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BISHOP M'CABE DEAD

Distinguished Methodist Prelate Passes Away in New York Hospital.

STRICKEN WITH APOPLEXY LAST WEEK

Forty-Six Years of Active Work in Ministry Ends.

SERVED AS CHAPLAIN DURING WAR

Secretary of Board of Church Extension Many Years.

ALSO ACTIVE IN MISSION WORK

He Was Noted as a Money Raiser and Originated Phrase "We Are Building a Church Every Day."

NEW YORK, Dec. 19.—Bishop Charles C. McCabe of the Methodist Episcopal church died in the New York hospital at 5:20 a. m. today. Death was due to apoplexy with which the bishop was stricken several days ago while passing through this city on his way to his home in Philadelphia. Mrs. McCabe and the bishop's niece, who have been with him almost constantly since he was stricken, were at his bedside when noted clergyman passed away.

Bishop McCabe was stricken when about to leave this city on December 11. The night before that he had delivered his famous lecture on "The Sunny Side of Life in Libby Prison," at Torrington, Conn., and was passing through this city on the return to his home in Philadelphia. Accompanied by Dr. George P. Mains, publishing agent of the Methodist church, the bishop had reached the West Twenty-third street terminal of the Pensylvania road and was about to step upon a ferryboat when he staggered and fell unconscious. He was carried into the ferry house and as soon as an ambulance could be summoned was removed to the New York hospital, where he received treatment as a private patient. Meanwhile the bishop regained consciousness and the indications of the twenty-four hours following were that the shock had been a slight one. At that time his condition gave promise of speedy recovery and the former health of the patient encouraged this hope. Just before the attack he had walked briskly and carried a grip weighted with books and papers without apparent fatigue.

Feared Serious Illness.

Bishop McCabe, however, early realized the seriousness of his illness and his first words upon returning to consciousness were:

"Please notify my wife that I am ill and ask her to come at once."

That night Mrs. McCabe and his niece, who was also his secretary, arrived from Philadelphia and have remained at the hospital.

The condition of the patient did not change materially until early Saturday last, when he lapsed into unconsciousness. From then on the bishop failed gradually and Monday the physicians in attendance said that the outcome was no longer in doubt.

Bishop McCabe was born at Athens, O., October 11, 1836. He entered the Ohio conference of the Methodist church in 1860 and two years later became chaplain of the One Hundred and Twenty-second Ohio infantry. He was captured in the battle of Winchester and spent four months in Libby prison. His experiences as a prisoner of war were later recounted on the lecture platform. For more than thirty years he was popularly known as "Chaplain McCabe" and the title clung to him even after the general conference of the Methodist church in 1896 made him a bishop.

Following the war he became pastor of a church at Portsmouth, O., and later was associated as assistant secretary with the board of church extension.

While engaged in church extension work he originated the rally cry, "We are building a church every day." His success as a money raiser was remarkable and later as secretary of the Methodist Missionary society, to which post he was elected in 1884, he added $500,000 to the annual income of the society. He was a singer and his songs were a feature of his pleas for funds. He was chosen chancellor of the American university at Washington December 10, 1902.

MOST ACTIVE SINCE ASBURY

Review of Life by Close Personal and Church Friend.

"In Bishop McCabe, Methodism has lost the most active bishop it has had since Francis Asbury," said Rev. J. Randolph Smith, pastor of the Trinity Methodist church. Rev. Mr. Smith was a close friend of the bishop.

"He had a remarkable capacity for work," said Rev. Mr. Smith. "He leaves a wonderful monument of his accomplishments in the way of churches erected and poor congregations and pastors helped. Much of this he did on his own responsibility, aside from the vast amount of work he did and inspired publicly throughout the church. During the ten years he was bishop this personal work amounted to nearly $100,000. He kept a most strict account of all moneys received. I once saw this account. Receipts noted ran all the way from 2 cents to $10,000, while the items of disbursement varied from $1.35, expres on clothes to a poor minister, to $5,000, which he gave for raising a mortgage.

"He was a man of wonderful sympathy. Wherever the cry of the sick and poor was heard, there Bishop McCabe was found. At one time a certain minister died as the result of an operation in Minneapolis. He left $2,000 life insurance and two little boys. The hospital and funeral expenses amounted to $600. The bishop wrote to me saying he had secured half of this amount from friends. I must lecture and dig for the balance, for that $2,000 must be left intact for the education of those little boys, he said.

"He was a man of wonderful simplicity and naturalness. He never lost his child heart. I remember when we were traveling through the Yellowstone park. We used to camp every night and the bishop insisted upon finding the wood and building the camp fire.

