THE OMAHA DAILY BEE

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CROWDS ATTEND MASS

Large Congregations at First Services in Paris in Violation of Law.

OFFICERS PREVENT ANY DISTURBANCES

Sixty-Nine Summonses Are Issued Charging Illegal Assemblies.

PARISH LAYMEN FILE DECLARATIONS

Action Tends to Place Onus of Discontinuing Services on Clergy.

NET RESULT OF VATICAN'S ATTITUDE

Clergy Will Lose Pensions and Aspirants for the Priesthood Will Be Called on to Do Military Duty.

PARIS, Dec. 13.—Today has been marked by the total absence of any of the sensational or dramatic incidents anticipated in clamist quarters in connection with the execution of the law of separation.

The parish priests everywhere celebrated mass in the presence of unusually large congregations, but the actions of the authorities were confined to noting infractions of the law and citing the priests and vicars to appear before justices of the peace.

Everywhere legal notices have been served for the evacuation of the ecclesiastical residences, the seminaries, etc. Several of these buildings were abandoned without further ado, but a majority of the prelates announced that they would depart only under duress.

In many parishes, both in Paris and the interior, laymen today filed declarations for the holding of services in the designated churches during the coming year. If this practice is generally followed it will be a distinct victory for the government, relieving it of the possible necessity of closing the churches and throwing on the clergy the responsibility for the discontinuance of public worship. In the meantime the cabinet is preparing measures to be introduced before Parliament tomorrow.

Result of Vatican's Action.

The net result of the uncompromising attitude assumed by the Vatican seems to be that the clergy will lose its pensions, $8,000 of which have been granted and gazetted since the beginning of this year, that all aspirants to the priesthood will be compelled to perform military service and that the making over of the Episcopal mansions, rectories, seminaries, etc., by the State department and the communes will occur immediately instead of December, 1907.

According to well-informed persons, the government intends to respond to the attitude taken by the Vatican by submitting to Parliament a proposition to settle definitely the situation of the church in France. Under this proposal the church will forfeit all benefits under the law of 1905, but it is to be provided with an opportunity to carry on public worship in conformity to the common law. Church property is to be handed immediately to the civil authorities on condition that it be reserved for worship and the positions of cardinals and bishops, as foreign officials, will be dealt with later if the government finds it necessary to do so.

Three Churches Observe Law.

Formal charges were entered wherever mass was celebrated except at the churches of St. Jan l'Evangile and St. Blaise de Charonne and Pere La Chaise, whose parishioners, following the example of the first mentioned church, made the required application yesterday evening to hold services under the law of 1881. The vicar of St. Blaise de Charonne, when induced by his parishioners to take the step, said: "Whatever the consequences, I regret nothing. I am a Frenchman above everything."

Early dispatches from the departments say that wherever mass was celebrated charges were drawn up and sunmonses issued.

At Chalons the abbe Panaudin claimed that the church bells were not rung and that no person was invited to mass and that therefore the assemblage had not the character of a public meeting whereupon he was compelled by a police officer to inscribe his protest upon the summons.

At the final meeting last night of the diocesan council here it was decided that neither the ecclesiastical residences nor the seminaries should be abandoned, except before a show of force.

It is officially stated that the letters of Mgr. Montagnini, the expelled secretary of the papal nunciature here, show that the majority of the French bishops favored observance of the law of 1881 and bowed with reluctance to the papal decree. The official statement adds that the inviolability of the diplomatic correspondence of the nunciature was scrupulously respected before the rupture between the Vatican and France.

Sixty-Nine Summonses Issued.

During the day summonses were issued, charging illegal assemblies, in the case of sixty-nine churches of Paris.

The Official Journal today announced that only eighty of the Catholic cultural or diocesan organizations formed were legal, while 902 Protestant and seventy-eight Jewish associations conform with the law.

Many suits have been begun in connection with endowments for masses to be celebrated for the repose of the souls of the departed.

About fifty seminaries which refused to comply with the terms of the law are being closed.

During the day a number of applications for permission to hold religious meetings under the law of 1881 were made at the prefecture of police by parishioners from all parts of France. Ten such applications were filed before 2 o'clock. Reports from other cities say that similar applications were made.

Nuncio at Vatican.

ROME, Dec. 13.—Immediately after his arrival here today Mgr. Montagnini, the expelled secretary of the papal nunciature at Paris, went to the Vatican and conferred with Papal Secretary of State Merry del Val and Mgr. Della Chiesa and Mgr. Gasparri, the assistant secretaries, and made them a long report on the situation in France, especially in regard to the documents seized at the Paris nunciature, several hundred of which dealt entirely with the Franco-Vatican conflict and will be especially interesting to the French government as showing, it is asserted here, the differences of opinion among the members of the French episcopacy. The report of Mgr. Montagnini will be used for a protest to the foreign powers against the action of the French government.

