THE OMAHA DAILY BEE.

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JUSTICE FOR NEGRO

President Roosevelt Takes Firm Stand in Mississippi Case.

WILL NOT TOLERATE PROPOSED OUTRAGE

Attempt to Force Colored Woman Out of Postoffice Meets Rebuke.

OFFICIAL STATEMENT ISSUED ON THE CASE

Incumbent is Shown to Be of Irreproachable Character.

COLOR AROUSED SOUTHERN PREJUDICE

Resignation Forced by Threats of Violence and Such Condition Causes Closing of Office Until Attorney General Can Act.

WASHINGTON, Jan. 2.—The feature of the cabinet meeting today was the decision to close permanently the postoffice at Indianola, Miss., from which the postmaster, Minnie M. Cox, colored, resigned under compulsion a few days ago, since which time the office has been closed.

The bondsmen have brought the matter to the attention of the authorities here with the view of being relieved of the responsibility of the accumulated mail.

The postmaster general has had a thorough investigation made and has become satisfied that the woman was obliged to resign under duress; in fact, that her life was endangered.

Having represented this state of affairs to the cabinet, after a long discussion, the decision above noted was reached and the office will not be reopened until the people in the district are ready to accept this woman as their postmaster.

During the afternoon the president discussed with several members of the cabinet other features of the case of Mrs. Cox, Postmaster General Payne being in conference with the president for an hour or more. It was decided finally to issue a formal statement concerning the Indianola case. Secretary Cortelyou, for the president, made public the following:

Statement from White House.

"The postmaster at Indianola, Miss., is Mrs. Minnie W. Cox, a colored woman. She served three years as postmaster under President Harrison. When President McKinley came in she was again appointed, in 1897, nearly six years ago.

"Her character and standing in the community are endorsed by the best and most reputable people in the town. Among those on her bond is the present democratic state senator from the district, together with the leading banker of Indianola and an ex-state senator from the district, also a democrat.

"The postmaster and her husband own from $10,000 to $15,000 worth of property in Sunflower county. The reports of postoffice inspectors who have investigated the office from time to time show that she has given the utmost satisfaction to all the patrons of the office; that she is at all times courteous, faithful, competent and honest in the discharge of her duties. Her moral standing in the community is of the highest. Her reputation is of the best. Few offices of this grade in any state are conducted better.

"The postmaster recently forwarded her resignation to take effect on January 1, but the report of inspectors and information received from various reputable white citizens of the town and neighborhood show that the resignation was forced by a brutal and lawless element purely upon the ground of her color and was obtained under terror of threats. The mayor of the town and the sheriff of the county both told the postoffice inspector that if she refused to resign they could not be answerable for her safety, although at the same time not one word was said against her.

Bondsmen Ask Relief.

"On January 1, the bondsmen of the postmaster telegraphed that the postoffice was closed; that the postmaster claimed that her resignation was in the president's hands to take effect January 1, and that there had been no advice of the appointment of her successor.

"The telegram closed with the statement: 'Prompt action by the president necessary for the relief of business interests, which are being injured solely by the action of the lawless element of the town, is wholly secondary to the preservation of law and order and the assertion of the fundamental principle that this government will not connive at or tolerate wrong and outrage of such flagrant character.'

"By direction of the president the following was sent to the bondsmen:

"'The postmaster's resignation has been received, but not accepted. In view of the facts, the postoffice at Indianola is closed. All mail for that place will be forwarded to Greenville. The case will be referred to the attorney general.'"

Talk of Foreign Affairs.

The remainder of the meeting was consumed in the discussion of foreign affairs, chiefly the conditions in Venezuela. Secretary Hay presented a statement showing that no definite responses have been received from any of the allied powers to President Castro's last communication. It is evident that further negotiations will be required to bring the parties to a final agreement, but it is not doubted that this will succeed.

Cuba was the other subject which engrossed the attention of the cabinet and there was an anxious discussion of the prospects of the pending reciprocity treaty, the decision finally being reached to press the treaty forward on the same lines toward ratification.

MUST STAND TRIAL ON CHARGE

Plea in Abatement Filed by Defendants in Bonfils Case at Denver is Unavailing.

GOLDEN, Colo., Jan. 2.—Judge DeFrance of the district court of Jefferson county today sustained the motion to overrule the plea in abatement in the embracery cases transferred from Judge Johnson's court in Denver and set the cases for trial April 6.

