DOWIE A BANKRUPT

Federal Court Places Receivers : 40 of the City of Zion.

HIS APPEALS FOR MONEY ARE VAL

Latter Day "Elijah" Tails to Secure Cash from Ris Followers.

STATEMENT STARTED RUN ON THE BANK

Residents of Community Seek to Save Money on Deposit.

OFFICERS HAVE LIVELY TIME AT ZION

Men at Bank Offer to Destroy Paper and Are Threatened with Arrest and Placed Under Guard.

CHICAGO, Dec. 1.-Financial difficulties, which began during the crusade of John Alexander Dowie, the self-styled "Elijah," and his restoration host to New York a month ago, and which have been rapidly increasing since Dowle's return, culminated tonight in the federal court taking posses sion of all the property controlled by Dowls in Zion City. This town, which was founded two years ago by Dowie, has a population of over 10,000, is the general headquarters for Dowie's church and is said to represent an expenditure of \$20,000,000.

Fred M. Blount, cashier of the Chicago National bank, and Albert D. Cryer, a law partner of Congressman Boutell, were uppointed receivers of the property. Their bonds were fixed at \$100,000 by Judge Kohlsatt of the United States district court. who made the appointment on petition of several creditors. The receivers left for Zion City tonight to take possession of the

The bankruptcy proceedings were made on the allegation that he was insolvent and when in this financial condition he committed an act of bankruptcy by making a preferential payment, on November 2, to the E. Streeter Lumber company for \$3,770. Dowie has been hard pressed by his creditors and especially since it was announced that his recent mission to New York had proved unsuccessful financially.

Ties Up Much Money.

Dowie is known to have accumulated a large sum as the head of the Christian Catholic church, the assets of the organization being estimated at between \$30,000,000 and \$30,000,000. There was a large outlay of money, however, when Zion City was started, and as both of the ventures have not been a paying investment, a great deal more money was tied up.

Dowie's differences with his brother-in law, Stephens, over the management of the lace factory, cost more than \$100,000, and other suits recently begun in Lake county by creditors are said to aggregate a large

Attorney Ettelson, representing the petitioning creditors, in his arguments before Judge Kohlsaat saids

The creditors whom I represent have rea-son to believe that Dr. Dowie is insolvent. Judgments have been accumulating against him for several weeks past and there was every indication that the overseer of Zion congregation could not pay his debts. In such a crisis the creditors sought protection for their interests in the benkruptcy court. It is impossible to estimate the liabilities or assets of Dowle. Zion's affairs are compileated and it will take several weeks. I believe, before any idea of Dowle's finances can be had.

Judge Kohlsaat at first refused to apunint a receiver for the property on the ground that Dowie should have notice of so important a proceeding. After listening afurther account of Dowie's affairs Mr. Ettelson, Judge Kohlsnat decided it would be well to have the receivers appointed before the property at Zion City could be divided. He therefore entered the order appointing Mesers Blount and Cryer,

Dowie Confesses Weakness. Last Wednesday Dowle's first confes tion of weakness was made at a rally in the tabernacle at Zion City.

'A lot of you people have cash in your pockets," Dowie said to his followers. "Dig down and get ! tout. It is God's and we need it in his business. Deposit it." Dowle talked in the same strain for more than he told of the financial straits in which the Zion industries found themselves. Inthis appeal sent a long line of people to bank on Friday, when they lined up at the paying teller's window, drawing

out their money. Less than \$3,000 was deposited in the bank on Friday, while the amount with drawn was twice as much. Late in the afternoon, A. W. Graham of Waukegan tried to withdraw his account of \$300 and told he would have to give thirty days notice before he could get his money. Yes terday, another appeal was made by Dowie for funds, but the depositors who appeared were few and deposits were chiefly in trivial amounts.

Today Dowle asked the members of Zion more urgently than ever for money. He declared that he must have \$500,000 without delay. This sum, he said, he was wil Hing to take in short loans, but that they must be forthcoming immediately.

Appeals for Ald Useless.

In the efforts to remedy the condition of affairs at Zion City, hundreds of letters were sent out daily to Dowie's followers in other parts of the country. In these letters, in which glowing prospects of Zion City's future were painted, and in which Dowle himself is quoted as praying hat all those who believe in him "follow the Lord." All Dowities are urged, almost commanded, to sell their farms, stores and everything else and come at once to Zion City, and take up the work of the church. All of those who have money in of 22,929 barrels and 1,540 boxes. banks near where they now live were banks and send it for deposit at Zic

It is declared to be a fact that the employes of the manufacturing industries have not been paid in from four to six weeks. What little they have received is said to have been paid entirely in the Zion City coupon books. Early in the week before last Dowle made a personal trip through the various shops. It had been customary at Zion City to atart each day's work is the shops with fifteen minutes devoted to prayer services. On the day in question, it is said, that Dowie went to each of the shops and talked for more than two hours to the employes. He told his followers that they must either wait for their salaries or must endure a substantial cut in

wages. This was agreed to. one shop a non-member of Dowle's flock asked Dowle why he was going to Australia if his finances were so bad. "Perhaps I may not be able to go at all,

(Centiaued on Second Page.)