Immediately after his conference with

(Continued on Second Page.)

REICHSTAG IS DISSOLVED

Supplementary Budget Rejected by Small Majority and Chancellor Ends the Session.

BERLIN, Dec. 13.—Emperor William dissolved the Reichstag today and ordered new elections in consequence of the government's defeat by 178 to 168 votes on the bill authorizing what the ministry contends is an adequate number of troops to end the insurrection in German South Africa and hold the colony against recurrence of the rebellion. The socialists, Poles and one wing of the radicals voted against the government, while the conservatives, national liberals and moderate radicals supported the government.

The expectation that the chancellor would speak and that it was possible the government would be defeated and the immediate dissolution of Parliament follow, filled the house, both the floor and the galleries being crowded. Seated next to the chancellor were Interior Minister von Posadowsky-Wehner, Foreign Minister Tshirsky, Treasury Secretary von Stengel and Colonial Director Dernburg. Herr Spahn, the clerical leader, began the discussion of the supplementary budget, amounting to $7,350,000, to meet the expenses of the war in German Southwest Africa (rejected by the appropriations committee December 11) by reporting on behalf of the majority of the appropriation committee that it was their conviction that the number of German troops in that colony could be reduced to 2,500 men, although the government and general staff affirmed that the present garrison, numbering 12,000, could not be reduced below 8,000. Herr Spahn said he left the question with the house.

The chancellor replied that between now and January 4, 4,000 men would be brought home and later more troops would be recalled according to the military necessities; but to reduce the garrisons to 2,500 men would mean the loss of the southern part of the colony and would greatly endanger the central and northern parts, while German rule in Africa would be imperiled by a renewal of the insurrection in German Southwest Africa, which would spread naturally beyond the frontier.

Continuing, the chancellor said: "If we shrink from this last sacrifice we shall be guilty, in my opinion, of a great national crime. I cannot believe that the house will arrive at such a fatal resolution which would be equally deplorable from financial, military, political and national points of view. As the responsible leader of the affairs of the empire I would not be able to sign such a capitulation."

KING OSCAR SERIOUSLY ILL

Aged Sovereign of Sweden is Threatened with Heart Failure.

STOCKHOLM, Dec. 13.—Considerable alarm was occasioned today by a statement that King Oscar is seriously ill, that all the royal family had assembled at the palace and that the crown prince, Gustavus Adolphus, had been summoned hurriedly from Berlin.

It appears that King Oscar has been ailing for some days. His indisposition was not regarded as serious until Wednesday, when he developed symptoms of heart failure. His heart has been affected for three years and in the fear that because of his great age the present attack might prove fatal, four doctors have been in attendance.

The king slept fairly well last night and was better this morning, but toward afternoon his condition again became alarming. At 9 o'clock, however, the Associated Press learned that the king had some sleep and that his doctors hope for a rally. The crown prince is expected tomorrow morning.

A bulletin issued tonight says the king's condition is tolerably satisfactory. The action of the heart is improved, although the pulse is irregular. His temperature is given as 101.

King Oscar will be 78 years old next month.

CHARGE AGAINST MISSION

Governor of Natal Says Nearly All Converts of American-Zulu Stations Join Rebels.

LONDON, Dec. 13.—A blue book dealing with the recent disturbances in Natal, issued this morning, contains correspondence between the Natal government and the American Board of Foreign Missions concerning what the board considers "apparent discriminations against the American Zulu mission in Natal."

Colonel Sir Henry Edward McCallam, governor of Natal, comments as follows:

When I tell you that out of the two large mission stations in Victoria county, in charge of this American board, only one native preacher and three followers remained loyal to the government and that the whole of the other congregations joined the rebels, I feel sure that you will realize that whatever good work the American Zulu missions have done in the past their congregations are now dangerous to the government.

CONGO CASE IN PARLIAMENT

British May Act on Matter, but Not at Present.

LONDON, Dec. 13.—Replying to a question in the House of Commons today as to whether the British government proposed, in conjunction with the United States, to summon an international conference to discuss the administration of the Congo Independent state, Foreign Secretary Grey declined to announce what action, if any, the government intended to take, but he said that the government at Washington had expressed a desire to contribute toward the realization of reforms in the Congo.

The summoning of an international congress, however, was not specifically mentioned in the communication from Washington.

Secretary Grey added that the announcement received from the United States was most cordially welcomed by the British government. Pending the decision at which the government of Belgium may soon arrive it was not necessary to say any more at present.

Shah is Unconscious.