"His sympathy for animals gained for him the name, 'The John Wesley of Modern Methodism.' As he was coming with all the church dignitaries from the church in Cleveland, where he had been made a bishop, he saw a peddler's horse lying on the pavement, where it had fallen. Throwing his coat on a friend's arm he turned to help the men who were getting the animal upon its feet.

"He was a man of the greatest courage. No work was too dangerous, or too fatiguing to engage his attention. With all these

(Continued on Second Page.)

SCHMITZ AND RUEF IN COURT

Mayor is Ready for Trial, While His Co-defendant is Seeking Delay.

SAN FRANCISCO, Dec. 19.—When the case of Mayor Schmitz and Abraham Ruef was called today Attorney J. C. Campbell, on behalf of Mayor Schmitz, asked Judge Dunne to rule on the motion made yesterday to dismiss the indictment, so that a demurrer might be filed and the mayor proceed to trial.

"I cannot rule on that indictment until the co-defendant, Ruef, completes his examination of the grand jury," answered the court.

Attorney Campbell protested against the ruling, declaring that he could not be held responsible for the action of the co-fendant. The latter, he said, might duct his case in his own way. This bro a statement from Attorney Hiram Joh son, who said that the head official of the city administration was demanding an immediate trial, while Ruef sought to make delays.

"Schmitz and Ruef are co-defendants and elected to make their defense together," he said.

Attorney Campbell denied that any such agreement had been reached. He asserted that when the motion to set aside the indictments was made it was announced that the defendants might separate if they saw fit to do so.

"They will keep the grand jury in this court house until after the end of this year," declared Assistant District Attorney Francis J. Heney. They have planned to do that very thing. At the expiration of the year the grand jury will be dismissed, and if the defendants can keep the jurors in court a few weeks longer the municipal investigation will be suspended for a time at least."

This led to a heated argument between the attorneys, which was ended by Judge Dunne, who declared that the ruling on the motion to dismiss would not be made until Ruef's evidence had been submitted.

Attorney Campbell surprised the court by stating that the motion to dismiss applied to indictment No. 203 and had no reference to the other four indictment charging the mayor with extortion. This means that the same evidence may be taken all over again four times, should the defendant see fit.

The first witness today was Jacob Garfinkle, an attorney, who admitted friendship for Grand Juror M. A. Livingston.

An attempt was made to question several newspaper men as to the source of articles in relation to the defendants which had appeared in the San Francisco papers, but the questions were ruled out on objections by the state.

MADAME GOULD VICTORIOUS

Former Countess Defeats Thirteen of Fifteen Creditors in Suit Over Count's Debts.

PARIS, Dec. 19.—Madame Gould, the former Countess de Castellane, has been victorious in the suits brought by creditors and money lenders against her with the object of making her jointly responsible with the count for the latter's debts.

Thirteen of the fifteen cases were dismissed today by the court with costs against the plaintiffs.

Only in the cases of two art dealers did the court express the opinion that Mme. Gould should be held responsible, as the objects purchased in these instances for the most part are still in her possession. There are still three cases to be passed upon. In dismissing the thirteen suits the court held that the plaintiffs had failed to prove that the debts were contracted for the common benefit of the count and countess. The latter, the court declared, had more than fulfilled the obligations under her marriage contract. During her wedded life she had retained nothing for herself, her entire revenue being collected by her husband and employed, according to his own admission, either for the household expenses or for the payment of his personal debts.

BOMB AND BULLETS FLY

Unsuccessful Attempt is Made to Assassinate Chief of Police at Lodz.

LODZ, Dec. 19.—An attempt to assassinate Chief of Police Cheshanowski was made today. The would-be assassin hurled a bomb beneath his carriage, and opened fire on him.

Although the chief escaped with but a slight injury to his foot, his carriage was wrecked and the coachman and three dragoons, who were escorting him were probably fatally wounded by bomb splinters. The terrorist escaped.

KING OSCAR IS STRONGER

King of Sweden's Condition Shows Steady Improvement, He Passing Quiet Night.

STOCKHOLM, Dec. 19.—King Oscar continues to make steady progress toward recovery. The bulletin issued by his attending physicians this morning was as follows:

The king passed a quiet night. His temperature this morning was 99.1 and his heart action was somewhat stronger. Otherwise his condition is unchanged.

KARL HAU GOES TO GERMANY

American Professor Must Face Charge of Murder Preferred at Baden Baden.

LONDON, Dec. 19.—The extradition of Prof. Karl Hau of the George Washington university, Washington, D. C., to Germany was formally granted at the Bow street police court this afternoon on the charge of murdering his mother-in-law, Frau Molliter, at Baden Baden November 5.

