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NO INDICTMENT; MAN IS SANE

J. A. Stone, in Anamosa for Murder, May Get His Release.

UP TO ATTORNEY GENERAL COSSON

District Court of Polk County Takes Up Question Whether Saloon Petition of Des Moines is Sufficient to Legalize Them.

(From a Staff Correspondent.)

DES MOINES, Ia., June 26.—(Special Telegram.)—Warden Barr of the Anamosa reformatory has put it up to the attorney general to decide whether or not he can longer legally restrain a prisoner, J. W. Stone, who is there for murder. Stone was indicted for killing Frank Kramer in Des Moines and was found to be insane. He was sent to Anamosa and kept in the insane department. Recently the court here has quashed the indictment against Stone by consent of parties interested and Stone has recovered his reason. The warden inquired whether he can longer hold the man and wants an opinion. It is expected Stone will be released. Des Moines' Consent action. The district court today took up the question whether the saloon consent petitions in Des Moines are sufficient and whether the saloons should be legalized for another five years. The attorney for the anti-saloon league sought to have the matter disposed of on a technicality, but the court refused and it is expected that the petitions will be held sufficient after a long hearing.

Here today, "Is proof, given by the administration itself that the fight made against it to prevent coal monopoly in Alaska was not only successful, but necessary and right? This victory insures the cancellation of multitudes of other fraudulent claims in Alaska. I have not yet seen the text of the decision, but judge should result in having the most valuable coal fields still in government ownership for the use of the people. Our fight, however, is not yet fully won. It is still possible that a secret order of last October, by which President Taft opened the harbor front of the Controller here, the natural outlet for the coal, to acquisition by special interest may result in coal monopoly through monopoly of transportation. Now that the claims are cancelled, the one imperative need for Alaska is a new coal land law, opening the coal to immediate development under lease from the government."

SAYS DECISION IS POLITICAL

Former Secretary Ballinger Comments on Finding of Dennett. SENATOR DENNETT, in a statement before the committee of the Interior Richard A. Ballinger, gave the following statement today to the Associated Press: "Many persons seem to be laboring under the erroneous impression that the recent decision of the commissioner of the general land office in cancelling the Cunningham claims is a reversal of my official relations to these claims. It is not. Since 1907, when I was commissioner of the general land office, the claims have been standing on my order for re-investigation. As secretary of the interior, I took no action respecting these claims, as they were under the control of Commissioner Dennett. As to the present decision, I am of the firm belief that there is no evidence that a court of justice would hold sufficient to warrant the denial of the patents. In other words, the decision of the commissioner is political and not judicial."

FUNK TELLS OF TALK WITH HINES

(Continued from First Page.)

company and Senator Lorimer were in favor of deepening the river. This did not prejudice him against Lorimer. He declared there had been no difficulties between Mr. Hines and himself or their respective companies so far as he knew. Conversation with Hines. "Do you recall a certain conversation with Mr. Edward Hines?" asked Attorney Marble. "Yes," Mr. Funk replied. "Mr. Funk then repeated his story of the conversation with Mr. Hines, in which the request for the \$10,000 is said to have been made. "Just as casual as the sale of a car of lumber," was the way Mr. Funk referred to the proposition. The witness said he met Hines at the Union League club shortly after Lorimer's election. "Hello," said Hines, according to Mr. Funk, "you are just the man I want to see."

The witness explained that he was not representing the exact words necessarily, but only giving his recollection of the conversation. "The witness said that Hines explained that they had to act quickly. "What else?" urged Mr. Marble. "He said, 'Now we are seeing some of our friends to get the matter fixed up.' Mr. Funk said he inquired how much he was getting. "Well, we can only go to a few big people," Mr. Funk said Hines replied, "and if we can get ten to contribute \$10,000 we can wipe it out."