TEHERAN, Persia, Dec. 13.—The condition of the shah took a decided turn for the worse today. He lost consciousness at an early hour and is still unconscious. His majesty's condition is now regarded as being more critical than at any time since his illness became really serious.

Mueller President of Swiss.

BERNE, Dec. 13.—Edouard Mueller, vice president of the federation council, was today elected president of the Swiss federation, in succession to M. L. Ferrer, whose term has expired.

Murder in Idaho.

NAMPA, Idaho, Dec. 13.—Thomas Bailey, a mill operative from Winslow, Ont., was shot in the abdomen and probably fatally wounded by Grace Davis in a resort here early today. The woman then shot and killed herself.

BELMONT STATES POSITION

Head of Civic Federation Says He Was Misunderstood by Reporters.

IN[illegible] D CARNEGIE EXPRESS VIEWS

[illegible] Favors Income Tax, but the [illegible]atter is Better Pleased with Proposed Tax on Inheritances.

NEW YORK, Dec. 13.—August Belmont's position as president of the National Civic federation on the question of the "Income and Inheritance Tax" was explained by him at today's session of the federation's annual meeting.

Mr. Belmont declared his remarks of yesterday had been misinterpreted by the newspapers. "What I said yesterday," said Mr. Belmont, "was that a wise and just method of taxation would be of great good; but that spoliation was quite another matter. I do not believe that men as a general proposition can accumulate large fortunes dishonestly and improperly. These fortunes mostly come through large corporations. The stockholders have rights, and that these fortunes are accumulated in an improper manner all over this country and therefore must be reduced in a punitive spirit, was what I meant yesterday to deny. Not that a tax on inheritance should not be passed, but that it should be done from the point of view of just and wise taxation, and on some economic grounds."

President Belmont then introduced the next speaker, M. E. Ingalls, chairman of the Cleveland, Cincinnati, Chicago & St. Louis railroad.

Mr. Ingalls spoke on the subject of income and inheritance tax to limit large accumulations of wealth. In speaking of the causes which produce multi-millionaires Mr. Ingalls mentioned the tariff, railroad rebates and granting of franchises by communities to public service corporations as the principal ones. He continued in part:

Income Tax Possible.

With reference to limiting these fortunes by an income tax: After considering the subject carefully, I have in the last few years come to the conclusion that it is the best and fairest tax that can be levied, but, as a tax, like other taxes, for the support of this government, not for the purpose of destroying property—that would be socialistic—for the purpose of making wealth pay its share of the burdens of the people. They will tell you that it is a tax difficult to collect, but no more than any tax on hidden or unseen property.

I don't believe in a graduated income tax on thrift and energy; each man should pay upon his income the same proportion, pay it as a tax for the protection of his property. I would tax all incomes of $1,000 or over on a fixed percentage. Under $1,000, the income from the tax would not be enough to pay for the cost of collection.

I believe the proper law for doing this can be framed and be passed by congress to stand the test of the courts. If it will not, then let us go to the people with a constitutional amendment that will make it legal.

The inheritance tax has already been taken up by the different states—some of them with a graded tax and others with a straight tax. I am in favor of the inheritance tax as a tax for paying the expenses of the state like other taxes.

I would also enact legislation, either by the national government or by the states, that no man should have the right to dispose of the bulk of his property by will, but that when he dies it shall be divided equally among his heirs, as the law directs. I would take away from any citizen the right to tie up his property in trust for one life, or any time. It is simply a continuance of the old law of entail under another form, and holds these immense fortunes together, when, if they were divided equally among the heirs, they would soon scatter and be harmless. A man's estate should be broken up at his death and distributed, and if the heirs are incompetent to manage the property that is handed down to them, then it is better to have the wealth distributed, and perhaps after they have lost the inheritance they will turn around and become useful citizens and produce wealth of their own.

Danger of Hysteria.

There is danger in the present condition of public opinion that we will drift into a hysteria that will enact legislation that will seriously hurt our business and produce disaster. Especially is this true in reference to the railways, and we must keep in mind that the railways constitute the largest business force in the country. One-fifth of all the population depend upon them for their existence, either as employes or in the business of manufacturing and producing supplies, etc. And while we set our face like a stone wall against any of the illegal conditions of the past being continued, we should give them a fair opportunity to carry on their business in the future and thus prevent disaster to the community.

The real menace, to my mind, is the Sherman anti-trust law, so-called. I happen to know that the distinguished author of this law, when it was passed, did not think it applied to the railways and in their conduct of their business.

There is hardly an agreement between employers but what in the end, under this law, will be called a restraint of trade. Your stock exchanges that fix prices for commissions; your associations of different trades that agree upon prices—no matter how reasonable those prices may be—all are violations of the law. Business cannot long survive such restrictions.

