

ESTABLISHED JUNE 19, 1871.

OMAHA, THURSDAY MORNING, DECEMBER 8, 1904—TEN PAGES.

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TAX LAW IS INVALID

Mickey-Ager Bill for Collection of Old Taxes Knocked Out by Court.

CASE IS ONE BROUGHT UP FROM BEATRICE

Held to Release Property from Obligations Just Chargeable Against It.

CITY ATTORNEY'S SUIT IS PLEADED

Obstacle to Enforcement of the Scavenger Law.

SUSTAINS CONTENTS OF LOCAL CASE

Decision Has No Effect Upon the Scavenger Law, It Is Held by City and County Operating.

(From a Staff Correspondent.)

LINCOLN, Neb., Dec. 7.—(Special Telegram.)—In a decision written by Chief Justice Holcomb in the case of the City of Beatrice against Wright, county treasurer of Gage county, the Mickey-Ager tax law is declared unconstitutional. County Treasurer Wright sought to enforce the law against certain city property in Beatrice, and the city resisted and attacked the constitutionality of the law. Its contention was upheld. Judge Sedgwick concurring in a separate opinion. In referring to the constitutionality of the law, Justice Holcomb says:

The result is the releasing of property from taxes and the releasing of the owner against it and to permit the owner to compute the taxes as thus assessed by the payment of the taxes that which is due to those who benefit therefrom. A statute authorizing the accomplishment of such result is in contravention of the section of the constitution which provides that no law shall be enacted which shall be in force and effect. We are constrained, therefore, to hold that the law is unconstitutional and that the injunction prayed for should be made perpetual, which is accordingly done.

City Attorney Wright Pleaded.

"This decision is not on the scavenger law at all, but on the Mickey-Ager law," said City Attorney Wright last night. "It should be borne in mind that the scavenger law under which Omaha and Douglas county are operating has not been brought into question or into court for a decision as to its validity."

"We are glad to hear of this ruling, for it will have the effect of facilitating the operation of the scavenger law. Judge Wakeley and those in Omaha who brought suits during the pendency of the local scavenger tax sales, brought them to compel us to operate under the Mickey-Ager law because they had endeavored to work under this law. We refused and I enjoyed the enforcement of the Mickey-Ager law. Hence this ruling, which comes up from the Beatrice case, brought them to compel us to operate under the Mickey-Ager law because they had endeavored to work under this law. We refused and I enjoyed the enforcement of the Mickey-Ager law."

"The present decision cannot possibly have any bearing on the real scavenger law. There is a vital difference between the two laws. The Mickey-Ager law provided for the sale of property only on which the taxes were at least five years delinquent where the assessment was less than the taxes and gave the city and county no opportunity whatever to go in and bid, but allowed the property to be sold, not necessarily, to the highest bidder, but to any bidder and for any price, whereas under the real scavenger law the city and county have the right to go in and protect themselves and the property must go only to the highest bidder."

ISSUE WARRANTS FOR BANKERS

Officers of Defunct Buffalo Concern Are Accused of Grand Larceny.

BUFFALO, Dec. 7.—Warrants charging grand larceny, second degree, have been granted against former President Emory, Cashier Paul Warner and Assistant Cashier William P. Luedeks of the German bank, which was closed by the state banking department several days ago.

The warrants of arrest were issued on the application of E. M. Block, a pawnbroker of this city. Block charges that New York City officers at the German bank ten or fifteen minutes before it closed on Monday, giving a check therefor which was drawn, having no funds. He says he has learned that the German bank withdrew all its funds from the New York bank on Saturday last. Emory, Warner and Luedeks were held for a hearing tomorrow.

Warner and Luedeks declared the German bank had to its credit in the New York bank funds in excess of \$10,000. The refusal to pay the draft was due to the fact that when State Banking Superintendent Kilburn took charge of the bank he immediately telegraphed all banks in which the German bank had deposits, instructing them not to pay out any more money on account of the German bank.

TRIAL FOR ALLEGED BRIBERY

Government Tries to Connect Employee with Act of Missouri Man.