Declines Longer to Permit American Jews to Cross Russian Frontier

on Consul's Viseing.

ger permitted to cross the Russian fron-without a special d, von Piehwe, the Russian interior Most Americans travel to Russia Bermany, The practice until the ceks was for the Russian consu general nere to vise the Jews' passports upon receiving a statement of their purpose to visit Russia and that their stay there

was to be temporary. A reputable Jew of San Francisco, bearing a letter from the State department at Washington, was assured at the Russian consulate general here that he could not be admitted to Russia now without a special order from Minister von Plehwe, The Russian embassy made the same statement, An order was obtained ultimately from M. von Plehwe, through the American embassy at St. Petersburg. This new restriction is an extension of the policy initiated by the recent withdrawal of the vise powers from the Russian consulates in America,

AMBASSADOR GETS A SPILL Meyer at Rome is Thrown While Hunting in a Rain Storm.

NEW YORK, Dec. L-While out hunting with a large party, in a heavy rainstorm, on the outskirts of the city, says a Rome dispatch to the Herald, the American ambassador, George von Lengerke Meyer, was thrown to the ground so violently as to be made unconscious. On reviving he

injuries are of a slight nature. ROME, Dec. 1.-Although Ambassador ox hunting in the outskirts of Rome, his Meyer is confined to his bed as a result E. Miller, president of the Telluride Miners' of the fall from his horse yesterday while omplained of severe internal pains, but the doctors discovered only bruises, and his condition is not considered to be serious,

PRINCESS ALICE IS TO SUE Avers that Stories of Elopement with Conchman Were Fabricated by Prince Frederick,

BERLIN, Dec. 1 .- The divorce proceedngs of Princess Alice of Schoenburg-Waldenburg against her husband, Prince Frederick, began at Dresden yesterday. The princess returned from Sori, near Genoa, in an aggressive state of mind. She openly declared the prince was responsible for the shameful charges made against her and said her husband was seeking revenge because she refused to continue paying his southern coal camps tonight. debts. The princess also threatens to begin proceedings for calamny, averring that the newspaper stories of her alleged elopement with a coachman are traceable directly to Prince Frederick.

KAISER SENDS A LITTLE NOTE In Lieu of Opportunity to Speak with Roosevelt He Writes Informally,

BERLIN, Dec. 1.-Emperor William has sent President Roosevelt an autograph message by Baron von Sternberg, the German ambassador to the United States, who Kaiser Wilhelm II. The emperor, while seceiving Baron von Sternberg in audience Sunday, remarked that he wished he could say a number of things to the president. He then took an ordinary pad of paper and filled the right-hand half, in German chancellary fashion, with a message, ending with his signature, "Wilhelm," in large let ters.

WAITING AT PRISON'S DOORS American Officer Will Greet Londo

Convict as He Emerges to Supposed Freedom.

LONDON, Dec. L-Charles Allen, an American criminal, terminates several years' imprisonment at Dartmoor Decem ber 5. As soon as he walks out of prison he will be rearrested on an extradition warrant charging him with a daring postoffice robbery at Springfield, Ill., in 1895. Later in that year Allen and Killoran broke out of Ludlow street jall, New York, and escaped to England. It was only ur, tears glistening on his cheeks as Allen had been convicted here of robbing the Birkbeck bank that his identity was discovered. Allen is quite ignorant of the stead of frightening many into depositing. reception which awaits him the moment he regains his freedom.

TO KILL THE MARQUIS ITO Japanese Medical Student Found

Have Deadly Dagger Concealed on His Person.

YOKOHAMA, Dec. 1.-A Japanese medical student was arrested today on suspicion is so, because if he must have troops at of an attempt to assassinate the Marquis all, it would be much better to have the Ito. He carried a dagger concealed under tin soldiers. They are not used to hard his kimona when arrested at the marquis' campaigns and it will have an equal revilla at Misox.