Take labor unions, for instance. Do you suppose there is any sane man who reads the Sherman law, and then reads the agreements made by some of the unions, but what will say that they are agreements in restraint of trade and every man who makes them is subject to fine and imprisonment? And yet who will not concede that labor unions are beneficial; that properly conducted they are of great assistance to the workingman to better his condition and increase his wages?

Are you willing to take the risk of a law like this? Nobody desires it; nobody wishes it.

William D. Guthrie, a lawyer who led the fight in the local courts against the income tax, on constitutional grounds, was the next speaker. He held that there must, under American institutions, be equality of taxation.

Carnegie for Inheritance Tax.

Andrew Carnegie, who followed Mr. Guthrie, said that he was in hearty accord with Mr. Guthrie.

"I think an income tax would penetrate business to the core," said Mr. Carnegie. "I think this country would never regret anything so much as to impose such a tax. I differ with the president strongly on the subject of the income tax. But I am in a peculiar position on the inheritance tax, advocating that as something like getting a better distribution of wealth. The subject of wealth distribution will not down."

Mr. Carnegie said he believed that inasmuch as the wealth properly belonged to the community, on the death of the possessor the latter should acquire a great portion of the wealth, having had a large part to do with its development.

"Our country fails in its duty," said Mr. Carnegie, "if it does not exact a share, a tremendous share of the estate of the enormously wealthy man upon his death. The money belongs to the community. Do not mistake me. I do not advocate the making of a man a pauper or the pauperizing of his children; but it is not the millionaire who made the wealth. He did not make the ore, or the coal, or the gold that he dug out of the ground. The Montana copper mine owner did not make his wealth. It belongs in the abstract to the people who use it and who produce the use which makes it valuable.

"I am with the president, then, to tax heavily by graduated taxation every man who dies leaving behind him his millions, for I think that excessive wealth left to a child is an injury to the child."

MRS. BRADLEY HELD BY JURY

Inquest in Case of Former Senator Brown Takes Place in Washington.

WASHINGTON, Dec. 13.—An inquest was held today to determine the cause of death of former Senator Brown of Utah. Mrs. Bradley, who was present, seemed to try to conceal her face from observers.

Josephine Kidwell, the maid who heard the shooting, said she summoned Manager Talty of the hotel and accompanied him to the room, where Senator Brown was found lying on the floor wounded and Mrs. Bradley standing near. The revolver was on the dresser. Mr. Talty corroborated the maid's testimony and added that Senator Brown, pointing at Mrs. Bradley, said: "That woman shot me." The statement, Mr. Talty said, was made in response to his inquiry of Brown whether he had attempted suicide.

Talty notified the police and Mr. Brown was taken to the Emergency hospital and Mrs. Bradley turned over to the officers.

Detective Burlingame testified that Mrs. Bradley told him at the station house that she fired the shot. "She told me that she was the mother of two of Brown's children and of his refusal to marry her," said the detective. "She rehearsed the facts of her connection with Brown."

Dr. White, superintendent of the Emergency hospital, said that at one time during his illness Brown said he did not intend to prosecute Mrs. Bradley in the event of his recovery.

After further evidence of a corroborative nature the jury returned the following verdict:

"Arthur G. Brown came to his death December 12, 1906, at the Emergency hospital, from a gunshot wound in the bladder. Said gunshot wound was caused by a pistol fired by Anna M. Bradley. We hold said Mrs. Anna M. Bradley for the action of the grand jury."

When the verdict was read Mrs. Bradley collapsed, and for a time was in a serious condition. As soon as she was able to make the trip she was removed to jail. Throughout the inquest Mrs. Bradley had been composed and apparently unconcerned.

It is probable that an indictment will be voted against Mrs. Bradley in a few days by the grand jury which is now in session. In view of the fact that the calendar of the criminal court is filled up to April 1, it is probable that she will remain in jail for some time, unless her attorneys arrange to have her case advanced.

The body of former Senator Brown will tomorrow afternoon be sent to Salt Lake City, where the funeral and interment will take place. His son, Max, and daughter, Alice, and Mrs. Annie C. Adams will accompany the body.

OMAHA STUDENTS SUSPENDED

Four Boys from Nebraska Get Into Trouble at Morgan Park Academy.

CHICAGO, Dec. 13.—(Special Telegram.)—Morgan Park Military select boys' school, in the suburbs of Chicago, is in a ferment over an alleged conspiracy among students, for participating in which twenty-three students have been suspended for longer or shorter periods. Letters and telegrams from parents in various parts of the United States pounced in upon Principal Johnston today as a result of the faculty's action. A few letters expressed approbation of the school's action, but the greater part were urgent demands for detailed explanation of the wholesale removal. Meanwhile two-thirds of the dismissed boys have left for home. It is believed the majority will be taken back at the opening of the school term in January. Officials of the school refused to give a list of those suspended, but it was learned that several Nebraska boys are included, being Lane Summers, Hubert Owen and Edward O'Brien of Omaha and M. L. Gray of Columbus, Neb.