SERIOUS WRECK IN KANSAS

Rock Island Train Leaves the Track and Twelve Persons are Injured.

HUTCHINGSON, Kan., Dec. 19.—Chicago, Rock Island & Pacific passenger train No. 20, eastbound, was derailed at Cullison, in Pratt county, south of Hutchinson, early today. The whole train left the track and all but the engine turned over. More than twelve persons were injured, some of them more or less serious.

The wreck is believed to have been caused by spreading rails. The injured were brought to a Hutchinson hospital. The most seriously hurt was the Pullman conductor. Among the injured are the following:

Mrs. E. M. Lecerne of Keokuk, Ia.
Lee Lecerne of Keokuk, Ia.
J. D. Blant of Chicago.
L. M. Ranson of El Paso.
C. E. Dralle of Chicago.

The wrecked train was made up at El Paso.

CATALOGUE HOUSE FIGHTS

Chicago Concern Brings Injunction Suit Against South Dakota Retailers.

CHARGES CONSPIRACY TO HURT TRADE

Action is Looked Upon as Test Case in Fight of Retail Dealers' Ass[illegible]ions Against the [illegible]ogue Houses.

[illegible]ALLS, S. D., Dec. 19.—(Special [illegible])—One of the most important [illegible]er instituted in the United States for South Dakota was filed today Montgomery Ward & Co. of Chicago, e defendants being the South Dakota Retail Merchants' and Hardware Dealers' association, A. F. Grimm, L. S. Tyler, H. O. Rine, A. Mittlesteadt, Ed Ochsner, L. G. Levoy, Robert Sundstrom, J. T. Hanson, D. H. Loftus, P. F. Wickhem, L. N. Crill, A. P. McMillan, Andrew E. Lee, W. S. Bunting, T. J. Courshon and E. J. Mannix. The last named defendant is the editor of the Commercial News of this city, the official organ of the retail merchants' association. The remainder of the defendants are officers and directors of the association and reside in various parts of the state, being among the most prominent merchants of South Dakota.

The Chicago concern in its complaint alleges that the defendants have entered into a conspiracy to ruin the business of the plaintiff company and are maintaining a boycott on the Chicago concern by attacking it in resolutions and otherwise and by bringing pressure to bear on manufacturers, jobbers and wholesalers not to sell their goods to the Chicago catalogue house. It is alleged that because of this the plaintiff company is unable to purchase goods needed to fill the orders of customers. Montgomery Ward & Co. ask that a temporary injunction be granted restraining the defendants from in future waging war in any manner upon the Chicago concern. The suit is instituted against the defendants as officers and as individuals.

The case is the first of the kind ever instituted in the United States by a catalogue house and is in the nature of a test. Should the injunction be granted the Chicago concern doubtless will commence similar progeedings in other states, with the object of preventing retail merchants' associations waging a war against it. That the case commenced here will be bitterly contested is certain. Judge Carland of the federal court has fixed January 3 as the time for the defendants to appear before him and show cause why the temporary injunction prayed for by the Chicago establishment should not be granted.

ON TRAIL OF CAR THIEVES

One Man Caught and Fined Fifty Dollars on Charge of Petty Larceny.

CASPER, Wyo., Dec. 19.—(Special Telegram.)—James Ownes, a driver for a local drayman, pleaded guilty to petty larceny in justice court here and was fined $50 and costs. This is the first action taken to suppress the robberies which, it is alleged, have been committed by freight handlers in Casper for the past several months and a sensation is promised when other suspects are arrested.

Owens had several small articles in his possession, but large quantities of merchandise have disappeared from cars in the railroad yards and one carload of stovewood has been stolen. Railroad detectives are here and are working on the case with the local officers. Many private residence have been searched in an attempt to locate stolen property, but no developments have as yet been made public.

CORN GROWERS FORM SOCIETY

Ask Legislature to Make an Appropriation for Prizes.

MITCHELL, S. D., Dec. 19.—(Special Telegram.)—Over 400 farmers were in attendance at the business meeting of the Corn Growers' association this afternoon, which resulted in the permanent organization of the association by the election of A. E. Chamberlain, president, and H. C. Warner of Ferrisburg, secretary.

The resolutions adopted were of a character to assure the stability of the association by petitioning the state legislature to appropriate each year the sum of $1,300, to pay the expenses of the annual meeting and also putting up prizes for the corn exhibit. This matter will be urged strongly on the legislature. Another resolution was adopted which locates the corn show permanently at Mitchell, as being in the center of the corn belt, and it being the idea eventually to hold the convention with the South Dakota Live Stock Breeders' association.

