

10 PAGES—LAST EDITION

THE LIABILITY OF EMPLOYERS

President Sends Special Message To Congress Urging Enactment of Law.

SCOPE SHOULD BE LIMITED.

The Recent Decision of United States Supreme Court Makes Necessary.

Same Broad Principle That Applies to Government Should Apply to Private Employers.

Washington, Jan. 31.—The special message of the president to Congress on the subject of the employers' liability act and injunctions in labor cases was presented in the senate a few minutes after 12 o'clock today. When Mr. Latta, assistant secretary to the president, entered the chamber, there was but a handful of senators present. The vice president at once tore open the big envelope containing the message and handed it to the assistant secretary of the senate, who immediately began its reading. Printed copies of the message were delivered by Mr. Latta and were distributed to senators present. Many of them appeared to satisfy themselves concerning the nature of the message by scanning the printed document so that before its reading was half finished they very generally took up other matters and only a few followed the reading carefully until its conclusion.

At its conclusion and when the striking passage were reached many of the senators looked around the chamber and exchanged smiles. Mr. Tillman seemed especially pleased with the document. Senator La Follette paid very careful attention. Senators Cullom, Beveridge, McComber, Knox, Gallinger, Nelson, Elkins, Hemenway and Burrows, on the Republican side and Cullerton, Teller, Davis, Bankhead and Overman, among the Democrats, were especially attentive to the document.

The reading of the message in the house was listened to with intense interest by the members of whom there was an unusually large number in attendance. On the conclusion of the reading of the message, Senator Davis of Arkansas, promptly moved that 1,000 copies of the message be printed as a public document.

"It is the best Democratic doctrine that I have ever heard emanating from a Republican source," said Mr. Davis. The motion was agreed to and without further comment the message was referred to the committee on interstate commerce.

As the reading of the message proceeded in the house numerous members were heard audibly to exclaim, "most unusual," "this is red hot," etc. The president's vigorous denunciation of wrongdoers was greeted with loud applause as was his defense of federal judges who punish offenders for violations of the law.

The frequency of the applause increased as the reading proceeded. The tone of conversation over the message ebbed and flowed. The Democrats, however, were heard to exclaim, "But the climax came when the reading was concluded."

Without regard to party the members loudly applauded, cheered, thumped their desks and gave other evidences of their approval of the document. After a moment's silence, the applause broke out again, several members, including many Democrats, arising from their seats and clapping their hands.

The message then, on motion of Mr. Payne (N. Y.), was referred to the committee on the state of the Union.

Mr. Ollie James (Kentucky), produced laughter and merriment by his playful when he tauntingly inquired of Mr. Payne:

"How many additional thousand copies do you desire for circulation?"

Mr. Payne replied laughingly: "Oh, the usual number."

THE MESSAGE.

To the Senate and House of Representatives:

The recent decision of the supreme court in regard to the employers' liability act, the experience of the interstate commerce commission and the department of justice in engineering the interstate commerce act, and the attitude toward the law and its administration recently adopted by certain heads of great corporations, render it desirable that there should be an act of legislation regarding the relations between labor and capital and between the great corporations and the public.

The supreme court has decided the employers' liability law to be unconstitutional because its terms apply to employees engaged wholly in state commerce as well as to employees engaged in interstate commerce. By a substantial majority the court has held that the Congress has power to deal with the question in so far as interstate commerce is concerned.

Regarding the employers' liability law, I advocate its immediate reenactment, limiting its scope so that it shall apply only to the class of cases as to which the court says it can constitutionally apply, and strengthening its provisions within this scope. Interstate employment being thus covered by an adequate national law, the field of interstate employment will be left to the action of the several states.

It is my duty to call attention to the fact that the employers' liability law will undoubtedly give to the performance of their duty within their field the consideration the importance of the subject demands. It also very urgently advises that a comprehensive act be passed providing for compensation by the government to all employees injured in the government service. It presents an important subject for the consideration of the government has no remedy, and the entire burden of the accident falls on the helpless man, his wife, and his young children. This is a matter of national importance that there should not be on our statute books provisions to meet and partially to atone for a cruel misfortune when it comes upon a man through

DUTY OF GOVERNMENT.