"We don't want to be placed in the attitude of President Roosevelt toward negro troops," said Principal Johnson. "No one was asked to tell on any one else. We asked the culprits to own up and hoped they would, but they didn't, and this seems to be the only practicable method of remedying the condition, which has been growing worse ever since the opening of the school term."

BRAZIL DESIRES GERMANS

No Exemption by Imperial Government for Men Who Go to Republic.

WASHINGTON, Dec. 13.—A recent government report has revived the question whether Germany actually was aiding in the establishment of its subjects in Brazil. The publication was made on the authority of representatives of American business interests, who alleged that Germany was offering special exemption from military service to all those who go to Rio Grande de Sul.

The German embassy took the matter up with the home government, but the reply received did not confirm the statements. It was said that no exemptions of the kind referred to had been made and that the immigration to Brazil from Germany of late years had been very small, only 329 having gone there in 1905 and a considerably less number during the present year.

That Brazil, however, looks upon the German settlers as being most desirable from every point of view was made evident today, when Ambassador Nabuco declared that his country wanted more of them. "I hope," he said, "a million or more of them will emigrate there. They have done good work in Brazil and I trust Emperor William will grant the exemptions from military service referred to in order to encourage that kind of immigration to my country."

BARROWS SUCCEEDS HIMSELF

Surveyor of Port Named by President, as is South Omaha Postmaster.

WASHINGTON, Dec. 12.—The president sent to the senate the following nominations:

Members Mississippi River Commission—Lieutenant Colonel W. T. Rossell, corps of engineers; Major James G. Warren, corps of engineers.

Colonel, Retired, to Be Brigadier General, Retired—James E. Macklin.

Colonel, Active List, to Be Brigadier, Retired—Colonel George P. Borden, Twenty-fourth infantry.

United States District Attorney, Southern District of Texas—Lock McDaniel of Texas.

First Judge of the Circuit Court of the First Circuit, Hawaii—John T. Debolt of Hawaii.

Surveyor of the Port of Omaha—Benjamin H. Barrows, Nebraska.

Colonel Marine Corps, to Be Brigadier General on Retired List—Robert L. Meade.

Postmasters—Iowa: G. S. Peck, Algona; L. L. Cox, Belle Plaine; C. H. Smith, Marshalltown. Kansas: Jennie E. Reed, Almena. Nebraska: A. N. Thomas, Trenton; P. K. Paddock, South Omaha.

PADDOCK FOR POSTMASTER

President Springs Surprise in Naming South Omaha Official.

KENNEDY HAD SELECTED ANOTHER MAN

Congressman Starts to Find Out How It Happened and Finds the Trail Leads to Paul Morton, Old Friend of Appointee.

(From a Staff Correspondent.)

WASHINGTON, Dec. 13.—(Special Telegram.)—The nomination of O. K. Paddock to be postmaster at South Omaha gave Congressman Kennedy one of the biggest surprises experienced during his congressional career. As a matter of fact it jostled the congressman severely, and it may be some time before he recovers his usual suave manner. Having been informed by Senator Millard that Paddock's name had gone to the senate today, Mr. Kennedy started on a tour of investigation with blood in his eye. His first call was on the first assistant postmaster general, who happened to be out of town. His chief clerk, however, informed Mr. Kennedy that the papers in the South Omaha case had gone to the White House. He did not see the postmaster general on account of his being temporarily away from the building. Posthaste Mr. Kennedy started for the White House to ascertain if possible the whys and wherefores in changing the name he, Mr. Kennedy, had recommended at the request of the Postoffice department. The president was at luncheon and Secretary Loeb informed Mr. Kenndy that he had no knowledge of the case, the general practice of the president being to initial all nominations coming up from the Postoffice department for his endorsement and nomination.

To say the least, the action taken by the president today is most unusual, and Congressman Kennedy proposes to probe to the bottom the reasons which led to the substitution of one name for another.

Invited to Make Recommendation.

November 16 First Assistant Postmaster General Hitchcock wrote Congressman Kennedy calling upon him to make a recommendation for postmaster at South Omaha to fill the vacancy caused by the death of Frederick J. Etter. On November 20 Mr. Kennedy, writing from Omaha, informed Mr. Hitchcock that he would recommend a suitable person for appointment within a week or so if that would be satisfactory.

