

THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

WEDNESDAY, AUGUST 28, 1901. SALT LAKE CITY, UTAH.

NUMBER 240.

FIRST ASSAULTED, THEN MURDERED.

Assaulted a Negro, Victim a White Woman—Scene of Crime Columbus, Mo.—If Caught Brute Will be Burned.

St. Louis, Aug. 28.—A special issue of the Star from Warrentsburg, Mo., contains the most dastardly crimes ever committed in the borders of Johnson county, Mo., perpetrated last night at the little hamlet of Columbus, off the railroad sixteen miles north of here. A white woman, aged 40 years, was murdered in cold blood by Will Francis, a 22-year-old negro after he had assaulted her. The crime was committed at the farm house of Chap Henderson, a prominent citizen and once a member of the state populist committee. Francis, who worked on Hyatt's farm, had been a trusted servant of the Hyatts for many years. Upon their return, about 7 o'clock in the evening, they came upon the body of the woman in the yard. A knife had pierced the skull just above the left ear, black marks were upon the face and signs of a desperate struggle were apparent. The alarm was given immediately and the sheriff at Warrentsburg notified. A posse of determined men left for Columbus a few minutes afterward. Francis had fled before the deed was discovered and thereby proclaimed his guilt. Surrounding counties were notified and this morning a message from Independence was received saying that the negro answering the description was being held there. A deputy sheriff was sent to Independence to identify him. One negro at Sedalia who answered the description came near being lynched, but escaped by intervention of the officers. All the negroes of the country are badly worked up and are keeping close to their homes in fear of the whites, who are wrought up to a high pitch of excitement. Francis shot a horse, which was standing in the yard, presumably to prevent its being used to follow him. Information from Holden, is to the effect that Francis had been surrounded in a dense wood near here, but he was not killed. He appears to have been a special from Odessa, in the next county north from Johnson, says that it is believed Francis is near there. Miss Henderson, it appears, lived long enough to tell the Hyatts on their return of the assault, and to make it plain that Francis was the assailant. The whole country around Odessa is up in arms, aiding in the search for Francis.

HAYS HAS NO IDEA OF RESIGNING.

St. Louis, Aug. 28.—The Post-Dispatch today says:

A telegram from Charles M. Hays, president of the Southern Pacific railway, to a St. Louis friend, announces that he has not yet resigned his position as president of the road, and that at present he has no idea of doing so.

COMMANDERIES IN COMPETITIVE DRILL.

Louisville, Aug. 28.—A spectacular competitive drill by the crack commanderies of the country, the first held since the convulse of 1893, attracted a crowd of knights of Templar convolve visitors to Churchill Downs today. The contestants were:

- Columbia commandery No. 2, Washington, D. C.
- Colorado commandery No. 1, Denver.
- Hawkeye commandery No. 16, Cincinnati.
- Allegheny commandery No. 35, Pittsburgh.
- St. Bernard commandery No. 1, Chicago.
- Calvary commandery No. 3, Parkersburg, W. Va.
- Golden Gate commandery No. 16, San Francisco.
- California commandery No. 2 (mounted), San Francisco.

The award of prizes will be made tonight at the horse show building, and the prizes distributed following which there will be a grand march and dance by the drill commanderies and the ladies who acted as sponsors for the contest. The trophies, which are of silver, are:

- First prize, thirty-four pieces, valued at \$1,000.
- Second prize, 25 pieces, libation set, valued at \$2,000.
- Third prize, center piece, valued at \$300.

Fourth prize, two pieces (mounted), valued at \$900.

Fifth prize, loving cup, valued at \$600.

While the knights were drilling, the meeting of the grand convolve got under way at the girls' high school. When Grand Master Lloyd called the meeting to order, there were 120 knights present to transact business. The grand master, grand treasurer, grand recorder and other reports were received and referred to the proper committees. The Churchill Downs grand stand, holding 5,000 people, was filled long before the drills began.

Under a canopy in the field at the sponsors a dark-eyed delegation of Kentucky beauties, who led the members of the contesting commanderies after their work was finished, to bowls containing cooling drinks.

Brass bands were numerous, but music was allowed only during the intermissions between drills as the grand tactics, under which the drills were conducted, allowed of nothing to mark time.

