THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, THURSDAY MORNING, FEBRUARY 12, 1903—TEN PAGES. SINGLE COPY THREE CENTS.

CASH IS DEMANDED

Germany Tells Bowen $340,000 Must Be Paid Before Arbitration.

BERLIN SETS ASIDE SIGNED AGREEMENT

Refuses to Recognize Count von Quadt's Actions in Venezuelan Matter.

CASTRO'S ENVOY MAKES SHARP REJOINDER

Promises to Pay in Full if Confession of Bad Faith is Made.

OTHER POWERS CAST KAISER OVERBOARD

Express Regret at Action Taken and Agree to Stand by All Arrangements Made on Their Behalf During Negotiations.

WASHINGTON, Feb. 11.—Germany has ignored its previous engagement, made with Mr. Bowen by Count A. von Quad-Wykradt-Izzy and insisted on a cash payment of $340,000, or a lien on the customs receipts of one of the Venezuelan ports until this is paid. This information was conveyed to Mr. Bowen tonight by Baron von Sternberg.

Mr. Bowen immediately refused to [illegible] the receipts of any port prior to The Hague decision, but left the matter of a cash payment to the German minister to determine.

"If Germany can afford to confess that it does not stand by agreements signed by its duly accredited diplomats," replied Mr. Bowen, "I am willing to guarantee payment on the day the protocol is signed of the total amount asked in the original ultimatum."

That response has been cabled to the German Foreign office.

Other Allies Desert Germany.

Great Britain and Italy have renounced any responsibility for the action of Germany and have informed Mr. Bowen that they will stand by all agreements made with him and will not be influenced by the action of Germany.

With the exception of the demand for an increased cash payment the German protocol, in all essential respects, conforms to that of Great Britain, but is more concise. All three protocols provide for the immediate return of all vessels seized by the blockading ships.

It is stated that the action of Germany in asking for $340,000 instead of contenting itself with $5,500, is due to a misunderstanding of certain steps in the negotiation which had been passed on by Count von Quadt before the arrival of Baron von Sternberg.

In the original ultimatum addressed to Venezuela by the three governments 15,300 bolivars was demanded by Great Britain and Germany and 2,500,000 bolivars by Italy.

A paper was signed at the British embassy by the three representatives of the allies, the British and Italian ambassador and the German charge, Count Quadt, and by Mr. Bowen, by which the allied powers agreed to accept a cash payment, or an adequate guaranty for the eventual satisfaction of their claims, as a condition precedent to the raising of the blockade.

Mr. Bowen offered 30 per cent of the customs receipts of Puerto Cabello and La Guayra as a guaranty for the payment "of all claims." Later he consented to give the British government £5,500 cash in view of their contention that they desired immediate satisfaction for outrages committed on British subjects. No objection was made at the time by the Italian ambassador or the German charge. The three powers accepted the guaranty offered as entirely satisfactory.

It is expected an answer will arrive here tomorrow regarding the final representations made, and that the protocols will then be signed.

Orders will then be dispatched to the blockading ships to withdraw from Venezuelan waters.

Mr. Bowen tonight gave out a statement with reference to published statements that Venezuela or people in that country were paying him for his service here.

He said:

"I absolutely refused to take any fee for my services as representative of Venezuela; but I agreed, as I cabled to the Department of State from Venezuela and announced on the first day of my arrival here, to accept $5,000 to defray my expenses. In the same way, if by chance I go to The Hague I shall accept a reasonable amount for my expenses there. I see no reason why my expenses should not be paid, and I have a good reason for not paying them myself, I cannot afford to do so."

Powers Will Sue Together.

LONDON, Feb. 11.—Mr. Bowen's formal acceptance of the British protocol is not believed here to be likely to hasten to any great extent the conclusion of the Venezuelan negotiations.

The allies' ambassadors have been strictly enjoined not to sign any of the protocols until all three powers are satisfied with the terms, when the signatures will be simultaneous.

When the question of separate treatment of the allies is brought before The Hague court of arbitration, the triple alliance will appear as one power, their interests being regarded as identical.

Then arose the question as to the interpretation of the term "all claims." Mr. Bowen declared it meant the claims of all nations against Venezuela, and the allies that it referred exclusively to their claims. It was then decided that the question of preferential treatment be referred to the Hague.

Bowen Offers Some Cash.

Mr. Bowen informed the Italian and German representatives that he would make them the same cash payments offered Great Britain, and an agreement was signed by all concerned accepting a sufficient guaranty in lieu of the cash payment demanded.