"I asked him why he came to us," said Mr. Funk. "He said: 'You are as much interested in having the right kind of a man at Washington as any of us.' "I said we were not in that kind of business. He began to argue about Lorimer. I was anxious to terminate the conversation. I soon got up and left." Tilden's Name Mentioned. A volley of questions were fired at the witness by members of the committee after he had finished his story. "Did you shake hands and say 'good-bye'?" inquired Senator Fletcher. "No, we just walked out." "Any personal friendliness followed?" "Not that I am aware of." "Was this talk after Hines introduced you to Lorimer?" asked Senator Lea. "Before." "Was Edward Tilden's name mentioned in the conversation?" "Yes." "When?" "Right at the beginning. He seemed to

want to talk and I just listened until he got through."

The witness said no other names were mentioned. "What did he mean by Lorimer being the right kind of a man?" asked Senator Kenyon. "I cannot say."

"Had Hines been indulging in liquor?" asked Senator Kenyon. "No indications of it."

The Iowa senator insisted on ascertaining Mr. Funk's impression of Hines' reference to Lorimer as the "right man of men."

"My impression," replied the witness, "was that the kind of man Hines regarded as the right kind." "Didn't you regard Hines as impertinent?" asked Senator Fletcher. "Yes, but I was not surprised."

"Why not surprised?" asked Chairman Dillingham. "It comported with my general impression of the man."

"Did you regard it as loose talk?" inquired Senator Fletcher. "I regarded it as an attempt to get \$10,000 of the Harvester company."

Hines inclined to boast. Mr. Funk expressed the opinion that Hines was inclined to boast of his achievements and to have people think he was a great factor in great matters.

Mr. Funk said he told Cyrus McCormick, H. H. Kohlhaas, Edgar A. Hancock and possibly Mr. Legs of the International Harvester company about the conversation. He differed from Mr. Kohlhaas' testimony in some particulars. Mr. Funk said he was inclined to believe that he did not give Mr. Kohlhaas the name of his informant at the famous Jackson boulevard conversation between Kohlhaas and Mr. Funk but that this occurred subsequently.

"Did you volunteer this information to Mr. Kohlhaas?" asked Mr. Marble. "No, he pumped me."

Mr. Funk did not recall mentioning the names of Edward Tilden, Roger C. Sullivan, E. B. Conway or Mr. Veyershauser. Mr. Funk then told of the second alleged conversation with Hines. He said Hines came to his office and undertook to "refresh his memory" as to the union league conversation.

"Mr. Hines said subsequently that he did not want me to understand that money was used at Springfield—that he was just discussing the situation down there."

Mr. Marble asked Mr. Funk why he concealed his information until Mr. Kohlhaas was threatened with jail. Mr. Funk said his duty in this regard had troubled him a great deal. He had concluded, he explained, that if he came forth with the information his company would be accused of having shown animosity toward Senator Lorimer. "My board of directors have often expressed to me that they are in the business of making harvesters and not mixing in politics," added the witness.

Mr. Funk was then cross-examined. "What are your politics?" asked Attorney Hines. "Mugwump, I suppose."

"First one side, then on the other?" suggested Mr. Hines. "Sometimes on neither," replied Mr. Funk. The witness said he had never voted for Lorimer. The activities of the International Harvester company at Washington was inquired into by Mr. Hines. Mr. Funk said that an attorney, "Mr. Beers of New York," represented the company here when needed, his salary being about \$2,000 to \$2,500 a year.

"Isn't it half of \$5,000 or more?" "No, sir."

Mr. Hines inquired about the Union League conversation. Mr. Funk denied that he asked Mr. Hines to introduce him to Mr. Lorimer or that he had said that Mr. Lorimer must have been at considerable expense and if so he would like to contribute to his fund.

Mr. Hines referred to Mr. Funk's testimony that he told Cyrus McCormick about the Union League conversation. The witness said his recollection was he related the conversation to Mr. McCormick and that McCormick broke in before he had finished to ask what Funk had done.

"What was the use of asking that if you had told him of your reply to Mr. Hines?" The witness was not sure, but thought possibly Mr. McCormick was still in doubt as to what he had done.

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ALASKA CLAIMS DECLARED VOID

(Continued from First Page.)

Commissioner Dennett in his decision, "that in the beginning the participants were subscribers for joint interests and not owners of separate claims and that the substantial character of the transaction never changed. In 1907 they were 'all co-owners' of a single property although in order to acquire it each particular claim had been allotted to a particular individual and had been entered by him in his name."