The defendants, H. H. Tammen, former Police Judge William Thomas, D. J. Saddler and Robert Schrader were indicted for an alleged attempt to secure the conviction of W. W. Anderson when he was tried on the charge of having attempted to murder Fred G. Bonfils and H. H. Tammen, proprietors of the Denver Post, by bribing the jury. Anderson was acquitted and Judge Johnson called a special grand jury to investigate the charges of bribery arising out of the trial. The defendants claimed that Judge Johnson had arbitrarily selected a jury which would indict them, but Judge DeFrance in his decision today held that Judge Johnson had not exceeded his authority.

NEW LIQUOR LAW IN EFFECT

English Licensing Act Provides Severe Penalty for Persons Convicted of Drunkenness.

LONDON, Jan. 2.—The first notable case under the new licensing act, which went into effect yesterday, came upon a London police court today, when Sir Charles Allan Lawson, the Anglo-Indian newspaper editor and writer, applied for a summons against Lady Lawson, whom he described as a habitual drunkard. The summons was granted.

The new act enables either husband or wife to secure a separation in the case of habitual drunkenness and allows the police to arrest an inebriate anywhere, except in a private house, whether disorderly or not.

After conviction drunkards are blacklisted for the space of three years. If they attempt to obtain drink during that period they are liable to a fine, while the person supplying them is fined $5 for the first offense and $100 for the second offense. Imprisonment is provided for drunkenness of a person in charge of a child under 7 years of age.

POLICY ONE OF CONCILIATION

Newly Appointed Governor of Panama Said to Represent Change of Colombian Ideals.

PANAMA, Colombia, Jan. 2.—Dr. Facundo Mutis Buran, the newly-appointed governor of Panama, assumed the duties of his office this afternoon. The appointment as governor of Dr. Buran in succession to General Salazar indicates a new political attitude on the part of the government and a policy of conciliation.

The appointment has been well received in all circles, and especially by the foreigners. During his first American governorship, from 1898 to 1899, Dr. Buran was noted for his economic reforms.

It is believed here that the national government has made changes in other departments.

The import duties on merchandise, wines and liquors, which were revised considerably during the revolution, have been reduced by a decree published today to 10 per cent advalorem, the rate collected before the revolt.

ARCHDUKE MAY BE ALIVE

Leopold, Brother of Crown Princess of Saxony, Makes Startling Statement.

VIENNA, Jan. 2.—Archduke Leopold, who assisted his sister, the crown princess of Saxony, in her elopement with her children's French tutor, has made the sensational statement, to a reporter of Die Zeit, that Archduke Johann Nepomuk Salvator, who renounced his title and took the name of Johann Orth, and was supposed to have perished in a shipwreck off the South American coast, is really alive.

Johann Orth was, or is, an uncle of Leopold and of the crown princess. Like his nephew, he left court to go with an actress, Fraulein Mizzi Strubel, who was with Johann Orth when he disappeared.

Archduke Leopold says he believes his uncle is living with the Archduke Louis Salvator, brother to Johann Orth, and also the present grand duke of Tuscany. Archduke Louis is eccentric and spends ten months of the year on a tiny Ionian island, the rest of his time on a yacht.

FIGHT FOR UNBORN CHILD

Trouble Between the Crown Princess and the Prince Assumes New Phase.

BERLIN, Jan. 2.—The Saxon court is determined to make an attempt to obtain possession of the expected child of the crown princess, according to the Boersen Courier, and has instructed its chief police agent, Schwartz, at Genoa to keep a sharp lookout and avoid deception by the substitution of another child.

The intention of the crown prince is to claim the fatherhood of the child and educate it at the Saxon court.

TURKISH COMMANDER KILLED

Bloody Battle Takes Place Between the Bulgarian and Turkish Troops.

CONSTANTINOPLE, Jan. 2.—In a recent fight between Bulgarians and Turkish troops at the village of Brenovo, in the Monastir district, fifteen of the latter were killed or wounded.

The Turkish commander was among the killed. The Bulgarians, who were barricaded in a house, also sustained losses, but the survivors escaped.

CONFESSES TO EMBEZZLEMENT

New York Man Admits Having Taken $75,000 from His Employers in Three Years.

LONDON, Jan. 2.—G. N. Elder was remanded at the Guildhall police court, charged on his own confession with having embezzled $75,000 from his employers, Brown, Shipley & Co., the American bankers. The embezzlements had been going on for three years.

Complains of Discrimination.

BERLIN, Jan. 2.—The Commercial Treaty society has issued a circular complaining of the United States customs treatment of German goods. In part it is as follows:

"It is quite characteristic that this tariff annoyance has not been applied to English or Belgian, but exclusively to German goods. There is a system in the matter. It answers the new German tariff, which strikes at leading articles of American export with extraordinary severity. We have every reason to complain of American tariff treatment and customs practices, but the course adopted by Germany is likely to have the opposite effect from that wished."