Last Friday a cable arrived from the Berlin foreign office asking about the payment of the $340,000. Mr. Bowen produced the signed agreement renouncing this demand. The matter since then has been a subject of correspondence between the German foreign office and the German minister, the latter urging Germany not to press the matter.

Tonight the foreign office refused to relinquish immediate possession of the $340,000 mentioned, though pressed to do so by both Baron von Sternberg and Count von Quadt, who feel greatly embarrassed because of the previous understanding and the orders which they must execute.

Experts Are Testing Coins.

PHILADELPHIA, Feb. 11.—The assay commission appointed by President Roosevelt to test coins in the United States mint began today to examine specimens of the various coins manufactured. The coinage at the mint was comparatively small this year and the commission will probably be through with its work by tomorrow night.

PRINCE GIVEN A DIVORCE

Closing Chapter in the Elopement of Crown Princess Louise with Language Teacher.

DRESDEN, Feb. 11.—Crown Prince of Saxony was today granted a divorce from the former Crown Princess Louise after several doctors had furnished expert testimony in the case.

The decree reads: "The ties of the marriage of the parties are dissolved on account of the adultery of the respondent with M. Giron, a teacher of languages. The blame attaches to the respondent, who is ordered to pay the costs of the proceedings."

Although the special court declined to take into account the contention that the princess was deranged, this theory will be put forward in public by the Saxon court.

The legend will be nourished indeed until, so far as Saxony is concerned, it will become historic truth.

VIENNA, Feb. 11.—An interview with Dr. Zehme, the lawyer of the former Crown Princess Louise of Saxony, is published here today. After denying that M. Giron had been paid to break off his relations with the princess, Dr. Zehme said Giron was mainly actuated by personal vanity.

The princess, he said, was quite free at the sanitarium at Nyone, Switzerland, and was allowed to go on excursions to various places in the neighborhood.

According to the Zeit, the princess would have left Giron when her brother, Archduke Joseph, went to Geneva in an endeavor to persuade her to return, but for the fact that the French teacher threatened [illegible] revolver.

FLOGGING CAUSES DISGUST

Government May Institute Investigation of Guards Regiments.

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LONDON, Feb. 11.—(New York World Cablegram—Special Telegram.)—The disclosure of flogging practices among Grenadier Guards' officers has evoked widespread amazement and disgust, and it is believed that the government, to allay public indignation, will volunteer an inquiry into the subject when Parliament meets.

That Grenadier officers have been flogged with every circumstance the most galling to personal humiliation is not denied, but Admiral Cochrane's statement that the punishment continued until the blood flowed is declared to be exaggerated.

The system is actually justified by some tory papers and the Globe warns the government against interfering with a practice hallowed by tradition. The Guards' officers don't live in barracks like other regiments, and it is urged that some special means is necessary to maintain discipline among them. Extraordinary stories are now circulated as to indignities inflicted upon subalterns condemned by these illegal regimental tribunals.

BULGARIA CALLS OUT TROOPS

Turkish Soldiers Massed on Frontier Causes Little Nation to Turn.

SOFIA, Bulgaria, Feb. 11.—The government is contemplating calling out two army divisions, Sofia and Philippolis, to furnish one each. The concentration of Turkish troops on the Bulgarian frontier is given as the reason.

LONDON, Feb. 12.—According to a dispatch to the Standard this morning, the sultan is resolved to fight rather than accept reforms calculated to diminish his authority in Macedonia.

The Macedonians, however, will not wait, and Turkey will almost inevitably be drawn into war with Bulgaria.

VIENNA, Feb. 11.—Dispatches from Sofia say martial law will be declared in several locations.

There are rumors of conflicts between the Turks and the revolutionists, the Turks losing many men. The revolutionists are reported to be gaining a number of recruits.

OFFERS TO GIVE MONEY BACK

Steamship Company Attempts to Effect Settlement with Shipwrecked Excursionists.

HAMILTON, Bermuda, Feb. 11.—Captain Frazer, the second officer and the pilot of the wrecked steamer Madiana, remained by the ship all last night in a whaleboat. The vessel was pounding heavily when the tugs left here yesterday and it is feared its bottom is destroyed. The agents do not anticipate saving much of the cargo.

The Quebec Steamship company has offered the passengers tickets to New York and to refund the money they paid for the West Indian trip, on condition the passengers sign an agreement not to make claims for damage.

