

HABEAS CORPUS FOR AMES IS DENIED.

His Attorneys File an Appeal Bond and Will Take the Case Up.

The Doctor Appears in Court Apparently Weak, but Not Mentally Depressed—Was New Hampshire's Governor Wrong in Excluding Evidence as to Whether Ames Committed a Crime?—A Characteristic Letter From the Ex-Mayor to Mayor Smith of St. Paul.

Manchester, N. H., March 11.—Judge Pike has denied the application for the release of Dr. Ames. Exceptions were taken and bail of \$10,000 was furnished pending the decision of the supreme court.

Special to The Journal.

Manchester, N. H., March 11.—Ex-Mayor Albert Alonzo Ames of Minneapolis appeared in the superior court this morning before Judge Pike in habeas corpus proceedings, the settlement of which will determine whether Dr. Ames is to be taken back to Minneapolis or not. A cold, drizzling rain did not prevent many interested spectators from crowding the courtroom.

At 10:20 a. m. Ames entered the courtroom on the arm of Deputy Sheriff Frank A. Ordway. He was heavily clothed wearing an overcoat and a cap, overalls and gloves. One arm was locked in that of the deputy sheriff and with the other he supported himself with a cane. He was followed by Mrs. Ames, a seat behind Dr. Ames. No physicians accompanied the ex-mayor. C. J. Hamblett and John R. Spring represented the petitioner and County Solicitor James P. Tuttle appeared for the state.

Judge Pike and Clerk of Court Thomas D. Luce came in and the court was called and the judge commanded Sheriff Nathaniel Doane to hold the petitioner until an order was issued.

Attorney Spring opened the case for the petitioner and addressing the court stated that the hearing was to test the validity of the writ and that the holding of Dr. Ames. He stated that Ames had been arrested on a warrant issued by the Minneapolis officials and that the documentary evidence was insufficient. He also contended that the warrant issued by Governor N. J. Bachelder of this state was defective and void.

In the petition he said that the mere issuance of a warrant was not sufficient to deprive a man of his liberty. The documentary evidence is contended by Ames' attorneys to be void in that he is not guilty of a crime as defined in the United States constitution.

"There is a question whether the charges were substantiated," Attorney Spring stated that at the extradition hearing the governor refused to entertain any evidence regarding whether Ames committed a crime. The attorney alleged that the warrant was irregular, illegal and void as the petitioner is not a fugitive from justice. Again, he said the warrant did not state that Ames was an criminal prosecution pending against Ames.

The warrant brought by Mr. Dreger was presented by Secretary of State Pearson, and the original warrant from the governor by Sheriff Doane.

At 11:35 a recess was taken to consult with Attorney E. E. Eastman regarding the admission of evidence before the governor. The contention of the petitioners is based on section 5278, revised statutes of the United States.

EXPEDITION LEAVES HANCOCK

A Gaping Crowd Watches the Celebrity at the Station.

From Hancock to Manchester, N. H., a distance of sixty-two miles, is the journey made yesterday by the invalid prisoner, former Mayor A. A. Ames of Minneapolis.

The party went to the front of the room and took seats. Dr. Ames appeared very weak as he entered but showed no signs of mental depression. He removed his coat, assisted by the sheriff and appeared dressed in a frock coat and light trousers.

Sheriff J. W. Dreger entered and took a seat behind Dr. Ames. No physicians accompanied the ex-mayor. C. J. Hamblett and John R. Spring represented the petitioner and County Solicitor James P. Tuttle appeared for the state.

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FIGHTING THE RIVER GOD

Government Engineers Hurrying Loads of Sandbags to the Threatened Levees.

Refugees From the Lowlands to Be Seen Everywhere—All Quiet at New Orleans.

Memphis, March 11.—The Mississippi river is rising steadily at this point, the gauge this morning marking a rise of five-tenths of a foot in the past twenty-four hours. It is believed that the river will reach a mark of 33 feet at Memphis. Reports from Mississippi and Arkansas today indicate that the greatest apprehension prevails regarding the flood situation. In some districts armed sentries are patrolling the levees. All streams and rivers in Arkansas are overflowing. In north Arkansas the flood has already begun encroaching at certain points and it will take but a few inches more of water to render impossible at many of the lumber industries in that section of the city. At Greenlaw and Second streets the back waters have reached the latter thoroughfare. The occupants of cabins there have been compelled to flee to higher ground.

