DEFEND BAER'S

Counsel Prepares Answer to Bill Asking Dissolution of Reading Company.

SAY COAL PRICES WERE NEVER FIXED

Circulars Not Binding and Although Companies Sold at Same Rate This Was Due to Ordinary Commercial Causes.

PHILADELPHIA, Oct. 10.-Counsel for the Philadelphia and Reading Coal and Iron company have prepared an answer to the application of W. R. Hearst to the attorney general of New York for the institution of an action against the company under the anti-trust laws of the state. The answer will be filed in New York.

The answer avers that the respondent is a corporation of Pennsylvania created primarily to purchase, sell, transport and mine coal and incidentally to acquire such lands as it may deem expedient and to purchase the stocks of any railroad or other corporation. It is denied that the corporation has authorized or sanctioned any combination with another corporation contrary to the laws of New York state:

canal companies, created by or organized under the laws of Pennsylvania, are expressly authorized by the statute law of capital stock or corporations authorized by law to develop the coal, iron, lumber or other material interests of the said commonwealth, and especially is any railroad or mining company of Pennsylvania authorized by positive statute to purchase and hold the capital stock of the Philadelphia and Reading Coal and Iron company.

Coal Prices Not Fixed.

The answer further denies that the prices for the coal sold and shipped by the respondent were ever determined by agreecontract, combination or arrangement with the other corporations mention of in the application, or with any person whomsoever. It is admitted that officers of the company have occasional meetings with others in a like business with the view of exchanging and considering statistical information and data as to the state of available supply and the probable demands of future markets, in order that measures may be taken to supply their requirements.

The respondent also denies that the prices fixed by it in March, 1901, or at, any other time, were determined at an alleged meeting of the board of directors of the Temple Iron company or that a uniform price for coal was agreed upon with other companies.

If other parties in the trade announced the same prices it was because they could not reasonably expect to obtain or demand greater prices from their customers than the respondent announced its willingness to sell for, and, in the absence of special facts and circumstances, were doubtless unwilling to accept less. Moreover, circulars have never been regarded as binding upon anybody, nor even upon the parties who may have issued them.

Having shown, the answer concludes, that it has not done or participated in any act contrary to the provision of the New York laws, it submits that no further inquiry should be made into the allegations cited in the application.

The Reading company and the Temple Iron company will make answers denying any connection or complicity with any organization or combination as set forth in the allegations of the Hearst bill.

Action to Revoke Charter.

HARRISBURG, Pa., Oct. 10.-There was received at the attorney general's department today a petition by Frank H. Thompson of Philadelphia, asking that the attorney general grant the use of the name of the commonwealth in a suit against the Reading Railroad company, to show why its charter should not be revoked for alleged violation of the state constitution, which prohibits a coal-carrying company from engaging to mining. In the absence of Attorney General Elkin and his deputy the attaches of the department declined to make the application public. The attorney general is expected to take some action in the matter when he returns to his office pext Wednesday.

STRIKE MUST GO

(Continued from First Page.)

Mr. Thomas withdrawing. Senators Platt, Penrose and Quay talked over the matter for a short time, and then they, too, separated, the two Pen'nsylvanians announcing that they would go back to Harrisburg and discuss the situation with Governor Stone.

Governor Odell was not in a talking mood when he left the conference. He went directly to the Fifth Avenue hotel and during most of the afternoon received callers. Mayor Low, Anson G. McCook, Edward Lauterbach, Congressmen Lesler and Littaur and Senator Platt were among his callers. To one of these he said: "The coal operators may postpone this

matter until Tuesday, but I don't propose to postpone it. They are not acting fairly

their hands off the strike would have been settled long ago. We have taken a stand for principle, and no amount of argument will budge us."

J. P. Morgan who conferred with several of the operators during the day, would not discuss the latest developments, but it is known that he has not swerved from his purpose not to become a party to the controversy.

Odell Praises Mitchell.

About 5 o'clock John Mitchell, accom panied by L. N. Hammerling of Wilkenbarre, called and had a long conference. While this was going on a dispatch an nouncing that the operators refused to consider the terms offered by the governor was

received. When the conference was over Governo Odell refused to say what had occurred and Mr. Mitchell was equally retleent. It is believed, however, that Governor Odeli presented his proposition for settlement to

has signature in on every box of the genuine Laxative Bromo-Quinine Tableta

CHARTER the leader of the miners' union and that the leader of the miners' union and that the district presidents in the hope it would

e accepted Governor Odeli said: "Mr. Mitchell was eminently fair and showed every disposition o adjust the serious situation.

President Mitchell remained at his hotel most of the day conferring with the three district presidents who are here with him. . N. Hammerling of Wilkesbarre and Father Ducey also called and remained with Mr. Mitchell some time. When Mr. Mitchell's attention was called to the telegrams reported to have passed between him and President Moyer of the Western Federation of Miners, concerning Moyer's offer to cooperate with the Mine Workers by calling out the western men, Mr. Mitchell said: "I have nothing to say."