The captain and the second officer of Madiana were on the bridge of the steamer and the third officer was at the masthead looking for the channel light when the vessel struck.

SUFFER FOR WANT OF SLAVES

German Colonists Try Compulsory Labor Ordinance When Times Are Hard.

BERLIN, Feb. 11.—Major Count von Goetzen, governor of German East Africa, speaking today at a banquet to the colonial secretary, described the depression in the colony as being due to the abolition of slavery and to the diversion of the ivory trade through the Congo State and Uganda. The governor added that he had passed a forced labor ordinance requiring the natives to give twelve days' labor a year. One-third of the proceeds went to the chief, another third to the parish and the remaining third to the government.

Appeal to Organized Labor.

TORONTO, Ont., Feb. 11.—The National Trades and Labor congress of Canada has issued an appeal to organized labor to join with it in advancing the interests of Canadian labor. The congress is a new body arising from the action of the Dominion Trades congress in favoring international as against national unions. "The great objection to international organization in Canada," the appeal says, "is that strikes are fomented and carried on in the United States to the disadvantage of Canadian enterprise."

To Be Succeeded by Yerkes.

LONDON, Feb. 11.—At a meeting of the shareholders of the London United Tramways company today the chairman, Mr. White, announced his approaching resignation and said he would be succeeded by Charles T. Yerkes.

FEARS COLOMBIAN WAR

Senator Morgan Thinks Canal Treaty Will Precipitate Religious Strife.

COMMERCE BILL FINALLY DISPOSED OF

Conference Report is Adopted and Measure Will Now Go to President for His Signature and Approval.

WASHINGTON, Feb. 11.—Mr. Hanna (O.) today called up the conference report on the department of commerce bill, which was agreed to without debate.

Mr. Morgan (Ala.) almost immediately after the opening of the session resumed his remarks on the statehood bill, but branched off to discuss the proposed treaty with Colombia. He referred to the concordat of Pope Leo IX, which constituted a part of the organic law of Colombia, and said that the United States intended to put the heel of igneminious contempt upon it. He predicted a return of hostilities between the old church party in Colombia and the liberal party.

Mr. Depew (N. Y.) spoke in opposition to the statehood bill, but did not conclude.

Gives Alaska Homestead Law.

A house bill was passed extending the homestead laws to Alaska.

The statehood bill was then taken up and Mr. Morgan resumed his remarks in its favor.

Taking up Mormon influence in politics, he referred to the election of Mr. Smoot as senator from Utah, and said he would never think of opposing his entry to the senate because he was an apostle of the Mormon church, because religion was intended to be free and intended to be protected.

Reverting to the treaty with Colombia, he said the United States intended to put the stamp of ignominious contempt on the organic law of Colombia with respect to religious freedom and trample it under foot.

"We are treating with those people," he said, "with the intent and purpose of destroying that law or else under such circumstances as to disgrace the United States."

He asked who was to reconcile the two propositions when the Colombians contended for their organic religious law and the United States for its own constitution, and who would prevent a return to hostilities, now apparently closed, between the all-church party, who maintained those dogmas, and the liberal party, who had been fighting them in every country.

Depew Opposes Statehood.

Mr. Depew followed in opposition to the omnibus statehood bill.

After speaking a short time Mr. Depew yielded to Mr. Hanna, who called up the conference report on the department of commerce introduced yesterday, and it was agreed to. This passed the bill, which now goes to the president.

Mr. Depew, continuing, said the head of the Mormon church was in a position to say to the leaders of both political parties:

"What will you do to protect Mormonism?"

If there was any fallibility in the world, he said, it was the judgment at election time of the political leader of any party.

"If that is true," interrupted Mr. Patterson (Colo.), "why did the republican party two years ago make a greater bid for the Mormon vote than the democrats did?"

Mr. Depew explained that both parties made every possible bid, but the democrats trusted the republicans. He charged the anti-polygamy section of the statehood bill as a sham and said there had been no proposition from the democratic side to strengthen it.

Mr. Teller (Colo.) said that if a day were set for a vote the democrats would join in strengthening the provision referred to.

Mr. Depew had not concluded when, at 4:10, the senate went into executive session, and at 4:55 adjourned.

HOUSE VOTES BUILDING CASH

Authorizes Extension of Capitol and Erection of Office Structure for Members.

WASHINGTON, Feb. 11.—The house made fair progress today with the sundry civil appropriation bill, covering eighty-six of its 150 pages.

The amendments of which Mr. Cannon

(Continued on Second Page.)