In no other prominent industrial country in the world could such gross industrial wrongs, most of all civilized nations have enacted legislation embodying the complete reorganization of the principles which place the entire trade risk for industrial accidents (excluding those caused by negligence) on the shoulders of the employer. Under no circumstances should the injured employee or his surviving dependents be required to bring suit against the government, nor should there be the requirement that in order to insure recovery negligence in some form on the part of the government should be shown. Our proposition is not to confer a right upon the government employee but to secure him suitable provision against injuries received in the course of his employment. The burden of the trade risk should be placed upon the government. Exactly as the workman is entitled to his wages, and his employer is entitled to indemnity for the injuries sustained in the natural course of his labor. The rates of compensation and the regulations for its payment should be specified in the law, and the machinery for determining the amount to be paid should in each case be provided in such manner that the employee is properly represented without expense to him. In other words, the compensation should be paid automatically, while the application of the law in the first instance should be vested in the department of justice. The law should apply to all laborers, mechanics and other civilian employees of the government of the United States, including those in the service of the Panama canal commission and insular governments.

LIABILITY OF EMPLOYERS.

The same broad principle which should apply to the government should also be made applicable to all private employers. Where the nation has the power it should enact laws to this effect. Where the states have the power, they should do so. It is to be observed that an employers' liability law does not really mean mulcting the employers in damages. It merely throws upon the employer the burden of the trade risk, which is against injuries which are sure to occur. It requires him either to bear or to distribute through insurance the loss which can result. It is undistributed, bears with frightful hardship upon the unfortunate victim of accident. In theory, if wages were always freely and fairly adjusted, there would be no need of such a law. In fact, however, against the risk of injury, just as certainly as the rate of interest for money includes an allowance for insurance against the risk of loss. In theory, if against the risk of loss. In fact, however, against the risk of injury, just as certainly as the rate of interest for money includes an allowance for insurance against the risk of loss. In theory, if against the risk of loss. In fact, however, against the risk of injury, just as certainly as the rate of interest for money includes an allowance for insurance against the risk of loss.

ABUSE OF INJUNCTION.

I again call your attention to the need of some action in connection with the abuse of injunctions in labor cases. As regards the rights and wrongs of labor and capital, from blacklisting to boycotting, the whole subject is covered in admirable fashion in the report of the anthracite coal strike commission, which report should serve as a chart for the guidance of both legislative and executive offices. As regards injunctions, I call to your attention what I have said in my last message to the Congress. Even though it were possible, I should consider it almost impossible to abolish the use of the process of injunction in order that the courts may maintain their own dignity and in order that they may in effective manner check the use of force and violence. I call to your attention what I have said in my last message to the Congress. Even though it were possible, I should consider it almost impossible to abolish the use of the process of injunction in order that the courts may maintain their own dignity and in order that they may in effective manner check the use of force and violence.

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REMEDY NEEDED NOW.

This matter is daily becoming of greater importance and I cannot too urgently recommend that the Congress give careful consideration to the subject. If some way of remedying the abuses is not found, the feeling of indignation against them among large numbers of our citizens will tend to grow so extreme as to produce a revolt against the whole use of the process of injunction. It is my duty to call attention to the fact that the employers' liability law will undoubtedly give to the performance of their duty within their field the consideration the importance of the subject demands. It also very urgently advises that a comprehensive act be passed providing for compensation by the government to all employees injured in the government service. It presents an important subject for the consideration of the government has no remedy, and the entire burden of the accident falls on the helpless man, his wife, and his young children. This is a matter of national importance that there should not be on our statute books provisions to meet and partially to atone for a cruel misfortune when it comes upon a man through

A Lesson From Early Utah History

Brother's Hymn Book. Utah Papers Heavily Hit by Increased Price of Paper.

Saturday News.