It is believed this attempt on the statesman's life was the outcome of recent sug- had better leave fown, for the Citizens' Japan that a ministerial assassination carry things with a high hand." would be a patriotic action, tending to produce a more warlike policy on the part the southern field. It is believed that John

APPLE RECORD FOR NEW YORK Largest Shipment Ever Made is About to Arrive at

Bremen.

BERLIN, Dec. 1.-The largest shipment of apples which ever left New York is due the advance is made necessary by concedto arrive at Bremen tomorrow on the North German Lloyd steamer Main, which sailed from New York November 19. It consists

asked to draw that money out of the local IS THE WORLD'S BEST BEER American Product Awarded Prize

Competition with Every Brew of Every Land.

PRAGUE, Bohemia, Dec. 1.-The imperial ientific station investigating the different kinds of beer of the world has awarded the highest honor for superiority to an Ameri-

OFFICIALS RIDE OVER THEM Gang of Section Men Are Run Into

by Special Train on Rending.

MAHANOY CITY, Pa., Dec. 1 .- An engine drawing a private car containing offi- attendance. This is the third meeting of cinia of the Philadelphia & Reading railway crashed into a gaug of workmen at regular session, and the second being a Gilberton, near here, today, instantly kill- special meeting, to appropriate money for Atchinson of Hawaii. ing John Zubricki and fatally injuring Montana's representation at the St. Louis John Deyada and Michael Barna.

Receives it with Threat that Ears Are Soon to Fello

HEAD THE NEXT TO BE SENT HIM

Note is Considered a Hoax to Secure Withdrawal of Troops from Telluride-Federation on Defensive.

DENVER, Dec. 1.-Adjutant General Sherman M. Bell today received from Telluride the following, wrapped around human finger:

General Beli-We send you the hinger of a man who disappeared from Teiluride some time ago. His ears will follow and then his head. If his friends want to see him again in any other way but the way we send him you have got to do one thing. We only want you to withdraw the troops from Teiluride at once. If you don't you will receive his ears in a few days. Don't try to find us for it is not in the power of a tin soldier to do it, Signed.

C. S. D. General Bell-We send you the finger

A physician who examined the finger pronounced it the ring finger of the right hand and said it was evidently cut off shortly before the letter was malled, as the blood stains on the letter bore evidence of being fresh and the blood on the finger was hardly dry yet. After conferring with Governor Peabody, General Bell turned the letter over to the postoffice author. It is generally believed at the capitol that the matter was intended as a

Federation Says Stand Pat. The executive board of the Western Fed-

eration of Miners, in session in this city, today sent the following telegram to Guy

Advise all men who were ordered to leave town as result of alleged vagrancy to remain in Telluride. The justices of the peace nor any other official of the county or state cannot compel persons to leave any place where they choose to live. The constitution of the United States concerning civil rights makes it unlawful for officers to deny these rights. Howe, Rutan and others are subject to punishment in United States courts; the law will be duly invoked. You are assured of the hearty support of the Western Federation of Miners.

The board's action is the result of the arrest by the sheriff at Telluride of twenty-

eight idle men. More Colorado Militia.

PUEBLO, Colo., Dec. 1 .- A new militia ompany to be designated as company G. regiment, Colorado National Guard, has been organized and equipped here and will it is stated, be sent to the

Special Session in Utah. SALT LAKE CITY, Dec. 1 .- Following further fruitless efforts to bring about a settlement of the Utah coal miners' strike today Governor Wells said that probably he would call a special session of the legislature to provide funds for keeping the state militia in the field. A protracted conference was held at the governor's office today between Vice President Kramer and

Manager Williams of the Utah Fuel company, Colonel Holmes of the Salt Lake Commercial club, Adjutant General Burthe recognition of the union," said Govecnor Wells later. "This the coal officials positively refused. The difference over justed. The state troops will be kept in

a special session of the legislature shortly o provide the necessary funds." Kansas Strike Settled. KANSAS CITY, Dec. 1 .- The strike of 100 employes at the plant of the United Zin nd Chemical company, near Argentine, Kan., a suburb, was settled today on a compromise. The men went out two

the field and I shall in all probability call

weeks ago against a proposed reduction in PEABODY SHOWS THE LETTERS

Colorado Governor Submits Miner

Secretary's Notes, So Alarm-

ing to Bell.

