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DEVILIN IS BANKRUPT

Kansas City Creditors File Petition in Federal Court at Topeka.

WISH TO SET ASIDE RECENT TRANSFERS

Action Will Reduce Assets of Topeka Bank Many Thousands.

KANSAS FUNDS ARE ON DEPOSIT

Treasurer Kelly Contends that the State is a Preferred Creditor.

TWO ILLINOIS BANKS GO DOWN IN WRECK

Concerns Near Mines Own by Missouri Capitalist Close Year Doors and Are in Liquidation.

TOPEKA, Kan., July 5.—Affairs

of the First National bank are a different phase today, when Kansas creditors petitioned the United States district court to declare Charles J. Devlin, bankrupt. The petition was made returnable on July 20 and its effect is to prevent any further attachments of Devlin property and to set aside real estate valued at \$250,000 which Mr. Devlin on Monday had transferred to the failed bank. Today's action thus reduces the bank's assets at least temporarily to just that extent. The action does not affect the life insurance which is in Mrs. Devlin's name and which she insists be left among the assets of the bank.

Mr. Devlin's business associates declare

that he is far from being a bankrupt and still insist that the state, which has a dollar for dollar, Receiver Bradley, who began diving into the books of the bank today, announced that it would be ten days before he could make a statement of its condition. He announced that it would be ten days before he could make a statement of its condition. He announced that it would be ten days before he could make a statement of its condition.

Will Get Money Back.

Receiver Bradley tonight announced that the people who made deposits in the First National bank last Friday and Saturday would receive all their money as soon as the proper arrangements could be made. These deposits were kept separate by the bank officials and will not be considered with the regular business of the institution.

Allegations in Petition.

The petition was filed on behalf of Thomas Lightfoot, John A. Long and the Long Brothers' Grocery company of Kansas City, Mo. The claims of the petitioning creditors amount to about \$300.

State Funds in Bank.

The status of the \$250,000 of state funds in the First National bank is causing much discussion among state officials. A former member of the Kansas supreme court, talking today of the contention of State Treasurer Kelly that the state is a preferred creditor, said:

May Sell Property.

When the First National bank of Topeka, which was controlled by C. J. Devlin, failed on July 2 it was known that the Devlin estate owed both the Illinois Valley National bank of Springfield, Ill., and the First National bank of Topeka, Ill., which closed their doors today, and the suspension of the latter institution was expected to follow as a natural result.

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RUSSIA DESIRES TO STOP WAR

Only Prize Stands in Way of Formal Request for an Armistice.

TORNADO IN NORTHERN TEXAS

Many Houses Destroyed by Storm in Vicinity of Nacona.

VICTIMS ESTIMATED AT SIXTY

Fourteen Bodies Are Recovered at Nacona and Ten at Montague—Damage by Hall Heavy.

DALLAS, Tex., July 5.—A special to

the News from Nacona, Tex., says that a tornado and thunderstorm passed a few miles west and south of here this afternoon, killing fourteen persons and injuring many others and destroying a number of houses. The latest reports from the storm swept district give the following casualties:

DEAD:

MRS. C. C. SHACKLEFORD, daughter of R. G. Shackleford, and three children.

MRS. MARY LESTER and four children.

CALEB WHITE, aged 10 years.

MRS. J. P. WILLIAMS.

FRANK EAKIN, son of Sam Eakin; killed by lightning.

Injured:

James Simpson.

Miss Alice Simpson.

Monte; arm broken.

Hobbs; fatally.

C. R. Christian and family.

J. M. Stewart and family.

C. H. Williams; leg broken.

Miss Nannie Austin; seriously.

Frank Woodford; seriously.

R. C. Shackleford and wife.

C. Z. Shackleford; injured about head.

Four of his children also received serious injuries.

A child of Mrs. Mary Lester is believed to be fatally injured.

Many farm houses were swept entirely away. The Baptist and Methodist churches at Becher were considerably damaged.