The steamer Georgia Lee arrived from Cairo today. The steamer's officers say refugees from the lowlands are to be seen everywhere. Government engineers have augmented their forces and the steamers are carrying sacks of sand to the more dangerous places in the levee system.

Danger at Plattsmouth.

Plattsmouth, Neb., March 11.—The point of greatest danger now is Plattsmouth where the Platte empties into the Missouri, which, already high, will have an increased and dangerous volume as the mass of ice and water flows into it. A gorge which formed at Plattsmouth yesterday caused the Missouri to go out of its banks and the crash of ice against the Burlington's new steel bridge shook the structure threatenly. Workmen on the bridge dropped their dinner buckets and fled in terror. Both the Burlington bridge at Plattsmouth are being carefully watched.

New Orleans Wants Sunlight.

New Orleans, March 11.—The river is rising here very slowly. The gauge today

THE RULES OF THE SENATE

Mr. Allison Offers a Resolution to Have the Committee on Rules Re-examine Them.

"With a View to Ascertaining What Changes, if Any, Are Necessary."

Washington, March 11.—At the opening of the session of the senate today Mr. Frye, the president pro tem, called the attention of the senators to the fact that under a strict interpretation of the rules only such business as properly belongs to the matters under consideration in executive session should be presented at this extra session of the senate. He said only business of record to have other business introduced now as it would all have to be re-introduced at the regular session in December.

To Change the Rules.

Mr. Allison (Iowa) offered a resolution which he said he thought was proper at this time, authorizing the committee on

LOSS BY THEFT OR BAD SYSTEM?

Is Shortage in Revolving Fund Due to Dishonesty or Carelessness.

City Officials Disposed to Be Reticent, Pending a Thorough Investigation.

C. A. Nimocks' Report Shows the Shortage to Be in Excess of \$100,000.

Aldermen interviewed this morning with regard to C. A. Nimocks' estimate of the permanent improvement revolving fund shortage were noncommittal. They were not prepared to say that Mr. Nimocks' figures were not right, although most of them were inclined to think that the actual shortage would ultimately be found greatly to exceed the amount named by the Commercial City expert.

Mr. Nimocks offers no explanation as

A SCANDAL IN METROPOLITAN

Charges That Instead of a Surplus of \$5,403,465 There Is a Deficit.

President Vreeland Denies the Reports and Says They Are for Dishonest Purposes.

New York, March 11.—Eugene A. Philbin, former district attorney, this city, was retained today to look into the financial affairs of the Metropolitan Street railway and examine evidence and reports of accounts with a view to the advisability of further proceedings. This announcement followed printed reports to the effect that District Attorney Jerome had been making an official inquiry into certain charges. When Mr. Jerome was asked what had been the result of his inquiry, he declined to discuss the matter or say who made the charges.

The explanation which it is alleged furnishes the basis of Mr. Jerome's inquiry was made by John C. Hertle, former commissioner of accounts, and Max Leich-

WAS THE PENNELL ACCIDENT SUICIDE?

Mr. Burdick's Sister Tells of Her Brother's Strained Relations With the Pennells.

Story of the Terrible Automobile Accident in Which Lawyer Arthur R. Pennell, Co-respondent in the Burdick Divorce Case, Was Instantly Killed and His Wife Fatally Hurt.

Special to The Journal.

Buffalo, March 11.—Mrs. Lillian Willett said today in Canastota, N. Y., in reference to the murder of her brother, E. L. Burdick of Buffalo:

"Before my brother left on one of his western trips and while at his home, I told him he better straighten out his family troubles as soon as possible. He replied, 'I will do so if I am not shot.'"

"At this time I understood the trouble my brother was having now and it may be from two to six months before it comes to trial."