DENVER. Dec. 1 .- Governor Peabody to day made public the letters written by William Haywood, secretary of the Western Federation of Miners, last month, to O. M. Carpenter of Telluride, and which Adjutant General Sherman M. Bell recently stamped as "Incendiary and Incriminaing." Extracts from the letters, which

Governor Peabody says contain "nothing to make any fuss about," follow: "I see that the Citizens' alliance in Telluride is doing everything that they possibly can to urge the governor to send troops t that locality. It is alleged that he appealed to President Roosevelt for regulars, but has been turned down. I hope that this

sult in disrupting the state militia. "Anyone prominent in the troubles of 1901 gestions in the sensational newspapers of alliance, backed by the executive, will

Interest to the coal strike has shifted to Mitchell, who will be in Trinidad tomorrow to confer with the district union officials will renew the attempt to secure a personal conference with the managers of the Colorado Fuel and Iron company and Victor Fuel company. These companies have repeatedly refused to meet any representative of the union. The price of northern coal in Denver has been raised from \$4.25 to \$5 a ton. The mine owners explain that ing an eight-hour day.

FOR THE FAIR TRIAL BILL Montana's Legislature Convenes Hatch it and Restore Peace at

the Mines.

HELENA, Mont, Dec. 1.-The legislative sembly met in special session today to consider a bill which will give the supren court authority to review facts in cases of equity and change of judgeship. This bill is the outcome of the recent copper troubles in Montana which resulted in the closing

of all the Amalgamated Copper company's

mines, which threw 20,060 men out of em-

ployment and resumed only on promise that

Governor Toole would call a special session

of the legislature to pass a law known as In accordance with Governor Toole's call. the legislature met with practically a full ate. the legislature this year, the first being the

RUSSIA PUTS UP MORE BARS BELL CIVEN BLOODY FINGER WESTON INCREASES HIS BOND BIG PRICE FOR ALDERMEN State Auditor Has to Have His

Sprettes Swell His Ball te 875,000.

CASPER, Wyo., Dec. 1 .- Deputy Sheriff Miller has arrived here from Douglas with Charles Weston, state auditor of Nebraska who is one of the officials of the defunct private bank which falled here Friday. Westen had been released on bond, but f was not considered sufficient, so he was rearrested. He gave . Micient bonds at once his bondsmen qualifying for \$75,000. Mr. Weston and his associates are charged with receiving deposits when they knew the bank was insolvent. N. S. Bristol, one of the banking firm, has agreed to take up his notes in the bank with cash.

It is learned that the stockholders have ganized a company to open a national bank here.

"Every depositor will be paid in full in a very short time," said State Auditor Weston of Nebraska today. "I am not going to leave Casper until these bank affairs are satisfactorily straightened out to the satisfaction of all concerned."

Mr. Westen has received numerous telegrams from friends in Nebraska, who proffered assistance in a financial way, as well as from lawyers in a legal way. Four warrants have been served on Mr. Weston, and inspectors, who will endeavor to trace its he is under bonds of \$100,000, but many of the wealthiest men in town are on his bond. Denecke and Bristol, the other partners of land and stock, and \$15,000 from Weston with the money in the bank will pay depositors in full. If the depositors are paid in full criminal charges will be dismissed.

SEQUEL TO GRACIE FUNERAL Three Members of Police Force Are Tried for Not Better Protect-

ing Roosevelt.

NEW YORK, Dec. 1 .- Captain John W. Cottrell, three detective sergeants and two patrolmen of the city police force were placed on trial today charged with failure of duty in not preventing Arthur B. Deming, believed to be demented, from obtaining access to President Roosevelt when the latter was here last week to attend the Gracie funeral. Captain Cottrell was in charge of the police arrangements at the church, while the others were specially assigned to see that no unauthorized person entered the church during the mervices.

Deming was today released on a bond of \$500 in the custody of friends who said they He said that some of the aldermen were were willing and anxious to care for him. Police Inspector Brooks at the trial, which was held before a deputy police commissioner, said that after the president had been handed the letter by Deming and had left the church and was about to enter the carriage Mr. Roosevelt had turned to Police Commissioner Greene and asked: "How is it possible for any one to hand

me an envelope?" So saying, witness said, the president handed the envelope to Commissioner Greene, who, in turn, addressed the same question to the witness, at the same time Commercial club, Adjutant General Burton and others in an attempt to agree on a
basis of rettlement, but nothing resulted.
"The settlement of the strike hinges on
"The settlement of the strike hinges on envelope to the president and Deming was

Inspector Brooks declared that neither the appearance of Deming, nor the fact wages, it is apparent, can be easily ad- that he carried a hand satchel, would have excited his suspicion in the least.

GETS THOUSANDS IN REBATES

Investigating Attorney So Relates of

Former President of Porter Brothers Company. CHICAGO, Dec. 1.-Investigation of the

affairs of the Porter Brothers company was continued today by Attorney Albert Bach, who spent much time examining the company's accounts with the Fruit Growers' express company,

The attorney says he secured information which will throw further light on the business methods of former President Watson. Mr. Watson will not be examined until early in January. According to Attorney Bach transcripts of the express company's ledger indicate that Mr. Watson, in six years, received about \$700,000 of rebates on refrigeration charges. How much additional he may have received from various railroad companies, Attorney Bach, representing eastern creditors, hopes to learn from the railroads.

