

# DESERET EVENING NEWS.

TRUTH AND LIBERTY.

12 PAGES—LAST EDITION.

WEDNESDAY, MARCH 21, 1906. SALT LAKE CITY, UTAH.

FIFTY-SIXTH YEAR.

## ANTHRACITE MINE WORKERS' DEMANDS

If Granted Would Mean a Veritable Revolution in Mining Conditions.

SO DECLARE THE OPERATORS.

Insist on Uniform Wage Scale for 146 Separate Classes of Workmen.

In Some Cases Employers Would Receive an Increase of 167 Per Cent in Wages.

New York, March 21.—The demands of the anthracite mine workers for a readjustment of wages and conditions in the anthracite fields, if granted by the operators, mean a veritable revolution in mining conditions, according to a statement issued by the operators' committee of seven today.

The statement declares it to be a mistake to assume that an eight hour day and a 10 per cent wage increase represents the sum total of the demands of the miners.

"The new and uniform scale," says the statement, "would place every man on the same basis, increasing the wages of some men as much as 167 per cent. The average increase under the uniform scale would be nearly 30 per cent, for outside men. The proposed schedule would mean a veritable revolution in mining conditions."

The statement says that the miners insist upon a uniform wage scale for 146 separate and distinct classes of workmen about the mines.

"For years," it adds, "the operator and employee have recognized the different value of labor in different localities and even in different sections of the same mine. Yet now the operators' committee demand equal pay for the engineer who runs a little 10-horse power engine and the man who has a giant engine in his charge. They now demand that the men working under difficulties and dangers than for the same class of workers at posts of ease and simplicity."

According to the statement, miners in the Mahoning and Shamokin divisions would have their wages increased 111 per cent under the new rate proposed by the miners' committee. They now receive 17.4 cents per hour and demand 37.5. Some screen tenders in the Soudan mine in the same division who now receive 12.5 cents per hour would receive an increase of 117 per cent under the new rate. The wages of blacksmiths would be increased 51 per cent, dumpers would receive 70 per cent increase, and plate men would get within one cent of double the wages they now command.

The statement adds that the demands are numerous. Under the new demands hundreds of employees would receive better than twice their present pay. There are 12,000 men in the Mahoning division from 9.1 to 19.2 cents an hour, some of whom would have 140 per cent added. There are screen and pick bosses and other men who would profit 30 per cent; track men would do even four per cent better than their leaders who would get within a cent of \$2.20 and haulers would receive 200 per cent and sweepers would have \$1.20 for every dollar they earn now in a given number of hours.

The sweeping demands of the mine workers would double the wages of many 'inside' men. While the general average of increases for inside day labor would approximate 23 per cent, and most of the men thus employed would receive under the schedule at least an advance of one-fifth to one-quarter of their pay, there would be a great many men and boys working at the easier tasks involving less responsibility and less danger who would have their wages doubled.

There are seven pumpmen in the Mahoning No. 1 mine of the Lehigh division in the Lehigh Valley district that would profit 167 per cent."

## FRANCE WILL ACCEPT INSPECTORSHIP PRINCIPLE

Berlin, March 21.—The French foreign minister, M. Bourgeois, informed the German ambassador, Prince von Radolvi, at Paris, Saturday last, that France accepted in principle the inspectorship of the French-Spanish postal routes as proposed by Austria-Hungary. The precise functions of the inspector to be delimited by the delegates to the conference at Algiers.

Much of the delay at Algiers is explained by the necessity that the experts of Germany and France discuss telegraphically with their respective foreign offices every detail suggested by either side. Each exchange takes two days and although an agreement has been reached in principle fresh differences in the particulars seem to arise hourly, requiring patience and careful work.

## POLICE QUESTION UNRECONCILED

Algiers, March 21.—The conference committee today again sought to reconcile the Moroccan police question, but adjourned, leaving a number of disputed points unsettled. The impression, however, produced a good impression, a desire to reach an agreement appearing to dominate those present.

## WHISKEY PUT ON TRIAL

Des Moines, Ia., March 21.—Claude Frank Ogden, near Bloomfield, a year ago, was placed on trial today. While he is alleged to have shot and killed the body to the house and left in close proximity a pistol as a suicide threat, Ogden was charged with the murder of a woman in the state's history.