"I think he is trying to desert her—to find an excuse for quarrels and I am going to give them time to do it. I am not worrying about the matter very much."

Some people think that the Pennells deliberately committed suicide.

Yet Mr. Pennell had made arrangements to meet a friend at his home at 6 o'clock last evening on ordered dinner and had no statement from Mrs. Pennell, the opinion is that the tragedy was an accident pure and simple and the stories of suicide are given little credence this morning.

Mrs. Pennell is suffering from a fractured skull and internal injuries. She has not been able to give any account of the events which led to the death of her husband and her own injuries.

A policeman was on guard at Pennell's office in the Austin building today and it is believed that the attorneys are making a search of the papers and belongings of the victim. It was also stated a search is being made of the residence of the Pennells at 228 Cleveland street.

President Vreeland of the Metropolitan company issued a statement denying the charges.

"The figures shown in these reports," said Mr. Vreeland, "were unscrupulously distorted and perverted for dishonest purposes, and in the interest of an organized 'bear' raid upon the securities of our company and of an attempt by certain persons to extort money from us as a consideration for the withdrawal of attacks. It is sufficient to say to the public and especially to our stockholders, that not one of the charges is true, and that the condition of this company is precisely as we have represented it to be."

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WASTED POWER
With the Proper Attachment Mr. Morgan Could Have Dug the Canal Any Old Place.

rules to re-examine the rules of the senate with the view of ascertaining what changes, if any, are necessary and especially to make inquiry whether it is expedient to amend the rules of the senate and if so to what extent. The resolution further provides that the committee is authorized to sit during the recess of the senate and they are directed to submit a report to the senate of their conclusions as soon as practicable, after the beginning of the session next December. The resolution was referred to the committee to audit and control the contingent expenses of the senate.

Mr. Hoar (Mass.) explained the need of a manual of parliamentary law and said he would at a later date introduce a resolution directing the committee on rules also to consider this question.

The manuscript copy of the Cuban constitutional convention, the several orders and circulars of the department of Cuba, etc., were ordered returned to the war department.

The Senate then on motion of Mr. Cullom (Ill.) at 12:10 o'clock went into executive session.

Mr. Morgan Continues.

Senator Morgan continued his argument in opposition to the Panama canal treaty. The democratic senators are making an effort under the leadership of Senator Gorman to reach an agreement upon amendments, and each has been asked to give his views. So far substantial unanimity has been expressed in favor of a modification of article 23 so as to place the control of the canal in American hands. There is general complaint among the democrats that the provisions of that article preclude the possibility of protecting the canal by American arms. It is said, however, that no amendments will be offered by the democratic senators as a party unless the support of all the democratic senators can be assured. While practically all are said now to be favorable to an amendment that will give the United States control, it is understood that many, especially among the southern senators, say that if this or other amendments shall be offered and rejected, they will reserve the right to vote for the treaty in the end.

CANDY MAN EXPIRES

Aleigretti of Chicago Lived Eighty-six Years—End Came at His Wisconsin Summer Home.

Chicago, March 11.—Ignazio Aleigretti, a well-known confectioner, is dead at his summer home at Lake Beulah, Wis. He was 86 years of age and was a native of Italy.

Senor Sabino Arana, who was tried at Bilbao on the charge of sending a cablegram to the president of the United States congratulating him on the granting of the independence to Cuba, has been acquitted.

The office of superintendent of public instruction in Colorado is held by a woman. She is a democrat. The salary is \$3,000. She has been re-elected on the democratic ticket, thought the state has generally gone republican.

to where the \$110,103 unaccounted for has gone, and no one else pretends to say in what manner such a sum could gradually have been lost sight of.

City Controller Joshua Rogers is well satisfied with Mr. Nimocks' report, because it bears out the controller's prediction before the committee on accounts of public officials that the total shortage would not exceed \$115,000. It is understood that T. S. Dickey who is checking up the revolving fund for the city, will make out the same finding as Mr. Nimocks.

It was believed by members of the council that the actual shortage would be more than twice Mr. Nimocks' figures, for in the resolution authorizing the checking up of the revolving fund it was estimated that the deficit would be about \$250,000.

