disproven and the writs were allowed to stand.

Attorney Nathaniel C. Sears then began arguments attacking the right of the state senate to demand the bank books in the possession of three defendants.

Search for Half Million in Stolen Jewelry

Customs Officials and New York Police Officers Are Trying to Locate a Big "Fence."

NEW YORK, May 1.—Customs officials, private detectives and the police department here were busy today working on information from Scotland Yard that jewelry worth \$500,000 and upward, stolen in great part from Americans in England and on the continent, is being marketed here piecemeal by an international band of crooks.

Some of the band are said to be women and the understanding was that New York is supposed to be the clearing house for their operations. The arrest of the man believed to be the head "fence" is imminent.

DENVER MERGER ACT VALID

Colorado Supreme Court Upholds Law Consolidating County and City.

DENVER, May 1.—Consolidation of the city and county of Denver governments is upheld in an opinion handed down today by the supreme court. The county treasurer and the five county commissioners will be dropped and their duties be performed by the city officials. Several thousand dollars annually will be saved to the county.

SMELTER SUIT IS DISMISSED

Owners of Montana Plants Will Equip Them to Prevent Emission of Noxious Gases.

WASHINGTON, May 1.—The government suit against the Anaconda Copper Mining company has been compromised. The company agrees that its smelters at Butte, Anaconda and Great Falls will be equipped to prevent the emission of gases which the government claims have done great damage to the national forests.

BUSH BEGINS LARGE TASK

New Head of Missouri Pacific Starts to Make System Standard for Other Roads.

ST. LOUIS, May 1.—Benjamin F. Bush, new president of the Missouri Pacific, arrived here this morning and went to work at the road's headquarters.

"I intend to make the Missouri Pacific a model and standard for other roads," Mr. Bush said.

KING ALFONSO REPORTED SICK

Paris Paper Says Spanish Monarch is Gravely Ill with Tuberculosis.

PARIS, May 1.—(Intransigent asserts) that King Alfonso is gravely ill with tuberculosis and that at a recent consultation of his physicians it was decided that urgent measures of treatment were necessary and also that the Spanish monarch should pass the coming winter at Leysin, Switzerland.

CHINESE REBELS MURDER AND LOOT

Brigands Cause Reign of Terror in Western Kwang Tung, Killing Inhabitants.

ANARCHISTS FOLLOW STANDARDS Outbreak Leads Itself Advantageously to Their Purposes.

SINISTER REPORTS ARE CONFIRMED Revolvers Withdraw Largely from Canton, Proceeding Westward.

SEVERAL MORE TOWNS PILLAGED Rebels Are Led by Wu Sun, a Chinese, Who Was Educated in Japan, and a Brigand Chief.

HONGKONG, China, May 1.—Rebellion, brigandage and anarchy are stalking through the western half of Kwang Tung province, murdering, pillaging and burning. The loyal troops are trying desperately to crush the uprising, the seriousness of which is revealed in further dispatches from Canton today.

Wu Sun, a Chinese, who was educated in Japan and has adopted the dress of western countries, is the leader of the revolt against the Manchu dynasty. The brigand chief, Luk of Shun Tak, is at the head of a horde of outlaws, whose object is robbery and murder.

Following the standards of these two men are anarchist groups, to whose purpose the present outbreak lends itself most advantageously.

These combined forces have thrown themselves with fanatical disregard of their own lives against the troops, and since the first outbreak much blood has been shed. Sedition is rife among certain of the troops and it is feared that the disaffected soldiers will desert their officers if the revolters appear to have the upper hand.

Official advices and the refugees arriving from Canton today confirm the sinister reports of yesterday. Bodies of the slain lie in the streets of the city. Famine prices are asked for foodstuffs and the shops generally are closed. In the panic there have been few attempts to bury the dead and the stench from the decomposed bodies fills the air.

Fight from Street to Street. Today the revolters have withdrawn to a great extent from Canton and are devastating the country to the west along the West river. Before falling back they fought the troops from street to street, many persons being killed. They attacked the provincial arsenal and being repulsed gathered in an immense rice store, which they barricaded with bags of rice. From the building they threw bombs into the attacking troops and were only dislodged when the building was set on fire. Many of the revolters escaped, but thirty or more died in the flames, while others killed themselves to avoid capture.

While the fighting was progressing in the streets Chinese gunboats patrolling the West river fired into several parties of rebels, slaughtering 300 of them.

Several Cities Sacked. Retreating to the countryside, the revolutionaries attacked the captured Sam Shui, fifty miles west of Canton, and murdered the prefect. The troops were put to flight and the rebels moved on to Wen Chow and Woo-Shoo, both of which towns they took after slight resistance.

Luk's brigades, following in their wake, looted the suburbs of the captured town. The triumphant sweep of the revolutionaries continued westward along the West river and reports from that district say the movement is spreading and that the revolutionaries are murdering and pillaging in other places.

While the movement to the west is being directed by Wu Sun, the brigand chief, Luk, has led personally a force to the north of Canton. He seized the market at Chung-Lok, twenty miles north of Canton. Then he made a wide detour to the west of Canton, and fell on Fat Shan, a town fifteen miles to the southwest of the capital of the province. Here his first detachment destroyed the palace of the assistant magistrate and then turned the town over to his followers to be looted.