The original agreement with the Guggenheims contemplated the formation of a corporation as soon as the title was secured. This plan gave the Guggenheims the right to mine the coal on a royalty basis. The Guggenheims were also to build a railroad from the mines to the coast. As finally entered into the agreement with the Guggenheims for a sale aroused serious objections from several of the claimants.

Weak Points in Defense. "The fact," said Commissioner Dennett, "that it was represented to the Guggenheims that there were thirty-three independent claimants to be reckoned with in noway strengthens the defense. It is not to be supposed that any sane men representing the entrants as a committee would suggest to a prospective purchaser of the property that the claims were illegal and the several entries subject to forfeiture."

"That all the work so far was paid for from the common fund is not denied. It is admitted by the claimants and frankly stated in the brief of their counsel that one claim of 100 acres cannot be profitably worked, that some time and some of the claims must be operated together. Is it reasonable to suppose that the claimants would agree to the common investment of their money to jointly explore a coal field in Alaska with the understanding that the several claims should be operated separately or with no understanding with respect thereto? Would they consent to spend money jointly where there was to be no common profit?"

"Knowing that an area of 100 acres could not be successfully operated and that the greater the area the more valuable the property, would men connected by the ties of blood and friendship and that they were scattered throughout the field? Would men who had been associated as partners since their youth and who have grown rich together have agreed to the placing of their claims at remote distances from each other? If such claimants was to receive a single tract and as to receive what Cunningham has located the great majority of the men who first went into the scheme and made its success possible on the timber claims of the southern tier, claims which possessed but little value as compared with the others?"

"If there was no prior agreement, would Clarence Cunningham in April, 1907, before many of the certificates were issued, have entered into negotiations with the Guggenheims looking to the disposition of the combined properties?"

Contributions Are Equal. "The amounts contributed by the several entrants were substantially the same. If it was not understood there was to be a common profit, would the sixteen upon whose claims nothing whatever was done have permitted the use of their funds for the development of the other claims and would thirty-two of them have suffered their joint funds to be expended in driving the expensive tunnel on one claim?"

"A further discussion of the facts is not necessary. They speak for themselves and speak plainly. There was not at any time a single act performed that connected any claimant with the proceeds of the claims located. There was not a dollar spent by any locator individually or by his agent on the land he entered, and every act done and each dollar disbursed were for the purpose of determining whether the fields as a whole contained workable deposits of coal."

"Prior to the hearing eighteen claimants admitted, under the solemn sanction of an oath that they proceeded from the beginning with the understanding that when the patents were secured they would form a company for the development of the property. "The plan from the outset was to acquire a coal field at joint expense to be developed for the common benefit. There was not at any time a departure from this compact, save the substitution of the salary to Cunningham for the one-third interest he intended to secure in the several claims."

"Carrying into effect the purpose of acquiring this coal field for the common use and benefit of the members of associations claims were located and entries made in the names of individuals, but the making of these locations and entries in the manner indicated were means to an end, and the names of the individuals were used only to effect a colorable company with the law."

"They exercised no choice in the selection of their claims, manifested no interest in their individual values and (except perhaps Baker) sought no information as to their respective locations. The field jointly acquired by all of them and explored at the common expense was the only object of their solicitude."

PINCHOT IS MUCH PLEASED Former Forester Says Decision is vindication of His Position.

NEW YORK, June 26.—(Special Telegram.)—Pinchot, who is a nobody in the country, was better pleased with the final dispositions of the Cunningham claims than Gifford Pinchot, whose own fortunes had pivoted upon them so critically. "The cancellation of the claims," he said

good for additional rains. Anselmo and that section has had splendid rains and the prospect for corn never appeared brighter than at this time. Oats and wheat were considerably damaged. One good crop of alfalfa has been cut and stacked and with reasonable rains one or more good crops are assured. Farmers are not discouraged in this section.

WIND WORKS MUCH HAVOC

Large Trees Broken and Barns Are Destroyed. A gale blowing at the rate of forty-two miles an hour about 2 o'clock Monday morning did considerable damage to the outskirts of the city by rooting up and breaking trees and lifting roofs from weatherbeaten barns.

