VALENTINE, NEB.

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### NEW LAW ATTACKED

CORPORATION TAX UNDER FIRE IN SUPREME COURT.

Counsel for Stella P. Flint, of Windsor, Vt., Sets Up Unique Claim that Act is Unconstitutional Because It Inwades Sovereignty of State.

Washington, D. C .: "'For taking away our charters' was one of the grievances of the American colonies against the king of Great Britain. At the time the declaration (containing lice. these very words) was written the people of Vermont had already rendered conspicuous service in the war of independence. It would be an astonishing result, if, years after that independence had been won, it should be found that the government established by the colonies themselves had become an instrument 'for taking away our charters."

That is the climax in the brief of Maxwell Evarets and Henry S. Wardner, counsel for Stella P. Flint, of Windsor, Vt., just filed in the supreme court of the United States in opposition to the constitutionality of the corporation tax law. Their main point is that the law, so far as it affects the Stone-Tracy company, is unconstitutional because it invades the sovereignty of the state of Vermont. It is claimed that the company would be deprived of its property without due process of law; that the law takes private property for public use without just compensation, and that the tax is a direct one on the franchise and therefore unconstitutional because not | Three Officers of 25th Infantry Orapportioned.

Mr. Evarets started the litigation the court in the oral arguments of the 150 cases next week. The court is potential resources of the national government, as was urged would be the case in the income tax cases.

The brief claims that the law was only superficially considered in con-

The novel spectacle of a corporation pleading with the supreme court of the United States to be allowed to be taxed was presented when counsel for the Coney Island and Brooklyn Railroad company asked the court to uphold the constitutionality of the corporation tax.

So far this corporation is the only one of the fifteen organizations that has presented a brief in favor of the law, the others leaving the burden of supporting the law on the government,

# SIXTY-NINE RECOVERED.

Identification of Avalanche Victims Almost Impossible.

Seattle, Wash.: The potters field will be the last resting place of a score of victims of the Great Northern avalanche at Wellington, the coroner fears. The bodies recovered are clad only in sleeping garments or are entirely nude, and identification is almost impossible. There are six unidentified bodies in the morgue here and more are expected. The Italian consul is obtaining photographs and measurements of the dead Italians.

The passengers' bodies, for which special search is being made, are those of Rev. J. M. Thompson, of Bellingham, Wash., and E. W. Topping, of Ashland, O. Sixty-nine bodies have been recovered.

# For Rockefeller Bill.

Washington: / The bill to incorporate the Rockefeller foundation was ordered favorably reported at an excutive session of the senate District of Columbia committee following a statement made by Starr J. Murphy, the representative of John D. Rockefeller.

# Slain; Wills Lodge \$200,000.

Minturn, Ark .: The will of A. W. Shirey, merchant, assassinated Wednesday night, was opened Thursday. About \$200,000 was left to the grand lodge of Odd Fellows to establish a sanatorium at Hot Springs. A shot fired through the window of his store killed Shirey.

Bristol Port for Canada Line. London: It has been decided to make Bristol the British port for the new Canadian Northern railway steamship service.

Sioux City Live Stock Market. Friday's quotations on the Sioux City live stock market follow: Top beeves, \$7.00. Top hogs, \$10.40.

Accepts Commission Rule Plan.

Wellington, Kan.: Commission form of government was adopted at a recent election by a majority of 435 votes. Only 46 people voted against the change. Twelve women voted.

Woman Sues for False Arrest. Chicago: Louise Hogan has filed suit for \$5,000 against Martin Cairns for false arrest. She says he caused her to be arrested on a larceny charge of which she was innocent.

POLICE DOUBT STORY.

Fugitive Held at New Orleans Says He Murdered Three People.

New Orleans, La.: That he had committed three murders in Cairo, Ill., was the startling statement made by Jim Howard, a negro, to the police here Friday. Howard concealed himself as a stowaway on the steamship about 10:54 o'clock. Excelsior, of the Morgan line, when that vessel sailed for Havana several days ago. His presence was discovered and he was brought back here in irons.

a Dr. Murphy in Cairo several years ago. He declares also that he killed another white man in a fight near Cairo soon afterwards. Two years ago, he killed a young white boy named Dumas in Cairo with a hatchet. This, he says, was after he had escaped from the Illinois state penitentiary. He is charged with being a fugitive from Illinois. Some doubt as to his sanity is expressed by the po-

### OFFERED POSITION ON STAGE.

Wife of Man Who Attacked Banker Lillis Likes Life of Players.