He would not discuss the matter nor adait that it was under consideration.

Demands Union's Prosecution David Wilcox, vice president and counsel

for the Delaware & Hudson Railroad company and one of those present at the recent conference called by President Roosevelt a Washington, has sent to President Roose velt a letter demanding that the federal government proceed against the miners' organization in the courts on the ground that t is a conspiracy to prevent interstate commerce.

Mr. Wilcox, it is said on authority, represents all the coal operators in this action and was selected as their spokesman The letter was made public in this city today, together with a letter written several months ago to the president along the same lines. The letter follows:

NEW YORK, Oct. 8, 1902.—To the President of the United States: Upon June 7 last I had the honor to address a letter to yourself, calling attention to the character of the United Mine Workers of America.

The lilegality of their organization is fully established by the authorities to which I then referred, and its methods have since been again condemped by the circuit courts of the United States (U. S. vs. Weber, 139 Fed. Rep., 200; United States vs. Haggerty, 116 Fed. Rep., 510.

In the Weber case, too, the court said: "It is hardly open to serious question that the ultimate purpose of the union is not legal." Some question has, however, been made whether the national government has power to take action against it on that account, and I therefore respectfully desire to st bnit some considerations which seem to it dicate it has such power.

i dicate it has such power

Refers to Sherman Act. The statute of July 2, 1890, generally known as the Sherman act, provides that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the states or with foreign nations, is hereby declared to be lilegal." Commerce among the states begins when the subjects thereof begin to move to their place of destination and ends when they are sold.

The question, therefore, is whether the mine workers constitute a restraint upon such commerce. The view that it does not is based upon the production of coal within the states and not shipments of coal from one state to another. It is submitted that this distinction is without foundation in liaw or facts.

one state to another. It is submitted that this distinction is without foundation in law or facts.

The authority in support of this view upon which reliance is principally placed is the case of United States against D. C. Knight Company, 158 U. S. I. In that case several sugar refineries in Pennsylvania had been united in one organization. The court held that this consolidation of interests did not come within the statute because it affected merely the proceeds of manufacture and had no necessary effect upon the shipment of the product out of the state. It will be seen that these facts were widely different from those involved in the present case.

The coal of the country is the most important subject of its interstate commerce. The mine workers' organization consists of a combination of persons employed in the production of coal, in many states of the union. Its object and effect are to control the terms upon which this subject of interstate commerce may be produced at all, either for state or interstate shipments. Its direct and necessary effect is that no coal shall be shipped anywhere within the country unless it so permits.

This combination, therefore, not merely restrains, but destroys interstate commerce by preventing the existence of the subject.

and a combination which directly and immediately desiroys interstate commerce by preventing the existence of its subject matter is quite as illegal as one which merely restrains the shipment of such matter out of the state. Otherwise, a combination which destroyed it would be beyond the reach of the law. It is submitted that the nutional jurisdiction is subject to no such limitation. It is submitted that the motional jurisdiction is subject to no such limitation. It is submitted that the motional jurisdiction is subject to no such limitation. It is submitted that the motional jurisdiction is subject to no such limitation. It is seems very clear, therefore, that a suit would be beyond the reach of the law. It is submitted that the motional jurisdiction is subject to no such limitation. It is seems very clear, therefore, that a suit would be combination in restraint of interstate commerce, within the act of July 2, 1899, and that a preliminary injunction would be granted, which could be exerced by all the power of the national government.

This precise course was followed in the Debs case and was supported by the courts, not merely on account of interference with the mails, but also on the ground of restraint of shipments from one state to another (64 Fed. Rep. 734). It is submitted that this course would be proper in the present case. It would desiroy the lilegal combination to which restrains of shipments from one state to another (64 Fed. Rep. 734). It is submitted that this course would be proper in the present case. It would desiroy the lilegal combination to which the present strike is due. The Delaware & Hudson company, therefore, most earnestly requests that proper action be taken under the aforesaid statute. Very respectfully, and the aforesaid statute. Ver

son railroad, referred to in the dispatch directions, so that I liked it equally as well from New York, and has referred-it, together with the former one, of which Mr.

President Roosevelt had a consultation with Commissioner of Labor Wright today. only a few days when I discovered 1 The president spoke of the great seriousness of the situation, but gave no intimation of any further steps looking to a is the matter with you? You do not seen settlement which he had in mind. He to be troubled with that itching sensation. again inquired about the arbitration act I told her that I did not know what the of 1898, which he had once before dis- cause was, but I knew that I was not self that it applied only to common car- was thankful for it.

riers and not to industrial corporations. After Mr. Wright had explained the law town, and while there drank some strong the president appeared convinced that coffee, and the itching returned. there was no chance for interference I came back home I commenced using Posthrough its instrumentality. There is an tum again, and the itching ceased. intimation that the president will ap- I decided that coffee in some way produced. The total number of descritons numbered point a commission in line with his sug- the itching. I drink Postum three times a gestion to Mr. Mitchell of settlement, with day and rest as well as I ever rested, and a view to a thorough investigation of the never have headaches any more. I believe whole subject of the strike and for the that hundreds of preachers who suffer purpose of securing data upon which to from indigestion, nervousness and worry

not broached at the conference with Mr.