At the weather bureau the register showed that the wind blew at a velocity of forty-two miles an hour, and on the outskirts of town the wind blew at a higher rate, nearing the fifty-mile velocity. At Douglas and Twenty-second streets a dozen small trees were lifted out of the ground by the roots.

A large tree at Seventeenth and Dodge streets was broken near the base of the trunk and fell across the sidewalk. At Carter lake several boats which were tied with ordinary rope were torn loose from their moorings and scattered about in different parts of the lake and on the shores. Awning on the fourth floor of the federal building on the Dodge street side were pulled from the fastenings and hung by ropes to the windows.

LYONS, Neb., June 26.—(Special.)—A heavy wind storm at midnight Sunday broke in the front windows of the Adams drug store, took many apples off the trees, lelled large limbs to the ground, and laid the crops quite flat. It is very much feared that corn cannot straighten up enough to cultivate again. Although it was quite clean and free from weeds, but little of it had been laid by. About half an inch of rain fell which more than laid the dust and cooled the extreme heat of 100 degrees on Sunday afternoon.

GENEVA, S. D., June 26.—(Special.)—After intense heat yesterday, the mercury reaching 104 in the shade, a fierce gale blew all night, tearing branches from trees and toppling over chimneys. Only a trace of rain fell here.

HEADSHAW, Neb., June 26.—(Special.)—At about 11 o'clock last night one of the worst wind gusts ever known here blew down windmills, trees and out-houses and did much damage to wheat fields which were principally in shock. In many fields not a shock is standing. The clouds were very black and threatening, making many people think of June 3, 1893, when the town was destroyed by a tornado. Not a drop of water fell.

GOOD RAINS IN SOUTH DAKOTA

One and a Half to Two Inches in the Southern Part of State.

MITCHELL, S. D., June 26.—(Special Telegram.)—A goodly portion of this section of the state was visited by a good rain Sunday night and varied from a half inch to two inches. The rain belt extended to the state line. Two inches of water fell at Marion Junction and between that place and Humming Water heavy rains fell all night, covering the northern portion of country around Springfield, Tyndall, Freeman, Scotland and Menno. Good rains are reported along the Milwaukee coast line to Mitchell from Marion Junction averaging nearly an inch. The rain did not extend north very far on the Omaha line. East of here rains are reported over the entire division to St. James, Minn., and they were heavy in nearly every case. Another rain visited this section and the precipitation was 0.90 of an inch. This makes 0.44 of an inch of water in this immediate section since Friday and the crop conditions show much better. The weather is quite cool today. The rain of Saturday night extended forty miles west of the Missouri river on the Milwaukee coast line.

YANKTON, S. D., June 26.—(Special Telegram.)—One inch and a quarter of rain fell here Sunday night, the first moisture for the month. It came just in time to save the corn and may be of some benefit to oats and wheat, which faced a total crop failure before the storm.

PLUVIUS HAS ONE ON MR. SACK

Sutton Man Calls for Prayers for Rain.

(From a Staff Correspondent.) LINCOLN, June 26.—(Special.)—Asking that he should set aside a day in which the people of the state according to executive proclamation ought to pray for rain, Phillip Sack of Sutton has written to Governor Aldrich suggesting that he set aside such a day and name a date in the near future. In the communication, which the governor will find upon his desk tomorrow upon his return from Ohio, the Clarion county man asserts that Governor Aldrich once issued such a proclamation and that it was answered, by the prayers of the people. Further he says "that several governors are going to issue such edicts" and that it would be well for Nebraska's executive to do likewise.

WASHOUTS NEAR WAYNE, NEB.

Heavy Rain is Accompanied by High Winds.

WAYNE, Neb., June 26.—(Special Telegram.)—One of the heaviest storms ever known in this section of the state occurred this morning between the hours of 12:30 and 3 o'clock. Logan and Deer Creek valleys are flooded and considerable damage will result to crops along the creeks. Morning trains from the Emerson and

Norfolk and Bloomfield lines were delayed by washouts and passengers and baggage were transferred from the Bloomfield train to a special about three miles northwest of Wayne. The rain practically insured the corn crop in Wayne county and much of the small grain, while the potato crop and pastures will be greatly benefited.