TWO NEBRASKA APPOINTMENTS

Register and Receiver of Sidney Land Office Named by the President.

(From a Staff Correspondent.)

WASHINGTON, Feb. 11.—(Special Telegram.)—The president today nominated Harry E. Wadsworth of Lander, Wyo., to be Indian agent at the Shoshone agency, vice Captain H. G. Nickerson, who is appointed allotting agent to allot lands in severalty to Shoshones and Arapahoes.

The president also nominated James L. McIntosh to be register of the land office at Sidney, Neb., and Robley D. Harris receiver at the same place.

The house committee on public lands today decided to report favorably the bill providing for the sale of isolated tracts of the public domain. Senator Gamble secured the passage of this bill in the senate last week and it is probable it will get through the house also.

Representative Hepburn today introduced a bill providing that the pension of Jonathan R. Cox be increased to $30 per month.

The postoffice at Argo, Brookings county, S. D., has been discontinued, mail to Toronto.

Harold M. Biram has been appointed a rural letter carrier at Cedar, Ia.

Durwald Wisdom of Omaha, Neb., has beeen appointed a stenographer and typewriter in the land office, Helena, Mont.

The gross receipts of the Omaha postoffice for January were $43,972, against $40,259 for the same period last year, an increase of $3,713.

At Des Moines the receipts were $46,472 and $37,639 respectively, an increase of $8,833.

These rural free delivery routes will be established March 2: Iowa, Kiron, Crawford county, two routes; area covered, fifty-four square miles; population, 1,152. South Dakota, Big Stone, Grant county, one route; area, forty-one square miles; population, 500.

SNOW STAYS UTAH TRAINS

Union Pacific Eastbound Cars Are Five and Six Hours Behind.

SALT LAKE CITY, Utah, Feb. 11.—Over eight inches of snow fell in Salt Lake City today and the storm is still raging with unabated fury. This is the heaviest snowfall here in fourteen years. Street car traffic was almost at a standstill.

The storm extended over southern Idaho, western Wyoming and northern Utah, and trains on all roads are more or less delayed by the snow, which is reported drifting badly in some places.

OGDEN, Utah, Feb. 11.—About four inches of snow has fallen since 5 a. m. and it is still snowing.

Union Pacific trains going east are five to six hours late.

EVANSVILLE, Ind., Feb. 11.—The Ohio river is stationary tonight at 39.8 feet. It will probably begin to fall by Thursday morning. The Wabash and White rivers are falling slowly.

HAZELTON, Ind., Feb. 11.—White river has been higher than for years and much corn has been lost. The loss to farmers along the Ohio river has been great.

RAILWAYS VAINLY SEEK PEACE

Rate Situation Between Chicago and Twin Cities is Still Chaotic.

CHICAGO, Feb. 11.—The Record-Herald tomorrow will say:

The rate situation in passenger business between Chicago and the Twin Cities is in a worse condition than it has been for years.

The meetings which the lines have been holding every two weeks have utterly failed to secure harmony. It is thought the presidents may take hold and try to smooth matters out.

BAUM QUITS KANSAS CITY

Omaha Parties Dispose of Interest in Iron Firm at that Point.

KANSAS CITY, Feb. 11.—(Special Telegram.)—Alexander Massey and the Baum Iron works of Omaha have sold the Massey Iron works, located at St. Louis avenue and Santa Fe streets to C. E. Faeth of Sioux City, Ia., and the Nichols, Dean & Gregg Iron company of St. Paul. The capital stock of the company will be increased from $100,000 to $200,000 and the plant will be extensively enlarged.

MORE POWER THAN KINGS

American President Has Greater Authority Than Sceptered Monarchs.

SHAW OUTLINES EXECUTIVE'S WORK

Wages War, Humbles Nations, Acquires Territory, Sets Up States, Brings Peace to Troubled Peoples of the East.

NEW YORK, Feb. 11.—Secretary Shaw was the chief speaker at tonight's annual dinner of the Silk Association of America.

Mr. Shaw, who responded to the toast, "The President," said in part:

The president, while properly a most potent influence in the realm of legislation, is the executive. No sovereign has greater authority and few as extensive powers.

Think what the president has done in the last six years. I speak of the office, and not of the incumbent. The president called an army into existence, collected a navy, then as commander-in-chief of both, successfully prosecuted a war. Then, through his secretary of war, he took possession of Cuba, pacified its people, stood guard while a government authorized by congress was created, a constitution adopted, an insular congress elected. Then, through his secretary of war, he said: "Are you ready?" and when the answer came, "Aye, aye, sir," he replied: "Hoist away," and a new flag, fresh from the womb of liberty, sprung forth.