Forests in Philippines.

SAN FRANCISCO, Jan. 2.—Two representatives of the forestry division at Washington, who have been making a preliminary survey of the wooded sections of the Philippines for the government, arrived from the Orient on the Japanese liner American Maru today. They are Gifford Pinchot and George D. Seymour. Both gentlemen are enthusiastic in speaking of the wonderful extent and value of the forests in the islands. Their report will be of value to lumbermen and others who are interested in developing the resources of the new possessions.

Bret Harte's Small Estate.

LONDON, Jan. 2.—Letters of administration of the estate of the late Bret Harte have been granted. The total value of the estate is placed at $1,800.

HOAR'S ANTI-TRUST BILL

Measure He Asked Leave to Submit is Now Completed.

IT WILL GO TO COMMITTEE ON JUDICIARY

Text of Proposed Law Which is Intended to Operate in Placing Restraint on Monopoly is Made Known to Public.

WASHINGTON, Jan. 2.—Senator Hoar has completed and today made public the anti-trust bill which he asked leave before the senate adjourned for the holidays to introduce.

The bill goes to the committee on judiciary, of which Senator Hoar is chairman. Following is the full text of the measure:

Be it enacted, etc., that the provisions of the statute of February 4, 1887, chapter 104, entitled "An act to regulate commerce," and all additions thereto, and of the statutes of July 2, 1890, chapter 647, entitled "An act to protect trade and commerce against unlawful restraint and monopolies," shall continue in force and shall in no wise be held to be limited, restrained or repealed by this act.

Section 2—That the attorney general is authorized to employ any professional or other assistance which may be deemed necessary or desirable to prosecute offenses under this act, or under the acts hereinbefore mentioned, to which an addition, or to make investigation into the same, and for that purpose the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated.

Sec. 3—That from and after the 30th day of June, in the year 1904, no corporation, joint stock company or other association whose stockholders are not personally liable for their debts, created by any state or territory, shall engage in commerce with foreign nations or among the several states, or continue to carry on such commerce unless it shall comply with the following conditions:

Conditions Which Are Imposed.

1. It shall file a statement in the office of the Interstate Commerce commission, signed and sworn to by its president, its treasurer, its general manager and a majority of its directors, or by the persons exercising the powers usually exercised by such officers and directors of such corporations, joint stock companies and other associations, on or before the 15th day of September, in the year 1904, and on the 15th day of September in each year thereafter, file a statement for the year ending with the 15th day of June in such years, respectively, showing:

2. The amount of its capital stock.

3. The market value of such stock.

4. How much of the same has been paid in full in cash; or if the same has not been paid in cash, what has been received by said corporation, joint stock company or other association in lieu thereof and the value of whatever shall have been so received by it.

5. The names of all the officers and directors of said corporation, joint stock company or other association and all agents intrusted with the management of its affairs

6. The amount it has paid in dividends during said period, the rate of percentage of such dividends and time of payment of the same.

Stock in Other Corporations.

7. A statement of all the stock owned by it of any other corporation, joint stock company or other association, specifying the corporation, joint stock company or other association, and the number and value of shares in each; the amount of its own stock held by other corporations, joint stock companies or other associations, and the value thereof, and the amount of stock in other corporations, joint stock companies or other associations held in trust for it, or in which it has any interest, directly or indirectly, absolute or conditional, legal or equitable, specifying the corporations, joint stock companies or other association.

8. An undertaking signed by said officers, general managers and directors that they will comply with the provisions of this and all other laws of the United States in the management of the affairs of said corporations, joint stock companies or other associations, and that they accept the provisions and liabilities of this act and the obligations by it imposed so long as they shall continue to hold or exercise said offices or authority.

This statement shall be in addition to all statements now or hereafter required by the Interstate Commerce Commission or by any other public authority.

The attorney general of the United States may at any time require of any corporation, joint stock company or other association so engaged, any statement he may think fit in regard to the conduct of its business. And he may especially require any such corporation, joint stock company or other association to give a list of all contracts or transactions entered into within the twelve months preceding such requisition, in which it has sold any article or product, or carried any article or product at a rate less than the ordinary market price, if such article or product had been sold or carried by any other person than the party to such transaction. And he may further require the reasons for such distinction and the circumstances attending the same.

As to Competitors.