Hot Day in the Southwest

KANSAS CITY, June 26.—Although the temperature at 7 o'clock this morning reached 93 at Sedan, Kansas, at Oklahoma City and 90 in parts of southeastern Missouri, the local forecaster predicted that the mercury would not climb as high in Missouri, Kansas and Oklahoma today by fifteen degrees as yesterday when 114 degrees was reached in parts of Kansas and 111 degrees in Oklahoma. The only rains in the territory today were light showers in southeastern Missouri. A light rain fell in southern and eastern Nebraska.

Half Inch at St. Paul

ST. PAUL, Neb., June 26.—(Special Telegram.)—The severe drought was broken last night by copious local showers. The precipitation here was .58 inch and from over the country generally is reported from 1/4 to 1 inch or more. The rain was a God-send. Accompanying hail did a little damage in places. The St. Paul State bank building in this city was struck by lightning and ignited but the fire was quickly extinguished.

COLUMBUS, Neb., June 26.—(Special Telegram.)—Last night's windstorm was one of the heaviest that has ever been known in this locality. Large trees were uprooted and many others broken down. The west half of the large plate glass front of the Dunsell building was blown in and other damage done.

Mitchell Will Try Williamsport Plan

South Dakota City Will Organize Corporation to Finance New Enterprises.

MITCHELL, S. D., June 26.—(Special.)—At the meeting of the Commercial club the following directors were chosen for the ensuing year: W. R. Ronald, William A. Seeling, R. H. Cone, C. W. Derr, George A. Sealing. The essential feature of the meeting was the adoption of the Williamsport plan, plan of financing enterprises by the formation of a company which will take sufficient stock to raise a capital of \$50,000 or more, which will be accepted by the banks of the city on which to make a loan to any legitimate enterprise that wants to come to the city and engage in business. Under this plan it will be an easy matter to finance any legitimate institution that wants to engage in the manufacturing business. The directors of the Commercial club will formulate a plan which will meet the conditions in this city with sufficient capital stock and the plan will be put into operation within a couple of months.

SIoux CITY WANTS VYSCOCIL

Fairweather Has Some Trades Under Consideration with the Topeka Manager.

SIoux CITY, Ia., June 26.—Tom Fairweather, president of the Sioux City baseball team, has wired the authorities at Quincy, Ill., to have Vyscocol report at once to him. The big pitcher was secured early in the season by Fairweather from Kansas City and later sold to Quincy in the Three-I league.

Vyscocol has been with Quincy now for two weeks, and in that time has pitched four games, winning all. Saturday he pitched a shut-out game to Desoria, allowing that bunch but three hits. The Quincy management has not yet paid for Vyscocol and the Champ president will not accept the purchase price should it be sent now. "I think," said Mr. Fairweather, "that Vyscocol was not given a good workout while he was here and the boys did not play good behind him. However, he has demonstrated that he has the goods and is now playing like a whirlwind. I will bring him back and give him a good chance to use his benders here and see that he gets every opportunity to make good."

During the game yesterday, President Fairweather received a telegram from Joe Rickert, manager of the Topeka team, offering either McGrath or Cooke, two of his pitchers, in a trade for Reilly, the Sioux City third baseman. Reilly is considered one of the best men on the team. He makes quite a number of errors during his play, but his remarkable work at bat makes up for this. Cooke and McGrath are at present regular pitchers on the Kaw team, and McGrath has demonstrated that he has the goods.

JOSEPH NACO IS EXECUTED

New York Man Who Murdered His Mistress Dies in Electric Chair at Auburn.

AUBURN, N. Y., June 26.—Joseph Naco was put in the electric chair in Auburn prison today for the murder on January 18, 1909, of Anna Candiana, with whom he had been living for some time. Three contacts were given before the physicians pronounced life extinct. Naco, quarried with Mrs. Candiana when he found she had a husband living and beat her to death with a stove lifter.