Other articles specially written for this issue are as follows: Salt Water Cure the Latest Parisian Sensation, Illustrated. Duke Who is the Greatest "Catch" in England, Illustrated. Miss Woodhull's Solution of the Spinsters Problem, Illustrated. "Nadrob!" by Frank G. Carpenter, Illustrated. Two Notable Leaders in the World of Science, Illustrated. Present Whereabouts of the Great American Armada, Illustrated.

ORIENTAL BANK

FAILED TO OPEN TODAY

New York, Jan. 31.—The Oriental bank on which a run of depositors started yesterday, did not open for business today.

A notice was posted on the door announcing that the bank was closed by order of the state superintendent of banks.

The Oriental is a state bank, having a capital stock of \$750,000. According to its last statement, it owed to individual depositors, \$7,576,311 and to the state, \$1,000,000. It has a surplus of \$252,000 and undivided profits of \$308,947. Twelve of the leading financial institutions of the city are reported to be in the hands of the state banking department. Charles E. Levy, one of the directors, announced that none of the depositors would suffer any loss in consequence of its closing.

SHONTS MAKES NO SETTLEMENT ON THE DUKE

New York, Jan. 31.—A pre-nuptial agreement has been signed by Miss Theodore Shonts, daughter of The Duke of Devonshire, and a young man, who are to be married Feb. 15. This agreement, it is announced, is purely formal and is necessary in the case of a foreign bride. The Duke, an American, it is formally announced that no settlement has been made on the bridegroom. It is also announced that the wedding will be simple and in accordance with American custom.

"The marriage of Miss Shonts and the duke will be according to the custom of the country," said Mr. Shonts yesterday. "No question of a settlement on the duke has arisen as an issue and none will arise. The duke is a young man and such subjects never arise when the bridegroom is an American."

CUSTER MONUMENT.

Will Take Shape of a Home for "Ambitious Girls."

New York, Jan. 31.—The memorial which Mrs. Elizabeth Custer, widow of Gen. George A. Custer, the Indian fighter, killed in the Little Big Horn massacre, will erect to her husband's memory at Bronzville, a suburb of this city, will take the shape of a home for "ambitious girls," according to the announcement made by Mrs. Custer. The monument, which will be a long and low building, will serve as a chapter for the place where she desires to establish a home for girls ambitious enough to desire to help themselves, but who have not sufficient means to do so. Nominal fees will be charged for entrance to the home, so that those who take advantage of his privilege may not feel that they are dependent. Work on the building will be started as soon as the weather will permit.

committed by capital and pose as the champions of conservatism, will, in the end, ruin the country. The interstate commerce commission has modified the law and will even seek to render nugatory the power to punish for contempt upon which power the very existence of the orderly administration of justice depends.

It is my purpose as soon as may be, to submit some further recommendations in reference to our laws regulating labor conditions within the sphere of federal authority. A very recent decision of the supreme court of the United States rendered since this message was written, in the case of *Adair vs. United States* seemingly of far-reaching importance and of very serious consequences, has modified the previously entertained view of the department of justice in regard to the violation of an injunction, making it summary and showing the intention of a jury make its issuance in doubtful cases a dangerous practice, and in itself furnishes a reason why the process should be surrounded with safeguards to protect individuals against being enjoined from exercising their proper rights. Reasonable notice should be given the adverse party.

TO CONTROL GREAT CONCERNS.

Not only should there be action on certain laws affecting wage earners; there should also be such action on laws better to secure control over the great business concerns engaged in interstate commerce, and especially over the great common carriers. The interstate commerce commission should be empowered to pass upon any rate or practice on its own initiative. Moreover, it should be provided that whenever the commission has reason to believe that a proposed advance in a rate ought not to be made without investigation, it should have authority to issue orders for the purpose of conducting examination by the commission. It would not be understood as expressing an opinion that any or even a majority of these advances are improper. Many of the rates in this country have been abnormally low. The operating expenses of our railroads, notably the wages paid railroad employees, are too low.

HARRY K. THAW'S FATE IN JURY'S HANDS

Instructed Burden of Proving Defendant's Sanity Rested on The Prosecution.