Sec. 4—That every person, corporation, joint stock company or other association engaged in commerce with foreign nations or among the several states which shall enter into any contract, combination or conspiracy, or who shall give any direction or authority to do any act for the purpose of driving out of business any other person engaged therein, or who for such purpose shall in the course of such commerce sell any product at less than its fair market value, or at a less price than it is accustomed to demand or receive therefor in any other place under like conditions, or undertaking that it shall not be sold again by the purchaser or restrain such sale by the purchaser, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment for not to exceed one year, or by both of said punishments, in the discretion of the court.

Sec. 5—That no corporation, joint stock company or other association shall engage in commerce with foreign nations, or among the several states, a majority of whose stock is owned or controlled or held in trust for any manufacturing or other corporation, which, in the course of its manufacture or production, conducts its business, or any part thereof, in a manner which would be prohibited by this act if it were so conducted in the course of such commerce with foreign nations or among the several states.

Books Subject to Inspection.

Sec. 6—That all the books of record and papers of every corporation, joint stock company or other association engaged in commerce with foreign nations, or among the several states, shall be subject to inspection by the attorney general of the United States, by any agent he may designate for that purpose, and such corporation, joint stock company or other association shall, at such times as he shall prescribe, make such further returns, verified as aforesaid, shall be by him prescribed, either by general regulation or by special direction.

Sec. 7—That any president, director, treasurer, officer, corporator, copartner or agent of such corporation, joint stock company or other association who shall in its behalf do anything by this act prohibited to such corporation, joint stock company or other association, or who shall support, vote for, aid or abet, or take part in doing such action by said corporation, joint stock company or other association or any instrumentality thereof, shall be liable to the penalties by this act provided.

Sec. 8—That no corporation, joint stock company or other association, after the 30th day of June, 1904, shall manufacture or produce any article which in the course of business is habitually sold and delivered beyond the state in which it is manufactured, whether by said corporation, joint stock company or other association, or by subsequent purchasers thereof, which shall, in the course of its own domestic business do any of the acts or things prohibited to be done by this act, shall engage in commerce with foreign nations or among the several states.

Sec. 9—That any corporation, joint stock company or other association that shall have been twice adjudged to have violated the provisions of the act or either of the acts mentioned in section one hereof, by the final judgment of any court having jurisdiction of the question, in any civil suit or proceeding which said corporation,

(Continued on Eighth Page.)

MINORITY WANTS A CANDIDATE

That is Reason Cook County Democracy Elects Mitchell a Member, Says Wilson.

INDIANAPOLIS, Jan. 2.—National Secretary Wilson of the United Mine Workers tonight discussed the action of the Chicago Cook County Democracy in electing President John Mitchell to membership. He said:

"I know there has been a lot of talk in Illinois lately regarding Mitchell's politics. There has been talk there of bringing him out for governor. But the amusing part of the situation is that while they have been talking in Illinois of making him the democratic nominee for governor, in some eastern places there has been talk of him as a running mate for President Roosevelt in 1904.

"The truth of the situation, so far as Mitchell is concerned, is that he is not taking any part in politics and he has no intention of entering politics. He is not a partisan in any sense of the word, neither am I for that matter. We both try to keep as nearly neutral as possible in politics. I do not know Mitchell's private political views, but he has voted for democrats and republicans. He generally votes as he thinks he should, regardless of the politics of the candidates.

"We understand the talk of running any of us for office. The offer generally comes from the minority party, which considers us as available candidates. I was urged by the democrats of my district in Pennsylvania this year to run for congress, but I thought the offer came because the democrats were in the minority and they considered me available. If the republicans had been in the minority I might have received the offer of the nomination just the same."

RIVAL FOR BOARD OF TRADE

Western Union Telegraph Company is to Furnish Quotations of the Open Board.

CHICAGO, Jan. 2.—Arrangements which have been completed between the Chicago open Board of Trade and the Western Union Telegraph company bid fair to make the former institution a formidable rival of the larger one across the street.

On next Monday morning the quotations of the open board will be put on the Western Union wires an hour in advance of the figures furnished by the Chicago Board of Trade.

It is understood that the open board and the telegraph company have entered into a contract covering a period of ten years, the telegraph company paying a remuneration on a graduated scale, a nominal rate for the first few years, to be increased each twelve months.

It is also announced that negotiations have been consummated whereby the old open board building on LaSalle street will be remodeled by the Illinois Trust and Savings bank, which controls the property, for the benefit of the open board.

With commodious quarters and the cooperation of the Western Union, the officials of the open board see no reason why they cannot cut a noticeable figure in the commercial transactions of LaSalle street.

WHISKY FAMINE IS PROBABLE

Supply of Six, Seven and Eight-Year-Old Said to Be Several Million Gallons Short.