The Methodist church at Montague is reported a wreck and the court house damaged, also other churches there. The Dixie school house, six miles south of here, was entirely blown away. Hallston as large as hen's eggs fell here, breaking out many window glass. Reports of the work of the tornado are still coming in. The number of killed and injured probably will reach sixty.

TEN DEAD IN MONTAGUE.

Montague, Tex., July 5.—Ten people are dead as a result of a tornado that passed over Montague this afternoon. They are:

MISS SADIE EARL, daughter of A. P. BURKE EARL, his son.

ELMER DE LAWRENCE, son of J. W. TOMLINSON, family, consisting of husband, wife and four children.

Fatally injured:

Clairborne White, 45 years of age.

Houses totally demolished: J. F. Clark's drug store; D. Y. Lynn's grocery store and office; old bank building, occupied by G. L. Alcorn, real estate agent; store of Rowe Hardware company; fifteen dwellings.

The tornado lasted perhaps thirty minutes. Hundreds of pieces of drift wood in this vicinity were killed outright by the wind.

The number of injured is unknown.

DEAD ESTIMATED AT FORTY.

PORT WORTH, Tex., July 5.—A tornado which struck Texas in the upper edge of Montague county, coming from the north-east and sweeping far to the south-west, this afternoon caused the loss, it is believed, of forty lives, injured a large number of people and did untold damage to growing crops and cattle.

Fortunately the tornado missed the small town of Nacona, through which it swept, but it zig-zagged in such a way as to take in the homes of many farmers and stock raisers in the section.

At Jackboro the force of the wind was terrific. The Baptist church and twenty other buildings were blown off their foundations and a number of buildings totally destroyed.

Mrs. Travis Calhoun was seriously injured. Travis Calhoun, Mrs. Thomas Horton and Henry Wessler and family were also injured.

At Montague no lives were lost in the town, but in the country there was great loss of life reported.

The wires are down in all directions and it is difficult to get particulars. Ten persons are known to be dead in the neighborhood and unconfirmed reports are to the effect that the list will go as high as forty. Most of those killed lived in Salt creek, along which the tornado swept with special force.

At Nacona the tornado passed a few miles to the south and latest lists give the dead at fourteen and the injured at forty-one. A reliable man at Nacona, who has been over the scene, says that reports were being received of the dead when he left there and he places the loss of life at sixty.

Owing to the widely separated homes and the fact that in many instances whole families were wiped out, details and names are hard to get.

NEW LOAN BY THE JAPANESE

Bonds to Bear Four and One-Half Per Cent Interest and Secured on Tobacco Monopoly.

NEW YORK, July 5.—Semi-official details concerning the latest Japanese loan of \$100,000,000 were made public today. The bonds will bear interest at 4 1/2 per cent and will be secured by a second lien upon the tobacco monopoly.

The syndicate underwriting the loan consists of Barr's bank, limited, of London, the Hong Kong & Shanghai Banking corporation and the Yokohama Specie bank, limited, with whom are associated Kuhn, Loeb & Co. of this city and the Deutsche Aasiatische bank of Berlin. The National City bank and the National Bank of Commerce, both of New York City, will assist Kuhn, Loeb & Co. in the flotation in this country.

The loan will be divided into three equal parts. London, Berlin and New York each taking \$33,333,333. The subscription price probably will be the same as the previous loan, which was \$75. An interesting feature is Germany's direct participation in the loan. The Japanese government practically pledges itself not to draw upon the subscriptions received here before October 31.

In the event of peace resulting from the coming negotiations between Russia and Japan the proceeds of this loan will be applied to the refunding of Japan's industrial debt. If not it will go into the country's war debt.

WRECK ON GREAT NORTHERN

Passenger Train Goes Through Bridge in North Dakota—All Cars Burned.

GREAT FALLS, Mont., July 5.—Great Northern passenger train No. 2, west-bound, was wrecked at Springfield, N. D., tonight. All passenger cars were burned. Several persons were injured, but so far as learned no one was killed.

PRESIDENT EN ROUTE HOME

During the Afternoon He Holds an Extended Conference with E. H. Root.

CITY COUNCIL PROCEEDINGS

Another Effort to Compel Disturbers to Repair Pavements.