A User in the Stomach in dyspepsia, complicated with liver and kidney trouble. Electric Bitters help all such cases or no pay. 50c. For sale by Beaton Drug Co.

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Table with 2 columns: Destination and Rate. Includes New York City, standard routes at \$45.00; New York City, other desirable routes at \$42.00; Atlantic City, N. J., standard routes at \$44.50; Asbury Park, N. J., standard routes at \$45.00; Asbury Park, N. J., other desirable routes at \$42.00.

Sixty Day Limit

Table with 2 columns: Destination and Rate. Includes Diverse route tours of the east, one way through the Virginia, Old Point Comfort, Norfolk, Ocean trip to New York, other way direct routes at \$49.40; Boston, Mass., (via Montreal) at \$40.60; Boston, Mass., direct at \$45.00; Fort Ticonderoga, N. Y., (Lake Champlain) at \$39.10; Thousand Island Park, N. Y., at \$33.75; Montreal, including St. Lawrence River at \$39.50; Montreal, direct rail routes at \$35.00; Quebec, P. Q., at \$39.00; Portland, Me., via Boston at \$42.35; Portland, Me., through St. Lawrence River Region at \$42.35; Halifax, Nova Scotia at \$49.00; Kingston, Ont. at \$33.50; Owen Sound, Ont., (Georgian Bay) at \$29.60; Buffalo, N. Y., at \$32.00; Detroit, Mich. at \$25.00.

ALL SUMMER EASTERN RATES (Return Limit October 31st)

Table with 2 columns: Destination and Rate. Includes Mackinac Island at \$31.80; Chautauque Lake Point, N. Y., at \$37.50; Lake Placid, N. Y., (Adirondack Mountains) at \$53.50; Plattsburgh, N. Y., (Lake Champlain) at \$54.70; Lake George, N. Y., at \$54.70; Saratoga Springs, N. Y., at \$52.95; Fabryans, N. H. (White Mountains) at \$58.00; Muskoka, Ont. at \$55.00; Boston, Mass. at \$58.00; Portland, Me., via Montreal and White Mountains, or via Boston at \$58.00; Atlantic City, N. J., at \$55.00; Buffalo, N. Y., including tour of Lakes at \$44.50; Charlevoix, Mich. at \$29.95; Detroit, Mich. at \$30.00; Benton Harbor, Mich., via Chicago and steamer at \$21.50.

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NOTICE TO CREDITORS OF THE OMAHA RAILWAY CLUB Pursuant to an order of the District Court of Douglas County, Nebraska, entered in the case of Alfred C. Butler vs. The Omaha Railway Club, App. Dec. 114 No. 267, notice is hereby given that all persons having claims whether secured or unsecured, against the Omaha Railway Club are required to file the same duly verified and fully itemized with me at my office in the Barker Block, Omaha, Neb., before the 29th day of July, 1911, and you are further notified that all claims not filed by that time with me will be barred from sharing in the distribution of the assets of the club. Hugh C. Robinson, Receiver, 413-414 Barker Block.

AMUSEMENTS. BEAUTIFUL LAKE MANAWA Under Management of H. M. Barnett. New, Cool, Airy Ballroom with Smith's Orchestra. Bathing, Boating and other Attractions. Shady Park Has Been Added For Picnic Grounds. Afternoon and Evening Band Concerts. ADMISSION TO PARK—FREE.

BASE BALL OMAHA vs PUEBLO ROURKE PARK June 25-26-27 Monday, June 26, Ladies' Day. GAMES CALLED 2:45. Cars leave 12:45 and Farnam at 2:30. Theater Cooled by Ice. Mr. OMAHA'S IDEAL SUMMER SHOW LLOYD INGRAHAM AND HIS SPOKE CO. In the Finniest of Society Comedy LITTLE MRS. ANNESLEY As Played by John Drew & Maude Adams. 10-12:30 (at 12:15) 2:30-5:30. Tues., Thurs. and Sat., 10c/50c.

ROME SUMMER GARDEN Vaudeville and Photo Plays Orchestre — Refreshments — Every Evening Admission 10 Cents