The next examination in the case will be held Thursday afternoon when J. Ogden Armour, owner of the Fruit Growers' express company, is expected to testify be fore Bankruptcy Referee Wean.

JOHN W. GATES' PARTY SAFE Private Yacht Reaches Houston After Tedious and Somewhat Tem-

pestuous Journey

HOUSTON, Tex., Dec. 1 .- John W. Gates private yacht Roxana, which left New Orans Tuesday, November 21, for Arthur, Tex., and was reported as long overdue, reached its destination in safety last night. The yacht was not built for rough seas and was frequently forced to seek refuge in small harbors along the coast. The journey was otherwise without

In Chicago fears were entertained for the safety of the yacht. It left New Orleans last Tuesday in command of Captain Young of New York for Port Arthur. Mr. Gates and his party, consisting of his wife, his son, Charles G. Gates, and Mrs C. H. Gurney of New York, and two maids arrived with the yacht from Chicago on November 19. They left for Port Arthur in Mr. Gates' private car, intending to join the vessel there. Only the crew was aboard It is feared the yacht foundered in recent gales and that all were lost.

PENROSE WOULD HAVE PAPERS Senator from Pennsylvania Introduces

Resolution Calling for Postal Investigation Documents.

WASHINGTON, Dec. 1.-Senator Pen ose, chairman of the committee on postoffices and post roads, today introduced a resolution authorizing that committee to request the postmaster general to send to with the recent investigation of the Postoffice department, and, if necessary, the committee is to make further investigation and report to the senate. The resolution without action, was referred to the committee on contingent expenses of the sen

The president today sent to the senate the following nominations: To be secretary of Hawaii, A. L.

To be receiver of public moneys, John P. Dickinson of Colorado, at Hugo,

Salabury Tells of How the Grand Rapids Boodle Fund Was Distributed.

SIX THOUSAND FOR AN "HONEST" MAN

When Case Became Desperate a Plain One Was Given Same Amount-Backbone Needed to Be Stiffened Up.

GRAND RAPIDS Mich., Dec. 1 .- With the entire city atirred by the revelations of ex-City Attorney Lant K. Salsbury in his testimony at the bribery hearing of State Senator Burns yesterday, porrowed enough money to make good all examination of another of the men arrested shortages. This money will be placed in as the result of Salsbury's confessions to the bank immediately and despositors paid the prosecutor, Alderman DePagter was as fast as they apply. The bank will not be begun today. DePagter is charged with reorganized, but local capitalists have or- having received a \$350 bribe from Salsbury to support the Lake Michigan water deal n the council.

Salabury was the first witness. He testified that he gave DePagter \$350 at about ors with \$50 and the First Methodist church the same time that he did the others he bribed, the currency being delivered in an envelope in Salsbury's office in the city to be placed at different locations in the hall. This was not done, so Salsbury said, until after he had had several talks with this fund may be deposited. A sign indi-DePagter and had satisfied himself that cating the purpose of the box appears over he would stand by the deal.

"I told him that he could have \$1,000 fund will be materially swelled. The list ultimately," said Salsbury, "and I explained how I wanted him to support our proposition. He agreed and later we entered into an agreement by which he was the bank, have turned over \$30,000 worth of to receive from \$3,000 to \$5,000 in water

Salsbury said that he made DePagter a heavier offer than was at first contem-Billy Nestlehouse.
Employes city cierk's office.
National Alliance of Bill Posters
by J. Kieln, secretary.
Volunteer Firemen of Hildreth, Neb.,
by N. P. Johnson, chief. plated, because things had come to such a pass in the common council that in order to stand by the deal a man had to have a little more courage, and he wanted DePagter to stiffen up Saisbury said, on crossexamination, that he never broached the
subject of money until after he made sure
DePagter was favorable to the water deal.

The was favorable to the subject of Weights Mahammitt... your plan why did you think it necessary

to offer him money at all?" he was asked. "Because I wanted to be sure of him. I could not afford to take chances," Saisbury replied.