## OREGON TO BE OVERHAULED

Washington, March 21.—One of the best plans of the Oregon was found to be somewhat destroyed six or eight months ago, but the condition was

## THOUGHT TO BE DUE TO DOCKING. ORDERS WERE GIVEN AT THAT TIME NOT TO FIRE THE BIG GUNS OF THE VESSEL. SHE IS ON HER WAY HOME FOR GENERAL OVERHAULING AND THROUGH REPAIRS.

## PRESBYTERIAN PREACHER DENOUNCES HYMNS.

Chicago, March 21.—That the hymns commonly used in Protestant Sunday schools are trivial, grotesque, and irreverent, dangerous to the soul of the child, William P. Merrill, pastor of the Sixth Presbyterian church, expressed yesterday in an address at the Presbyterian Sunday school institute held at the Second Presbyterian church, Dr. Merrill spoke on "Music in the Sunday School."

"The trouble with our church and Sunday school music," he said, "is that it is looked upon as a matter of course. We don't have any thought for the child. We are not trying to nourish the child. In these days of evolution, when we are in doubt as to whether we should call God 'He' or 'It' we are coming to think it childish to feel that God wants the worship of his children, but the attitude of devotion is what we need."

"Songs concerned with the sorrow and pain of this life, the longing for the heavenly home and the like are dangerous, are grotesque in a Sunday school. Indeed, they have a sinister influence. Doggerel and other trash should be ruled out of the Sunday school, and ragtime music should be strictly barred."

"Evangelistic hymns are absolutely unfit for the use of children in a Sunday school. The children should have an atmosphere of joyous devotion. We need to arrange our Sunday school music in such a way that it should be a warning against 'causing the little ones to stumble.'"

## JOHNSON'S ATTORNEY SAYS CRIME WAS A HORRIBLE ONE

New York, March 21.—W. G. M. Thomas of Chattanooga, Tenn., who is stopping at town and who was of the counsel assigned by the court to defend Ed. Johnson, lynched in Chattanooga Monday night, said last night:

"The crime was a most atrocious one, and there was great indignation over it. Three days later the negro Johnson, who had been accused of the crime, was arrested. The prisoner was convicted by a jury of the most intelligent juries I have ever known."

"At my suggestion in view of the importance of the case, the judge appointed three additional jurors to go over the evidence for the purpose of determining whether or not the jury had reached a verdict at night going over the evidence. Our unanimous opinion was that no error had been committed upon which we might hope to get a reversal or a new trial. An appeal could mean nothing but delay from the execution proper. We thought also that a delay might result in the possibility of injury to other prisoners confined in it. For these reasons we withdrew our appeal. That ended my active participation in the case."

"There were times when I had doubts of the prisoner's guilt. The evidence, however, was strong against him. The young woman, when the prisoner was taken on before me, said that she positively swore that he was the man, but said she believed that he was the man."

## WANTS TO KNOW IF FRANCIS IS PERSONA GRATA

Vienna, March 21.—The state department at Washington has received instructions to the American embassy here to inquire if the nomination of Charles S. Francis, of the municipal art club, to Austria-Hungary to succeed Bolanyi Storor, will be agreeable to the government of that country.

It is reported here that Mr. Storor will only return temporarily to the United States and that he intends to settle permanently in France.

The unexpected retirement of Mr. Storor in view of his diplomatic and official career here.

## STORER IS MUM.

Cairo, Egypt, March 21.—Bollanyi Storor, the retiring ambassador to Austria-Hungary, said today that he was aware that his resignation had been accepted, but had no statement to make on the subject.

## CHEAPER TO KILL MEN

Than to Protect Them, Says a New York Contractor.

New York, March 21.—A contractor of prominence, according to Dr. Josiah Strong, really believes that the killing of workmen was cheaper than protecting them.

"At the present moment created a stir last night when made by Dr. Strong, who is president of the American Institute of Social Service, the municipal art club, New York."

"Nine men are killed every day in New York," he continued, "in accidents which are caused by the negligence of the contractor. It is becoming a veritable human slaughter."

Cool mines and railroads, he said, were slaughterhouses for the laboring men. Last year there were 2,500 accidents to laboring men that the public knew nothing about.

## TYPEWRITING CONTEST.

Chicago, March 21.—The world's record in blindfold typewriting was broken last night by Miss Ruth L. Fritz of New York, who wrote 466 words in 9 minutes. The total number written was 1,437, but she wrote 466 words in 9 minutes.