The president, through his secretary of war, took control of the Philippine archipelago, and with such consumate wisdom and patience have the affairs of those islands been administered that the people both weep and petition at the report that the present representative of the president is likely to return to the states.

Do you charge me with having said nothing of the present incumbent of that office, which we Americans believe to be the highest ever filled by man? Then I answer, all that I have said tallies with the conceptions, the aspirations and the earnest endeavor of him who is giving eighteen hours per day as the chief servant of 80,000,000 people.

I have only sought to exalt our ideals, but I add that the requirements of the times are being as fearlessly, as conscientiously met by Theodore Roosevelt as have similar requirements of other times by any of that galaxy of great men who have preceded him and by the aid of whose wisdom and devotion we have grown to what we are.

FIGHT MOVES TO TOPEKA

Trainmen's Wage Demand Will Be Fought Out with Santa Fe Railroad.

TOPEKA, Kan., Feb. 11.—P. H. Morrissey, grand master of the trainmen, and A. B. Garrettson, assistant grand chief of the conductors, are coming to Topeka to work with the conductors and trainmen's committees now in the city.

Mr. Morrissey and Mr. Garrettson have been in St. Louis conducting the fight for higher wages ever since the presentation of the demands.

Fifty-two committeemen from the coast and the gulf lines of the Santa Fe lines are in the city. General Managers Nickerson of the Santa Fe & Gulf, Wells of the Santa Fe Coast lines and Mudge of the Santa Fe system and Third Vice President Kendrick will be here for the conference tomorrow.

The wage question will include a consideration of the conditions of the entire system.

Whatever action the Santa Fe takes will, it is said, be the model on which the roads which are yet holding out will act.

ARSENAL DESTROYED BY FIRE

Flames Burn $1,500,000 Worth of Military Equipment at Rock Island.

ROCK ISLAND, Ill., Feb. 11.—Shop "A," the principal issue storehouse at the Rock Island arsenal, was destroyed tonight by fire.

Cavalry and infantry equipments of every description, and a million rounds of Krag-Jorgenson smokeless ammunition were consumed. The contents was worth $1,500,000.

TRAIN WRECK KILLS BRAKEMAN

Quincy, Omaha and Kansas City Passenger Derailed Near Plattsburg.

PLATTSBURG, Mo., Feb. 11.—A passenger train on the Quincy, Omaha & Kansas City road was derailed near here today, causing the death of Brakeman Fred Eaton of Milan, Mo.

Engineer Skimerhorn was badly scalded and Baggageman Henry Dean's arms were broken. No passengers were hurt.

CONDITION OF THE WEATHER

Forecast for Nebraska—Fair and Colder Thursday, Except Snow in Southwest Portion; Friday Fair.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	31	1 p. m.	38
6 a. m.	30	2 p. m.	39
7 a. m.	30	3 p. m.	35
8 a. m.	29	4 p. m.	34
9 a. m.	32	5 p. m.	33
10 a. m.	33	6 p. m.	32
11 a. m.	35	7 p. m.	32
12 m.	36	8 p. m.	31
		9 p. m.	30

BISHOP O'GORMAN IN OMAHA

Distinguished Prelate Who Will Lecture Friday Night on Father Marquette.

Rt. Rev. Thomas O'Gorman, bishop of Sioux Falls, who is to lecture on the subject of "The Life of Father Marquette" at the Boyd theater on Friday evening under the auspices of the Omaha lodge, Knights of Columbus, arrived in the city last night at 9:10 o'clock and went immediately to the residence of Bishop Scannell, whose guest he will be while in the city.

Bishop O'Gorman was at Rome when the Taft commission was discussing the Philippine friar land question at the vatican, and took part in those discussions, which were later transferred to Manila.

"The questions between the church and the commission will be settled without trouble," said he. "I see by the press dispatches that there has been developed a new feature by reason of the attempted transfer of certain lands by the friars to corporations, and I understand that some of the members of these corporations are to receive large fees if the friars succeed in holding the land. I do not believe that the pope will recognize these transfers, as they seem to be an attempt to evade the operation of any agreement which may be reached by the commission and the church. They are apparently not bona fide and I do not believe they will stand.

"I hear from the commission and from the authorities of the church having the matter in charge and believe that progress is being made in the direction of a pleasant solution of the questions of the friar lands and the religious and charitable trusts which were created during the sovereignty of Spain in the islands."