Cross-Examination is Severe. Salsbury was given a severe examination y Attorney Smedley, who tried to pin him down on detalls, in regard to some of which Salsbury was in doubt. He could not tell the date upon which he paid DePagter nor could he tell certainly whether he promised DePugter \$3,000 or \$5,000 worth of bonds promised the dirst amount and some the latter. All of the aldermen were paid separately except in the case of ex-Alderman Kinney, Salsbury testified, and he thought Corey P. Bissell was present when that nayment was made, although he was not

Then Attorney Smedley took up Salsbury's confessing as he did, and the manner of it. He made Salsbury acknowledge that he had told the story, not only before the prosecutor, but also before Judge Newham, who will be the trial judge unless a

change of venue is obtained. Prosecutor Ward asked Salsbury whether said he hoped to be treated leniently. DePugter's case was then adjourned until next Monday to give him time to prepare his defense.

ExAlderman Muir's examination was ther

begun. Salsbury swore that it was at first inderstood that Muir, who was known as "Honest John." was to receive \$1,000 in cash and later it was agreed he was to have \$5,000 in bonds. Muir had already taken a stand favorable to the Balley Springs plaand it would be hard to get him to switch and explain his action," said Salsbury "We gave him the larger inducement be cause of his position. Mulr never took any positive action in favor of the Lake Michigan deal until after he was promised the \$5,000 in bonds. We had plenty of money in sight to reward our friends and if th Lake Michigan deal had gone three days longer we would all have been millionaires. Court reconvened at 2 o'clock this after noon with ten of the water scandal cases still pending. Those not yet disposed of were the cases of Aldermen Ellen, Donovan, Johnson, Slocum, McLaughlin, Stone house, Bezier, Mol, Kinney, and Correy H. Bissell, former member of the board of works. Most of them were present or rep-

resented by attorneys. Another Alderman on Examination The first case called this afternoon was that of Alderman Jacob Ellen, of the first ward. The respondent was represented by Myron H. Walker, and the latter showed a disposition to make a vigorous fight He had been taking copious notes through all of the other examinations.

Salshury was brought to the stand a once, and he told of a talk he had with Ellen. When the alderman was informed of the water plan, he said the alderman agreed to do what he could in the way of assistance. Witness said he talked very freely with Ellen and not only agreed to pay him \$1,000 cash, but also to let him in on the bonds. Attorney Walker objected frequently to witness giving hearsay, evidence or offering his conclusions and held him down very closely.

Witness said he paid Ellen \$350 cash. After the grand jury was called Salsbury said Eilen talked with witness and said he would go before the grand jury and deny receiving any money and also deny having voted for Salsbury for city attorne. Witness advised all aldermen to refuse to tell the grand jury how they voted for city attorney, as it might let the people learn how the vote stood and thereby enable them to ascertain the guilty parties in the water deal. The examination will be continued tomorrow.

BUTLER EPIDEMIC IS WORSE One Death and Pive New Cases Reported-Railroads Transport

Ald Free.

BUTLER, Pa., Dec. 1.-The typhoid fever endemic shows no signs of abatement. One death and five new cases were reported today. Thirty-four nurses arrived from Pittsburg, Philadelphia, Cleveland and other cities and have been assigned to places of duty. The offer of the Pennsyl the committee all the papers connected vania and Baltimore & Oble railroad companies to transport doctors, nurses and iomestic help to Butler free has been accepted by Mayor Kennery.

More Work at Youngstown

YOUNGTOWN, O., Dec. 1.—Stacks num-bers one and three at the Ohlo works of the Carnegle company were put in operation last night, after being banked a month to ast night, after being rained a month to reduce the output of pig fron, as per agreement between the independent and association operators. About 300 employes returned to work, it is expected that operations will be resumed within a few days at No. 2 stack and that No. 2 will follow as soon as completed.

ARGUE TAX LAW CASE NEBRASKA WEATHER FORECAST Fair Wednesday, Warmer in Southern

Temperature at Omaha Yesterday:

RELIEF FUND IS ENLARGED

Dead Firemen Steadily

Increase.

Several substantial additions were made

esterday to the fund for relief of the fam-

Brothers fire. The fund was increased

\$262.25 by this single day's contributions

National bank, heads the list of later don-

Henry Y. Yates, president of the Nebraska

comes second with \$42 and all the other

Peter Peterson, 311 North 16th street,

Omaha Typographical union...... V. L. Chucovitch...... Tom Dennison.....

ohn R. Assistantin M. M. Hamtin Edgar M. Balgerow. Hans Kruse, 623 North 16th street. Bat J. A. Williams. Foster.

PROBE LAND FENCING CASES

Grand Jury Takes Up Charges Against

Cattle Barons for Misappro-

printing Land.

The grand jury has addressed tiself to

ensideration of charges of illegal fencing

of millions of acres of grazing lands by

has been at work on the cases.

before the jury in the matter.

versity Wins First Prize at

Live Stock Show.