LOUISVILLE, Ky., Jan. 2.—The Courier-Journal tomorrow will say: "Only 4,000 gallons of the whisky made in 1895, 1896 and 1897 remain in bond, and the whisky dealers are alarmed. About 7,000,000 gallons of six, seven and eight-year whisky is used annually, and the dealers say there will not be a gallon in bond by July 1. Heretofore there has always been more than was consumed and a famine is a problem that was never before considered. The leading dealers claim the condition may result in the whisky made in 1895, 1896 and 1897 being cornered, and the prices doubled. In this event the blenders, who use most of six, seven and eight years old, will be compelled to use goods made later.

"The small supply is due to several causes, principally to a limit being placed on the amount of whisky made in 1897. The output of Kentucky was 12,000,000 to 14,000,000 gallons less than usual. The output in 1895 and 1896 was about an average, but because of the big reduction in 1897 there was a shortage in six, seven and eight-year whisky from 12,000,000 to 14,000,000 gallons."

MAY AGREE FOR ONE STATE

Indications Pointing Towards Combining Arizona and New Mexico Into One Organization.

DENVER, Jan. 2.—A special to the Republican from Santa Fe, N. M., says: In an interview today W. S. Hopewell, chairman of the territorial central committee of the democratic party in New Mexico announces himself in favor of admitting Arizona and New Mexico as one state, with three representatives in congress, the capital to be fixed for ten years at Santa Fe.

He had just returned from Chicago, where he had an interview with Senator W. H. Andrews, a close friend of Senator M. S. Quay, and his announcement today in favor of joint statehood is supposed to represent the views of Senator Quay in case it should not be practicable to force the omnibus statehood bill through the senate.

President Roosevelt also declared to New Mexico workers for statehood who have lately spoken to him that he is in favor of joint statehood for Arizona and New Mexico. Mr. Hopewell says a bill effecting the merging of the two territories into one state will be introduced probably some time next week.

MRS. DOCKERY IS BURIED

Body is Placed to Rest in Grave Close to Those of Seven Children.

CHILLICOTHE, Mo., Jan. 2.—With a simple ceremony the body of Mrs. Marie Elizabeth Dockery, wife of Missouri's governor, was laid at rest in the Chillicothe cemetery this afternoon, having arrived from Kansas City at 2 o'clock on a special train over the Burlington. The weather was cold and dismal.

Prominent persons were here from every portion of the state and several hundred made up the cortege to the cemetery, where the body was placed in a grave close beside those of seven of the Dockery children.

All Chillicothe was in mourning, business having been suspended in compliance with a proclamation issued by Mayor Hirsch. A delegation of men from Gallatin, Governor Dockery's home, brought several beautiful floral pieces.

EQUAL TAX ON RAILROADS

Charter Revision Meeting Takes Decided Action on the Proposition.

NOTHING DEFINITE ON OTHER LINES

Mayor Authorized to Appoint Additional Members to Committee to Report at Adjourned Meeting Next Friday Night.

Resolved, That it is the sense of this meeting that the clause, "Provided, that the tax commissioner shall take the valuation and assessment of railroad property within the city limits from the returns made by the State Board of Equalization to the county clerk," should be eliminated from the charter of cities of metropolitan and first class, and that it is so important and unjust that our legislators are hereby instructed to give immediate and specific attention to its repeal.

The unanimous adoption of the above resolution and a request to the mayor to appoint ten additional members to act with the charter revision committee represents the definite action taken at the general meeting held in the council chamber last evening.

The gathering showed a good representation of the city members of the Douglas county legislative delegation and Real Estate exchange and the heads of the various city departments, but the mayor, at whose suggestion the meeting was called, did not put in an appearance and only five members of the council were there, while the Commercial club was not present at all. One of the early arrivals was Lieutenant Governor McGilton, who remained throughout the session and was an interested participant. The members of the legislature who were present were: Senators C. L. Saunders and M. A. Hall and Representatives D. W. Gilbert, W. B. Ten Eyck, W. T. Nelson and E. M. Morsman. The council was represented by President Karr and Councilmen Lobeck, Hoye, Zimman and Hascall, and the various city departments by Tax Commissioner Fleming, Deputy Tax Commissioner Lewis, Health Commissioner Ralph, City Engineer Rosewater, Building Inspector Carter, Comptroller Westberg, Chief Salter of the fire department, and Thomas P. Mahammit, W. F. Johnson was the sole representative of the school board. The delegation from the Real Estate exchange numbered ten members, including C. F. Harrison, president, and A. G. Charlton, secretary of that body.

Real Estate Men Open Up.