The prizes were awarded in the corn show this afternoon. The corn of J. H. Millett of Hudson, scoring the highest, 25.

The association will adjourn tomorrow evening. Tonight President Chamberlain delivered an address to a large audience.

Gray Holds On to Office.

PIERRE, S. D., Dec. 19.—(Special Telegram.)—In the opinion of Haney today, the supreme court reversed Judge Whiting of the Ninth circuit in the case of F. B. Gray against the county commissioners of Beadle county. Gray, as a county commissioner of that county, changed his residence from one commissioner district to another in the same county, and the remaining members of the board declared his office to have been vacated by his removal outside the boundaries of the district for which he had been elected. The supreme court holds in effect that a county commissioner is selected to transact business for the whole county and a change of residence from one district to another within the same county does not affect his title to the position, nor in any way disqualify him from acting in the capacity for which he was elected.

VICTIM OF HAZING MAY DIE

California Freshman Has Skull Fractured While Being Initiated Into a "Frat."

SAN FRANCISCO, Dec. 19.—As a result of hazing practiced by members of the Kappa Alpha fraternity, of which he is a member, Floyd E. Allen, a student in the freshmen class of the University of California, lies at the home of his mother in Berkeley with a fractured skull. Allen's condition is precarious. While Allen was being carried by his fellow "frat" members, who were attempting to duck him in a bath tub, he ran out on the roof of the fraternity building. There, as his pursuers were closing in on him, he missed his footing and fell to the ground, twenty feet below. He was carried into the house and a surgeon summoned. An operation was performed in the hope of saving his life, which hangs in the balance.

OFFICIALS DISREGARD THE LAW

Such Charge Made by Senators Against Secretaries Wilson and Hitchcock.

WASHINGTON, Dec. 19.—Admitting that they had no authority of law for the withdrawal from allotment of nearly 4,000,000 acres of land belonging to the five civilized tribes in the Indian Territory for the purpose of creating a forest reservation, two members of the president's cabinet—Secretaries Hitchcock and Wilson—endeavored today to justify their course by stating they had the best interest of the Indian at heart.

The explanation was made before a select senate committee, which is investigating affairs in relation to the property rights of the five tribes, but the committee declined to accept it and Senators Clarke of Wyoming, Teller, Long and Brandegee declared that the interior department had suspended a statute of the United States without authority and it was the duty of Secretary Hitchcock to immediately cancel his order withdrawing the land from allotment. The same senators said to Secretary Wilson and Chief Forester Gifford Pinchot that it was their duty to withdraw their request to the secretary of the interior for a suspension of the allotments.

Texan Wanted Land.

The order withdrawing the land from allotment was issued early in the present month. The purpose was not stated publicity at the time, but it developed during the earlier inquiries by the committee that the Department of Agriculture planned to create a forest reserve within the withdrawn lands which would contain about 1,500,000 acres. These lands would have to be purchased from the Indians under some plan yet to be presented and an appropriation by congress would be required. The committee determined to call for an explanation from the heads of the two executive departments for a reason for the withdrawal.

Secretary Hitchcock when called to the stand said that he had asked the forest service, a division of the Agricultural department, to report upon a request of Jack Gordon of Paris, Tex., and associates, that they be permitted to buy 200,000 acres for a game preserve and that in making an adverse report the forest service asked for the withdrawal of the lands for a forest reserve.

Hitchcock's Reasons.

Mr. Hitchcock said the suspension was only temporary and designed for the purpose of determining what was the best interest of the Indian.

"You have no right to suspend the operation of a statute one hour, not one minute," declared Senator Teller. "If you had the right to temporarily hold up the application of a law you could suspend its operation for a month, a year or two years."

In reply to questions from Senator Long Mr. Hitchcock said that the request of Secretary Wilson had prompted his action. All the members of the committee condemned the action of the department in suspending the law.

"If we have violated the law I am sorry for it," said Secretary Hitchcock. "But my only motive was in the interest of the Indian and because I desired to accommodate the secretary of agriculture. The committee, I think, does not take into consideration the suspension merely provided for the submission of a plan to congress for the creation of a forest reserve.

Turning to Secretary Wilson, Senator Long asked: "We want to know under what authority you received the withdrawal of these lands from allotment?"

"I never looked at an authority," replied Secretary Wilson, "I made up my mind that we had a better proposition for the Indian than to turn his land into a game preserve. The right to withdraw the land was a matter for the lawyers of the Interior department to pass upon. We made an investigation and then a recommendation. It is up to you, gentlemen, to say whether you take it or not."