This evening at the Ier Grand Bishop O'Gorman will the guest of honor at a banquet to be given by the Knights of Columbus. E. W. Simeral will be the toastmaster and after an address of welcome by Bishop Scannell, Bishop O'Gorman will respond. The toasts following the response by the bishop are: "The Catholic Layman," John Rush; "Catholic Knighthood," Rev. P. A. McGovern; "The Catholic Citizen," T. J. Mahoney. Preceding the banquet there will be a reception which will begin at 7:30, and the meal will be served at 8 o'clock.

Admission to the theater Friday will be by invitation, and the committee of the Knights of Columbus having the matter in charge reports that all available seats have been filled and that the requests for invitations exceed the capacity of the building.

MAILLY READY FOR HIS WORK

National Secretary of Socialist Party Opens His Headquarters in Omaha.

William Mailly, secretary of the socialist party, who was elected to succeed Louis Greenbaum at the last meeting of the national committee of the party, arrived in Omaha yesterday and in a day or two will be established at the new national headquarters of the party in the Arlington block. The records from the old office in St. Louis will have arrived by the time the office has been furnished.

Mr. Mailly comes from Massachusetts, in which state he has conducted a newspaper for some time. Previous to that he worked as a miner. He says that during the coming year the socialists will make especial efforts to spread their doctrines in the large cities of the country, and that Omaha will hear several of the most prominent of their speakers.

The work at national headquarters will be under the direction of a committee called by the order the "local quorum," which for a year will consist of J. P. Roe of Omaha, Samuel Lovett of Aberdeen, S. D.; Ernest Unterman of Girard, Kan.; George H. Turner of Kansas City, Mo., and John M. Work of Des Moines.

BORING FOR OIL NEAR OMAHA

Work of Putting Down Well in the Valley of the Little Pappio Begins.

The Omaha Petroleum, Gas and Coal company's machinery on the H. G. Glissman farm nine miles southwest of Omaha, was started with much fomality yesterday and the initial oil hole put down thirty-five feet.

In addition to members of the company, there were present County Commissioners Hofeldt, Harte and Connolly, County Clerk John C. Drexel, George H. Lee, H. K. Burkett, Thomas J. O'Brien and F. H. Dunlop of Omaha; John Beno, W. J. McCune, A. C. Kellar, W. S. Cook of Council Bluffs; N. West and W. B. Gilson of Denver and about 125 farmers who have become interested in the prospect for Douglas county developing into an oil field. Mr. Glissman acted as host and lunch was served the visitors.

FUNDS FOR THE AUDITORIUM

Committee is Quietly at Work and Hopes to Announce Some Progress Soon.

The executive committee of the Auditorium company met last night and discussed matters in relation to the construction of the building. While nothing was made public as to the progress of the work, a member said: "We are not apparently making much progress, but there is a lot of quiet work going on, and you need not be surprised if $25,000 to $40,000 in subscriptions are reported almost any day. The committee may be quiet, but it is not idle."

Movements of Ocean Vessels Feb. 11.

At New York—Arrived: Ryndam, from Rotterdam and Boulogne Sur Mer; Trave, from Genoa, Naples, etc.; Canadian, from Liverpool. Sailed: Oceanic, for Liverpool; Tauric, for Liverpool.

At Liverpool—Arrived: Westernland from Philadelphia. Sailed: Cedric, for New York via Queenstown; Bohemian, for New York.

At Antwerp—Sailed: Switzerland, for Philadelphia.

At Southampton—Sailed: Kron Prinz Wilhelm, from Bremen, for New York via Cherbourg.

At Hong Kong—Arrived: America Maru, from San Francisco via Honolulu and Yokohama.

At Cherbourg—Arrived: Patricia, from New York via Plymouth, for Hamburg, and proceeded.

COME OUT OF COVER

Lancaster Delegation Finally Shows Its Hand on Railroad Taxation.

ALL BUT ONE STAND WITH THE RAILROADS

Commercial Club Members of that City Not Slow to Express Themselves.

HAD EXPECTED BETTER THINGS OF THEM

Platte County Member Expresses His Opinion on Revenue Bill.

FIGHT ON THE MERCHANDISE SALE BILL

Members of the Senate of Opinion the Measure is Loaded and Request the Committee to Amend It.

(From a Staff Correspondent.)