Kansas City: Mrs. "Jack" Cudahy, whose husband attacked Banker Jere Lillis Sunday morning, said Thursday that she had received scores of offers to go on the stage, but had declined them all.

"Really, though," Mrs. Cudahy said, "if it were not for my children I would go on the stage. The stage always has appealed to me. Not the glamour of the footlights or the plaudits of the people, but the life and the people. It Is the good fellowship you find among the members of the profession that appeals to me."

Mr. Lillis Thursday was quoted as saving that Mrs. Cudahy had been unjustly accused of misconduct. He is | thrilling little play called "Le Vititsaid to be rapidly improving.

### BROWNSVILLE INQUIRY.

dered Before Military Court. over the constitutionality of the tax, who were attached to the Twenty- sing and enthralls him. Finally she and he is relied upon to largely pre- fifth infantry at the time of the shootsent the views of the corporations to ing at Brownsville, Tex., have been ordered before the military court of inquiry investigating the affair here. told that to declare the law unconsti- Capt. Edgar A. Macklin, Capt. Samuel tutional involves no diminution of the P. Lyon and Second Lieutenant Geo. Lawrason are the officers.

The court expects to give its report to congress earl yin April.

While none of the negro soldiers discharged by President Roosevelt has been convicted by the court of complicity in the shooting, the court has reported none of them as qualified for re-enlistment under the terms of the Foraker resolution.

## Former Justice on Trial.

Spokane, Wash.: The trial of M. J. Gordon, formerly chief justice of the supreme court of Washington, accused of having embezzled \$9,200 given to him as attorney for the Great Northern railroad to settle a judgment obtained by James S. Sparrow, began Thursday in the superior court. The railway is not assisting the state in the prosecution.

Rejects Rule by Commission. Sapulpa, Okla.: The charter providing for the commission form of government was defeated by a majority of 41. To a clause providing for the payment of 3 per cent of their gross earnings by franchise holders and one providing for the enforcement of the liquor law are laid the docu-

Tennessee Postmaster Fired. Bristol, Tenn.: Postmaster E. A.

ment's defeat.

Warren of this city was dismissed by a telegram from the postoffice department to his sureties calling upon them to designate a man to take temporary charge of the office. No information could be obtained as to the cause of the removal.

Brothers Lose \$40,000 Will Fight. Carmi, Ill.: Judge W. H. Green held the will of Dr. J. N. Wheeler, of Broughton, Ill., valid. The will bequeaths to Milliken Presbyterian college, Decatur, Ill., an estate valued at \$40,000. Brothers of Wheeler sought

the annulment of the will. Mystery of Missing Boy Deepens. Rock Island, Ill.: The mystery in the disappearance of Emerson Tucker, aged 19, deepened Thursday by the return of the coat and hat of the missing youth to his father's printing es-

Washington, D. C .: Representative James B. Perkins, of Rochester, N. Y., serving his fifth term in congress, died Thursday morning at Garfield hospital after an illness of several weeks.

tablishment, where he was employed.

Washington: The senate committee on territories Friday voted favorably on the Arizona and New Mexico statehood bill, after adopting an amendment against disfranchising Mexican voters.

# Ask Evictions of Americans.

San Juan, P. R.: The house of delegates has passed a resolution calling upon the American heads of departments to vacate within a month the buildings belonging to the government and used by them as residences.

# Mail Bag Theft; \$18,000 Lost.

Windsor, Ont.: Checks and drafts amounting to about \$18,000 were stolen from a mail bag while in transit between Windsor and Toronto.

QUAKE IN CALIFORNIA.