Pinchot Explains.

"No," responded Senator Clark. "It is up to the secretary of the interior to do as the law tells him to do."

Chief Forester Pinchot was called to the stand and after he had explained the proposition, members of the commission declared emphatically that he could not hope to get his plan through congress. He was told, also, that his request had been out of place, inasmuch as it suggested a violation of law.

"Secretary Hitchcock should not take thirty minutes in telegraphing an order to the territory to permit the allotments to proceed," concluded Senator Teller, and Senators Long, Brandegee and Clark assented.

DAIRYMEN CALL ON WILSON

Iowa Delegation Submits Statements Relative to Butter Standard.

WASHINGTON, Dec. 19.—A delegation of dairymen, headed by George L. McKay, professor of dairying at the Iowa State college at Ames, and F. A. Leighton of Des Moines, had a brief conference with Secretary Wilson today concerning the standards of butter which are to be fixed by the regulations of the Agricultural department under authority of the pure food law. They gave their views as to the amount of fats, water and other ingredients butter should contain and their reasons in support of the contention.

The secretary informed them the matter would receive careful consideration and assured them that they would be given absolutely fair treatment in the department's regulations.

Bill to Help Money Market.

WASHINGTON, Dec. 19.—A bill designed to extend relief to the money market along the lines of the recommendations made by the secretary of the treasury was introduced today by Senator Elkins. It authorizes the deposit in national banks of receipts from customs, as well as from internal revenue requiring the banks to pay a tax on such deposits and making all national banks equally eligible for designation as depositories. The bill also expressly authorizes the secretary of the treasury to make transfers of public moneys from the treasury to the banks, which has been heretofore done by the secretary on his own responsibility without authority of law.

Cummins on Railroad Situation.

WASHINGTON, Dec. 19.—Governor Cummins of Iowa, who had a brief talk with the president today, expressed decided views on the car shortage question. He declared his intention to recommend to the Iowa legislature imposition of a fine on a railroad company which neglects to furnish cars to a shipper after a certain number of days. The governor also thinks that consignees should also be required to speedily unload the cars.

Confirmations by Senate.

WASHINGTON, Dec. 19.—The senate today confirmed the following diplomatic nominations:

Ambassadors: Henry White of Rhode Island, to France; Lloyd Griscom of Pennsylvania, to Italy; John W. Riddle of Minnesota, to Russia; Irving B. Dudley of California, to Brazil; Leslie Combs of Kentucky, to be minister to Peru.

JURY TO GET CASE TODAY

Long Land Trial in Federal Court is Drawing to Close.

DEFENDANTS JUSTIFY THEIR ACTIONS

Admit Methods, but Hold No Law Has Been Violated by Them—Assail Government Agents as Spies.

The long and weary land trial in federal court is almost ready to be submitted to the jury, after weeks spent in the taking of testimony. Special Counsel Rush began his closing argument for the government yesterday afternoon and will conclude this morning. Following this the court will read its instructions to the jury and the case will be submitted to the twelve men whose duty it will be to say whether or not the laws of the United States have been violated by the big cattlemen of Nebraska. The sessions yesterday were marked by large crowds, the court room being completely filled.

Contends No Crime Shown.

Mr. Hall resumed his argument at 1:45 Wednesday afternoon and finished at 3:20. The afternoon argument of Mr. Hall was a continued review of the evidence, which he still maintained showed no element of crime. He elaborated to a considerable extent upon a number of the exhibits shown in evidence as being of no incriminating character, and particularly as relating to the letters of Bartlett Richards and C. C. Jameson, which he held was simply the correspondence of reputable business men, in which there was no evidence of collusion for the commission of any offense or the furtherance of any conspiracy. He assailed the employment of secret service men by the government to spy upon the entrymen and extort from them admissions by coercive methods. He also analyzed the testimony of the witness Nixon at some length relative to his knowledge of the Spade ranch and range. The incongruities in the statements of several witnesses were pointed out at some length, and the whole argument was a denial of any criminal act upon the part of the defendants and the utter inability of the government to produce the slightest evidence of conspiracy or agreement to enter into a conspiracy.

Special United States District Attorney S. R. Rush, who has had the details of the entire prosecution to look after and who was characterized by Mr. Hall as "the best informed man on the land question in the entire country," began the closing argument to the jury at 2:25.