Miss Genevieve Green, of Chicago, won the adding machine contest by adding 33,333,333 of figures in three minutes and 25 seconds.

## MARTIN J. BURKE DEAD.

San Francisco, March 21.—Martin J. Burke, wealthy real estate dealer of this city, died last night at Los Angeles at the age of 84 years. Mr. Burke was born in Ireland before coming to this country he graduated as a member of the London Royal College of Physicians and Surgeons and also a pharmacist. Upon arriving in America he practiced medicine for many years in Milwaukee, Wis.

He came to California in 1848 and later served as chairman of the executive committee of the vigilance committee which subsequently as chief of police of this city. The firm of Madison & Burke, with which he was connected until his death, was founded in 1858. A wife whom he married two years ago, and a son, but the craft was crushed in the low tide, but the craft was crushed in the low tide, but the craft was crushed in the low tide.

## A TERRIBLE EXPERIENCE.

Shipwrecked Men Fight Ice and Storms for Thirty-One Days.

San Francisco, March 21.—A report has been received here from the north of the arrival at Point Barrow of the first and third mates and four men of the wrecked whaling schooner "Bonanza." They started in a whaling boat provided for the trip, but the craft was crushed in the low tide, but the craft was crushed in the low tide, but the craft was crushed in the low tide.

## HIGH SCHOOL PUPILS STRIKE.

Odesa, March 21.—As a protest against the execution, March 19, of Lieut. Schmidt, leader of the naval mutiny at Sebastopol last November, the pupils of all the local high schools struck today.

## UPRISING EXPECTED IN RUSSIA SOON.

Agents in United States to Buy Arms for the Revolutionists.

THEY ARE NOT TERRORISTS.

Believe in a Resort to the Sword But Are Not Back of Assassinations.

New York, March 21.—Nicholas Tchaykovsky, associate of Prince Kurapatkin, in the first beginnings of the Russian revolution and for 10 years an exile in London, is here in the interests of the revolution of the present day. For a month refugees of the pure Russian stock have been drifting into New York. Tchaykovsky comes in advance of 40 Russian "intellectuals," mainly deserting officers, who have fled the country. He is here, he says, to raise the money to buy arms for the uprising which he confidently expects as soon as spring breaks in Russia.

Tchaykovsky brings underground news of the revolution from the standpoint of the social revolutionists. The social revolutionists believe in a resort to the sword, but this is not to be confused with terrorism, which have been back of the assassinations.

Tchaykovsky was one of those young intellectuals who choked the roads to Siberia in the early eighties. Sergius Stepanak and Catherine Breschikoff, who had been members of the group with Tchaykovsky. He himself was arrested three times, and spent 10 years of his life in jail. After his last imprisonment he fled to England, and he has lived since in that country with his wife and children at a distance.

He was born to wealth; and at one time the firm with which he was associated controlled the mineral output of the Caucasus.

"It seems to me that the uprising is coming sooner than we desire," he said last night. "The peasants will hardly be denied. The impression in the United States that the peasants are with the conservatives is wrong. Their condition is desperate. They are not organizing for the revolution but they are ready to break loose on their own account. They want a new allotment of land; that is the chief of their troubles now."

"Before the serfs were liberated the allotment of land was 10 acres to a peasant. After the liberation of the serfs this fell to seven acres. The agrarian population of Russia has nearly doubled since, but there has been no increase in the land allotment. That shortage of land, together with the increase of taxes, has kept them nearly bankrupt. Then came the war. Of 200,000 peasants, 100,000 were thrown on the hands of the other peasants for support; the government would do nothing for them. Then there arrived the crippled soldiers from Manchuria for a further burden to their friends and relatives. The country has been on the verge of famine."

"Now the peasants declare that in case there is not a new allotment of land in the spring they will plough over the public lands and the estates of the nobles. That ploughing over has a meaning in peasant possession of the land in their own rights. Then the government will send troops, the peasants will resist, and the fight will be on."

"Trouble will probably occur when the elections for the duma really come. The only thing I fear is that it will come before we have our forces armed and ready."

## MILWAUKEE PRIMARIES.

Mayor D. Rose Renominated for the Fifth Time.

Milwaukee, March 21.—Complete returns from yesterday's primary elections for nomination for the city of Milwaukee showed Mayor David S. Rose was renominated for the fifth time by the Democrats, having defeated William George Patterson, Republican, by a majority of 6,221. Sherman M. Becker will lead the Republican ticket, defeating William J. Flinn, who was defeated by William A. Arnold will lead the Social Democrats.