INSTRUCTIONS FAVORABLE.

If Is Any Reasonable Doubt as to His Sanity, Must be Resolved in His Favor.

Most Crimes Committed from Hatred

And Revenge, Which Are Not Insanity.

New York, Jan. 31.—Today, for a second time, the fate of Harry K. Thaw, slayer of Stanford White, passed into the hands of a jury of his peers. The 12 jurors retired at 11:40 a. m. after listening to a charge from Justice Victor J. Dowling, who sought to impress upon them that the burden to prove the sanity of the defendant rested upon the prosecution throughout the trial and declared that if from all the evidence in the case, the jurors entertained a reasonable doubt as to his sanity, the defendant was entitled to the benefit of that doubt. At the same time he pointed out the provisions of the statute which provides that the only persons excused from criminal responsibility are those who suffer from such a defect of reason as either not to know the nature or quality of their act or not know that the act is wrong.

"Some may hold that this is too hard a test," commented the court, "but it is the law. It is clear, explicit and reasonable. It is the duty of the jury to find a 'defect of reason,' and I must instruct you that a defect of reason is not an opinion a man may hold as to the justice or correctness of his own acts, or an opinion that the laws of the land are wrong. Hatred and revenge are not insanity. Most crimes are committed from just such motives as these."

FAMILY RESENT.

Mrs. William Thaw, her son, Josiah, and her daughter, Mrs. George L. Carnegie and Evelyn Nesbit Thaw were in the court room while Justice Dowling read the charge. At the moment the first words came from the bench until the jury had filed out to begin its deliberations, the courtroom was a scene of intense interest. As the jury was about to leave the box Justice Dowling asked if they desired any of the exhibits in the case. Foreman Greenleaf replied that the jury would like to have them all. Thaw was compelled to stand and nod his formal assent to this action.

The defendant, who had been seated in the box, looked intently to the judge's charge, the reading of which occupied just 40 minutes. The fact that the jury desired to examine the exhibits was a point which Thaw and his counsel had been endeavoring to make as to other material issues.

While on the subject of reasonable doubt, Justice Dowling said that the jury should apply the standard of reasonable doubt as well as to the question of innocence of responsibility.

Knowledge of the nature or quality of a deed is not a question of whether or not he knew he was firing a loaded pistol. The defendant had a right to expect the benefit of the doubt as to that as well as to other material issues.

AS TO INSANITY.

The trace of insanity in collateral branches of the Thaw family, Justice Dowling said, had a proper place in the testimony and was worthy of consideration. Justice Dowling defined the various degrees of murder and manslaughter recognized under the laws and then asked that the jury in its deliberations was not bound by the terms of the indictment.

If a jury should be not guilty, said, under the specification of the defendant's plea as to insanity, you will add the clause on the ground of the defendant's insanity at the time of the commission of the act charged in the indictment. In any other case, you render you will specify the degree."

After and jury had retired, Justice Dowling, who had been seated in the box, congratulated each other upon the expedition of the trial and the manner of its conduct. Justice Dowling said his decision to throw all sessions open to the public had been justified by the way the case had been handled by the press. Mrs. William Thaw visited her son for a time in the prisoner's room, just outside the court chamber, and then left the courthouse. Young Mrs. Thaw remained.

CHARGE TO JURY.

Arguments in the case of Harry K. Thaw, charged with the killing of Stanford White Jan. 25, 1906, having been closed yesterday, Justice Victor J. Dowling today charged the jury on the law and the evidence.

In charging Justice Dowling impressed on the jury the responsibility which was theirs, telling them that they should bear in mind that upon their verdict depended the life or liberty of the prisoner.

"Your verdict must not be influenced by any matter outside the record," said he. "Neither passion nor sympathy should sway you in your deliberations. You must determine the guilt or innocence of the prisoner on the basis of the facts in evidence here, but must decide the issue solely upon your calm, dispassionate judgment as to the weight, credibility and meaning of the evidence. Nor are you concerned with the punishment which may follow a verdict at your hands. Your sole function is to determine if any crime has been committed, its grade, and leave the question of penalty to those responsible for its imposition."