Pursuing the plea of his colleague in opening the argument for the land men Judge Crites of Chadron Wednesday morning declared his clients were victims of persecution; that government agents had hunted them out and coerced witnesses to testify against them. He asserted the vast tracts of land they fenced in was unfit for habitation in smaller areas unless one could subsist on prairie dogs. Of the witnesses who repeatedly testified they had no idea of residing on the land they entered, he said they did not settle on it because of the prohibitive conditions he cited. He admitted much of the evidence brought out by the prosecution, but justified the acts of his clients as being lawful and right.

Judge Crites gave an exposition of the land laws, comparing the original homestead law with the newer Kinkaid law.

"Under the old law," said Judge Crites, "men went out onto these lands seeking homesteads, but did not find these sand hills suitable for cultivation and then went elsewhere. The Kinkaid law was enacted to meet the conditions of these arid, non-agricultural lands. The limit of entry was raised from 160 to 640 acres. I doubt if one-fifth of the men who filed on these lands will ever prove up on them. It is a country of sand hills and it is a physical impossibility to make a home or residence on them. Blowholes and areas impregnated with alkali prevail almost universally with the sand hills. No man can live on the land except upon the subsistence of a prairie dog. This is the reason that the entrymen did not and could not live on the lands, and this alone.

Says Coercion Was Used.

"Then again these men whose testimony is relied upon to convict these defendants were subjected to the coercion of government agents employed to spy upon and threaten them. Why has this been done.

"The Nebraska Land and Feeding company is a foreign corporation doing business in Nebraska. It is here and pays its taxes, thus contributing to the tax burdens we all have to bear.

"Consider the effect of this verdict. It is not alone the concern of the defendants but of all of you. I ask you to stand up for the right of the individual. I do not undertake to locate the responsibility for these prosecutions. I do not blame Mr. Goss or Mr. Rush.

"The only thing the government can prove is that the entrymen did not intend to live upon the land. These old soldier witnesses were scared to death by special agents. Their evidence indicates the weakness of mankind. Some of these old soldiers were so weak and feeble they had to be assisted to the witness stand.

Travesty on Justice.

"It was a travesty on justice to have these men testify. These government agents, spies, detectives and informers went to Mrs. Reed to have her say she had been promised a substantial consideration for the transfer of her land to these defendants after she had proved up. They went to Ami B. Todd, when he was on the brink of the grave, to compel him by threats to give up correspondence, when he was physically unable to object. If it was wrong to colonize men on these lands, then every act of colonization since the earliest dawn of history is a crime.

"Richards and Comstock wanted safe men to file on these lands because of their willingness to comply with the law. If these defendants are guilty of conspiracy, then every person who made a filing is guilty. The land locating business is as legitimate a business as the grocery business or the law. It is to make money, just as is any other business. On the question of the lease of the lands the entrymen had a perfect right to lease them. They could not sell the land, but they could do anything else they wanted to do with it. It does not matter whether the entryman ever went on the land at all. The land he filed upon was his until its entry was formally cancelled by the government as the result of contest or otherwise."

Hall on Law of Conspiracy.

Judge Crites concluded his argument at 10:35 and was followed by R. S. Hall, the principal counsel for the defendants.

Mr. Hall's argument began with an explanation of the law of conspiracy.

"Conspiracy means cunning, secret, methods of accomplishing any unlawful thing," said Mr. Hall, "and it is so hard to prove it; as in the case at bar it can-

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NEBRASKA WEATHER FORECAST

Fair Thursday and Friday.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	21	1 p. m.	34
6 a. m.	21	2 p. m.	36
7 a. m.	21	3 p. m.	37
8 a. m.	21	4 p. m.	37
9 a. m.	21	5 p. m.	37
10 a. m.	25	6 p. m.	37
11 a. m.	28	7 p. m.	37
12 m.	31	8 p. m.	37
		9 p. m.	37

TASK OF COUNTING BALLOTS

Vote in Insurance Elections to Be Tabulated by Expert Accountants.

NEW YORK, Dec. 19.—The task of counting 785,000 votes cast at the elections for trustees held yesterday by the New York and Mutual life insurance companies will begin probably early next week. The board of inspectors of each company has secured the services of expert accountants, who will have charge of the counting and tabulating of the votes. Separate accounting firms have been employed by the two companies. Before the actual work begins representatives of each of these firms will consult together with a view of perfecting a system for canvassing the votes.

When the count begins both sides will have regularly commissioned watchers present and ballots and proxies which are considered fraudulent or illegal will be duly challenged. Undoubtedly a large number of duplicate ballots have been cast inadvertently. Many policyholders who have held in either company more than one policy have cast a vote on each policy, although only entitled to vote once. Many of the proxies are made out in foreign languages.