ST. LOUIS, Dec. 7.—A special to the Post-Dispatch from Hannibal, Mo., says that the trial today of the case of Dr. J. B. Vernon, charged with bribery in connection with the purchase of postage sites in Missouri cities, witnesses testified that Vernon received \$100 for his influence in locating the site at Columbia and \$200 at Kirksville and \$250 at Louisiana. An effort is being made by the government to prove that Charles P. Blanton while agent of the government received a part of the money. The evidence tends to show that Vernon was connected at each place by a check which was cashed at each place by a local banker.

CALL NEBRASKAN TO MONTANA

Prof. Wolfe of State University Takes Chair in University of Montana.

BUTTE, Mont., Dec. 7.—(Special Telegram.)—A meeting of the State Board of Education, at Helena, this afternoon, Prof. Wolfe of the University of Nebraska was selected to succeed Prof. J. M. Hamilton in the chair of history, physiology and pedagogy at the University of Montana at Montana. Prof. Hamilton comes president of the National College of Agriculture and Mechanic. Prof. Wolfe, it is understood, will take his new chair in a few weeks.

JUDGE TO WORK OVERTIME

Justice Davis Puts in Additional Half Hour on Patterson Case.

NEW YORK, Dec. 7.—Eleven jurors had been sworn in at the trial of Nan Patterson for the murder of Caesar Young at the close of today's session of the criminal branch of the supreme court.

Of the 200 talesmen called, ninety-five had been examined and so many others had been excused for various reasons that only a score remain from whom to draw the last juror. Instructions were issued today by Justice Davis that no woman shall be admitted to the court room during the trial.

Unusual efforts are being put forth to expedite the trial. Already Justice Davis has announced that the court will sit an additional half hour each day and rumors say it is quite possible that night sessions may be held during the later stages of the trial.

Although there remained five jurors to be chosen when the case was resumed in the supreme court today it was predicted that the preliminary work would be completed and that the case of the prosecution could be well under way before the close of the present week.

Among the many stories in connection with the case which have gained general circulation is the effect that the defense may rest on the evidence submitted by the prosecution. Miss Patterson has expressed a strong desire to be at her father's home in Washington for Christmas. It is said, and is willing to take a chance to gain that end. If the trial progresses rapidly the defense may call some witnesses, but even that is not certain, it is said. In any event, everything possible will be done to get a verdict before Christmas day.

Another story said that arrangements had been completed assuring the appearance during the trial of J. Morgan Smith, an important witness who has been missing since a day or two after the tragedy. The attorneys for the prosecution and the defense deny any knowledge of such arrangement, however. Smith is Nan Patterson's brother-in-law. It is said that Hyman Stern, a pawnbroker, will testify that Smith purchased the revolver with which Young was shot.

MINERS WILL APPEAL CASE

Western Federation May Take Damages Suit Before Highest British Court.

DENVER, Dec. 7.—The executive board of the Western Federation of Miners, in session here, has decided to carry the damages suit of the Colorado Star Mining company against the Rosland (B. C.) Miners union to the highest court in Canada, and if necessary to take it before the privy council of England, in order to obtain a reversal of the decision of the lower court which awarded the damages in consequence of a strike of its employees.

CRIPPLE CREEK, Colo., Dec. 7.—Judge Cunningham has appointed Charles C. Butler as special prosecutor in the case against A. E. Carlton, Clarence C. Hamilton and over twenty other prominent citizens, charged with having kidnaped and deported former Attorney General Eugene Engley, Frank J. Hange, J. C. Cole and several others on August 20. The court also appointed Tully Scott, chairman of the democratic county central committee, as special prosecutor in the cases against Joseph A. Warford and Thomas Brown, under indictment for the murder of Christopher Miller and Isaac Leitch, who were killed in Goldfield on election day, November 6.

OUTPUT OF PACKING HOUSES

Large Increase as Compared with the Previous and Same Time Last Year.