Central Part of State Disturbed by

Violent Movements. San Francisco: A sharp earthquake in some parts of the state, the severest shock since the big one of 1906, was experienced throughout the central part of California Thursday night at

The vibrations were long and undulating, but slow, and the duration as usually given from one and a half to four seconds. Reports received show the earthquake was felt as far south Howard says he murdered a night as San Luis Obispo, but did not appear watchman after robbing the home of to extend far north of San Francisco. Three pronounced heavy movements with a slight interval of undulations between were felt, but no damage has been reported.

In San Francisco the people are generally aroused, and in the Western Union office virtually every operator left his key, which caused a report to come from Pertland that some of the San Francisco wires had been interrupted.

In two of the local theaters, where the last act was closing, scores of people jumped to their feet, and in one of them there was a decided movement from the galleries towards the exits, which was promptly stopped by a policeman.

The shock was particularly severe on a line running north from Monterey through Wilsoncille, Santa Cruz and San Jose, and it was also felt in Santa Rusa.

### DANCE THRILLS THE BRITONS.

Opinion Divided as to High Art or Rank Indecency.

London: Another freak dancer has come to London to upset its sedateness. This time it is Mlle. Polaire, fresh from Paris, who made her first appearance in England at the Palace theater. The dance is the climax of a

The scene is in the actress' boudoir late at night. The actress is awaiting her lover, but an Apache has just killed the lover and comes instead to steal her jewels. He flourishes an ugly Washington, D. C .: Three officers looking knife, but she cajoles him, dances with him in a most suggestive manner, and as he snatches her pearls from her neck she stabs him in the

The darce is of the Apache kind, only more so. It shows passion run mad. The audience was divided as to whether it was great art or great indecency. It is certainly not a fit exhibition for young people to see, if it is for anybody. Also it is certainly lurid

Mlle. Polaire was a weird figure, with wasplike waist, glittering eyes and a shock of disordered short hair, She is not at all a cozy looking girl.

## FIRE ON AMERICANS.

Afghan Fanatics Shoot and Wound Two Jerusalem Tourists.

Washington, D. C.: American parties visiting the mosque of Omar, near Jerusealem, have been fired on by Afghan fanatics. Miss Mathlie Maurice, of Mamaroneck, N. Y., received a slight flesh wound, and Miss Parker Moore, of Terre Haute, Ind., was seriously wounded, but will recover. No others were hurt.

The information came to the state department in an undated telegram from United States Consul Wallace at Jerusalem. The officials express no doubt that the Turkish authorities will take prompt steps to punish the assail-

The state department has instructed the United States consul general at Jerusalem to make energetic representations to the local authorities to bring about the apprehension of the parties guilty of firing upon and wounding the two American tourists. The United States ambassador at Constantinople also has been instructed by cable to give the matter careful

# PEARY TO SHOW PROOFS.

Explorer Will Make Them Public at a London Meeting.

London: Commander Robert E Peary, it was announced authoritatively here Thursday, is bringing proofs of his polar achievements with him and will make them public at a meeting which he is to address at Albert hall under the auspices of the Royal Geographical society.

The explorer, whose good faith is generally accepted by British geographers, has the promise of a magnificent reception in London. Sir Ernest Shackieton disclaimed the statement credited to him by Congressman Robert B. Macon, of Arkansas, before the ubcommittee of the house naval committee March 9 with reference to the number of miles a day it was possible to travel over polar seas.

Manila: Lieut. Frank B. Davis, of the Twelfth infantry, U. S. A., has been ordered before a courtmartial charged with having misrepresented the law to a similar court while defending an enlisted man.

# Art Critic Sent to Prison.

London: Carew Martin, art critic, has been convicted of misappropriating the funds of the Royal Society of British Artists, of which organization he was secretary, and was sentenced to nine months' imprisonment.

Kodok, Anglo-Egyptian Soudan: Col. Roosevelt and his party arrived here at 8 o'clock Thursday morning. At the American mission at Doleib hill, on the Sobat river, the travelers were re ceived with much enthusiasm

Nebraska

State News

In Concise Form

SEED BAD, SAYS ROBINSON.

Waterloo Expert Declares Agitation for Tests is Good Thing.