## SEBASTOPOL IS QUIET.

No Mutiny of Sailors Followed Lieut. Schmidt's Execution.

St. Petersburg, March 21.—The sensational reports current last night to the effect that the execution of the naval mutiny leader, Lieut. Schmidt, had been followed by an extensive mutiny of sailors at Sebastopol yesterday, turns out to be unfounded. The correspondent of the Associated Press at Sebastopol telegraphs that all is quiet there.

## OPERATOR VON DEUSEN.

Taken Into Custody and Subsequently Released by the Sheriff.

Pueblo, Colo., March 21.—Night Operator William Van Deusen, for whom Operator Lively was working at Swallow station, last Friday night, when he failed to deliver a train order to Rio Grande train No. 3, which resulted in a collision, and who was said to be wanted to testify at the coroner's investigation, which he was taken into custody today by the police here last night, but was subsequently released by order of the sheriff of Fremont county. Van Deusen says no subpoena to appear at the investigation has been served on him. He said he knows nothing as to the whereabouts of Lively, who is believed to have disappeared. Van Deusen will remain here until this afternoon when the sheriff of Fremont county will arrive and serve a subpoena on him.

## REP. G. R. PATTERSON DEAD.

Washington, March 21.—George R. Patterson of the Twelfth Pennsylvania district died suddenly here today.

## SENATOR BAILEY'S FATHER DEAD.

New Orleans, March 21.—After a month's illness, Joseph W. Bailey, father of Senator J. W. Bailey of Texas, died in a sanitarium early today in his 72 years.

The funeral will take place at Crystal Springs, Miss.

The body of Mr. Bailey was taken to that city today. Mrs. Bailey and two daughters and other relatives were at the bedside when the end came. Mr. Bailey was a native of New York. He was seen at an early age, and then located at Vicksburg, Miss. He entered the Confederate army at the outbreak of the civil war and served until the surrender.

## MARONED TRAIN ARRIVES.

Riooning, Ills., March 21.—The Illinois Central train marooned on the flats near Centerville, 12 miles from Decatur, has been released and reached Champaign today.

Neighboring farms supplied the passengers with food and the train was open, though not running on schedule time.

## BOSS COX BEFORE THE GRAND JURY.

Wanted to Testify About Paying "Gratuities" for Deposit of Public Moneys.

BANK OFFICIALS SUMMONED.

Payments Made Personally to Some One in County Treasurer's Office.

Cincinnati, March 21.—George B. Cox, who announced his retirement from Republican leadership in Hamilton county at the close of the last campaign, was one of the bank presidents summoned to appear before the grand jury today to testify in regard to the payment to the county treasurer of interest or "gratuities" for the deposit of public moneys.

The other bank officials summoned included the heads of all banks in which county funds have been deposited during the past few years. This action was taken by County Prosecutor Jullison, following up the investigation by the Drake committee of the state senate before which County Treasurer Hinkley and others testified that the banks had been paying what amounted to 2 to 2 1/2 per cent on funds deposited with them, such payments being made personally to some one in the county treasurer's office, and that deposits would not be made in any of the banks until an understanding as to the payment of these gratuities had been reached.

Checks for \$25,000 and \$35,000 to cover the amount of interest estimated to have been paid by them were yesterday turned over to Mr. Jullison by County Treasurer Hinkley, and former Treasurer French respectively; both of whom promised to pay any additional amount if this was insufficient, the money to be held until the courts have decided whether it belonged to the county or to the officials personally.

## JOINT SCALE COMMITTEE GOES INTO SESSION.

Indianapolis, March 21.—The joint scale committee of the joint conference of the coal operators and miners of western Pennsylvania, Ohio, Indiana and Illinois, known as the Central competitive field, went into session today at the Claypool hotel.

President Mitchell and Secy. Treasurer Wilson of the United Mine Workers of America, are the official members of the scale committee and were present. In addition to these two gentlemen, the committee is composed of four operators and four miners from each of the states. A joint conference of the operators and miners of the southwest district went into session today at the Claypool hotel.

This conference was for the object of the arrival at an agreement and the adoption of a wage scale for the southwest coal field.