For a long time this afternoon and even ing President Roosevelt discussed the strike situation with members of his cabinet. After office hours Secretary Root, At orney General Knox and Postmaster General Payne came over to the White House

and remained until nearly 6. Tonight Secretary Root and Mr. Payne were with hin for some time. Further than to admit the coal strike was the subject that brought them together, the members of the cabinet will not talk. Close advisers of the president who have conferred with him said tonight that there was no further action the administration could take on its initiative to bring the

resort to the anti-trust law and say no such step is contemplated. The executive of the American Federation of Labor decided today to appeal to business men and other sympathizers with the miners for financial aid.

Talk of Federal Troops. had failed to reach an agreement. It is for the last ten years: feared the struggle will continue for some weeks yet. The strike leaders will make every effort to hold their men in line, trusting to cold weather to bring the operators

to terms. The local operators say nothing but failure was to be expected, as it was more of a political gathering than anything else. The officers of the third brigade with headquarters in this city made the announcement today that the order of Gov. Stone to place all persons arrested for rioting under a military guard will be strictly enforced. A stockade is being erected at West Side Park where the Ninth regiment is in camp, and prisoners will be confined there. The military authorities complain that the civil authorities have been too lenient with some people who have been taken into custody since the militia arrived in the region and that sterner measures are

necessary. The operators will make another determined effort to start additional collieries next Monday, and in case the militia are as follows: cannot furnish the necessary protection will petition the governor to call for fed-

eral troops. National Board Member John Fallon, who is in charge of strike headquarters during the absence of President Mitchell, says the talk about calling for federal troops is all "moonshine" as the state militia now cover nearly the entire strike region and "they have nothing to do."

Soldiers, but No Resumption. SCRANTON, Pa., Oct. 10 .- There were no new collieries opened in this region today, notwithstanding the presence of the soldiers. General Manager Bryden of the Ontario & Western company's coal department, said today that he had been obliged to station guards at the homes of a number of the company's workmen to secure their families from molestation and intimated that he might be obliged to ask for military protection at these places. Announcement was made today that a general crysade against all persons pickinsg coal from the dumps is to begin by all the companies. All persons found buying this picked coal are to be arrested also on the charge of receiving stolen goods.

Colonel Justifies Shooting. SHENANDOAH, Pa., Oct. 10 .- A warrant

was sworn out today for the arrest of Private Wadsworth for the killing of Wm. Durham yesterday but Colonel Hulings, ct the Eighteenth regiment refused to allow the constable to serve it.

Colonel Hulings says Wadsworth was jus tified in shooting when Durham refused to of New York a supply of coal found in the state of Pennsylvania. As a result of the mine workers' organization the interstate commerce of this corporation has been for the time being in a great part destroyed. Obviously, a combination which has this direct effect upon an established interstate business is in every sense a restraint thereon. testify at the inquest but later he reversed the witnesses would not be permitted to go outside of the camp but that their testimony might be taken there.

Pupils Are Sent Home. SCHENECTADY, N. Y., Oct. 10 .- The 4,000 pupils in the eleven public schools of this city were sent home today because of the

coal supply giving out. The authorities fear they will have to close the schools indefinitely. WELSH COAL COMES FREE

Customs Officers Will Pass it Under Instructions from Secretary Shaw

NEW YORK, Oct. 10 .- The practical effect of Secretary Shaw's recent instructions to customs officers to facilitate the importation of coal will be to admit Welsh hard coal

A NEW TEXT.

Southern Preacher Gives Food for Thought.

Coffee works in many different and unsuspected ways. Mr. E. L. Wesson, pastor of Baptist Church of Sardis, Miss., writes: "I loved coffee from my infancy and never knew of it hurting me until I was 33 years old. I suffered with headaches if forced to do without it, and sometimes used it three times a day, but headache and been one of the ills of our family and therefore I thought it was an inherited evil for which coffee was a special remedy, but about nine years ago I began to suffer from sleeplessness, which continued until it seemed as if my nerves would wreck for want of sleep, and yet I could not sleep.