CINCINNATI, Dec. 7.—(Special Telegram.)—Price Current says: The marketing of hogs has largely increased and represents liberal numbers, reflecting a decided gain over recent records. Total western packing was 765,000, compared with 600,000 the preceding week and 620,000 last year. Since November 1 the total is 3,020,000, against 2,200,000 for the same period last year. Prominent places are as follows:

Table with 3 columns: City, 1904, 1903. Rows include Chicago, Kansas City, St. Louis, St. Joseph, Indianapolis, Milwaukee, Omaha, Ottumwa, Cedar Rapids, St. Paul.

DROUTH IN THREE STATES

Prayers for Rain Offered in Pennsylvania—Stock Suffering in Central Illinois.

HARRISBURG, Pa., Dec. 7.—Special prayers are being offered for rain in churches in certain localities of Dauphin, Perry, Cumberland and surrounding counties.

BLOOMINGTON, Ill., Dec. 7.—The drouth in central Illinois is growing more acute daily. All over McLean county there is a water famine and stock men are finding difficulty in supplying their stock with water.

COLPORTERS ARE FINED

Turkey is Unable to Stop Interference with Sale of Bibles.

CONSTANTINOPLE, Dec. 7.—The orders which the porte decrees were sent to the Turkish officials in the provinces not to interfere with the sales of Bibles, have proved ineffective at Trebizond, where the authorities promptly intervened immediately in street selling, recomended the seizure of Bibles and fined the colporters.

The porte is preparing identical notes for the American legation and British embassy, pointing out the alleged objections to the special colportage.

SPECIAL ELECTION AT CRESTON

CRESTON, Ia., Dec. 7.—(Special.)—A special election has been granted to the proposed electric light and gas company, represented in this city by Mr. Springer, at which time the granting of a franchise to the company will be voted upon. This proposition has seemed the best ever offered to the city and Mr. Springer desires the council that the company is represented in this city by Mr. Springer, to bear all the expense of the election. The date for the election is set for January 19.

MRS. CHADWICK ARRESTED

She is Charged with Aiding a Bank Official in Embezzlement.

WILL HAVE A HEARING THIS MORNING

Her Attorney Says He Will Resist Any Attempt to Take Her Back to Ohio for Trial.

NEW YORK, Dec. 7.—The climax in the affairs of Mrs. Cassie L. Chadwick came tonight when she was placed under arrest in her apartments at the Hotel Breslin, charged with aiding and abetting a bank official, C. F. Beckwith of Oberlin, O., in embezzling \$2500. The arrest was made after a lengthy conference between United States Commissioner Shields, Assistant District Attorney E. E. Baldwin, Secret Service Agent J. E. Flynn and United States Marshal William Henkel.

Commissioner Shields issued the warrant which charges a violation of section 1029 of the United States federal laws relating to conspiracy.

There was a scene in the woman's room when the officials announced to Mrs. Chadwick that she was under arrest. Her son stood by and witnessed with blank face the scene which followed. He stepped to his mother's side as she burst into tears, but said nothing.

Marshal Henkel, who, with his deputies and United States Secret Service Agent W. J. Flynn, proceeded to take Mrs. Chadwick to the hotel, had entered without knocking, found her in bed. He said: "Madam, I have an unpleasant duty to perform. I am obliged to serve a warrant for your arrest, issued by United States Commissioner Shields, in the name of the federal authorities of Ohio."

"I am very nervous and ill," replied Mrs. Chadwick. "What shall I do? I certainly am unable to get up."

"In that case," said the marshal, "I shall be obliged to remain here and keep you under surveillance. You will realize that unpleasant as this is for both of us, but you are a prisoner and I have no right to leave you here alone. I will do everything I can to relieve you of annoyance, however."

Strong Guard Maintained.

The secret service men entered a room adjoining Mrs. Chadwick's suite and established themselves there for the night, while one of the marshal's men was posted in Mrs. Chadwick's bedroom, one outside her door and another in the corridor. Marshal Henkel said he would remain in direct supervision of things all night.

By permission of the marshal Mrs. Chadwick telephoned to her physician, Dr. Moore, to come to her at once. He arrived a few moments later. The physician said that although he would remain for several days ago to go to a sanitarium, she would be able to appear tomorrow before the United States commissioner.

Will Resist Removal.

The present arrangements are that Mrs. Chadwick will be taken to Commissioner Shields' office at 10 o'clock today. It is said that an application will be made to a United States circuit court judge by the United States district attorney for a writ of removal to Ohio.