ORDINANCE AND RESOLUTION OFFERED

First Provides New Plan for Issuance of Permits and Second Instructs City Attorney to sue for Outstanding Claims.

NEBRASKA WEATHER FORECAST

Fair and Warmer Thursday, Friday Fair.

HAY LAID TO REST

Final Services Over Body of American Statesman at Cleveland.

BURIAL IN LAKEWOOD CEMETERY

Family and Close Personal Friends Only Persons in Attendance.

PRESIDENT ARRIVES AT 9 O'CLOCK

With Members of Cabinet He is Driven to Chamber of Commerce.

VICE PRESIDENT FAIRBANKS PRESENT

Procession is Escorted by Cavalrymen to Cemetery Chapel, Where Brief Services are Held.

CLEVELAND, July 5.—At almost exactly

noon today the body of John Hay was laid to rest in Lakewood cemetery. Around the open grave at the last moment stood with bowed heads the president and vice president of the United States, members and ex-members of the presidential cabinet and men who had in former years served with the late secretary in the official family of President McKinley. There were many others who willingly would have paid a tribute of honor and respect to Mr. Hay, but it was the wish of his family that the funeral should be conducted for John Hay—the man they knew and loved in private life and not for the brilliant and forceful premier whose name is honored wherever clean statesmanship is esteemed among men.

The assemblage at his funeral and around his grave was therefore small. The visible honors accorded him in death were in a ratio directly inverse to those freely given him in life, and perhaps no greater testimony to the worth of the man could have been made than the fact that the men who appreciated his character and achievements stood aside at his family's wish to take hostage of the future for the endurance of his fame. The events of the day commenced with the arrival of President Roosevelt's train at 9 a. m. and closed with its departure at 3 p. m. The funeral itself was held between 11 and 12 o'clock, the interment being at noon.

President's Train Arrives.

When at 9 o'clock the special train carrying President Roosevelt and members of his cabinet arrived at the depot of the Pennsylvania railroad, a reception committee composed of the members of the Chamber of Commerce, headed by President Ambrose Swasey, was in waiting, and as the train stopped Mr. Swasey stepped quickly forward, entered the president's car and made for the rear of the train where the reception committee were then presented to the president and members of the cabinet. A short conversation ensued between President Roosevelt and Mr. Swasey relative to the arrangements which had been made for the reception of the presidential party and then with a quick nod of the head, signifying he understood, the president walked from the train to his carriage, accompanied by Mr. Swasey. As soon as they had taken their seats the members of the cabinet and the reception committee entered the other carriage and, headed by the hard-riding members of Troup A, the procession of carriages moved off at a smart trot for the Chamber of Commerce, two miles away, where the body of Mr. Hay lay in state.

In the presidential party were Leslie M. Shaw, secretary of the treasury; Charles J. Bonaparte, secretary of the navy; James Wilson, secretary of agriculture; E. A. Hitchcock, secretary of the interior; Paul H. Metcalf, secretary of commerce and labor; Postmaster General George B. Cortelyou, Attorney General W. H. Moody, Senator P. C. K. Fox of Pennsylvania, former attorney general; Charles Emory Smith, former postmaster general; John M. Morton, former secretary of the navy, and Elihu Root, former secretary of war. In addition there were the president's stenographer, M. A. Latta, and the president's secretary, Victor Lobe, Jr., and Dr. Rixey Morgan general.

Large Crowd Assembles.

An enormous crowd had gathered in front of the chamber of commerce to see the coming of the president and the departure of the funeral, and a strong detail of police was necessary to keep them in line. Side by side with Mr. Swasey, and closely followed by Vice President Fairbanks, who in company with Governor Herrick, met the president at the depot, and the members of the cabinet and reception committee, the president passed slowly along the hall toward the door of the auditorium in which the body lay. Two sentries on guard at the door fell back once more, and giving them a quick, nervous salute, the president entered and stood by the casket. The members of the presidential party followed, and when all had entered the doors were swung, and the sentries resumed their guard once more.