"A friend suggested that I quit coffee, except for breakfast, which I did, and so found that I could sleep a little better, but my headaches continued, and my nervous system would sometimes seem as if the very fibers of my fiesh were moving within average. It went on until three years ago I began to suffer at night with an itching sensation on my limbs below my knees and on my arms below the elbows, and sometimes all over my body, but there was no eruption on the skin; the flesh was smooth and white. I consulted several

good physicians, but with no avail. "I had no idea that the coffee I drank in the morning caused it, but finally decided Food Coffee. Wife made it according to as coffee. I had no idea that it would relieve the awful itching deep down in my flesh, but thought I would try it to see if there was any virtue in it. I had used the itching was not so severe. had used it ten days my wife said, 'What You do not seem

"I then went over to preach in another base recommendations to congress, but would find rest and health if they would that the number required has been so this cannot be verified and it is said was quit coffee and use Postum."

Official Reports Show Yield Everywhere Above Average for Ten Years.

OTHER PRODUCTS ALSO UNUSUALLY FINE

Cane Sugar Alone Shows Falling Off and Only Very Slight at That-General Quality is Also Satisfactory.

WASHINGTON, Oct. 10 .- The monthly restrike to an end. They scout the idea of a port of the statistician of the Department of Agriculture shows the average condition of corn on October 1 to have been 79.6, as compared with 84.3 last month, 52.1 on October 1, 1901, 78.2 at the corresponding date in 1900, and 77.78, the mean of the October averages of the last ten years.

The following table shows the averages WILKESBARRE, Pa., Oct. 10 .- Disap- of condition on October 1, the corresponding intment followed the news received from averages one month ago, and one year ago New York this evening that the conference and the mean of the corresponding averages

	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	this n	Last r	Oct. 1,	Oct. 1
	STATES.	nonth	nonth	1901	1900
Charles Control of the Charles	Illinois Iowa ICanasa Kanasa Nebraska Missouri Texas Indiana Ohlo South Dakota Oklahoma Wisconsin Pennsylvania Minnesota Michigan	94 76 76 86 88 87 88 88 88 88 88 88 88 88 88	94 91 91 101 102 37 99 98 78 80 88 90 89 70	51 58 21 35 31 46 60 27 90 75	91 100 52 70 84 72 88 96 90 72 100 75 96

The preliminary estimate of the average yield per acre of spring wheat is 14.4 bushels, subject to revision when the final wheat catimate is made. The wheat averages of yield per acre in the states having 100,000 acres or upwards in spring wheat

Minnesota, 13.0; Nebraska, 13.2; Colorado for the men who want to go to work, and 17.4; North Dakota, 15.7; Washington, 21.0; their families, a number of local operators | Kansas, 10.9; South Dakota, 12.4; Oregon, 19.1; Utab, 24.2; Iowa, 12.0; Wisconsin, 17.8; Idaho, 28.1. The average quality of spring wheat

is 87.7. Onta Yield High.

The preliminary estimate of the average yield per acre of cats is 34.5 bushels, as for them a tract of 2,000,000 acres in compared with 25.1 bushels on October 1. 1901, 29.6 at the corresponding date in 1900, and 26.8 bushels, the mean of the October estimates for the last ten years. The present estimate of yield per acre is the largest ever reported by the Department of Agriculture.

The following table shows for the principal states the averages of yield per acre as estimated on October 1, the correspond ing averages one year ago, the corresponding averages in 1900, and the mean of corresponding averages the last ten years:

This Oct. I, Oct. I, Ten-yr.

This Oct. I, Oct. I, Ten-yr.

month. 1901. 1900. Average.
37.7 28.2 38.0 30.3
30.4 29.8 24.0 30.9
39.9 29.1 32.0 32.0
39.0 32.1 25.0 31.1
34.6. 28.6 33.0 23.4
35.4 28.6 33.0 29.0
49.0 21.6 28.0 27.5
37.0 18.9 31.0 28.9
41.1 31.5 38.0 30.3
39.7 29.0 37.0 23.0 Minnesota Nebraska Indiana ... New York Pennsylvania Michigan The average for quality is \$8.7, against 83.7 last year, and 89.2 in 1900.

Barley Yield Increases. The preliminary estimate of yield per

halt when challenged for the second time, of October averages of the last ten years, because Gleason had not paid for a meal. and that he acted under orders from state The average for quality is \$7.2 against \$9.2 headquarters. At first Colonel Hulings also last year, and \$2.1 in 1900. The preliminary estimate of the yield per poenaes on militiamen who were wanted to acre of rye is 17.0 bushels, as compared with Boat Capsizes on Neosho River and 15.1 bushels on October 1, 1901, 15.1 bushels his decision and notified the coroner that at the corresponding date in 1900 and 14.4 bushels, the mean of October averages of the last ten years. The average for quality

is 91.8 against 89.4 last year and 92.0 in 1900. The average condition of buckwheat on October I was 80.5 as compared with \$6.4 last month, 99.5 on October 1, 1900, 72.8 at the corresponding date in 1900, and 80.2,

the mean of the averages of the last ten years. All the important tobacco producing states except Ohio, in which state the condition is the same as last month, report improvements in condition during September. improvement amounts to 3 points in Kentucky, 4 in North Carolina and Tennessee and 5 in Virginia. As compared with their respective ten year averages, North Carolina is 7 points, Virginia 9, and Ohio 12 points above, Tennessee 3 points below and husband and seven children are left. The