INNOCENCE PRESUMED.

Justice Dowling told the jurors that the presumption of innocence is presumed to be innocent until the jury has been convinced beyond a reasonable doubt that he is guilty, and that the burden of proof as to every material fact rests upon the prosecution throughout.

It was within the power of the jury to accept or reject the testimony of any witness in whole or in part, and also to determine the weight of importance to be given to the testimony of any witness. After explaining at length the considerations which the jurors might take into account in weighing the testimony of witnesses, Justice Dowling referred to the so-called Hummel affidavit. He had told them that if a witness had been convicted of crime they might consider

THIS AD IS FREE.

It is not often that one newspaper finds it desirable to call attention to a prize-winning feature of a contemporary. However in the evening edition of the Tribune for Thursday there appears a story so good that we commend it to all readers.

It is given the title, somewhat lurid, it is true, of "This Priest Drinks, Smokes Cigarettes, References Prize Fights," and is printed to the length of a column and a half under the telegraphic date line of Coventry, Jan. 30.

There is only one thing we feel to regret. It is that the Telegram did not apply to us for the pictures that illustrated the story. They would have helped considerably, and served us well on Saturday last to illustrate the article, which we then printed as it arrived by mail from our English correspondent, Ellis Elison. Of course the little delicacy about giving credit to the author need not be considered in this case, but it is really something of a shame to have omitted the pictures. They should have been stolen too.

that fact in weighing his testimony; and also that if they found that any witness had deliberately testified falsely, they were at liberty to disregard his testimony entirely.

EVELYN'S AFFIDAVIT.

"You will recollect that the affidavit of Evelyn Nesbit was not received in evidence as affording truth or other fact of the statements therein contained," said he, "but solely for the purpose of seeking to establish the fact that the witness had made statements under oath contradictory of or inconsistent with, those made by her at the trial."

"And if you find that contradictory or inconsistent statements were actually made by her, or by any other witness, as to matters actually involved in the main issue, and as to which, you may take that into consideration in arriving at a conclusion as to the credibility of such witness or witnesses, the contradictory or inconsistent statements are not to be considered by you as affecting the credibility of a witness."

DEGREES OF HOMICIDE.

The various degrees of homicide were defined and the justice devoted much time to elucidating the legal meaning of the words "murder in the first degree," "murder in the second degree," and "manslaughter." Those words, he said, imply the capacity at the time of the crime to think and reflect and by the use of these powers to refrain from the commission of the crime. In the consideration of deliberation and premeditation the jury might take into account the acts of the defendant in the shooting, the shooting itself, his acts on the roof garden and the incidents attending the shooting itself.

"A sane man, a voluntary agent, who shoots a man with a loaded pistol, and who contemplates and intends the necessary, natural and probable consequence of his acts," he continued, "if, therefore, he voluntarily does the shooting, he is guilty of murder in the first degree. The law is not responsible for his acts at the time in question."

"Where the defense is insanity and the evidence is given tending to establish that defense, the general question is presented whether the crime was committed by a person responsible for his acts and the burden of establishing the facts upon the prosecution; and if in the whole case any reasonable doubt remains in your mind as to the defendant's insanity, he is entitled to be acquitted upon that ground. The only question for you to decide is whether the defendant was, or was not, insane at the time of the crime charged in the indictment. But the testimony of family history of prior life, illness and conditions and of subsequent mental and physical state is received to assist you in the question of the defendant's mental condition at the time in question. The proof of antecedent acts, is like the proof of subsequent acts, offered for the jury to consider. The point at issue by proving his earlier and recurrent or continuous mental state."

DEFENSE OF INSANITY.

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EXPERTS' TESTIMONY.

"You will weigh the testimony of the experts as you weigh the other testimony in the case. You are not bound by it unless you deem it worthy of your credit."