It was the expressed wish of Mrs. Hay that President Roosevelt be allowed to see the face of his secretary again if he desired to do so. When the matter was mentioned to the president he declined to do so, but the seating arrangements in the slightest degree and the casket was not opened.

There was a brief pause during which the president and members of the cabinet stepped forward to pay their respects to Mrs. Hay, as she entered the auditorium from an ante-room, and then all was ready for the departure from the hall. The members of the cabinet, present and past, ranged themselves in advance of the tier and the six non-commissioned officers of Troup A took their places at the side of the casket.

Moved to Cemetery.

When the honorary pall-bearers moved forward the casket was raised by the cavalrymen and, followed by the members of the reception committee, it was borne the Hay family, the president and members of the reception committee. It was borne along the hallway and out to the funeral car at the door. The sashes of the cavalrymen flashed in the sun as a salute as the casket appeared in the doorway and every hand in the great and waiting crowd was removed. The members of the cabinet formed in lines outside the door and the casket was borne through and out to the cemetery five miles away.

The drive to the cemetery occupied the

PITTSBURGH, July 5.—The president's

train arrived here as a special from Cleveland at 5:30 p. m., exactly on schedule time, and at 6 o'clock left for the east as the second section of No. 4. At the station quite a large crowd had gathered to greet the president, but no formal reception was given him. After repeated calls for a platform the president came to the rear platform of his car and said:

My friends, I should not be expected to make a speech on this occasion as I am mourning the funeral of John Hay, for whom I had a deep affection.

President Roosevelt passed the afternoon and evening after leaving Cleveland in informal conferences with his cabinet officers and friends on board his special train. At 11:30 p. m. the train drew out of the Union station at Cleveland and ran to Widespread Sliding, seven miles east of Cleveland, where it remained until 3:45, when the trip to Oyster Bay was resumed. During the run to Wheeler and the brief stay there luncheon was served, the president having as his personal guests E. H. Root, Paul Morton, Charles Emory Smith, Secretary Shaw, Attorney General Moody, Postmaster General Cortelyou and Dr. Rixey. During the afternoon the president took up some important matters with the members of his cabinet individually, when it repairs outside the calls are to be made by the city and charged to the company monthly and collected under penalty of refusal of future permits to alter tracks.

Measures towards protecting the pavements and requiring public service corporations and individuals to pay for repairs were introduced in the council last night by President Zimman in the shape of an ordinance and a resolution. The ordinance is a long one and arranges the procedure for corporations, plumbing firms and other persons when they wish to tear up pavements. The whole matter is placed in charge of the engineering department, which is to make all repairs and charge the cost to the corporation or person causing the disturbance. When the engineer gives out the permit he is to issue, also, an estimate of the cost of repairs and an amount covering the same must be deposited immediately with the city treasurer and placed to the credit of the guttering and paving fund. In the case of the street railway company, when it repairs outside the calls are to be made by the city and charged to the company monthly and collected under penalty of refusal of future permits to alter tracks.

The resolution was adopted and is retroactive and commands the engineer, in view of the early operation of the municipal asphalt repair plant, to check up all damage to paving done by public franchises corporations and to enter upon the street railway company, and make a report to the council. He is requested to go into detail and not to overlook anything, but specially the damage done by the tracks in laying down and installing new tracks. The bills are to go back as far as possible and the city clerk is directed to notify each corporation, and all five are named, of the bills standing against it, as soon as the amounts are ascertained. If no bills are made within ten days the attorney is instructed to begin suit against the companies to recover on their bonds guaranteeing the restoration of paving.

The ordinance was read the first and second time and referred to the committee on judiciary.

The Bee the Official Paper.

The Bee had no difficulty in again capturing the contract and designation as the official paper of the city. The World-Herald and Daily News submitted the full price, or 50 cents per square of ten unladen nonpareil lines, and 30 cents for each subsequent insertion, whereas The Bee quoted prices much lower, proposing to make the first insertion for 37 1/2 cents a square, the second for 24 1/2 cents for 22 cents and a cent less for each subsequent insertion down to the tenth at 12 cents, this price to govern if more insertions are required. The contract was awarded to The Bee upon the immediate report of the judiciary committee and is for one year, provided the Bee will accept the terms. The World-Herald remarked sorrowfully that he did not expect to get the city advertising anyway, but intimated that he quoted the full legal limit merely for his sake.