The result of the elections still seem to be in doubt. Both the administration forces and the international policyholders' committee are declaring that they have been victorious in the two companies. The officers of the New York Life have not reduced a particle their estimate of a victory for the present management by a plurality of 100,000 and the administration of the Mutual estimates its plurality at 150,000.

The international policyholders' committee, however, still lays claim to having carried the Mutual's election by from 7,500 to 12,000 votes and the New York Life by from 5,000 to 12,000.

RIVER STEAMBOAT DESTROYED

W. T. Scovil Sunk by Explosion of Boiler and Ten to Sixteen Persons Killed.

VICKSBURG, Miss., Dec. 19.—One of the most disastrous accidents in the history of the Mississippi river occurred at 11 o'clock this morning when the steamer W. T. Scovil, plying in the Vicksburg and Davis Bend trade, was destroyed by an explosion. Owing to the large number of negroes on board it is impossible to ascertain the exact number of dead and injured, but officers of the boat who arrived here tonight stated that not less than thirteen or more than sixteen were killed. They say a like number were injured. The white dead are as follows:

CAPTAIN JOHN QUACKENBOSS, master of the boat, Vicksburg, Miss.
CLERK WADE QUACKENBOSS, Vicksburg.
LAVELL YERGER, cottonseed salesman, Jackson, Miss.
CLERK JOSEPH SMITH, Yazoo City, Miss.

The number of dead and negroes cannot be ascertained at this time, but of a passenger and crew list of fifty about half are missing. The negro dead and a number of injured were cared for at the place of accident. Five negroes were brought to Vicksburg tonight on the steamer Senator Cordill with the white dead and injured.

HICKS IS IN HIGH SPIRITS

California Miner Entombed Twelve Days Expects to Be Released Today.

BAKERSFIELD, Cal., Dec. 19.—The morning shift which begun work today in the effort to rescue Hicks, the entombed miner, found that a huge boulder was blocking the entire width of the tunnel. A conference was held and it was decided to attempt to partially split the rock and to vary the direction of the tunnel slightly. The boulder was successfully passed this afternoon and the rescue force is now working in the old shaft of loose dirt. The men are but a few feet from the miner, but progress is very slow. It is thought now that he may possibly be reached by midnight tonight.

Hicks is in high spirits today and he took his milk with much relish. The prospect of early release has resulted in his being almost in a jocular frame of mind and he jested through the speaking tube with those who talked to him during the forenoon. He said this morning that he would rather have a chew of tobacco than get out.

TRAINMEN TO MAKE DEMANDS

Freight Conductors and Brakemen Want Eight-Hour Day and Fifteen Per Cent Raise.

CHICAGO, Dec. 19.—Demands for a wage increase of 15 per cent and an eight-hour day for brakemen and conductors on all through freight trains will be filed tomorrow with managers of all railway systems in the west. The demands cover 45,000 men on forty-seven systems and the increase asked for amounts to approximately $8,000,000 a year.

The Brotherhood of Railway Trainmen and the Order of Railway Conductors are acting in conjunction in the matter.

The railroads covered in the proposed demand include the Illinois Central and all roads west of that line in the south. All roads west of a line from Chicago to Duluth on the north are included.

INDIAN CASHIER SUSPENDED

Lyman K. Lane Accused of Covering Up a Deficiency of Former Administration.

MUSKOGEE, I. T., Dec. 19.—Lyman K. Lane, cashier of the Indian agency, has been suspended, following the investigation which yesterday revealed a shortage of between $6,000 and $7,000.

It is charged that money received during the present administration had been used to supply a deficiency which, it is alleged, existed during a previous administration. The matter has been placed in the hands of the district attorney.

New Cruiser on Trial.

SAN FRANCISCO, Dec. 19.—The armored cruiser South Dakota will leave at noon today on its preliminary trial trip. The South Dakota is a sister ship of the California, which recently made a record of 22.22 knots on its official trial.

FACTS ABOUT BANKS

State Department Acts on Resolution of Congressman Kennedy.

POSTAL SAVINGS IN OTHER COUNTRIES

Man Who Pleads Guilty in Land Cases Wants a Pardon.

GOES TO PRISON WHILE OTHERS ESCAPE

Inspector Negotiating with Sioux for Cession of Dakota Land.

COUNCIL BLUFFS MAN IS PROMOTED

Thomas C. Dawson, Minister to San Domingo, Named by President as Minister to Colombia.

(From a Staff Correspondent.)