"To conclude, if you are satisfied beyond a reasonable doubt upon the proof that at the time of the commission of the act charged in the indictment, the defendant knew the nature and quality of the act he was doing and that the act was wrong, you will find him guilty of such degree of crime as under the law is prescribed for the crime charged. If you are satisfied beyond a reasonable doubt, if, on the contrary, you are satisfied upon the proof that at the time of the commission of the act charged in the indictment, the defendant was laboring under such a defect of reason as either not to know the nature and quality of the act he was doing or not to know that the act was wrong, you will find him not guilty of any crime."

GUARANTEEING DEPOSITS.

Suggestion Directors be Made Liable to Extend to Their Fortunes.

Chicago, Jan. 31.—Personal liability of bank directors to the extent of their personal fortunes, for all losses to depositors was proposed last night by Prof. Earl Dean Howard of Northwestern university. He made the statement in addressing a class in finance under the auspices of the American Institute of Banking.

"The proposal to guarantee the deposits in national banks is sure to become a popular issue," said Prof. Howard. "The majority of people who are unable to reason out the ultimate consequences of any action," said Prof. Howard. "Many people are afraid of the inevitable stimulus."

NON-SECRET CLUBS.

Suggested as a Substitute for Fraternities in Schools.

Chicago, Jan. 31.—Non-secret clubs as a substitute for the fraternities are the latest in the line of school projects. Plans for them are being drawn by Prof. Schaefer of the board of education and Trustee R. A. White.

The new organizations are to be sanctioned officially by the board and it is hoped will be free from the clique features and the snobbishness which are said to have characterized the secret bodies. They will have clubrooms in the school buildings. Membership is to be open to all pupils.

SIX LETTER CARRIERS.

Have Their Salaries Reduced for Soliciting Christmas Presents.

New York, Jan. 31.—Six New York letter carriers have had their salaries reduced \$100 a year for soliciting Christmas and New Year presents. These men, all of whom are on duty in the residence district left cards of greeting for the people they daily deliver mail to.

Complaints were made to the postmaster who after investigating the matter, reduced the grade of the men in question. The postmaster has also directed the letter-carriers to refrain from attempting to solicit for the coming annual ball of their organization.

A BIG LOSS.

Mrs. Hoffmann Loses \$2,000 at Her Husband's Recital.

San Francisco, Jan. 31.—While attending her husband's piano recital last night at the Grand Opera House, Mrs. Joseph Hoffmann lost a bag containing \$700 in money and \$1,300 worth of jewelry. Mrs. Hoffmann had attended the performance with several friends, and during the intermission had gone to the balcony to speak with the pianist. Mrs. Hoffmann left the jewel bag on the chair adjoining her own, and when she returned she found that her valuables had disappeared.

In the bag in addition to the money were a collaret set with sapphires and diamonds, a round brooch of turquoise with diamonds, an ivory leaf case studded with diamonds, a fleur de lis pin with diamonds and a pin of rare design representing a basket of flowers.

DUTY ON JAP SAKE.

Suit Involving \$1,500,000 is to be Brought.

San Francisco, Jan. 31.—A case pending a question as to the rate of duty that should be collected upon the importation of Japanese sake, which involves more than \$1,500,000, will be brought before the United States circuit court of appeals Monday by United States Dist. Atty. Devlin. The Japanese importing firm of T. Komada & Co. has brought suit against the United States government for \$1,500,000 as duty paid under protest since 1900.

Sake is a light colored, non-effervescent liquid containing alcohol varying from 17 to 25 per cent, made from rice but not distilled. The alcohol contained in it being produced by fermentation. T. Komada & Co. contend that sake should be taxed the same as beer. Prior to 1900, sake was taxed for duty as a spirituous beverage at the rate of \$2.50 per proof gallon. A protest was made in that year against the classification, the claim being made by the government that it was a wine. The duty was as a still wine by similitude, the importers claiming that sake was not provided for in the tariff act as a wine.

If the government loses the case, the United States will lose in the future \$250,000 or more each year by reason of the reduced rate which must be imposed.

TRAIN STRIKES CAR.

James Carter Killed, Five Injured by a Salt Lake Freight Train.