Immediately after this letter was sent Mr. Kennedy informed the people of South Omaha that he had been called upon to make a recommendation for postmaster and he would hear them so far as they desired to be heard on the selection. Delegations called on Mr. Kennedy from day to day and the claims of the various candidates were set forth with their endorsements. After considering fully the claims of the various applicants, Mr. Kennedy selected Edward L. Howe, who had been for two terms city treasurer of South Omaha, and on December 6 he wrote the first assistant postmaster general recommending Mr. Howe, as requested in the department's letter of November 16. On December 10 Mr. Hitchcock acknowledged receipt of Mr. Kennedy's letter containing Howe's recommendation, but gave no intimation that any other name was being considered. Having made his recommendation, Mr. Kennedy dismissed the South Omaha postmastership from his mind, believing that in due time Mr. Howe's name would be sent to the senate. His surprise today may be imagined when he learned that another man, who was hardly considered for the position, had been nominated by the president.

Paul Morton Figures.

During the month of November Mr. Paddock wrote Mr. Kennedy that he would like to have the place, but asked the congressman to frankly state what his chances were. To this letter the congressman replied that he naturally would pick a postmaster from among those who had been active workers in the party, but that he would be glad to consider any recommendations filed with him. It appears that Mr. Paddock has an old friend in Paul Morton, who wrote him that if the president called upon him for advice as to the South Omaha postmastership he would be glad to do what he could for him. On December 7 Mr. Kennedy wrote Mr. Paddock stating that he had recommended Mr. Howe, and expressing the hope that the selection would be reasonably satisfactory to the people of South Omaha. Mr. Paddock replied to this letter and said he thought Mr. Howe would fill the place very acceptably and that Mr. Howe was his choice over all others.

Tomorrow Mr. Kennedy will see the president and the postmaster general, and in the meantime he will ask the senators not to permit a confirmation of Mr. Paddock until he knows all the facts in the case. Mr. Kennedy feels that the selection of Mr. Howe would have been satisfactory to the people of South Omaha; that he was clean and capable, and he resents the turning down of Mr. Howe in the manner in which it has been done, without even so much as an intimation being given him that any other name was under consideration.

Kinkaid Asks Advice.

Congressman Kinkaid does not propose to commit himself on the judicial division bill for the South Platte until he ascertains the wishes of the Bar association of the Sixth district, if such a thing be possible. To this end he has written letters to Judges Paul, Hostetler, Grimes and Hanna, calling upon them for suggestions as to the judicial divisions in the Sixth district and the places where court shall be held. The letter is as follows:

Notwithstanding the opposition existing in the western part of our state to the passage of the bill of Senator Burkett for a new federal judicial district in Nebraska, the state to be divided into two districts on the line of the Platte river, as a general proposition, the attitude of our delegation towards the bill is such that it is bound to pass. Two senators and four representatives in the eastern part of the state standing for it. The most that can be accomplished by Congressman Norris and myself, representing the west end, is to secure a provision for the holding of court at different points in the western part, in divisions to be created, making it a positive requirement that all cases arising in the respective division, civil and criminal, be required to be tried therein, with juries, grand and petit, to be drawn therefrom.

The area of our Sixth congressional district being so large, with railways running as they do, I find myself very much in need of advice, especially as to the south part of the district, as to the formation of one or more divisions and the place or places for holding court; so that I am writing yourself, together with Judges Paul, Hostetler and Grimes, as district judges of the south part of the district, to ask you for your assistance in this respect. I shall esteem it a personal favor if you and Judge Paul will arrange it to somehow get the consensus of the members of the bar of your judicial district, and I shall make the same request of the other two judges, and thereafter I should be much pleased for you four judges to find it convenient to meet, consult and reach a conclusion and advise me thereof

(Continued on Second Page.)

NEBRASKA WEATHER FORECAST

Snow and Colder Friday. Saturday Fair and Warmer.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	45	1 p. m.	38
6 a. m.	43	2 p. m.	38
7 a. m.	39	3 p. m.	38
8 a. m.	37	4 p. m.	37
9 a. m.	35	5 p. m.	35
10 a. m.	35	6 p. m.	32
11 a. m.	35	7 p. m.	31
12 m.	37	8 p. m.	30
		9 p. m.	28

FLINT TELLS OF SALTON SEA

Senator Says River Must Be Curbed or Towns Will Be Lost.

WASHINGTON, Dec. 13.—Senator Flint of California talked with the president today about the break in the Colorado river, which has resulted in such a disastrous flood in the Imperial valley, California. When he asked that proper representation be made to Mexico with a view to securing financial redress for those persons whose property had been injured, the president told him that the State department had already addressed a note on the subject to the Mexican government, but that thus far no reply had been received. The senator said that unless some steps were taken within sixty days it would be impossible ever to do anything, for the Imperial valley would be filled up and the towns of Imperial, Brawley and Heber would be wiped off the map.