Champion, a 2-year-old steer, the petted

property of the State Agricultural college

of Nebraska, was today pronounced the

Judge Ferguson of England made the

award and, in a speech, frequently inter-

ford. Some called it "Freak," for it is a

Liquor Sellers Caught by

Grand Jury.

The federal grand jury yesterday re

ex-soldier, charged with stealing thirty-

nine blankets and other things from the

William Estelle was arraigned befor

Compromise Results in Dismissal of

Suit with New Boundary

Agreed Upon.

DENVER, Dec. 1.-In the United States

district court today Judge Riner dismissed

the suit of the Stratton Independence com-

pany, limited, of London, against, the

Strong Gold Mining company, the litigants having effected an agreement out of court,

The Stratton company accepted \$18,500 for

payment for all damages for the extrac-

tion of ores from its territory in Cripple

Creek by the Strong company. A boundary

line between the properties has also been

CANNOT KEEP WHISKY DOWN

Purchasers Have the Same Trouble

with the Price that Some Do

with the Goods.

PEORIA. Dec. 1 .- Whisky was today

the basis, an advance of 2 cents per gal

ion, compared with the price ruling for the

past two weeks. The reason assigned for

the raise is that the product has been

back to the normal figure.

noted on the board of trade at \$1.27 for

agreed upon.

Heu of \$1,750,000, for which it sued, as full

at the United States district court,

selling liquor to Indians.

blue-gray steer with a Hereford head.

ty Prosecutor Bee., harles L. Saunders., ohn R. Manchester.

Rev. J. A. Williams...... Judge W. A. Foster...... Balliff J. W. Marrow.....

Total

6 p. m..... 7 p. m..... 8 p. m.....

Hour. Deg. Hour. 5 n. m. . . . 20 l p. 6 n. m. . . . 19 2 p.

T n. m 18

9 a. m..... 17

10 m. m. 19

11 n. m..... 21

12 m..... 23

Donations

Portion: Thursday Pair and Colder in Northwest Portion. Supreme Court and Three Commissioners Listen te What Lawyers Have to Say.

SENATOR PEMBERTON UPHOLDS THE LAW

One Section Attacked by Insurance Men Inserted at Their Request.

NO PROPERTY EXEMPT FROM TAXATION

John L. Webster Appears in Behalf of for Aid of Families of Franchised Corporations.

HOLDS MEASURE LAYS UNEQUAL BURDENS

Hes of the four firemen killed in the Allen Method of Assessing Home and Foreign Corporations Reaches Different Results on Same Property.

(From a Staff Correspondent.) gifts are liberal. Mayor Moores has caused LINCOLN, Dec. 1 .- (Special,) -- Refore the city, large tin boxes where donations to supreme court proper and Com Duffle, Letton and Kirkputrick this afternoon began the hearing in the revenue law case, wherein Ralph Breckenridge and H. each one. It is believed by this method the E. Palmer seek a mandamus to compel Tax Commissioner Fleming of Omeha to enforce the provisions of the old revenue law, on the theory that the new one is unconstitutional. Arraigned against the law are John L. Webster, T. J. Mahoney, Ralph Breckenridge of Omaha and defending it are Senator Pemberton of Gage county, who helped to enact it: T. C. Munger and H. A. Rose of this city; Attorney

> The arguments will not be concluded until Mr. Breckenridge lead off this afternoon and covered the same points contained in his brief published in The Bee at the time of the filing. Mahoney will spend his time in defending the "net" credit theory as in-

General Prout and City Attorney Wright

of Omaha. Mr. Wright will likely make

no argument, he having invited all the at-

torneys in the state to take part and throw

as much light on the subject as possible.

dicated by his brief. Senator Pemberton, in his brief also this afternoon, defended every section of the bill that has been attacked. He scouted the idea of the Omaha attorneys who in their brief stated that the legislature was overpowered by a powerful louby of real estate men, and said they were resorting to fiction on the absence of facts to support their contentions.

In defense of the insurance sections Senator Pemberton said that objections had been made to these because by taxing the cattle barons but as yet has returned no gross receipts mentioned in the sections. indictments of this character. F. B. De- all other property owned by the companies frees of Alliance is the special agent who is exempt from taxation and that therefore such sections are unconstitutional.

The name of Bartie's Richards of Ellsworth, one of the cost extensive cattle owners of the west, is being associated with the rumors of these charges. Richards was a cousin of the late governor of Wyoming and it has been said that there was never any disposition under the late governor's regime to being any such charges against Bartlett Richards.