News of the

Week

That the agitation in regard to poor seed corn is well founded is the opinion of J. C. Robinson, of the Robinson Seed company at Waterloo. Mr. Robinson is also president of the American Seed Trade association, and his extensive operations in the seed line

"The condition of seed corn," he declares, "has not been overrated. In fact, no such crisis for the farmers has existed before in the 22 years I have been interested in seed corn. When our rains commenced on November 12 last corn was rather above an average condition, both as regards moisture and vitality. About three weeks later, when the first snow came it had taken up or absorbed much moisture, but vitality still remained good. The first snow was followed by more until the first week in January, when the thermometer dropped to about 20 degrees below zero and this practically destroyed the germ in all corn containing over 16 1/2 per cent of moisture, although a few cribs containing 1 per cent more have shown good vitality, but these were cribs that had some protection from the extreme weather.

"We have found that an average of 25 per cent of the corn in eastern Nebraska still retains a vitality of 90 per cent or better. These crops that remain good are mostly the thin grained, earlier varieties, with small cobs; the thick, heavy grained, late varieties, with large cobs are nearly all of low vitality. Corn that remained on the stalk all winter is valueless for seed purposes. A series of tests made from corn from the fields shows that ears, not touching the ground but buried in the snow, give a good growth, while ears only protected from the weather by busks are low vitality, thus showing that corn above the normal in moisture can retain vitality if pro-

"We have made thus far this season about 2,500 tests, and have found many surprises. Some farmers have figured on planting their own corn, with perfect assurance that it is good and can hardly believe it will not grow even when confronted with actual results. An average of 85 per cent vitality will doubtless be planted with untested corn even after all the agitation on the subject."

Surveyors Hint at Interurban. A large party of surveyors have been working in and around Nebraska City for some time past. They have surveyed a line from Omaha to Kansas City and are now on their way back to Omaha. The line passes through the western part of Nebraska City. They claim they are surveying for an interurban railway, which will be built during the coming season.

# Farmer Shot by His Son.

Jacob Kohel, a farmer living near Dorchester, was shot and instantly killed by his son, John Kohel. The father, who, it is alleged, had been drinking, was flourishing a shotgun and the son sought to take the weapon away from him. During the scuffle it was discharged, the charge entering the father's head.

# McCook Seniors Walk Out.

For some time the seniors of the McCook high school have been remonstrating against what they call the "despotic rule" of the superintendent and principal and following the suspension of three of the class the whole class quit school. The majority of the class is planning to complete the school year elsewhere.

. Peonies on Large Scale. J. F. Rosenfield, famous as the largest grower of peonies in the United States, is now visiting at Honolulu, Hawaii Islands. He has been sojourning on the coast for some months preparatory to embarking anew in the culture of peonies on a 25-acre tract

# near Omaha.

More School Room Needed. More room is said by the Grand Island board of education to be needed. and at the forthcoming election two propositions, the one involving the principle of the ward schools and the other to the voters in order that they may express their choice.

### Found Dead in Bed. Henry H. Verrell, a resident of

Saunders county for over forty years,

was found dead in his home in Mem-

phis about 12 o'clock Wednesday

night. Death was due to apoplexy. Accident at Cambridge. Jay Olmstead, the 12-year-old son

of Mrs. Mary Olmstead, residing four miles northwest of Cambridge, was seriously injured by being kicked by a horse.

### Mica Factory Opened. Forty-nine more persons added to

the little army of industrial workers now engaged in Grand Island when the Laurentide Mica company opened a factory there.

DEPOSITS BREAK RECORDS.

Never Was Time When So Much Money Was in Vaults.

There never was a time in the his tory of the banking business of Nebraska when there was as much money on deposit as at the present time. The report of the state banks at the close of business February 12, shows that almost \$78,000,000 was on makes a statement from him authori- deposit. The average reserve is 30 per cent, which is just twice as much as the law requires.

> The number of banks reporting was 663, and there are 229,288 depositors. The following shows the difference in the conditions of the banks as shown in the report of February 16, and as shown in the report of one

Compared with the report of Norember 16, 1909: The number of banks reporting has increased two; loans and discounts increased, \$1,-310,000; deposits increased, \$4,708,-000; average reserve has increased forty-seven in number and \$958,500 in from 26 1/2 to 30 per cent, being double the legal requirement at the date of this report.