Kentucky exactly the same as such average. The average condition of potatoes was 19:30 o'clock from Salem Lutheran church. 82.5, against 89.1 last month, 54.0 on October 1, 1901, 74.4 at the corresponding date in 1900, and 71.6, the mean of the average of

the last ten years. As to the condition of sweet potatoes, Tennessee reports 1 point, North Carolins 2, and South Carolina and Virginia 5 points above their respective ten-year averages, while Georgia reports 3 points, Texas 4, New Jersey 6, Florida 7, Louisiana 11, Miesissippi 15, and Alabama 19 points below such average.

Sugar Alone is Bad.

All of the important sugar cane producing with an important communication from states except Texas report conditions below their respective ten-year averages. This the revolutionary commander, whose wherereduction amounts to 2 points in Georgia, in South Carolina, 7 in Florida, 8 in Louisiana, 15 in Mississippi and 25 in Alabama, while Texas is 2 points above such average.

As to the condition of rice, Texas reports 11 points above and South Carolina 1, Florida 5, North Carolina 8, Alabama 8, Mississippi 23 points below their respective averages for the last eight years, while the Annie D. Fichtmayer, Offiaha ... condition in Georgia is the same as such

As to the condition of apples, North Carolina reports 8 points, Illinois 9, Missouri 10 Pennsylvania 11, Maine 12, New York 15, Iowa 16 and Michigan 27 points above and Ohio 2, Indiana 3, Virginia 9, Tennessee 11, Kentucky 19 and Kansas 21 points below the mean of their October averages for the last seven years.

The estimated average yield of hops in pounds per acre is 1,367 in Washington, to stop coffee for a while and try Postum 1,400 in California, 1,100 in Oregon, 1,300 Wisconsin and 325 in New York.

NEARLY A THOUSAND DESERT alifornia Soldiers Run Away and Commander Suggests Greater

Care in Recruiting.

WASHINGTON, Oct. 10 .- The annual report of Major General Robert P. Hughes, commanding the Department of California recommends that the camp at Honolulu Hawaii, known as Camp McKinley, be made permanent post.

During the year the total number of recruits in the department was 10,416. On the other hand, there was a loss of 9,676, resulting from assignments to other stations, discharges, deaths and descritons

General Hughes says: "The foregoing figures are not pleasant to dwell upon. It would appear to be a wise policy to try and select recruits with greater care, now greatly reduced, and with judicious ac-

tivity of recruiting officers it seems possible to raise the standard of accepted recruits by looking more carefully into their

Bleody Deed of Young Man Suppesed te Be Insane.

ALSO FATALLY INJURES FOUR OTHERS

In Struggling with His Older Brother He is Finally Overpowered and Turned Over to the Authorities.

PITTSBURG, Pa., Oct. 10 - While laboring under mental aberration, the result of the certain death of a pipeman of Chemical Enstrain of perfecting an appliance for patents on an airbrake which are pending in Washington, D. C., Charles Cawley, a 17-yearold boy of Homestead, Pa., early today killed his mother and one sister and fatally injured four other children. He also tried to kill his two older brothers, but was detected, overpowered and turned over to the police

The weapon used was an ax, with which be crushed and hacked his victims beyond recognition.

Victims of Murderer. The dead:

MRS HANNAH CAWLEY, aged about 40 years, head and upper portion of her body pounded to a felly. BELLE CAWLEY, aged 12, who slep! with

her mother, head frightfully crushed. The fatally injured, who are at the South Side hospital, are:

Josephine, the baby of the family, aged 15 onths, head and chest battered. Adeline, aged 6, skull fractured

Raymond, aged 6, twin of Adeline, head porribly injured.

Agnes, aged 10, head crushed. The Cawleys live in a peat six-room house on Second avenue, Homestead, and last night all the members retired about 10 'clock. Mrs. Cawley and Belle occupied one bed, while the others, Josephine, Adeline, Raymond and Agnes, occupied other beds and cribs in the same room, which is or the second floor rear. Charles, the murderer, his brothers, James, aged 20, and Harry, aged 14, occupied the front room, second floor, adjoining their mother's room

Ax Is His Weapon.

Some time about 3 o'clock this morning Charles quietly arose and, dressing himself but not putting on his shoes, crept down to the cellar and secured an ax. Coming upstairs, he went into his mother's room, where the victims were all sleeping. After questions, he said: "When I entered the turning up the light, the maniac approached his mother's bedside, swung the ax high in man. It was the cold exposure and lack This would open to settlement all the the air and brought it down with such force of rest, I suppose, that made my health that the skull was crushed. The mother evidently never knew what struck her, but the crazed son, thinking that his first blow did not do its work, pounded the dead moth- had nervous chills and these were followed er's head almost to a jelly.