The meeting was called to order by President Karr of the council, who stated that the call had been issued at the suggestion of the mayor, who was not present, and suggested that a presiding officer be elected. W. T. Graham was chosen chairman and W. G. Ure as secretary, and Mr. Karr then stated briefly that the purpose of the meeting was to afford an opportunity for representatives of the different interests of the city to make suggestions as to needed changes in the city charter and the members of the Douglas county delegation had been invited there to hear the suggestions.

After a pause in which it appeared that all were waiting for someone else to take the initiative, F. D. Wead of the delegation from the Real Estate exchange introduced the resolution printed above with a few earnest remarks urging its endorsement by the meeting. He said that section 98, to which this resolution applied, was the one portion of the charter which most demanded revision, and a member of the legislature should be inspired with all the eloquence and logic of a Patrick Henry to advocate this cause. The people of the state would cry out with one accord if that law was so framed as to plainly read that the property of the railroad companies should be assessed at one-two-hundredth part of its actual value and all other property at its full value and yet that was just exactly the effect of that clause quoted in the resolution.

Question of Constitutionality.

Councilman Hascall said that the repeal of that clause would only be "scratching the surface" and that to effect the desired result it would be necessary to revise the state law upon which the charter was based. He argued that the action proposed would be contrary to the constitutional provision that taxation must be by uniform method and upon a uniform basis, and that railroad property could not be assessed on one basis in Omaha or Douglas county and an another basis in the other counties of the state.

Mr. Ure argued that the clause of the law which the resolution sought to reach was unconstitutional from the fact that it prescribed a different method for taxation of railroad property from that upon which any other class of property is taxed. The repeal of the clause would, he declared, be in keeping with the constitution.

E. Rosewater said he thought Mr. Hascall was right as to the constitutional requirement that all property should be assessed upon an equal basis, but he did not place quite the same construction upon it. He referred to the passage of the law many years ago which constituted the governor, auditor and treasurer of the state a board to tax the railroads by themselves and distribute the tax according to mileage of the roads, and said that while property generally was assessed at only 15 per cent of its true value it was not so conspicuously a hardship that the railroads were only required to pay upon 3 or perhaps 4 per cent of the value of their holdings. At that time also the railroads were not so valuable as now, and their just proportion of the general tax would not be so great as now. But since the policy had been adopted of assessing property at its full value the discrepancy in railroad taxation had become a serious question and one that urgently demanded attention.

Time for Action.

Mr. Rosewater recalled that even in the years past there had been mass meetings to protest against the inequality of railroad taxation and said that now it had become so rank that the west half of the Union Pacific bridge, which could not be replaced for $500,000, to say nothing of its earning capacity. It is certainly time for action. He believed that for the relief of the city of Omaha the legislature need do nothing further than to repeal the clause of the law pointed out in the resolution, and as a citizen of Omaha he would be satisfied with that, but as a citizen of Nebraska he would not be satisfied, for his desire is to see the railroads pay their fair proportion of taxation in every county of the state. The constitution, he said, requires that cities shall assess all property on an equal basis, and that includes the railroads, the same as other property owners.

Mr. Wead argued that the taxation of railroad property in cities is purely a local question, just the same as a local tax for pavement in front of the general office building of one of the companies.

Andrew Rosewater said that every county was permitted to pursue a different method

(Continued on Second Page.)

CONDITION OF THE WEATHER

Forecast for Nebraska—Fair Saturday, and Probably Sunday.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	35	1 p. m.	26
6 a. m.	35	2 p. m.	27
7 a. m.	35	3 p. m.	25
8 a. m.	34	4 p. m.	24
9 a. m.	35	5 p. m.	22
10 a. m.	33	6 p. m.	20
11 a. m.	31	7 p. m.	21
12 m.	29	8 p. m.	20
		9 p. m.	19

WILD ENGINE KILLS FOUR MEN

Crashes Into Rutland Flyer, Filled with Passengers, but Only the Crews Meet Death.

BURLINGTON, Vt., Jan. 2.—A wild engine running from Burlington to Rutland on the Rutland railroad crashed into the northbound flyer from New York tonight at Shelbourne. The crews of both engines were killed and a brakeman who was riding on the wild engine was probably fatally hurt, and nearly every one of the flyer's crew were injured more or less seriously. No passengers were hurt, although many received bruises. The dead are:

DENNIS MAHONEY of Rutland, engineer of the flyer.

R. COWEY of Rutland, engineer of the wild engine.

JAMES FITZPATRICK of Ticonderoga, fireman.