Compared with the report of one year ago the following increases are found: Loans and discounts, \$8, 074,000; deposits, \$5,000,000. While the legal reserve has decreased 3 2-3 per cent. There has been an increase in the year of 29 banks reporting.

### PIERCE PUZZLE SOLVED.

Engineer Finally Finds How Water Supply Vanished.

Engineer George Coff, of Pierce, was greatly puzzled for several days by the mysterious disappearance of the city water from the standpipe. commissioner, and Mr. Goff made a thorough investigation of the mains. but could not find any signs of leakage. On the fourth day after the disappearance of the water from the pipe a business man discovered water pouring out of the basement windows of the large residence of Dr. J. M. Alden in the west part of town, and investigation showed that the water pipes in the cellar had bursted after being frozen. . It is estimated that 400,000 or 500,000 gallons of water escaped into the cellar before the leak was discovered. Dr. Alden and his wife are spending the winter in Florida and no one is occupying the

# DEED REVEALS WEDDING.

Young Man Admits Secret Wedding

When He Transfers Land. Through the filing of a deed in the county recorder's office at Nebraska City Tuesday it was learned for the first time of the marriage of Harry Hawke. He kept the matter very quiet, and when he became 21 years | 46c to 47c; rye, No. 2, 78c to 79c; hay, of age Tuesday was to receive a share | timothy, \$10.00 to \$19.00; prairie, \$8.00 of his father's estate.

was married, because of the transfer toes, per bushel, 30c to 40c. of some real estate. He is the oldest friends as well as his relatives.

# Referendum Plan Adopted.

The special election held at Neligh Tuesday for the adoption or rejection of the initiative and referendum act resulted in a vote of 159 for to 24 against. This has been done with the hope that in the future the matter of license may be taken out of politics and some other qualifications for office may have a chance to be considered than that of the license question.

# High Water Subsides.

The high water in the Elkhorn river which threatened to do considerable damage to the mill property and the low lying residence districts of West Point is slowly subsiding. The disappeared in that vicinity, only a 71c; pork, mess, \$25.00. very few drifts remaining.

# District Odd Fellows Meet.

The northwestern Nebraska Odd Fellows held a district meeting at Emerson Tuesday. An all night session was held and the degree work exemplified by grand lodge officers. A banquest was served at midnight by the Rebekahs. About 300 Odd Fellows were in attendance.

# Hollingsworth Confirmed.

Postmaster A. H. Hollingsworth, of Beatrice, has received word from Washington that his reappointment \$7.85. as postmaster at that place had been confirmed by the United States sen-

# To Vote on Initiative.

The initiative and referendum will be presented for acceptance or rejection by the voters of Hastings at the annual spring election on April 5.



CHICAGO.

R. G. Dun & Co.'s weekly review

of Chicago trade says: "The advent of seasonable weather adds a cheering tone to business. Trading defaults have fallen in both number and liabilities to the smallest since April, 1907. March settlements are seen to be remarkably heavy and the volume of solvent payments through the banks establishes a new high record. Financial conditions become decidedly favorable and ample accumulation of funds offers encouragement to more extended enterprise in commerce and investment.

"Railroad operations rapidly return to the normal, while the returns indicate increasing movements of finished and raw products, general merchandise, grain and plantation needs.

"Outputs of the leading industries continue rising, and the approach ofspring work involves wider use of miscellaneous materials and machinery and hands. Permits during February for new business structures and additions were seventy in number and \$2,964,600 in value, and compare with value in 1909.

"Dealings in the principal wholesale and retail branches of general merchandise make a favorable comparison

with this time last year. "Bank clearings, \$336,010,197, exceed those of the corresponding week in 1909 by 7.8 per cent, and compare with \$264,397,914 in 1908. Failures reported in the Chicago district number twelve, as against twenty-one last week, twenty-seven in 1909 and forty in 1908. Those with liabilities over \$5,000 number three, as against four last week, ten in 1909 and thireen in 1908."