The Columbia knights were good in foot work but rather weak in handling their swords, while the Denver men excelled in the latter. To the crowd the Allegheny commander appeared to have made the best showing. Their footwork showed the effects of hard practice.

At noon there was a luncheon and rest, during which Detroit commandery No. 1 gave an exhibition drill.

FRENCH EMBASSY FLAG HAULED DOWN.

Constantinople, Tuesday, Aug. 27.—The French flag was hauled down from over the embassy of France after the departure of the ambassador, M. Constant, and it will not be hoisted again until diplomatic relations are restored. The staff of the embassy remains here, but there is no charge d'affaires. The French consulate in Turkey have been directed to continue to protect French interests.

Besides the immediate causes of the disagreement, it is pointed out that

STEAMER EXPLODES KILLING MANY.

Philadelphia, Aug. 28.—A telephone message says the boilers of the river steamer City of Trenton blew up off Torredale, Pa., 15 miles north of here this afternoon. The steamboat carries passengers and freight on the Delaware between this city and Trenton.

A dispatch from Burlington, N. J., says the City of Trenton is burning in the river. All of the police and fire boats have been sent from Philadelphia to her assistance. Hospital ambulances and the municipal emergency corps have also been sent up the river. Reports to police headquarters say it is known that three lives were lost and it

is believed the lost will greatly exceed that figure.

A telephone dispatch received at police headquarters says the steamboat which exploded is the Quaker City, which carries freight and passengers between Philadelphia and Torredale. The report says three persons were killed outright by the explosion, seven were drowned in the river and 25 were injured. All of the injured were taken on police boats and other river craft to the Philadelphia house of correction, which is located on the banks of the Delaware near the scene of the accident, and cared for there. An alarm of fire was turned in from one of the suburban station houses and Philadelphia firemen and policemen were soon on the scene. The boat is still burning.

between the Gulf, Colorado & Santa Fe railroad and a fuel company. Under the contract the Santa Fe railroad and a fuel company of this city. Under the contract the Santa Fe railroad agrees to take from the fuel company a minimum of nine million barrels of oil during the next twelve months. The price is not stated.

Will Contest Mrs. McPherson's Will. Washington, Aug. 28.—Mrs. Edna McPherson Muir, daughter of the late U. S. Senator of New Jersey, today filed a contest of the will of her mother in the probate court of this city. She alleges undue influence on the part of the beneficiaries under the will.

PEACE PROBABLE WITHIN TEN DAYS.

Such Was the Talk in Strike Circles Today.

SHAFFER WILL STAND FIRM.

Steel Officials Say Trouble Can Only be Settled by Men Returning to Work.

Pittsburg, Pa., Aug. 28.—Probable peace for the striking steel workers within ten days was the interesting topic in strike circles here today, but nothing definite could be learned. President Shaffer said that in the face of gains made by the strikers he would not back down from his original position.

The steel officials reiterated their previous statements that no overtures for peace had come from the strikers and that the strike could only be settled by the return of the men to their places.

The peace proposition sent out by President Shaffer to the members of the executive board of the Amalgamated association, for their approval previous to presentation to the United States Steel corporation by the representatives of the National Civic Federation lends color to the peace rumors and the provisions of the plan were being discussed by the strikers at Lindsay & McCutcheon's works today.

The proposition provides for a provisional scale not to be signed for this plant, leaving recognition of the union open. The men stated that they were prepared to return to work tomorrow under these conditions. They stated that all they would require will be that the Amalgamated scale be paid and that union men be allowed perfect liberty and no discrimination.

Notwithstanding the reports that all preparations had been made, the tin plate mill at Demmler did not resume this morning. It was reported that 200 machinists and helpers went back at the works of the National Tube company, but this is denied by the strikers.

Wheeling dispatches today say that nothing is known of the alleged conference of labor leaders said to have been held there recently to devise a plan to settle the steel strike, and the story is believed to be without foundation.

President Shaffer at noon again denied the persistent reports of early settlement of the strike.

"There is nothing in the peace talk," said he. "I have denied these rumors often enough to make the people believe it."

Referring to the Wheeling story, he said:

"I do not know what unconcerned parties are doing but it will have no effect on us."

MONEY ALLOTTED UTAH.

State Will Get From Government for Military Organizations \$6,372.

Lt. Gordon Kimball Assigned to Third Cavalry and Ordered to Fort Douglas for Temporary Duty.