Philip Carpenter, one of Mrs. Chadwick's counsel, who is a sensational legal fighter, has been informed by Mrs. Chadwick that after her arrest. When seen later he said:

I anticipated the arrest, not that she had committed any crime, but because a public clamor demanded it. I have no fear as to the outcome of this matter.

Mr. Carpenter said he would represent Mrs. Chadwick tomorrow at the conference before United States Commissioner Shields. At present he would oppose any suggestion of her going back to Ohio.

Mr. Carpenter asked that a denial be made of the report that Mrs. Chadwick attempted to escape today. He said that before she moved to the Hotel Breslin from the New Amsterdam she consulted with the secret service men. His statement was confirmed by one of the secret service agents, who added that they had heard nothing of Mrs. Chadwick each time she changed her quarters.

Creditors Are After Cash.

That the creditors of Mrs. Cassie L. Chadwick, as represented by the Ohio men who arrived in New York yesterday, are more anxious to bring about a settlement of their claims against the woman than to precipitate a criminal trial, it is a step is believed by Mrs. Chadwick's local attorneys. They think this has been shown by the many conferences yesterday without apparent result. It is pointed out also that no other than the case known as Mrs. Chadwick is being handled. It is not yet too late to secure a cash settlement of the claims against Mrs. Chadwick explains the delay in submitting the Oberlin bank for his decision whether the signature of Mrs. Chadwick is required.

Attorney Andrew Squire, counsel for Treasurer Irvin Reynolds of the Wade Park bank of Cleveland, is quoted as saying: "I am in this city representing several creditors. I am looking for a settlement of the cash. It is in the interest of the purpose of Mr. Reynolds' trip to New York, at the request of Mrs. Chadwick, which endeavor to raise funds on the Chadwick securities, said to be worth \$500,000, of which he is said to be trustee."

Other Banks May Be Involved.

Despite frequent references in this city yesterday and the sudden removal of Mrs. Chadwick to another hotel, which emphasized the fact that she is watched by two secret service officers, who promptly followed and occupied rooms near her new quarters, decisive action in the case seems to be held in abeyance by some powerful influence. It was reported today that the delay was in a measure due to a desire to prevent the imposition of hardships on banks with which Mrs. Chadwick has had dealings, but whose part in her financial affairs has not yet been made public. It is said that if it were known that other banks had made loans to Mrs. Chadwick a run on them might be started that would do them great injury. No one not intimately connected with the case knows what these banks are nor what has become of a note for \$500,000 which President Beckwith of the Oberlin bank says he endorsed for Mrs. Chadwick.

Woman's Lawyer Talks.

Edmund W. Power, one of Mrs. Chadwick's counsel, in an interview today said: "Mr. Beckwith is right and he is wrong. I never went with Mrs. Chadwick to Oberlin, but I saw Beckwith there twice and I saw him several times in Cleveland. My first visit to Oberlin was in September, long after the note was negotiated."

With Reference to the Carnegie notes

Mr. Power added: "Those notes are now the bone of contention and I shall not, as Mrs. Chadwick's counsel, discuss them at all."

"Did you advise the bank officials to the effect that Mrs. Chadwick had millions?" Mr. Power was asked.

"I did as I thought them, and as I believe now, that she is worth millions."

(Continued on Second Page.)

LEADING FIRM'S OPINION

OMAHA, Neb., Dec. 6, 1904. Bee Publishing Co., Omaha, Neb.

Gentlemen: In answer to your inquiry in regard to our opinion of Bee want ads, we are, as you know, persons of no standing in a good many different forums.

We believe it is no exaggeration to say that the money we spend for want ads in The Omaha Bee brings us more for the amount invested than any other advertising we use, respectfully,

SCHMOLLER & MUELLER, "The Big Piano House," 1313 Fairmount Street, Per W. H. Schmoller.

TWO GAMBLERS PLEAD GUILTY

To Protect Patrons Canfield and Buckle Admit Their Guilt in Court.