D. N. CHASE of Rutland, fireman.

The cause of the accident is not definitely known, but Dr. Stewart Webb, president of the road, says that he believes that Engineer Cowey, who had charge of the wild engine, had figured that the flyer would be late, as it usually was, and that he could run to Shelbourne for a siding before the uptrain reached that place. Tonight the flyer was on schedule time.

The impact of the collision was terrible and only the heaviness of the flyer prevented a greater disaster. As it was, both engines were totally demolished, the boiler of one exploding with a terrific report.

MRS. TINGLEY ON THE STAND

Denies Flatly that She Said Life at Loma Would Make Marriage Relation Unnecessary.

SAN DIEGO, Cal., Jan. 2.—Mrs. Catherine A. Tingley was placed upon the stand as her own witness in rebutting the testimony of the defendant in the trial of her action for libel against the Los Angeles Times.

All of the principal charges made against her in the Point Loma institution of which she is the official head were read to her and she denied them ad seriatim. She was a cool, deliberate witness and in answering the many details that were evolved from the questions took most of the afternoon. She had a ready explanation for such of the charges and inferences as she did not repudiate.

She stated with much emphasis that she had not withheld food from children, as was related in the deposition of Dr. Anderson of San Francisco, but on the other hand, it was one of her theories of the child rearing that the infants should be fed every half hour. She flatly denied what Louis Fitch of Hartford, Conn., had testified to in alleging that she had stated that life upon Point Loma would evolve a state which would make the marriage relation unnecessary.

An incident of the day was the refusal of the trial judge to permit the jury to go to Point Loma to view the institution, although it was strongly urged by Mrs. Tingley's counsel.

COLORADO BANKER IS MISSING

James H. Robin, President of Bank of Silverton, Disappears, Leaving Liabilities of $300,000.

SILVERTON, Colo., Jan. 2.—Owing to the disappearance of the president, James H. Robin, the Bank of Silverton was closed today by the cashier, A. H. Munde. The bank is capitalized for $30,000 and its liabilities are estimated to be about $300,000.

Robin, who is the principal stockholder, has not been seen since yesterday. It is said he has been acting strangely of late and the theory of his friends is that he has become demented and wandered into the mountains. Acting on that theory the sheriff has sent several parties out to search for him.

The creditors met tonight and appointed a committee to investigate the banks' condition, provided Mr. Robin does not appear in a day or two.

MARSHALS MEET A WATERLOO

One is Killed and Two Others Severely Wounded by Unknown Man They Tried to Arrest.

M'CURTAIN, I. T., Jan. 2.—Three United States deputy marshals, Sam Sorrels of Kintait, Ralph Scargall of McCurtain and another, whose name has not been learned, were shot by an unknown man who resisted arrest today at Coal Creek, a small town on the Kansas City Southern road.

Deputy Sorrels was killed instantly, the other two deputies being severely wounded. While the deputies were attempting to arrest the man he suddenly drew two revolvers and opened fire. Freeing himself from arrest with the weapon, he disappeared across the country and has not been apprehended.

WHY HIGH COAL RATES PREVAIL

Chicago City Council Committee Hears Statements of Dealers as to the Cause.

CHICAGO, Jan. 2.—Testimony from witnesses representative of the mine owners, wholesalers and retailers of coal was heard today by the city council committee on railroads, having in charge the inquiry into the cause of the present high prices of soft coal. Out of 150 invitations sent out by the committee nearly forty were responded to.

The committee interrogated the dealers, but all the testimony was to the effect that a combination of economic causes and the law of supply and demand have caused the present lack of coal and consequent high prices.

Movements of Ocean Vessels Jan. 2.

At Moville—Sailed—Corinthian, from Liverpool, for Halifax and St. John.

At Queenstown—Arrived—Cymric, from New York, for Liverpool, and proceeded. Sailed—Merion, from Liverpool, for Boston.

At Brownhead, Dec. 31—Passed—Nomadic, from New York, for Liverpool.

At New Orleans—Departed—Clarke and barges, for St. Louis.

At Liverpool—Sailed—Bovic, for New York.

At Antwerp—Arrived—Nederland, from Philadelphia.

At Southampton—Arrived—St. Louis, from New York.

At Crook Haven—Passed—Etruria, from New York, for Queenstown and Liverpool.

LILLIE CASE DRAWS

More People Wish to Attend Than Can Gain Admission to Court Room.

DOCTORS DESCRIBE THE WOUND IN HEAD

Member of Coroner's Jury Also Placed on Stand by the State.

MAKE SOME EXPERIMENTS WITH REVOLVER

Conclude Weapon Was Close to Head of Victim and Also to Window.