[Special to the "News."]

Washington, D. C., Aug. 28.—Of the \$1,000,000 allotted various military organizations throughout the United States, Utah and Idaho get \$6,372 each.

Second Lieut. Gordon N. Kimball, recently appointed, has been assigned to the Third Cavalry and ordered to Fort Douglas for temporary duty.

The contract for carrying the mail from Rockville to Kanab, Utah, has been awarded to John Findley, Kanab, at \$725 per year.

No News From Colombia.

Washington, Aug. 28.—No officials have been received respecting the situation in the insurrectionary parts of Colombia and Venezuela since the brief report of the arrival at Colon of the gunboat Machias, but the officials are not disturbed by this absence of reports.

In may be stated that in view of reports that our government intends to interfere strictly to its well established rule of non-intervention, Nothing but an interruption of insubordinate traffic which the United States is pledged to keep open, or a threat directed against American interests, could induce the government to interfere.

Fortunately the asphalt controversy is not now an active factor which would promise to stir up the issue between the United States government and Venezuela and thus complicate the differences arising out of the insurrectionary disturbances.

Irish Rifle Teams Arrive.

New York, Aug. 28.—Among the passengers who arrived today on board the steamer Servia from Liverpool and Queenstown were thirteen members of the Irish Rifle league which will compete with the All-American team at Seagirt, N. J. The members of the team are: James Wilson, captain; Dr. J. C. Sellers, secretary; W. J. Braithwaite, T. Caldwell, Ernest Donnan, R. Duncan, F. W. Henry, John McKenna, W. W. Milne, John Morgan, P. V. Richardson, Sir Henry Thyme, C. B. and E. F. Wilson.

To Investigate a Cleveland Bank.

Cleveland, Ohio, Aug. 28.—The special grand jury today took up the recent failure of the Superior State Banking & Savings company. Judge Dellenbaugh delivered the charge, saying among other things:

"If you shall find that this bank continued to receive money after it was hopelessly and hopelessly insolvent, even though the money was received by a clerk or teller, you must hold the officials of the bank responsible for the act."

Date of Neely's Trial.

Washington, Aug. 28.—Director General Fomes, in charge of the department of posts in Cuba, was at the war department today. He stated that it was expected that the trial of Carlos F. W. Neely, charged with the misappropriation of Cuban postal funds, would begin at Havana about October 1. Mr. Fomes is here on a vacation, but is consulting with the authorities on affairs pertaining to the postoffice department of Cuba.

Funeral of Gen. Robert Williams.

Washington, Aug. 28.—Funeral services were held this afternoon over the remains of Gen. Robert Williams, formerly adjutant general of the army, at the family residence in this city. Religious services were conducted by Rev. Samuel Cahill, of the Roman Catholic church. The interment was made at Arlington cemetery with full military honors.

Imperial Edict Unsatisfactory.

Peking, Aug. 28.—The imperial edict forbidding the importation of arms and munitions of war is not satisfactory to the foreign ministers. A meeting of the ministers has been called to discuss the edict. It ignores the vital fact that the prohibition applies to the government and that it is part of the Chinese punishment. The edict makes it appear to be merely the government's voluntary act, prohibiting Chinese subjects from importing arms and ammunition as the country is disturbed by brigands.

Operations in Samar Suspended.

Manila, Aug. 28.—Owing to the heavy rains active operations against the insurgents in the island of Samar have been temporarily suspended.

Pitcher Jos. McGinnity Suspended.

New York, Aug. 28.—President Ban Johnson, of the American league, today indefinitely suspended Joseph McGinnity, pitcher for the Baltimore team, from the league for conduct unbecoming a ball player. President Johnson has announced that, while he has not yet decided whether he will make the suspension permanent and place McGinnity on the blacklist, under no cir-

cumstances will he allow the pitcher to play during the remainder of the present season.

Concerning Goods From Porto Rico.

Washington, Aug. 28.—Commissioner of Internal Revenue Yerkes, in an amendment to a recent circular, relative to duties of merchandise brought from Porto Rico, states that such articles as are subject to an internal revenue tax when brought to the United States for consumption may be re-shipped to foreign port without the payment of the tax. Due notice, however, should be filed by the consignees with the collector of customs before the articles are placed on the foreign bound vessels giving the name of the vessel and the port to which bound.