NEW YORK, Dec. 7.—Richard A. Canfield and David Buckle, respectively proprietor and manager of what was said to be the most exclusive gambling house in the country, were indicted by the grand jury today on the charge of maintaining a gambling house at 5 East Forty-fourth street. They were then taken before Judge Canfield and pleaded guilty to the indictments.

The house is situated next door to the city's most fashionable restaurant and all his patronage came from the wealthiest men in the city. For years it was impossible to obtain evidence against him, because no one was admitted to the house except persons known personally to Canfield or Buckle or vouched for by one of the regular patrons of the house.

District Attorney Jerome several years ago began a determined effort to secure the necessary evidence, and to this end he subpoenaed Jesse Lewishin, a member of a prominent business firm, and called upon Mr. Lewishin to answer whether he had ever gambled in Canfield's house. Lewishin refused to answer, on the ground that he was not required to give a reply which might tend to incriminate or degrade him. A special act was passed by the legislature to provide immunity to witnesses who might testify as Mr. Lewishin had been asked to do. Still, however, Mr. Lewishin declined to answer, on the ground that the special act was unconstitutional. He fought the case in the courts of appeal, the highest in the state, and recently that court handed down a decision sustaining the act and holding that Mr. Lewishin should testify. Shortly afterward it was given out that Mr. Canfield, in order to avoid further publicity, had visited his house, would plead guilty.

Canfield and Buckle were fined \$1,000 each by the judge. The recommendation for this action was made by the district attorney. Both immediately paid the fines.

PROGRAM FOR INAUGURATION

Committee Decides that the Ball Will Be Held Saturday Night, March 4—Parade Will Be Large.

WASHINGTON, Dec. 7.—The inaugural committee which has charge of the arrangements for President Roosevelt's inauguration here at the White House today, and unanimously declared to hold the inaugural ball on Saturday night, March 4.

This action was preceded by a discussion of a suggestion that that function, always a feature of the inauguration ceremonies, should be held on the Monday night following; that Sunday would not necessitate the early closing of the ball and interception of the promenade concert program. It was pointed out, however, that thousands of visitors would leave immediately after the inauguration and that the ball would be deferred until Monday evening the attendance necessarily would be comparatively small. The inaugural parade, it is said, will be an unusually large one, both in point of civic as well as military representation.

MANY IDLE MEN IN NEW YORK

Charities Association Called Upon to Help More People Than Usual.

NEW YORK, Dec. 7.—Charitable institutions in this city report that never before have they been called upon to assist so great a number of unemployed men. According to statistics at the municipal lodging house in First avenue, nearly 90 per cent more idle men were in New York yesterday than was the case a year ago. During that month 7,751 persons, 50 per cent being men, were cared for. This is more than 2,100 over the corresponding period last year, and this month shows, so far, even a greater rate of increase. Bellevue hospital reports a similar state of affairs. Officials connected with the charitable organizations attribute much of the increased distress to the completion of the subway—not so much on account of the completion of the construction work, which of course threw men out of employment, as the former, which has attracted thousands to New York in the belief that they could obtain at once lucrative employment.

FILIPINOS START FOR HOME

Savage Tribes Leave St. Louis on Their Way to the Far East.

ST. LOUIS, Dec. 7.—One hundred and forty-five Negritos, Bagobos, Samal Moros and Lelaos tribes that were on exhibition in the Philippine reservation at the World's fair, left today on a through train over the Burlington and Northern Pacific railroads for Seattle, where they will take ship for Manila.

Frederic Lewis in charge of the party and with him Mr. and Mrs. Roy Hopping, Rice McSic and Valentine Semilla, who are going to the islands. Before leaving the Philippine band presented each tribe with a large American flag.

WHEAT PRICES TAKE TUMBLE

Almost Three Cents Drop in Price of May Option at Chicago.

CHICAGO, Dec. 7.—A break of almost 3 cents in the price of May wheat occurred here today. The market was swamped by a flood of offerings, several prominent longs having enormous lines for sale. The decline was apparently due more to a lack of demand than to any especially bearish advices. On May the low point of the day was reached at 2.19 1/4, 91 1/2. The close was at 2.19 1/2, a net loss of 3 1/2 cents.