Belle, the oldest daughter, slept throughout the time. The dull sound of the ax on her mother's head did not arouse her. Charles hurried to her side of the bed and struck her with the ax. It is thought that the first blow slipped and awoke the girl, but only for a second. She did not have time to scream, for the next blow killed her. The fiend then turned to the smaller children and struck each one over the head with the bloody weapon.

Struggle With His Brothers.

Believing that he had dispatched them all, he started for his brothers' room, but James, the eldest, had been awakened by the groans in his mother's room, and as Charles ntered he seized a heavy rocking chair and turned him over to the police. On the and did not seem to realize what he had

were still living, but the doctors announced grave now but for these pills." that they cold not live.

Cawley was lodged in the county jail here at 6 o'clock. He failed to recognize his brother, James. For two years he has been working on a device for combined air and power brake.

It is said to be a wonderful invention. Men who have seen it marveled at the mechanical ability of the inventor, in view of his years. He was of a kindly disposition and was said to have been very fond of his mother and brothers and sisters.

Recently he has been unusually quiet and while his actions were a trifle queer, no attention was paid to him.

When questioned Cawley denied emphatically that he committed the deed. He tells a fairly connected story, saying he was awakened at an early hour by sounds on the first floor and went down stairs to investigate. Returning upstairs, he says, he found his sister lying across the bed covered with blood, and fled to give the alarm. The five other members of the family injured are reported tonight as having a

Eczema No Cure, No Pay.

Your druggist will refund your money if PAZO OINTMENT fails to cure Ringworm, Tetter, Old Ulcers and Sores, Pimples and Blackheads on the face, and all skin diseases, 60 cents.

fair chance of recovery.

HYMENEAL.

Spaulding-Artz.

TECUMSEH, Neb., Oct. 10 .- (Special.)-A very pretty wedding occurred at the home of Mr. and Mrs. Frank Artz, in this city. The daughter of the host and hostens, Miss Mary, was married to Mr. Joe W. Spaulding, son of Mrs. Martha Spaulding of Tecumseh. Rev. E. I. Davies of the Presbyterian church performed the ceremony in the presence of a small company. The house was well decorated and dainty refreshments were served. The young couple are of the city's best society.

Rental Agents,

THIS AFTERNOON-TONIGHT. "THE WIZARD OF OZ"

Prices Matinee, 25c to \$1; night, 25c to \$1.50. Curtain rises promptly at 8 o'clock. Sunday Afternoon, Night and Monday

Tuesday and Wednesday Mat. and Night, OTHE STORKS." Prices Mat. 25c to \$1; night, 25c to \$1.50.

Tonight, 8:15.

The MILLARD OMAHA, NEB. SPECIAL PEATERES:

Steadily increasing business has necessitated an enlargement of this care, doubling its former capacity.

HIS CAPTAIN FOUND HIM IN A STATE

Public Interest Aroused by the State-

ment of Pipeman Oscar Stehlin

of the Indianapolis Fire

The fire department of Indianapolis is

widely known for its efficiency and for the

high physical standard of its members.

This accounts in a measure for the interest

that has attached to the rescue from almost

gine Company No. 1. It was known that

the man was found by his captain to be in

The fireman, Oscar Stehlin, lives at No.

1610 East Tenth street, Indianapolis, where

a state of nervous collapse, but the full

facts are now published for the first time.

Forer.

OF NERVOUS COLLAPSE.



he was found by a reporter. In reply to fire department I was a hearty, vigorous break down. My nerves were in herrible shape. Night after night I would walk the floor, unable to get a wink of sleep. "For a year I dragged along in this way,

growing worse every day. My appetite was gone, my color a sickly yellow and my strength just about wasted away with my flesh. "I spent a great deal of money for treat

root of my trouble. I was really in a state of nervous collapse when my captain spoke to me about my condition and said I had better try Dr. Williams' Pink Pills for Pale People. Well, I did try them and had not been taking them for a week before a change came for the better. My nerves seemed the morning and food began to appeal to used about eight boxes. They brought bout a complete cure. I cannot say half Cawley and Belle were dead. The others for they saved my life. I should be in my

Mr. Stehlin's friends all know what Dr complished for him, and his story is imous troubles.

Dr. Williams' Pink Pills for Pale People are unlike other medicines because they act directly on the blood and nerves. This makes them invaluable in such diseases as locomotor ataxia, partial paralysis, St. Vitus' dance, sciatica, neuralgia, rheumatism, nervous headache, the after-effects of the grip, palpitation of the heart, pale and sallow complexions and all forms of weakness either in male or female. Dr. Williams' Pink Pills for Pale People are sold by all dealers, or will be sent postpaid on receipt of price, fifty cents a box, or six boxes for two dollars and fifty cents, by addressing Dr. Williams Medicine Company, Schenectady, N. Y.