Presidential Appointments.

Washington, Aug. 28.—The President today made the following appointments:

State—William R. Hingham, Kansas, consular general at Capetown, Cape of Good Hope.

War—Captains of Artillery—William G. Sills, August C. Nielsen.

Second Lieutenants of Cavalry—Francis A. Ruggles, Frank E. Davis.

Captain, Artillery Corps—Harry E. Smith.

First Lieutenant, Artillery Corps—George F. Connolly.

Second Lieutenants, Artillery Corps—Clarence Carrigan, John B. McClure, Howard L. Martin, Edmund T. Weisel, Smith A. Harris.

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APOSTLE GRANT WAS EJECTED, FROM A MISSIONARY BOARDING HOUSE IN JAPAN.

INCIDENT WILL AID HIM.

Will Cause Japanese to Look With Kindness and Consideration Upon "Mormon" Propagandists.

Yokohama, Aug. 16, via Victoria, B. C., Aug. 27.—The advent of Mormon missionaries in Japan is exciting much comment. Four of them, headed by Apostle Hubert J. Grant, with approval of the Empress last Monday, and have already commenced an active campaign. Peremptorily ejected from a missionary boarding house as soon as their faith was known, they have taken early had a sample of the lack of catholicity which characterizes Christian workers in the orient and of the sectarian feeling which vitiates their work.

The incident will, however, redound greatly in their favor among the Japanese, whose hospitable and tolerant instincts form perhaps the most conspicuous feature of their character. They constantly quote the fact that the story of an ancient emperor, who, on hearing of the arrival of the missionaries of a foreign religion, asked how many religions there were already in the empire. On being told that there were forty or so, he said that in that case the addition of another was a matter of no consequence.

It may safely be foretold that while the Mormon doctrines will make little or no impression upon the mind of Japan, their well known integrity and business energy will commend them to a large number of the Japanese people. They stand as good chance as any of the sects.

ACCIDENT IN A HAY FIELD

William Buck Loses His Life at Gunnison by Falling on a Fork.

Times of the Implement Penetrated His Abdomen and He Succumbed to His Injuries After Operation.

[Special to the "News."]

Gunnison, Utah, Aug. 28.—William Beck, while unloading hay here yesterday, was seriously hurt the times of hay fork going into his abdomen. An operation was performed, but he succumbed to his injuries and died last night. Beck was 18 years old and a son of Peter and Dora Beck, of Vernal, and a nephew of B. Berglund, for whom he was working.

NEB. REPUBLICAN CONVENTION.

Prospects Are that It May Prove to be a Harmonious Affair.

Lincoln, Neb., Aug. 28.—The Republican state convention which meets this afternoon may prove to be a harmonious body and it may be stirred as no convention has for many years. All hinges on the length to which the opponents of the parole from the penitentiary of Former State Treasurer Bartley by Governor Savage will go in their determination to criticize the action of the governor. In a statement over his signature Gov. Savage said in part:

"I granted the parole with the understanding on my part that he (Bartley) was to proceed to reimburse the state and, in addition, was to render an accounting of the funds lost in banking habits of people of various political affiliations had petitioned me to grant a parole, but a full and unconditional pardon, and among the petitioners were many of our oldest and most respected citizens, but I was unable to justify in my own mind such an act, and so I refused to grant it."

"I have given Mr. Bartley an opportunity to right the wrong and my action as regards the extension of further clemency in the premises shall be conditioned solely upon his compliance with my requirements as herein set forth."

The governor's statement, although widely circulated, has failed to stop the movement looking to the revocation of a resolution questioning the wisdom of his action.

The canvass of the six leading candidates for the supreme judgeship was prosecuted with such energy during the morning hours that the fight is believed to have narrowed down to Judges Keyser of Omaha, Sedgewick of York and Davidson of Triamsh.

For regents of the university, with three to nominate, only three names were mentioned today—H. L. Gould, of Ogallala, present incumbent; C. J. Ernst of Lincoln and R. S. Rising of Ainsworth.

THEY ARE NOW HAPPY.

James Arthur Osmond and Lucy Isabel Carl of Afton, Wyo., were today issued a marriage license. This is the young couple who applied for a license yesterday and were refused on account of the lad being only 19 years of age. They came back again today armed with a certificate of consent from Geo. Osmond, the boy's father, and the clerk, seeing no further bar to their union, issued the license.