DEFENDANT TALKS TO A BEE REPORTER

Tells How She Was Sweated by Coroner's Jury at Time When She Was Ill—Points Out Some Inaccuracies.

DAVID CITY, Neb., Jan. 2.—(Special Telegram.)—When court convened this morning the room was filled to its utmost capacity, showing conclusively that interest in the Lillie murder case had not diminished during the recess. Mrs. Lillie arrived at the court room accompanied by her parents, Mrs. Geisinger, her sister, and Sam Lillie.

Dr. S. C. Beede was the first witness. He said:

"I was called to the Lillie residence on October 24, arrived there about 5:30 in the morning, found Mr. Lillie breathing heavily, gasping, lying on his back, with his head thrown somewhat to the south. I asked Mrs. Lillie from which direction the bullet had been fired. She answered from the west side of the bed. We removed the patient to the hospital, when we enlarged the opening in the skull.

"Found grains of powder in the edge of the wound and for about one-eighth of an inch around the wound. We also made incisions for the purpose of locating and removing the bullet. From what I had been told as to the direction the bullet had been fired I supposed the bullet would be found on the right side of the head.

Fired at Close Range.

"I assisted Dr. Sample in the autopsy that was made.

"The bullet entered the skull about one and one-half inches in front of and a little above the right ear and was found in the base of the brain and about one inch behind the left ear.

"At the time I thought the bullet had been fired from a distance of about two feet or more. The fracture of the skull would indicate that it was fired from a closer range."

The doctor, by the use of the skull of an adult person, demonstrated to the court the point where the bullet entered the head and also where it was found.

On cross-examination the doctor said when he arrived at the Lillie house that morning it was about daylight; that his opinion as to the distance the shot was fired is based on the powder burn and that when he first saw Mr. Lillie that morning his head was lying straight; there might have been a variation of an inch.

On indirect examination the doctor said that in his opinion the pistol must have been very close or immediately against the skull.

Dr. H. E. Burdick was the next witness called. He is a partner in the David City hospital. He was present at the hospital and examined the wound in Lillie's skull. With the use of the skull of an adult person the doctor demonstrated to the court the point where the bullet struck and where it was found. The witness substantiated the testimony of Dr. Beede.

Testimony Before Coroner.

Long before court convened this afternoon the large room was crowded and many were unable to get in hearing distance and remained in the hallways. John D. Sprague was the first witness. He was a member of the coroner's jury.

"Our attention was called to the wound in Lillie's head by the coroner. I remained there during the entire time of the autopsy. Mrs. Lillie was a witness before the coroner's jury; she described the manner in which the killing was done. She said she was awakened by a man standing by the bed pointing a gun at her; she rolled off the bed just as he shot. She got up immediately and went into the girls' room, called them and told them that a man had shot Harve. She said he was a man about the size of Mr. Lillie. She could plainly see the man, but she could not distinguish his features; that he might have had a mustache, but was sure he did not have whiskers; if he wore a mask it was a tight-fitting one. She said the man stood about half way, lengthways of the bed and about one foot from the bed on the west side.

"In showing the coroner's jury the position of the burglar, she stood almost erect, possibly leaning a little forward. I think she said the head of the bed was out from the wall about ten inches and the foot of the bed about two feet. The distance from where Mrs. Lillie said the man stood to the window is about six feet and from the curtain to the window glass is from four to six inches. The second time we were in the bedroom we examined the hole in the curtain, window and screen closely. One of the jurors held a revolver over the bed, placed a man on the bed, placed another on the other side of the bed to take the place of Mrs. Lillie and I took a pencil and the pencil was slightly elevated, that is, the outside was a trifle higher than the hole in the glass. The hole in the glass was a round hole and the hole in the screen was smaller. The screen was not torn."

Identify Window and Curtain.

The window was brought into court and partly identified by the witness. The window glass is powder burned about two inches in diameter. The powder burn is still plain on the glass. The window curtain was also produced and identified as the curtain taken from the window in the Lillie bedroom. The hole in the curtain made by the bullet is about one-half inch in diameter. The powder burn on the curtain is from three to four inches in diameter. The window and curtain were admitted in evidence.

Witness gave an outline of the tests made by the coroner's jury as to the distances of powder burns on window glass and lace curtains. His evidence in this respect was substantially the same as that of Coroner Sample. The window sash, glass and curtain which was used in making the tests by the coroner's jury was introduced in evidence and witness portrayed to the court the position of the window and curtain in making the tests. In the test made at a distance of six inches and more there was no discoloration of the glass or curtain, but at a distance of three inches the powder burn was about the same as on the glass and curtain in the Lillie home.

The attention of the witness was called to the time two of the jurors lay on the