Third Floor Office

This office faces east and has entrance on the court, with approach through the broad corridors overlooking the court with its fountain and

This room is 18x32 feet, and if desired can be divided so as to arrange for private offices to suit the renant. It also has a very large vauk, and the rental price of \$50 per month includes heat, light, water and janitor mervice.

THE NIGHT BEFORE CHRISTMAS. Prices-Mat., 25c, 50c; night, 25c, 50c, 75c



Rapoli, Carroll Johnson, Genars & aBiley, Les Delbosa, Harmony Four, Lew Wells, McConnell Risters and the Kinedrome. PRICES-15c, 25c, 50c.

LUNCHEON, FIFTY CENTS, 12.30 to 2 p. m. SUNDAY, 5.30 p. m. DINNER, 75c.

It is further averred that all railroad and the said state to purchase and hold the

restrains, but destroys interstate commercial by preventing the existence of the subject. No more effective or radical restraint of interstate commerce could be imagized.

The Delaware & Hudson company was chartered by the state of New York on April 23, 1823, for the purpose, as expressed in its charter, of furnishing to the state of New York a supply of coal found in

Restraint of Shipments.

Accordingly, since the Knight case, it has been settled that combinations which have the effect of restraining shipments out of the state are within the prohibition of the statute. In Addison Pipe Company against United States, 175 U. S. 211, there was a combination of manufacturers within certain states which restrained shipments by the parties out of their respective states in competition with each other. The court mid (P. 24): "The direct and immediate result of the combination was, therefore, necessarily a restraint upon state commerce in respect of articles manufactured by any of the parties to it to be transported beyond the state in which they were made." In Chesapeake & Ohio Fuel Company against United States, Fed. Rep., 519, there was a combination of all miners of coal within a certain territory to sell all their product to one corporation, and the product was, in the natural course, shipped to other states. Both of these corporations were held as unlawful, because they restrained the output of manufacture out of the state, save on terms dictated by parties to the combination.

If the fact that a combination having that direct and necessary effect brings it within the statute, its form is of no importance, for the statute says that every such combination is liegal. As already said, the mine workers' combination does not merely restrain directs tate commerce, but absolutely descroys it. Can it be seri-Restraint of Shipments.

and, the mine workers combination does not merely restrain 'uterstate commerce, but absolutely destroys it. Can it be seriously claimed that while a combination which restrains shipments from the state would be illegal, one which absolutely prevents them would not?

Manifestly, the greater includes the less, and a combination which directly and immediately destroys interstate commerce by preventing the existence of its subject mat-

Referred to Attorney General. WASHINGTON, Oct. 16 .- President Roosevelt has received the communication from President Wilcox of the Delaware & Hud-Wilcox speake, to the attorney general.

ussed with Mr. Wright, to satisfy him- troubled with the itching any more and

GRAIN CROP-GOOD ALL OVER

BREWERY AND ICE PLANT BURN

Big Blase in Lexington. Missouri Couses Very Henry Loss to Capitalists.

LEXINGTON, Mo., Oct. 10 .- The Lexington ice plant. Hoffman's brewery and bot tling works, Gua Haerles' wholesale ware house and several dwellings were destroyed by fire today. The loss will be at least

Boys and Matches Did It.

WOLBACH, Neb., Oct. 10 .- (Special Telegram.)-A barn and its contents belonging to Ed Dollarhide, situated in the north part of town, was burned this evening. No livestock was lost, owing to the prompt iction of George Horn, who entered the burning structure and liberated a team of horses and a cow. The fire was caused by two small boys and a match.

CO-OPERATIVE CONCERN FAILS Kansas Insurance Company Formed in 1898 is Placed in Receivers'

Hands. KANSAS CITY, Mo., Oct. 10 .- E. K. Robinett, an aftorney, has been appointed reeiver of the Midland Fire Insurance com-

pany of Kansas City, Kan The company was organized in 1898 under the Kansas laws. Its business was conducted under a co-operative plan, authorized by the Kansas Mutual Insurance law. whereby its policy holders were assessed to pay its losses. According to the 1900 insurance report of Kansas, the company had 1,121 members and \$623.550 of insurance risks

INDIANS WISH TO EMIGRATE Ask Government to Take Oklahoma Lands and Buy Fresh Mexico

Acres GUTHRIE, Oki., Oct. 10 .-- At a special council of the Indian tribes of the southwest, held in Anadarko, Lone Wolf was today chosen the representative of the Kiowas, Comanches, Apaches, Caddos and Wichitas, to ask the government to take all their lands in Oklahoma and purchase

Mexico

Indian alletments in that portion of Okla-BIG FORTUNE GOES ASTRAY Administrator Finds Bundle of Gov-

ernment Bonds Missing from

Dend Man's Effects.