### NEW YORK.

Trade is still irregular, and spring The resevoir holds nearly 55,000 gal- trade is rather backward in developing ons, yet after filling it up to the brim at many points. Weather conditions, it would be only a few hours when | flooded stream and bad country roads those who have hot water plants in are variously assigned as reasons for their residences would send in com- the hesitation shown in various lines, plaint that the water was out of their but back of all these there is an unpipes. The fact that over 50,000 gal- deniable feeling of conservatism, bred lons of water disappeared in from two of the uncertainty regarding the recepto three hours alarmed the water tion to be given higher-priced products by the untimate consumer. Re-order trade in spring goods by jobbers is not especially large, and business at first hands is held back, pending clearer views of price matters and crop prospects. Collections are widely quoted as slow.

Business failures in the United States for the week ending with March 3 were 184, against 254 last week, 219 in the like week of 1909, 287 in 1908, 172 in 1907 and 177 in 1906.

Business failures in Canada for the week number 22, which compares with 28 last week and 33 in the same week in 1909.—Bradstreet's.

Chicago-Cattle, common to prime, \$4.00 to \$8.25; hogs, prime heavy, \$7.00 to \$10.20; sheep, fair to choice, \$4.50 to \$8.00; wheat, No. 2, \$1.17 to \$1.19; corn, No. 2, 59c to 61c; oats, standard, to \$15.00; butter, choice creamery, 28c He had to make known the fact he to 30c; eggs, fresh, 18c to 21c; pota-

Indianapolis-Cattle, shipping, \$3.00 son of the late William Hawke, and to \$7.50; hogs, good to choice heavy, through him came into considerable \$7.00 to \$10.10; sheep, good to choice, property on reaching his majority. \$3.00 to \$5.75; wheat, No. 2, \$1.17 to The marriage was a surprise to many \$1.18; corn, No. 2 white. 50c to 60c; oats, No. 2 white, 45c to 46c. St. Louis-Cattle, \$4.00 to \$3.00;

hogs, \$7.00 to \$9.90; sheep, \$3.50 to \$7.50; wheat, No. 2, \$1.24 to \$1.25; corn, No. 2, 61c to 62c; oats, No. 2, 45c to 46c; rye, No. 2, 79c to 81c. Cincinnati-Cattle, \$4.00 to \$6.75; hogs, \$7.00 to \$9.97; sheep, \$3.00 to

\$6.65; wheat, No. 2, \$1.20 to \$1.23;

corn, No. 2 mixed, 60c to 61c; oats,

No. 2 mixed, 47c to 48c; rye, No. 2, 85c to 86c. Detroit-Cattle, \$4.00 to \$7.00; hogs, \$7.00 to \$9.80; sheep, \$3.50 to \$6.25; wheat, No. 2, \$1.17 to \$1.19; corn. No. 3 yellow, 61c to 62c; oats, standard. 46c to 47c; rye, No. 1, 82c to 83c. Milwaukee-Wheat, No. 2 northern,

oats, standard, 46c to 47c; rye, No. 1, snow has practically all melted and 79c to 80c; barley, standard, 70c to Buffalo - Cattle, choice shipping steers, \$4.00 to \$7.00; hogs, fair to choice, \$8.00 to \$10.20; sheep, common, to good mixed, \$4.00 to \$7.40; lambs,

\$1.11 to \$1.16; corn, No. 3, 61c to 63c;

fair to choice, \$5.00 to \$9.70. New York-Cattle, \$4.00 to \$6.80: hogs, \$8.00 to \$10.00; sheep, \$4.00 to \$6.50; wheat, No. 2 red, \$1.27 to \$1.23: corn, No. 2, 66c to 67c; oats, natural. white, 52c to 54c; butter, creamery,

29c to 32c; eggs, western, 19c to 21c. Toledo-Wheat, No. 2 mixed, \$1.18 to \$1.19; corn, No. 2 mixed, 61c to 62c; oats, No. 2 mixed, 46c to 47c; rye, No. 2, 80c to 81c; clover seed,

NOTES OF CURRENT EVENTS.

President Lewis, of the United Mine Workers, announced that an average of 10 per cent increase in wages throughout America has been granted. Robert W. Higbee, of Detroit, was elected president of the National Wholesale Lumber Dealers' Association at Cincinnati.