DENNISON APPEAL DENIED

Supreme Court Hands Down Decision Affirming Lower Court.

WARRANT IS HELD TO BE SUFFICIENT

Mandate is Issued at Once for the Enforcement of the Decision of the Court and Placed in Officer's Hands.

(From a Staff Correspondent.)

LINCOLN, Neb., Dec. 7.—(Special Telegram.)—Tom Dennison lost in the supreme court today in his effort to have the decision of the lower court, in his habeas corpus proceedings, reversed. In a lengthy opinion by Judge Sedgwick, the action of Governor Mickey, and the Douglas county district court is affirmed. The court held that it was the duty of the governor to issue the writ, and that the enforcement of the decision. The syllabus follows:

Section 34 of the criminal code does not authorize the extradition of a person charged with crime against the laws of another state, in proof that the person so charged is a fugitive from the justice of the state.

It is not necessary that the warrant issued by the governor of the other state should contain the express statement that the governor has found that the accused is a fugitive from the justice of the state.

The fact of the issuing of the warrant upon demand made upon that ground is sufficient to justify the decision of the governor so found until that preliminary writ is overturned by proof to the contrary.

Upon proceedings in habeas corpus to return the accused to the state held under the governor's warrant in extradition it is not indispensable that the return should contain the express statement of all the facts upon which the extradition proceedings are based, or that the return should set forth the governor's warrant under which the accused was taken, or that the return should, together with the allegations of the application for habeas corpus show facts which justify the detention of the accused the return is sufficient.

For Court to Determine.

When such requisition is made upon the governor of this state he must determine whether the requisition is substantially charged with a crime against the laws of the state from whose justice it is sought to be recovered, and if so, whether the accused has been lawfully and properly certified and, second, is he a fugitive from justice from the state demanding him. If it is made substantially to appear to the court in habeas corpus proceedings, upon what showing the governor is satisfied as to the question of law for the court to determine, whether or not the accused has been substantially charged with a crime against the demanding state.

In determining whether the evidence before the court below was sufficient to support the judgment this court will not review the facts of the case, but will only consider the evidence if it appears from the whole record that, upon the evidence so presented, the court below's conclusion could be reached than the one reached by the court below.

The court is bound by the construction of the extradition laws adopted by the supreme court of the United States. In view of the language of that court in Hyatt against New York, 188, United States 697, the courts of this state will not review the decision of the governor in extradition proceedings upon a question of fact, but will only consider the evidence which makes it his duty to decide and upon which the evidence pro and con before the governor.

When the relator in habeas corpus proceedings is a citizen of the state which the court should not allow him to be cross-examined upon matters not related to the extradition in chief, but an error in so doing is without prejudice to the defendant, the trial before the court below should be held in the state in which the relator entered could have been entered upon the merits of the case, as concluded to be proper and competent.

DENNISON TURNS HIMSELF OVER

Goes to the Sheriff's Office and Hears Warrant Read.

Tom Dennison walked into Sheriff Power's office with Attorney Ed P. Smith at 9 o'clock last evening and "gave himself up." In a few minutes United States Marshal G. W. Christian of Iowa and Deputy Marshal Allan of Omaha, who had been sent to his home in the corridors of the Paxton hotel and on the streets in search of Dennison, went to the county jail. Without much formality Marshal Christian then received a receipt for Dennison's custody from Sheriff Power, who had no incident so far as the Iowa marshal was concerned. The warrant read the original one issued by Governor Mickey June 3 last.

Dennison listened to the reading of the document with a characteristic smile and then remarked, "I think I have heard that warrant before."

Marshal Christian folded the receipt he received from Sheriff Power, said he would make his report to Governor Mickey and then returned to his home. The Iowa marshal appeared relieved that his duty had been discharged and his hunt for Dennison had ended.

It was said at the county jail after the arrest that Dennison would not be held in custody overnight as both Attorney and Sheriff Power were of the opinion that Dennison's bond of \$5,000, secured at the time the writ of habeas corpus was secured, would justify them in releasing Dennison.