Los Angeles, Cal., Jan. 31.—James Carter, conductor of a Brooklyn avenue car of the Pacific Electric company, was instantly killed and five passengers were injured, none fatally, shortly before 1 o'clock this morning, when a section of a Salt Lake freight train struck the car at the Macy street crossing. The freight train, which was carrying a car had been given the signal to cross when the car was struck. Carter was caught beneath the car when it was toppled over and crushed to death. Two injured, a woman and a child, were taken to the hospital. The other three, a freight brakeman and three passengers, all residents of Los Angeles.

WANTED FOR MURDER.

Mexican Government Searching Everywhere for Hernandez Miguel.

San Francisco, Jan. 31.—United States Marshal Elliott and several deputies have been searching San Francisco and the contiguous cities and towns several days for Hernandez Miguel, a Mexican, who was wanted by the Mexican government on charge of murder. The federal officers traced the man to a house at 1083 Pacific street last night. Assistance was asked of the local police, and Marshal Elliott and his own men surrounded the house, but when the officers entered Miguel was found to have made his escape.

Miguel, who in San Francisco, is known as Manuel Martin, is charged with having killed another rich planter in Mexico during a feud. The Mexican government has shown more than ordinary interest in the case, and has sent an earnest request to the United States marshal's office in San Francisco that the deputies do all in their power to capture the fugitive.

IDAHO-WYO. POSTMASTERS.

(Special to the "News.")

Washington, D. C., Jan. 31.—Postmasters appointed Idaho-Wardboro, Bear Lake county, Milla E. Booth, vice J. G. Hadcock, resigned; Wildhorse, Washington county, A. McCall, vice G. L. McCall, resigned; Fremont county, Edna P. Wells vice C. W. Brandon, resigned.

REVENUE PLAN IS UNDER BIG FIRE

State's Efforts to Increase Its Funds Was Feature of Last Legislature's Work.

MANY COMPANIES IN FIGHT.

Case Which Judge Ritchie Has Under Advisement Brought by Consolidation of Interests.

Unfairness is Alleged in That the Really Big Public Service Companies Escape Lightly.

With Stuyvesant Fish paying his respects to E. H. Harrison in the form of an attack of one Utah law of the last legislature's making, with Judge Lewis finding another unconstitutional, and with Judge Ritchie holding still another "under advisement" pending a future decision as to its constitutionality, the work of this legislature is suddenly coming into the limelight in more than one quarter.

The law under advisement deals with collecting a "license" from corporations, and the attack on it is being made with a view of getting it out of the way, so that a more sweeping and inclusive one may be drawn up at the next session.

The law originated in the needs of the state for money. Many schemes were devised to accomplish this result, most of them aimed at getting taxes from the large corporations. It was found, however, during the session, that the farmers' Salt Lake valley were vastly more valuable to the state as taxpayers, than the big smelting plants, despite their enormous wealth; also, the county assessors mysteriously failed to get the money from big mining plants located in those counties.

To collect this evil the state board of Equalization was authorized to levy against certain kinds of corporations, instead of the county assessors.

NOT LICENSE BUT A TAX.

Harry Joseph, for the house, fostered many measures to increase the taxable assets of the state, and as many original schemes were devised to accomplish this result, most of them aimed at getting taxes from the large corporations. It was found, however, during the session, that the farmers' Salt Lake valley were vastly more valuable to the state as taxpayers, than the big smelting plants, despite their enormous wealth; also, the county assessors mysteriously failed to get the money from big mining plants located in those counties.

Two interesting questions are raised in the attack. One is "what is a franchise?" and the other, "what is a license?" The suit, curiously enough, is brought by a firm of lawyers, one of whom was chairman of the legislative committee of the senate, when the bill became a law, and he is now leading the attack on its constitutionality.

WHAT G. N. LAWRENCE SAYS.

"Our laws clearly define," says Geo. N. Lawrence, chairman of the legislative committee, who is interested in the attack on the bill, "that a franchise is property and the constitution declares that property must be taxed on its market value. The franchise is a real estate holding company, with a capitalization of \$250,000