LINCOLN, Feb. 11.—(Special Telegram.)—With all but one member of the Lancaster delegation arrayed against the proposition of equitable taxation of railroad terminals, the burden of responsibility for the passage of house roll 171 falls on the Douglas county delegation. Senator O'Neill is the only Lancaster county man who did not align himself on the side of the railroads in this matter. The rest of the delegation, ignoring the urgent appeals and demands of their common constituents, placed themselves on record as against direct taxation of railroad terminals on a fair cash basis, as contemplated in house roll 171, and confirmed the popular belief that they would, when the test came, come out in the open and show their railroad colors. They did this in spite of the pretentions formally made to the Lincoln commercial interests that they were favorable to house roll 171.

Senator O'Neill said this morning: "I was for this method of terminal taxation at the outset; I am for it now. I did not repudiate my convictions last night. I intend to be for House Roll 171 to the last."

Ten Eyck of Douglas, who introduced the bill, expressed a regret at the Lancaster men's action, saying: "We needed and relied on their help and votes."

The Douglas delegates this morning chafed under the insinuation that their espousal of this measure is so luke warm as to be ineffective. They assumed a degree of indignation when a Lancaster man said if they really were sincere they would go after the bill and snatch it out of the hands of the house revenue committee.

Commercial Club Disgusted.

The Commercial club of Lincoln is disgusted at the position of the Lancaster delegation on the question of taxing railroad terminals for city purposes and members of the body are making no bones of expressing opinions. "We have just laid down," said one member, "and the reason is that the Lancaster delegation refuses to help us. All we have got out of them," he said, "was a promise to assist in wiping out the ward lines in the city of Lincoln and nominate and elect councilmen at large. They turned us down cold on the tax question and the reason they did it is because it is a railroad delegation, elected for the benefit of the railroads, and there was no further use of us wasting any more time trying to convince them that railroads should pay their share of the city taxes. We have shown them that while the taxes of individuals have been increased, that of the railroads remain the same. But it does no good. They don't want to see it."

A Douglas county member tonight let the cat out of the bag in speaking of H. R. 171. "That boosting committee from Omaha need not waste its time coming down here," he said. "This bill is a dead one. Nothing can revive or resuscitate it."

With this sort of gloom and despair pervading the ranks of the Douglas delegation, certainly it means a stupendous fight to put this important measure on its feet in either house. Naturally Omaha's men are looked to champion Omaha's interests, but if they acknowledge defeat without putting on their armor the fate of those interests, forsooth, is doomed.

Kansas Bill Rejected.

The status of impending revenue legislation has changed but little today. The committee has been hard at work and consequently has made some progress toward completing the measure. A conservative member said tonight he really believed the bill could be introduced Monday, as the subcommittee ought to finish compiling it by Thursday night.

After all the hubbub over adopting the Kansas bill as a basis for constructing the Nebraska law it became known tonight that this has not been done. The efforts of John N. Baldwin to force this bill on the committee and the march stolen by a minority of the committee to this end, therefore, have come to naught, except that the Kansas bill is being used for padding purposes—that is, to fill in gaps—but the Nebraska law forms the real basis.

The committee simly had to reject the Kansas law as a foundation because it is verbose and unwieldy. In compiling the new bill the work of the various subcommittees is being adopted in the main, with, of course, such minor changes as a combination of all the parts may suggest or render necessary.

Omaha Charter Bill.

The Omaha charter bill, which makes a number of important changes in the management of city affairs, doubtless will be introduced in the house tomorrow.

The house militia committee tonight decided to recommend H. R. 256, by Ten Eyck, providing for conformance of the Nebraska militia law with that of the United States, approved January 21. The bill places the adjutant general on the same grade as a captain in the regular army, increasing his salary from $1,200 to $1,800 a year; makes one assistant a major at a salary of $1,200 instead of $800, and the other a captain at $1,000 instead of $800 a year.

The bill in the house which provided for an increase of $1 for notarial commissions, which was amended to not increase the fee, will likely have rough sailing in the senate. From the office of the secretary of state comes the argument that the fee should be changed to $2 and that this would put between $700 and $800 in the state treasury every year and not work a hardship on any one. "A person who is willing to pay $1 for a commission," said an attache of the secretary's office, "would readily pay $2 and not be overcharged, either. No person is allowed to do business as cheaply as he who is allowed to become a notary. Just think of it, he gets a commission authorizing him to do business for six years and only pays $1 for it." One senator at least has taken up the matter and will make a fight for the original bill.

Way Talks on Revenue.