Await City Experts' Report.

Alderman McCoy of the committee on accounts of city officials, is inclined to believe that Mr. Nimocks' investigation was not very far reaching, and he prefers to await the report of the accountants checking up the different funds for the city before forming any conclusions.

"I am convinced," said he, "that we need expect no whitewash in the official report which is due at the last council meeting this month."

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City Engineer Says 'Rebates.'

"The books of this office are open for inspection at all times," said City Engineer Andrew Rinker this morning. "I have paid no attention to the controller's charges that poor bookkeeping in this office or with the county auditor might be held responsible for most of the revolving fund shortage. We are not supposed to keep the books of the city, but I have every reason to believe that our records are absolutely correct, and an inspection of our books will show that account has been kept here of every dollar expended for every stick of wood purchased for the city."

"I would not be surprised if a great deal of the leakage as yet unaccounted for could be traced to the loose system of allowing rebates on excess assessments for permanent improvements. I don't mean by that any one has gone so far in a dishonest way. The fault is entirely with the system which has returned to taxpayers more money than they were actually entitled to."

SNUG SUM MISSING

A Neat \$110,103 of Revolving Fund Unaccounted For.

The report of C. A. Nimocks, retained Continued on Page Five.

ington avenue toward Fillmore street," he said, "when we heard the bell of an automobile. We looked back and saw it coming toward us. We saw we were not in the path and kept on walking. The man ran again. He was much nearer, but we did not turn. A third time a rang and saw the wreck. The automobile was fifty yards behind us in the middle of the street. I turned just in time to see the man's hat in the air. His hand, which has been in the air, was coming down. At that instant the machine turned sharply to the left and we both stopped. The machine was going very fast, and like a flash it was coming down. It bounded over the curb, and curbing full toward the quarry, dashed over it.

Neither the man nor the woman stood up or made an attempt to jump out. The man sat erect. I heard the woman scream just as the machine went over the brink. I ran and looked over the brink and saw the wreckage. I could see that the man was dead, sure, and I went for help."

PENNELL'S WOUNDS
The Lawyer's Body Was Badly Battered by the Fall.

Buffalo, N. Y., March 11.—Medical Examiner Denzer, who made an examination of the body of Arthur R. Pennell, who was killed by his automobile crashing over a ledge into a quarry last night, announced his findings today. The wounds of the body consisted of:

The fracture of all the facial and cranial bones; a fractured and comminuted fracture of the right thigh; a fracture and dislocation of the left elbow; a compound fracture of the left shoulder blade; fracture of the third, fourth and sixth ribs near the spinal articulation; a compound fracture and dislocation of the left knee; a colles' fracture of the left wrist; a deep cut through the left hand; a laceration down the back between the shoulder blades.

Identification evidently had been a bad business. On the back case of the handsome gold watch, which was still ticking in his pocket, the intricate monogram ARP was engraved. On his key ring was an identification tag bearing his name and office address in the Austin building at No. 58 Franklin street. In a snail skin wallet there were eight visiting cards with his name and address in gilt letters on the flies of the wallet. An identification card issued by a life insurance company was also in the wallet.

Especially these articles the medical examiner found in a compartment of Pennell's wallet \$38 in bills, 6 cents in change was in a purse and in another separate compartment of one of the two purses was a lot of newspaper clippings which were found to be bits of poetry on love, life and death.

Two boys who saw the tragedy say that Pennell was driving his machine at a fairly rapid rate, when his hat fell and the auto swerved and disappeared with its burden into a great bowl of limestone a few feet from the road.

Pennell and his wife left their home at about 4:30 p. m. It was a gloomy afternoon, as rain was falling. It seemed a strange day for a man to take his wife automobile. Yet he was an expert at handling the machine and was experienced as to its management.

He was born in Brunswick, Maine, thirty-six years ago. He went to Yale, graduating with the class of 1887. The year after that he married Miss Carrie Lamb of New Haven. Mrs. Pennell is 34. They have no children. His wife had a courtship for two years.

President Vreeland of the Metropolitan company issued a statement denying the charges.

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