"I said some three ago that if the matter was handed over to me I would not hesitate to probe the case no matter if it did involve Bartlett," declared District Attorney Summers last night.

R. M. Allen of the Standard Cattle comany other property. These sections, taken in connection with other sections of the law, require insurance companies to list all their property, both real and personal. Would anyone argue that because section 59 makes no mention of real estate, therefore the fine lots and building owned by the New York Life Insurance company; in Omaha, together with the fine library therein could and would oscape taxatton altogether? We know of no constitutional requirement that all the law relating to the taxation of a person's property should be contained in one section of the statute. As well might be argued that because sections, therefore all other property belonging to such shareholders in certain corporations, therefore all other property belonging to such shareholders is exempt. While fraternal beneficiary associations and mutual companies are not taxed under these sections, they certainly are not exempted by thom. Moreover the fact, if it were such, that the legislature had overlooked some property, would furnish no grounds for the courts to release all other property from taxation. Such a provision would be absurd. There is abundant provision in the new law for getting all omitted property assessed. require insurance comp their property, both real R. M. Allen of the Standard Cattle company is another whose name is being associated with reports of these charges. It was learned from authoritative sources last night that the grand jury has as yet by brought no indictments against any one on these charges. District Attorney Sumners declared that no witnesses had been NEBRASKA STEER CHAMPION nimal Raised at Nebraska State Uni-CHICAGO, Dec. 1 .- (Special Telegram.) amid a din of cheers and college yells,

Tax on Franchise. champion steer of the International Live To prove that the state has the right to provide for the taxation of gross receipts Senator Pemberton cited a number of decisions, and then said:

rupted by the explosive yells of the Ne-It is generally held that a tax on gross receipts is a business or franchise tax and not a property tax. It is also held that all the property of the corporation is taxable in addition to the fax on gross receipts. Some states hold with Nebraska that a franchise is property and that a tax upon it is in that sense a property tax; but where the distinction is made between a franchise as a property tax and other property taxes, the result is the same as where a franchise tax is held to be not a property tax, because in either case the franchise is separated from all other property. It is generally held that a tax on gross braska boys, declared that "Champion has no equal in the wide world." The winner is a remarkable animal, one-quarter Angus, ne-quarter Holstein and one-half Here-THREE MORE ARE INDICTED Ex-Soldier and Two Alleged Illieit

Under our constitution it is required that turned true bills against Edgar Binns, an hendquarters of the Millard Riffes; Frank Baumer and William Estelle, charged with Judge Munger last evening for selling liquor to Indians. He pleaded not guilty. and gave bonds in \$500 for his appearance ENDS STRATTON-STRONG SUIT

franchise is separated from all other property.

Under our constitution it is required that every person and corporation shall pay a tax in proportion to the value of his property and franchises, thus making a clear distinction between all other property and franchises and requiring both to be taxed. A tax upon gross receipts is a proper measure of the franchises tax if the legislature makes it so, whether it be considered as a business tax or a property tax; because the constitution expressly says that the value of the franchises is to be ascertained in such a manner as the legislature may direct. All the cases are in harmony in holding that gross receipts may be taxed separately and in addition to all other property; and it makes no difference whether the tax is called a property tax or a business or a franchise tax surely calling a tax on gross receipts a property tax instead of a franchise tax surely calling a tax on gross receipts a property tax instead of a franchise tax surely cannot render a tax invalid which is otherwise universally held to be valid.

It is further contended that sections is and 6i, which are in substance the same as the law in force prior to 1857 therring exemptions in that isw), which was held valid in Phoenix Insurance Company against Omaha, 23 Neb. 522, are invalid because they provide different methods of taxing the gross receipts of insurance companies to deduct the amount paid for re-insurance, and upon cancellations from the gross receipts, while no such provisions of section 6i, which permits state insurance companies; and they now seek to defeat the law because it was inserted at the urgent request of the insurance companies; and they now seek to defeat the law because it was inserted. But under a reasonable construction of these sections there is no such difference. The money which one company pays it over to also pay taxes on it would be double taxalion.

Permitting companies to deduct for sums paid on cancellations of policies comes

also pay taxes on it would be double taxation.

Permitting companies to deduct for sums paid on cancellations of policies comes under the same general principles. The money so received, while at first apparently a part of the gross receipts for insurance, eventually turns out to be only a deposit made with the company by the insured to be held until such time as the insured is entitled to its return under the law or terms of his policy upon the cancellation thereof. This is made plain by the statute which requires a return of the net amount of the premium received on enheellation of a policy.

In a Different Class.

selling entirely too low and is now getting The corporations mentioned in sections 50 and 51 are in different classes. The former