IMPERIAL, Cal., Dec. 13.—Representatives of the Southern Pacific Railway company were in conference today with a large assemblage of the people of the Imperial valley, and submitted a proposition to the effect that the interests of the valley subscribe $1,000,000, contingent upon the successful controlling of the Colorado river, the railroad company agreeing to carry on the work at an estimated expense of $2,500,000. The proposition was received enthusiastically by the people and with little doubt will be consummated. In the meantime preliminary work on the closure is being rushed.

AUDITING RED CROSS REPORTS

Committee Arranges for Army officers to Do the Work in San Francisco.

SAN FRANCISCO, Dec. 13.—At the request of the executive committee of the San Francisco Relief corporation, the American National Red Cross has agreed, as a matter of convenience, to expert all accounts and vouchers in this city instead of at Washington. The work will be done by Colonel L. G. Langson, U. S. A., and William A. Kent, who already have arrived here. The Relief corporation also asked the National Red Cross to have these experts pass upon not only the Red Cross vouchers proper, but all vouchers of the corporation. Secretary Taft, president of the National Red Cross, has just consented to this. So when the report of the experts is made it will be complete and will cover all transactions of the Relief corporation.

CLIFFORD HOOE SENTENCED

Negro Convicted of Perjury in Connection with Hartje Case Given Six Years.

PITTSBURG, Dec. 13.—Clifford Hooe, the coachman convicted of perjury in connection with a deposition made in the Hartje trial, was refused a new trial today and sentenced to pay a fine of $50 and the costs of the court trial and to imprisonment for six years. Hooe was taken to the penitentiary.

Augustus Hartje, the libellant in the divorce case, said that he was not surprised at the sentence. Mrs. Mary Scott Hartje, against Hooe, made the sensational statements and said that it was but just that her false accuser should suffer.

INVESTIGATION FOR POLLARD

Nebraska Congressman Has Matter of Salary Referred to Judiciary Committee.

WASHINGTON, Dec. 13.—The house today, on request of Representative Pollard of Nebraska, adopted a resolution directing the judiciary committee to investigate the legal questions involved in the much criticised payment of a sum of money to Mr. Pollard for the period between March 4, 1905, and July 18, 1905, at which time Mr. Pollard was elected to the Fifty-ninth congress to succeed E. J. Burkett, who was elected to the senate.

PATRICK'S APPEAL DISMISSED

United States Supreme Court Acts on Suggestion of Convicted Lawyer's Counsel.

WASHINGTON, Dec. 13.—The case of Albert T. Patrick, convicted of the murder of William Marsh Rice, and now under sentence of death, against the state of New York, was dismissed in the supreme court of the United States on the motion of his own counsel.

It is understood that the court took this action in order to clear the way for Governor Higgins of New York to commute Patrick's sentence to life imprisonment.

EIGHT-HOUR DAY GOES FOR ALL

Homestake Mining Company and Employes Reach an Agreement.

LEAD, S. D., Dec. 13.—(Special Telegram.)—At the conference held last evening between Superintendent Grier of the Homestake Mining company and the committee from the Central City and Lead Miners' unions the eight-hour day was extended to include everyone working for the Homestake company.

SCHMITZ INDICTMENTS STAND

Court Refuses to Quash Bills Returned Against Mayor of San Francisco.

SAN FRANCISCO, Dec. 13. — Mayor Schmitz and Abraham Ruef met with a temporary defeat today in the hearing before Judge Dunne when a motion made by their attorneys to quash indictments found against them by the grand jury was denied.

BISHOP M'CABE IS BETTER

Condition of Methodist Prelate in Hospital Reported to Be Slightly Improved.

NEW YORK, Dec. 13.—The condition of Bishop McCabe of the Methodist Episcopal church, who is in the New York hospital suffering from a stroke of apoplexy, was reported to be slightly improved today.

LETTER TELLS TALE

Message of T. M. Huntington Connects Him with Bartlett and Richards.

BIG POINT SCORED BY GOVERNMENT

In This Note Gordon Man Says He is Acting for Defendants.

PROSECUTION EXPECTS TO REST TODAY

Only Two or Three More Witnesses to Examine Before Concluding.

DEFENSE HAS SURPRISE TO SPRING

Case Has Lasted Twenty-One Days and Sixty-Five Men and Women Have Given Testimony.