ST. JOSEPH, Mo., Oct. 10 .- Unregistered government bonds worth \$30,000 are missing rom the estate of William Sidenfaden, ploneer undertaker of this city. It is supposed the bonds disappeared be fore Mr. Sidenfaden's death. Police de-

tectives are working on the case.

Iowa Man Eats, Fights and is Killed by Restaurant Keeper's Fint. DUBUQUE, Ia., Oct. 10 .- Dot Wells, a bushels on October 1901, 20.4 at the corresponding thate in 1800, and 23.6, the the same The killing was the result of a quarrel

TWO KANSAS GIRLS DROWN

PAYS FOR MEAL WITH LIFE

Occupants Sink to Their Death. IOLA, Kan., Oct. 10 .- Josie and Rose Klemick, girls, were drowned in the Neosho

river, one mile from here today. The boat

DEATH RECORD.

they were in capsized.

Mrs. Susan Leamer. DAKOTA CITY, Neb., Oct. 10 .- (Special.) Mrs. Susan Leamer, wife of Perry Leamer, died at her home two miles southwest of this place at noon yesterday after an acute illness of only two days from an abscess, produced by blood poisoning, with which she had been afflicted for some years Mrs. Leamer was one of the pioneer women of Dakota county, coming here with her husband from Altoona, Pa., in 1857. A

funeral will be held Saturday morning at to which deceased belonged.

Funeral of Axel Meyer.

Funeral services for Axel Meyer will be conducted Sunday afternoon at 3 o'clock at the family residence, Thirty-third and Burt streets. Interment will be at Prospect Hill. Axel Meyer, sr., arrived from Mexico yesterday afternoon. Ranger Bears Message

PANAMA, Oct. 10.-The United States

steamer Ranger left here this morning

Rear Admiral Casey for General Herrera

abouts is unknown. Marriage Licenses. Marriage licenses were issued yesterday Name and Address. Charles H. Overdorf, Fairbury, Neb.

David W. Fleming, Omaha . Mrs. Jennie Anthony, St. Lot

Made Her Young Again

beautiful color of youth to gray, isded or bleached hair.

Gives new life and growth to thin hair. Prevents dandural and baldness. Is not a dye, but a hair food, and positively restores gray hair to its youthful color. A healthful hair dressing for men and womens its use cannot be detected how hirs. Mason, Nuttellburgh, W. Va., was made young again by using

"Find enclosed to so for which send 6 bortles of Hair-Health. I am delighted with the bottle sent me. My hair was so gray that I was ashamed for anyone to see me, and being so young it almost killed me to think my hair was getting white so long before I was an old woman, fur thanks to Hair-Health, a gray hair cannot be found in my head and I have not used all of one bottle." AT LEADING DRUGGISTS. LARGE Soc. BOTTLES. Free Soap Offer Good for 250. Oake HARFINA SOAP. Cut out and sign this compon in five days, take it to any of the following druggists and they will give you a large bottle of Hay's Hair-Health and a zgc, cake of Hartina Hedicated Seap, the best seap for Hair, Scalp, Cemplexion, Bath and Tollet, both for Fifty cutta; regular price, 75c. Redeemed by leading druggists everywhere at their abops only, or by the Philo Hay Specialties Co. 77c at Lateyette St., Newark, N. J., either with or without scap, by express, prepaid, in plain scaled package on receipt of 60c and this coupon.

HAY'S HAIR-HEALTH

GUARANTEE Any person purchasing Hay's Hair-Health benefited, may have his money back by addressing Person Hay Specialities Co., 220 Lakyette St., Newark, N. J. Refers substitutes. Instit on having they's Hair-Health. Fullowing Druggists supply Hay's Hair-Health and Harlina Soap in their shops only a OMAHA-SHERMAN & McCONNELL, 16th and Dodge; SCHAFER'S DRUG STORE, 18th and Chicago.
COUNCIL LUFFS MORGAN, 142 Broadway; DeHAVEN. 202 Central Broadway;
BROWN, 537 Main; WHEELEY, 415 Broadway.

by hot flashes and terrible shooting pains. Then, right afterwards, I would feel as if I were freezing to death and would have to get close to a stove to get warm.

ment, but could see no improvement. The doctors did not seem to be able to get at the and, after a fierce struggle, overpowered him quieter. I could sleep and feel rested in way to the station he fought flercely, but me again. The medicine was helping me after being placed in a cell he calmed down and I continued taking the pills until I had When physicians reached the house Mrs. enough in praise of Dr. Williams' Pink Pills,

Williams' Pink Pills for Pale People acportant to all who are suffering from nerv-

A Large

grand stairway of THE BEE BUILDING

R. C. PETERS & CO., GROUND FLOOR Bee Building.

AMUSEMENTS. BOYD'S | Woodward & Burgess,

HOTELS.