Advices state that Shui-Hung on the West River, has fallen before the revolutionaries, who murdered the prefect.

Fierce Battle at Fat Shan. The battle at Fat Shan was a hard fought one, the imperial troops, giving battle at Tung-shi bridge. Thirty-seven soldiers were killed before the troops fell back.

The revolutionaries are cutting the telegraph wires. Traffic on the Chinese section of the railway leading north from Canton has been suspended.

A report that Shanghai, the foreign concession above Canton, has been invaded likewise confirmation. The American gunboat Wilmington has the place under its guns.

The viceroy of Canton, who took refuge on a gunboat after his palace was burned Wednesday night, has ordered troops to

COLD MAY NOT CAUSE DAMAGE

If Weather is Not Too Clear It Will Not Hurt Much.

WHEAT BENEFITED BY MOISTURE May Day of Nineteen Attended Eleven Not the Worst that Has Struck Nebraska in the Last Few Years.

The damage that comes from the present cold snap that is making the first of May look like the last of March, will depend very much upon the cloudy condition of the weather during the night. Where it is clear it will probably be cold enough to do considerable hurt to the fruit, but in most places there seems to be little chance of serious damage.

The weather bureau in Omaha predicts freezing weather sometime before Tuesday morning. During the day Forecaster Welch notified through the Iowa agricultural college as many of the Iowa orchardists as could be reached, to get their fruit ripe ready as it was snowing in Nebraska and might be expected in the east.

Snowfall is reported from many Nebraska towns, but nowhere was the precipitation very heavy. Hastings reported a half-inch of snow and a temperature of 28. Fruit and garden crops are injured, but the wheat is generally helped by the moisture. Other Nebraska towns report the same conditions.

Reports from the weather bureau indicate that farther west than Wyoming there was no great drop in temperature, but between Omaha and Cheyenne it was general. Denver had a temperature of 30 and it was snowing in Nebraska and higher than Omaha. The general Nebraska weather seems to have extended across Iowa as Davenport had 42 degrees at 7 o'clock.

The impression that cold May days are unusual and cruel for Nebraska is shown today to be a mistake by the records of the last two years.

Although the last two years have been unusually cold they have not been altogether disastrous, and this year was the mildest of the three. The lowest temperature for Omaha this year during the day was 23 in 1910. It was 23, and in 1909 it was 26. The mean temperature for 1911 was 28, in 1910 28, and in 1909 28. There was a precipitation of .07 this year, however, which is the first perceptible moisture on May day for the last three years.

Cold Waves Extend as Far South as Northern Alabama. KANSAS CITY, Mo., May 1.—Missouri, Kansas, Nebraska and parts of northern Oklahoma, are shivering today following

Woman of Ninety-Two Does Beautiful Needlework

To be 92 years old and yet find one's chief amusement in fine needlework that requires keen eye sight is an unusual privilege. Mrs. Harriet Cooke, 309 Marcy street, enjoys her health as much as most women thirty or forty years younger. She was born in Bridgeport, N. J., May 1, 1818, of which event today is the ninety-second anniversary. The husband she married in her girlhood home died when she was still a young woman, and at the age of 35 she married a second time and went with her husband to Charlottesville, Va. During the troublous times of the war she was in the district where war was brought close to people's homes and destroyed their lives.

In 1890 she came to Omaha and has lived here since. Four of her children are living. Charles Cooke of Omaha with whom she makes her home; Mrs. E. A. Jenkin, Shelby, N. C.; Will Cooke, Bridgeport, Neb.; and Miss C. A. Roy, a daughter of her first husband, who resides at Kearney. For the last ten years she has been gifted with her second sight to such an extent that she delights in needlework that would injure a normal middle-aged person's eyesight. Five years ago she hemstitched 30 yards of fine cloth for the Episcopal church at Kearney, and the work was beautifully done.

First National Bank of Omaha

Capital \$5,000,000 Surplus \$2,500,000

Omaha, Nebraska.

May 2, 1911.

Bee Publishing Co., Omaha, Neb.

Dear Sirs:

During a little more than four years past we have been using from four to eight inches of space in the Omaha Bee, and have been agreeably surprised at the results obtained, as we have definite records of many accounts opened because of these advertisements.

This was particularly so about a year ago when we ran a series of advertisements, emphasizing the change in interest rates from 3% to 3 1/2% on Time Certificates of Deposit. At that time we had money depositors who stated that they had noticed our advertisements in the Bee.

It is needless to say that we plan to continue our advertising in the Bee indefinitely.

Yours very truly,

J. J. Deane, Cashier.

THE WEATHER.

For Nebraska—Generally fair. For Iowa—Generally fair; warmer. Temperature at Omaha Yesterday.

Table with columns for Hour, Deg., and Comparative Local Record. Shows temperatures for 11 AM, 1 PM, 3 PM, 5 PM, 7 PM, 9 PM, and 11 PM, along with daily high and low, and precipitation.

Reports from Stations at 7 P. M.

Table with columns for Station and Temp. High. Lists temperatures for various locations including Cheyenne, Davenport, Denver, Des Moines, Dodge City, Lander, North Platte, Omaha, Pueblo, Salt Lake City, Santa Fe, Sheridan, Sioux City, and Valentine.