Councilman Backus introduced a resolution authorizing which bids heads of departments to leave the city without permission from the council. In emergencies they are expected to report to the city clerk, who will inform the council at the next meeting, where the missing departmental heads have gone.

Start on New Paving.

New paving work is started next week or even this week if the mayor hurries and puts his name on several ordinances ordering the improvements and directing the city engineer to get busy about it. The streets finally ordered paved by ordinance are Spring from Twenty-fourth to Thirtieth with Purlington block, Seventeenth avenue from Jackson to Leavenworth with Purlington block, Capitol avenue from Twenty-fourth to Twenty-sixth with asphalt. Twenty-sixth from Dodge to Chicago with asphalt and Eighteenth from Corby to Spencer with Purlington block.

Ordinances were introduced creating paving improvement districts for California, from Twenty-third to Twenty-sixth; Twenty-third from Dodge to California; Davenport, from Eighteenth to Twenty-second; Davenport, from Fortieth to Forty-third, and Maple, from Twentieth to Twenty-fourth. The ordinance creating the paving districts for Davenport was introduced from Central boulevard to Thirty-first, north, was passed.

Petitions were received asking for paving on Chicago street, from Thirty-first to Thirty-ninth; Thirtieth, from Leavenworth to Jackson; Thirty-eighth, from Farnam to Dodge, and designated brick as the material for Twentieth street, from Farnam to Leavenworth.

The first appropriation ordinance, arranging for the weekly payment of the wages of day laborers, was introduced by the council, and employees of this class can get their warrants today for last week.

Gas Company Anticipates Contract.

The Omaha Gas company, through Councilman Dyball, put in an anticipatory ordinance authorizing the mayor to make a five-year contract at the \$2 rate for so-called power gas lamps. It was referred to the lighting committee.

An ordinance was introduced proposing to require a \$50 annual license and bond of \$200 for any person or firm in the artificial stone, asphalt or composite sidewalk business, the bond to guarantee the compliance with approved specifications and the maintenance of the walks in good repair for five years after construction. President Zimman said the city engineer would later explain the object of the law, which has a \$2 fine attached.

The committee on railways, telegraphs and telephones, reporting on Dr. S. D. Mercer's request that the street railway company be required to take up unused tracks on Eleventh street between Howard and Jackson, and on Howard between Eleventh and Twelfth, said that street railway officers had assured them that

Death Follows an Explosion

West Virginia Miners Die as Result of Accident Where Dust Accumulates.

BLUEFIELD, W. Va., July 5.—By an explosion in the Tidewater coal mine at Vivian, twenty miles west of this city, today, nine miners all of whom were Italians, were injured and two of them died later in the hospital, while three more are in a precarious condition with slight chances of recovery. All of the men were hurt badly. The dead are Lee Mozelle and Antonio Buplioni.

The explosion occurred at about 8:30 o'clock this morning. Mine officials claim that the explosion was caused by a very heavy shock in robbing the pockets and that dust ignited. The Tidewater mine is located about two miles from Vivian, W. Va., and employs 200 men.

Pool Sellers Cases Continued.

ST. LOUIS, July 5.—The cases of George Ehrlich and Max Gumpertz, charged with violation of the anti-pooling law at Delmar race track, which were set for hearing today in the circuit court at Clayton, Mo., were continued until 31 on account of an injury suffered by County Prosecuting Attorney Johnson yesterday.

Bishop Spalding Better.

PEORIA, Ill., July 5.—Bishop Spalding today, after his lengthy illness, is better, and his only trouble now is with his arm. He will be the guest of his sister.

Grand Jury to Probe Equitable.

NEW YORK, July 5.—Remarks made by the grand jury when members of the July grand jury when members of the grand jury today leads to the belief that the investigation of the Equitable life society is about to be taken up by District attorney Jerome.

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