When asked what the next procedure would be, Attorney Smith said Dennison would appear in the district court this morning by which time he believed the mandate of the supreme court would have been received. "A bond probably will be offered and a motion for appeal made," said Mr. Smith.

Marshal Christian said last evening he was not authorized to take Dennison to Iowa now, as Dennison is entitled to forty days in which to file an appeal.

The supreme court decision was read to Dennison Christian over the telephone from Lincoln. Dennison said what puzzled him the most was how the Iowa officer should have reached Omaha so soon after the supreme court decision was known.

When the Evening News extra saying that he had shipped out was mentioned to Dennison, he jokingly remarked that he had been looking for the Iowa officer for several hours, and falling in finding him, had walked to the county jail. Pressed, however, for a serious reply, Dennison said he had not made himself accessible to the law since 1 o'clock in the afternoon, that he might consult a lawyer, his counsel, W. J. Connell, being at present out of the city.

No Damages for Mental Anguish.

LAFORTE, Ind., Dec. 7.—Judge H. B. Tuttle, in the Lapore superior court, has made a ruling that damages cannot be recovered for mental anguish alone. Ten members of the Joyce family of Chicago sued the Pennsylvania Railroad company for \$2,000 because they and the body of Mrs. Sarah Joyce, enroute from Chicago to Lorton, O., failed to reach their destination on time, and it was necessary to bury the body without the full rites of the Catholic church. The court dismissed the suits when the evidence of the plaintiffs showed only mental distress as their basis for the action.

NEBRASKA WEATHER FORECAST

Fair Thursday and Friday.

Table with 3 columns: Hour, Temperature, Wind. Rows for 5 a.m., 7 a.m., 9 a.m., 11 a.m., 1 p.m., 3 p.m., 5 p.m., 7 p.m., 9 p.m., 11 p.m.

FORMER PREACHER A FORGER

Admits His Guilt and Voluntarily Returns to Texas to Face Trial.

HIAWATHA, Kan., Dec. 7.—(Special Telegram.)—A. A. Arthur, who came to Hiawatha several months ago and settled here, representing that he was a retired preacher, was arrested today by a St. Louis detective on a charge of forging a check for \$500 at Paris, Tex. Arthur confessed and will go to Texas for trial without a requisition.

Arthur, who is a man 70 years old, has many aliases and a long record. He is said to be wanted at various places for forgery. He was arrested about three years ago, and before that time, it is said, was pastor of churches of various other denominations. He lectured on the Holy Land and raised money for struggling churches. He was accused of not turning over some of this money, but the fact was not proved. He was publicly denounced by him and read him out of the church. Last August he was in Paris, Tex., working as an evangelist under the name of H. H. Boyd. He deposited in a Paris bank a draft for \$100,000 bearing the signature of an Athens, Ga., bank cashier, and was permitted to draw \$2,000 of the amount. He came directly here and was not located by the Pinkertons, who have been after him ever since, until today.

ARTILLERY OFFICERS INJURED

Premature Discharge of Ten-Inch Gun at Fort Wetherell Does Considerable Damage.

NEWPORT, R. I., Dec. 7.—The premature discharge of a ten-inch gun at Fort Wetherell, one of the defensive works of Narragansett bay, today demolished the gun carriage and platform and hurled to the ground the entire gun detachment, including Lieutenant Colonel J. H. Witherell of the engineers, and Lieutenant Frank W. Rawlston of the coast artillery. These two officers had their eyes and ears temporarily affected and Lieutenant Rawlston sustained severe cuts on the face, but none were seriously injured except for a few bruises caused by their falls.

It is thought a defective primer was the cause of the unexpected discharge. The gun had been loaded with a 570-pound shell by a detachment of the Ninety-seventh coast artillery, under the direction of the two officers. The breach had been closed, but the receding gear had not been placed in position. Without the slightest warning the gun was discharged and the recoil lifted the piece from its carriage and threw it back on its trunnions, wrecking them as well as the platform. Fortunately no one was standing directly behind the gun, but everyone near it was thrown to the ground. The shell passed through the top of the parapet, wrecking it, and continued on out to sea.

Confirms Damage to Ships.

On December 6 seven shells struck the battleship Pobjeda