During the discussion of the bill providing for the calling of a constitutional con-

TAXATION OF RAILROADS FOR CITY PURPOSES

Opinion of Nebraska Supreme Court in State vs. Savage et al, 91 N. W., 737.

What we have heretofore said with respect to the assessment of railroad and telegraph property, and the necessity for uniformity in valuation with property generally throughout the state, applies more particularly to assessments provided for by the general revenue laws. It is contended by the relator that the State Board of Equalization altogether failed to take into consideration, in placing the valuation on property by it assessed, the fact that under certain assessment laws with respect to municipal taxes in cities of the metropolitan class and those of the first class having a population of over 40,000 a much higher standard of valuation of property for assessment purposes prevails than the average standard obtaining generally in assessments under the provisions of the general revenue laws. It is in evidence that in the city of Omaha, a city of the metropolitan class, the standard of value in the valuation and assessment of property for municipal purposes is 40 per cent of its market value; that in the cities of Lincoln and South Omaha, which have a population bringing them within the other class mentioned, property is assessed for taxation for municipal purposes at its actual cash value. The laws authorizing the assessment of property in municipalities of the classes mentioned for municipal purposes provide that the properties of the railroad and other corporations required to be assessed by the State Board of Equalization shall be returned for assessment for municipal purposes in the municipalities referred to and to the municipal authorities, and taxes levied thereon at the same valuation as fixed by the State Board of Equalization. In respect of all other property subject to taxation values are fixed by the taxing authorities of the respective municipalities at an assessed valuation, as hereinbefore stated. It is obvious from what has just been said that the rule of uniformity is broken regarding the properties of the different corporations required to be assessed by the State Board of Equalization when the same property at the same value is assessed by the different municipal taxing authorities for municipal purposes. When all other property is assessed at 40 per cent of its fair cash value in one of the municipalities mentioned, and at its full fair cash value in the other two, and the railroad and other corporate property assessed by the State Board of Equalization is valued at one-sixth to one-tenth its full cash value, **an inequality in taxation is shown to exist, which is repugnant to the most rudimentary principles of justice.** Such inequalities are not to be wholly unexpected when laws more or less local and special in their application are enacted by the legislature to conform to the wishes of each municipality whose needs are supposed to require a law peculiar to itself. If there are many taxing jurisdictions operating under different laws, it is quite probable that the standard of valuation will greatly vary in different localities. It is at once apparent that the State Board of Equalization cannot in one assessment conform to all these several standards, if varying; and if an attempt should be made to compromise by the ascertainment of an average standard, the rule of uniformity would be broken as to all, and would conform to none. The legislation with reference to the assessment of railroad and telegraph property by the State Board of Equalization was evidently enacted with the view of having all such proeprty assessed by one assessing body at a uniform value for all property on a mileage basis, and in harmony with values as fixed for assessment purposes on other kinds of property on which taxes are levied for general revenue purposes, and such valuation apportioned throughout the state where the lines of such corporation extend. If certain municipalities, under laws applying only to them, assess property at a much higher ratio than that as made for all other purposes, it will readily be seen that the board cannot, under the law as it is at present constituted, conform to such valuation without violating the rule of uniformity as to all other property assessed for general revenue purposes. If these higher valuations obtaining in the municipalities mentioned were taken into account in the assessment of railroad properties by the State Board of Equalization, and a higher valuation placed on such property, it would be distributed over every mile of road within the state, and but little would, therefore, be added to the valuation of the property situated in such municipalities, and subject to municipal taxes. We know of no rule by which the State Board of Equalization, under the present law, can value railroad and telegraph properties in municipalities having taxing laws of their own at a uniform valuation with other property therein, when the standard of valuation is different from that prevailing under the general revenue laws. Section 6 or article ix of the constitution declares that "all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform with respect to persons and property within the jurisdiction of the body imposing the same." **The observance of this rule of uniformity in the assessment of property for municipal purposes is as obligatory on the law-making body and the taxing authorities as are the provisions of section 1 of the same article,** which we have heretofore discussed. Whether the provisions of law requiring that the assessment as made by the State Board of Equalization shall be taken and accepted as the correct assessed valuation for taxes for municipal purposes, when a different standard of valuation prevails as to all other property, is in contravention with the section of the constitution quoted, we should not in this action, and do not, decide. It is sufficient to say that for the purpose of this case, and in determining the issues before us, we can consider only the assessment of all other property throughout the state for general revenue purposes in determining whether the fundamental law requiring uniformity in the valuation of property is violated.