EXHIBITS FROM OUTSIDE.

Sec'y. Sears of the State Fair Gets Encouraging Letters from Stockmen.

That there will be numerous outside exhibits of live stock at the coming state fair is evidenced by the number of communications which are being daily received by Secretary Sears from cattlemen and sheepmen of other states. Today two letters were received, one from J. H. Gild, of Sacramento, Cal., who states that he will send his exhibit of ram and pen ewes of the Rambouillet breed, which took first prize at the Paris exposition; and the other from Lowell, Barroll and De Witt of Denver, who will send a carload of Hereford cattle. This is only an indication of the splendid exhibits in livestock which will be one of the features at the coming fair.

CAPTAIN LEMLY'S LIST OF WITNESSES

Names of Those to be Summoned—Does Not Contain Ones Asked for by Admiral Schley.

Washington, Aug. 28.—The list of witnesses prepared by Capt. Lemly, judge advocate of the Schley court of inquiry and transmitted to Admiral Schley yesterday, was made public by Capt. Lemly today. It does not purport to be a complete list, but includes the principal witnesses who will be called by the judge advocate. The witnesses whom Admiral Schley had asked to be summoned are not included in the list. The list is as follows:

REAR ADMIRALS:

William T. Sampson, Robley D. Evans, Francis J. Higginson, Charles S. Cotton, Henry C. Taylor.

CAPTAINS:

French E. Chadwick, Caspar F. Goodrich, Charles D. Sigbee, William C. Wise, Francis A. Cook, Bowman H. McCalla, Theodore P. Jewell, Wm. M. Folger, Robert M. Berry, John L. Hannum, retired.

COMMANDERS:

William P. Potter, Richard Wainwright, Joseph G. Eaton, Newton E. Mason, Seaton Schroeder, Giles B. Harber, James M. Miller, Lewis C. Heidler, Alex. E. Bates.

LIEUTENANT COMMANDERS:

Sidney A. Staunton, Nathaniel R. Usher, Albert W. Grant, Almon C. Hodgson, Wm. H. Southern, Wm. H. Schuetz, Temple M. Potts, Alexander Sharp, Jr.

LIEUTENANTS:

Charles C. Marsh, Spencer S. Wood, Victor Blue, James G. Doyle, Charles Webster, John S. Hood, Charles Harlow, Charles W. Dyson, Kenneth McAlpine.

Capt. W. C. Dawson, U. S. M. C.

Lieutenant, junior grade, Ernest L. Bennett.

Ensign Henry G. Mustin.

Acting Boatswain Dennis J. O'Connell.

Chief Quartermaster Nielsen Anderson and others.

The list of witnesses to be called by the judge advocate throws considerable light upon the lines of testimony which he will seek to adduce before the court. It is regarded as extremely probable that an assistant attorney general will be assigned to assist Judge Advocate General Lemly in looking after the interests of the navy department before the court but so far no selection has been made. Capt. Lemly has expressed his willingness to conduct the case without assistance but the officials of the navy department have practically conceded that they should have the aid and co-operation of an officer of the department of justice learned in the intricacies of legal practice.

JOHN BECK SUES FOR RESIDENCE.

He Asks that He be Declared Absolute Owner.

SAYS HE SATISFIED CLAIMS.

Prays That the Deed of the Utah Commercial and Savings Bank be Set Aside.

John Beck has commenced suit against the Utah Commercial and Savings bank to recover title to his homestead at 53 north, State street, on which the bank holds a mortgage. Beck asks that he be declared absolute owner of the premises. He says that in 1891 he purchased the property from Susan Snow Young, and A. D. Young for \$25,000, paying \$5,000 in cash and giving his note to the Youngs for \$20,000. The note was transferred to the bank and the balance of the purchase price \$15,000 along with \$1,300 borrowed from B. Beck gave the bank a mortgage on the house and 277 shares of Bullion-Beck stock to secure this indebtedness amounting to \$22,300. He says that the mining stock paid the bank dividends amounting to \$21,527.75, which, with interest amounts up to \$48,000, and that he made payments amounting to \$11,155.55 besides. The loans have thus, he believes, been more than satisfied, and he, therefore, asks that the bank's foreclosure proceedings be set aside and the bank be restrained from pursuing its suit in ejectment on appeal from a justice to the district court. He also asks the bank be required to render an accounting.