Abstract of Title. Capital, $100,000.
Surplus Profits, $10,000
Branch Offices, Rushville, Neb., and Hay Springs, Neb.
MAVERICK LOAN AND TRUST CO.
Thomas M. Huntington, President.
Fred Hoyt, First Vice President.
J. K. Reid, Second Vice President.
Charles P. Breesee, Secretary-Treasurer.

GORDON, Neb., Aug. 4, 1904.—Mr. I. D. Hull, Woodbine, Ia.—Dear Sir: There were two men who came out with the first seventeen who did not have their certificates of discharge. They are Lewis R. Gates and Washington J. Davis. We cannot make settlement for these two until we ascertain their terms of service. They undoubtedly know how long they were in the army, and I wish you would ascertain this fact from each of them and write me by return mail.

This is for a settlement with Comstock, and we do not care for a certified copy of their discharge or any paper at all. We just want to know how long they were in the army.

We have made settlement for fifteen today.

We have not got plats yet from the land office, but hope when we receive them business will pick up.

Do not fail to send this information by return mail. Very respectfully yours,

(Signed.) THOMAS M. HUNTINGTON.

This letter to an old soldier entryman was submitted in evidence by the government yesterday in the big land trial before Judge Munger of the federal court and constituted the distinctive feature of the day's proceedings, serving as it does, the purpose of the prosecution, undertaken at the outset, to establish a firm connection of Thomas M. Huntington with the Bartlett, Richards-W. G. Comstock movement. The defense vehemently protested against the admission of the letter as evidence, but was overruled by the court.

Government Rests Today.

The government has only two or three witnesses yet to examine and expects to rest its case this morning or afternoon at most. It was stated yesterday the defense would spring a surprise in presenting few witnesses. Yesterday marked the twenty-first day of the trial. Sixty-five witnesses and 80 exhibits have been examined.

The trial has not been devoid of humorous incidents. One developed in the closing testimony of the witness, B. F. Culp, an old soldier from the Milford home. He was being questioned by Mr. Rush relative to his second trip to his claim in February, 1906. Mr. Rush asked him:

"Did you see anything on the land on this second trip?"

Witness—Yes, sir.

Mr. Rush—Well, Mr. Culp, now tell the jury what you saw on the land.

Witness—Six inches of snow.

Mr. Rush—Anything else?

Witness—Nothing but my filing.

No Thought of Residence.

John S. Dukes of the Masonic home at Plattsmouth was recalled Thursday morning for cross-examination. The witness said in reply to a query by Mr. Hall:

"I saw a sort of a house on what they told me was my claim, but I did not say in my direct examination that I unlocked the door of the house with a key, because the door was already open, and I did not go into the house at all. There was no stove or bed, nor anything else in the house. I did not think there was anything wrong in getting help to get a homestead up there. But my health was too poor for me ever to think of living on the land."

Charles H. Payne, a soldier living at the Milford home, said:

"I saw Mr. Todd at Milford and asked him myself about filing on land, as I understood he was in the business. He said it was all right and I went with a party to Gordon and made a filing. It was my intention to live on the land when it became mine. But I never did live on it, nor did I make any improvements on it."

John H. Thresher, a merchant of Plattsmouth and an old soldier, testified to having been visited by Ami B. Todd, who proposed to him to file on land. "I told him I would do so and if he could run across a good piece of land to locate it for me. I went up to Ellsworth with Todd and Judge Chapman of Plattsmouth and made the filing. Our expenses were all paid. The papers were made out in Jameson's office at Ellsworth."

Excepts to Chapman's Name.

Mr. Hall—I object to the witness bringing in the name of Judge Chapman unless the government intends to summon Judge Chapman as a witness in this case.

Mr. Rush—I don't know whether we will or not.

Mr. Hall—Then I except to any reference to Judge Chapman.

"We went back to Ellsworth a second time," continued the witness, "in April, 1906. Judge Chapman went with me this time. We drove out to the land we had filed upon, which was some miles north of the Spade ranch house. We stayed out there a couple of days hunting, though I was on the land only about half an hour. We paid all our bills on this trip. It was my intention at this time to go onto the land and make a home there. After returning to Plattsmouth I wrote to Jameson about proving up and I received a letter from him in which he said that if I expected to prove up I would have to move my family up there. However, I did not remove my family there nor have I ever made any improvements on the land."

In his cross-examination the witness said:

"When I first went up to see the land it was in good faith. I would not have entered the land at all had I not intended to prove up on it. But afterward I saw that it would be impossible for me to make a living on the land and so have not been to it since."

Mr. Hall: Did Mr. Chapman take up land just as you did?

Witness: Yes, sir.

Mr. Hall: This Mr. Chapman is Judge Chapman, a former judge of the district court of this state, is he not?

Witness: Yes, sir.

In his re-direct examination the witness said:

"I intended to take my family up there