WASHINGTON, Dec. 19.—(Special Telegram.)—Representative Kennedy has been greatly interested in the question of postal savings banks. In fact during his campaign of 1904 one of the strong arguments for his election was that he would do everything in his power to establish postal savings banks modelled along the lines of the postal savings bank system of foreign countries. Congress has not looked upon postal savings banks with any great degree of favor, however, possibly because of the opposition of the national banks and even state banks, for that matter, to the scheme. But Mr. Kennedy has kept pounding away and during the first session of the present congress succeeded in having passed a resolution calling upon the State department to secure from foreign countries their laws and any information bearing upon the same that they might have, so a comprehensive report might be made to congress covering the subject. Today Mr. Kennedy ascertained from the State department that all the reports expected have been received, and he regards it as the greatest contribution to the literature on the subject of postal savings banks that has been made. Japan's report was received but a few days ago and is looked upon as the most exact and up-to-date presentation of the facts on the subject that could possibly be made. These reports, being in the language of the country making them, will take some little time to translate, and Mr. Kennedy therefore requested that the reports and summary of them be withheld until after the holiday recess.

Pitan Wants a Pardon.

Colonel R. W. Stewart of Huron, S. D., who with his wife has been in the city for several days, left this morning for New York. Previous to his departure he was presented to the president by Representative Burke of South Dakota to present a petition in behalf of the pardon of Cal Pitan, who is undergoing sentence for land frauds. Pitan, with John J. Newell and a number of others, were indicted for illegal seizures. Pitan pleaded guilty to the indictment. The other defendants stood trial, the judge after all the testimony was in directing the jury to return a verdict of not guilty on the ground that the charges against them had not been proved. Pitan, who pleaded guilty, now seeks his liberty, possibly on the ground that he made a mistake in his plea.

Pensions Granted.

Congressman Kinkaid was today informed that the pension office had granted increased pensions to the following: William N. Van Horn of Page, Neb., $24, from November 7; George Garrison, Sargent, Neb., $17, from November 7; John S. Borden, national military home, Ohio, restoration, supplemental and increase to $10 from November 2, 1892.

Plattsmouth Man Gets New Term.

Congressman Pollard, before leaving for his home at Nebawaka this afternoon recommended the reappointment of Chester A. Smith as postmaster at Plattsmouth.

Negotiating for Indian Lands.

Senator Gamble leaves tonight for South Dakota to look after his fences. Prior to starting he called upon the secretary of the interior for a talk regarding proposed opening to settlement of the remaining portion of the Rosebud Indian reservation lying in Tripp county. Senator Gamble's bill providing for this opening was this week favorably reported to the senate from the committee on public lands. At the Interior department today Mr. Gamble was informed that Major McLaughlin, special Indian inspector, is now in Tripp county, endeavoring to negotiate a treaty with the Indians similar in character to that which was negotiated with the Sioux when they consented to sell part of their lands in Gregory county, South Dakota. Mr. Gamble said after his interview with the secretary that he would not press his bill at present, but would await the result of Major McLaughlin's efforts to secure an amicable treaty arrangement with the Tripp county Indians.

Senator Gamble introduced a bill today providing for a pension of $30 per month for Benjamin Westerman, late scout in the Seventh cavalry.

Council Bluffs Man Promoted.

The president today nominated Thomas C. Dawson of Council Bluffs, Ia., to be envoy extraordinary and minister plenipotentiary to Colombia. Mr. Dawson is now minister at Santo Domingo. The nomination today is a distinct promotion for Mr. Dawson and the Iowa delegation was quite jubilant when the name came in.

Minor Matters at Capital.

Senator Burkett, who went to Pittsburg yesterday afternoon to deliver an address, returned to Washington today and was in his seat when the senate met.

Senator Kittredge left for home tonight to be present at the meeting of the South Dakota legislature.

E. R. Sizer, postmaster at Lincoln, is in Washington today, it being his annual visit to the capital to confer with officials of the Postoffice department upon matters pertaining to the conduct of his office.

Senator Burkett secured favorable reports on the following pension bills today: James H. Thazer, Portsmouth, at $40 and Joseph Bolshaw of Lincoln at $30. He was also today advised by the pension bureau that a pension of $8 has been granted to Elizabeth Schravener of Auburn, Neb., to date from November, 1905.

Through the efforts of Senator Burkett the Farmers' National bank of York was today made a depository for government funds.

Rural carriers appointed: Iowa—Malcom, route 3, Lewis E. Maxfield carrier, George W. Maxfield substitute. South Dakota—Artesian, route 1, John H. Greer carrier, Thomas M. Greer substitute; Forestburg, route 3, Frank E. Rulon carrier, Bertha M. Rulon substitute; Letcher, route 1, Calvin G. Stroup carrier, Roy G. Stroup substitute.