W. F. SNYDER SUED.

W. W. Old and J. C. E. King Seek to Recover \$15,000 on Mining Deal.

William W. Old and J. C. E. King have commenced the against William F. Snyder to recover \$15,000 on a contract, by which they claim that on August 16th, they sold defendant 24,000 shares of St. George Copper Mining company's capital stock for \$18,250. An arrangement was made that if Snyder realized from dividends and the sale of stock twice what he paid Old and King, clear of assessments and expense, he was to pay them \$15,000 more. It is said that he realized \$50,000 over and above expenses.

FILED FOR PROBATE.

Bishop Woolley Pays the Disputed Filing Fee on Document.

The bill of Breta E. Hoffman has been filed for probate by Bishop Woolley. This is the will for which the Bishop some time ago refused to pay the filing fee as he believed the property had long before been conveyed to Mrs. Hoffman's son, as shown by the

Massachusetts, Cotton, of the Harvard; Taylor, of the Indiana; Chadwick, of the New York; Goodrich, of the New York, and the scout St. Louis; Sigbee, of the scout St. Paul; Wise, of the scout Yale; Cooke, of the Brooklyn; McCalla, of the Marielaud; Jewell, of the scout Minneapolis; Folger, of the New Orleans, and Barry, of the Castille.

Hannum, (retired), was chief engineer of the Brooklyn. Commander Potter was the executive officer of the New York. Wainwright was in command of the Gloucester; Eaton was the Resolute; Mason, executive officer of the Brooklyn; Schroeder, executive officer of the Massachusetts; Harber, executive officer of the Texas; Miller, commander of the Merrimack; Hiney, navigator of the Texas, and Bates, chief engineer of the Texas. Lieut. Com. Staunton was Sampson's chief of staff aboard the New York; Usher was commander of the Erie; Grant was aboard the Massachusetts; Hodgson was navigator of the Brooklyn; Southernland was in command of the Dolphin; Schuetz was aboard the Indiana; Pitts was aboard the Massachusetts; Eaton was in command of the Vixen; Capt. Dawson was commander of the marines aboard the Indiana; Lieut. Marsh was on Sampson's staff; Wood was commander of the torpedo boat Dupont; Blue was aboard the Vixen; Doyle and Webster were on the Brooklyn; Hood was in command of the Hawk; Harlow was executive officer of the Vixen; Dyson was engineer of the Texas, and McAlpine assistant engineer of the Brooklyn. Lieut. Bennett was on Sampson's staff, Ensign Mustin was aboard the New York, and Boatswain O'Connell and Quartermaster Anderson were on the Brooklyn.

Edgar May, a clerk in the office of the judge advocate general, has been detailed to assist Judge Advocate General Lemly in the preparation and handling of papers before the court. Although not an assistant to Judge Advocate General Lemly, in a technical sense, he will actually act in that capacity, so far as the handling of the official papers required by the judge advocate in the formal presentation of his case.

It is regarded as extremely probable that an assistant attorney general will be assigned to assist Judge Advocate General Lemly in looking after the interests of the navy department before the court but so far no selection has been made. Capt. Lemly has expressed his willingness to conduct the case without assistance but the officials of the navy department have practically conceded that they should have the aid and co-operation of an officer of the department of justice learned in the intricacies of legal practice.

books of the county recorder. As the law requires that a will be filed by the custodian of it, the Bishop filed the will so that he might not be liable to prosecution.

Suit to Quiet Title.

Eugenia Palmer, Egbert Palmer, Fred Barnes and W. J. Houston, administrator of the estate of W. D. Palmer, deceased, have instituted proceedings against Ida M. Palmer, the widow of W. D. Palmer, to quiet title to the real estate owned by the deceased in Salt Lake City, valued at \$57,500.

The widow some days ago filed a petition in probate, asking one-third interest in her deceased husband's estate and the Houston be removed from the position of administrator.

The complaint just filed states that the Palmers married at Atlanta, Ga., on December 27, 1886, and separated on August 11, 1890. Palmer, at this time being possessed of property valued at \$20,000, gave his wife \$5,000 in cash and household furniture worth \$3,000, and \$12,000 worth of real estate bearing an incumbrance