"Now the conference of the southwest district re-elected officers, who served at the January conference. In the absence of Judge J. C. Tarsney of Pittsburg, Pa., Bennett Brown, commissioner of the Pennsylvania Coal Operators' association, was made temporary chairman."

Robert Gilmore, miner, of Pittsburg, Pa., was the secretary. The object of the scale presented by the miners at the January joint conference was adopted as a basis.

## HOUSE ADJOURNS.

Washington, March 21.—The house adjourned immediately after it was called to order today out of respect to the late George H. Patterson, the Pennsylvania member of the house, who died today.

The statehood bill will be taken up tomorrow.

## ARRESTED FOR STEALING GAS.

Milwaukee, March 21.—Charles Rose, a day charged with stealing \$25,000 worth of gas from the city gas works, was arrested today after seven years by tapping the city gas mains. Rose owns a large company's building, it is alleged the building was heated by stolen gas.

## LADIES' SMOKING CAR.

First One Ever Run in Great Britain Leaves London for Liverpool.

London, March 21.—The first smoking car ever reserved for women in Great Britain left London today for Liverpool. The windows bore a label reading: "Ladies' Smoking."

"The innovation attests the spread of smoking among English women during recent years."

## BOER WAR CLAIMS.

Aggregate \$310,000,000; \$47,000,000 Allowed for Settlement.

Johannesburg, Tvl., March 21.—The South African compensation committee examining claims for Boer war losses has completed its labor. The claims aggregate \$310,000,000 for the settlement of which \$47,000,000 has been allowed.

## PACKERS' ANSWER TO THE ATTORNEY-GENERAL.

Chicago, March 21.—Atty. Miller, for the packers, replied today to the argument yesterday by Atty. Gen. Moody. He spoke first of the reference made by the attorney-general to the two provisions of the interstate commerce law, in which he declared that the sections of the act relating to testimony under oath and to reports from common carriers, not under oath, were distinct and the wording of the law proved that they were regarded as entirely different processes.

Mr. Miller declared the distinctions drawn by the attorney-general, were so artificial that the most casual inspection of the law would scatter his contentions.

## SOME OF HIS SONGS.

The songs which Mr. Beesley wrote are some of them heard often in church services. Possibly every ward in the Church has made a favorite of "Kind Words are Sweet Tunes to the Heart," "Welcome, Welcome, Sabbath Morn," "Your Sweet Little Rosebud Has Left You," and a number of others. Most of these songs are for children, of whom he was always fond, and for whom he wrote his latest composition,

## ANOTHER PIONEER GONE TO HIS REST.

Prof. Ebenezer Beesley Passes Away From Diabetes at Age of Sixty-Six.

WAS WELL KNOWN MUSICIAN.

Came to Utah in Handcart Company and Spent Lifetime in Musical Circles of the Community.

Ebenezer Beesley, one of Utah's veteran musicians, and president of the Beesley Music company, passed away last night at his home in the Nineteenth ward of this city. Mr. Beesley

"Hosts of Children," Mrs. E. B. Wells furnishing the words.

WON DESERET NEWS PRIZE.

In a Deseret News competition he won the first prize for the best musical setting for Longfellow's poem, "When Christ Was Born in Bethlehem," with a contribution entitled "Christmas Carol."

In the publishing of the L. D. S. psalmody, he took a prominent part as a member of the committee appointed by President John Taylor to prepare the book, and in committee appointed to supervise the more recent editions. In his church work he was always devoted and earnest. He was a member of the Temple choir until his death, and worked there for several years after making a trip to England in 1890 in search of family genealogy.

HAS LARGE FAMILY.

He was the father of 18 children, 11 of whom survive him. They are Ebenezer, Frederick, Adelbert, Mrs. Ella Ridges, Lorenzo, Alvin A. Frank, Mrs. Amy Lee, Carlissa A. Whitford and Mrs. Sadie Everett. His younger descendants are represented by 40 grandchildren and one great grandchild.

FUNERAL ON SUNDAY.

The funeral arrangements have not been definitely completed yet, but they will probably be held Sunday afternoon from the Nineteenth ward meeting-house.

## PROF. EBENEZER BEESLEY.

Veteran Salt Lake Musician Who Died Last Night After Months of Illness.

made for himself a distinct place in the history of music in Utah, and he will be missed by the fraternity, several of whom served under him in the old days of the volunteer theater orchestra, and later in the Tabernacle choir, of which he was a long time the leader. His family has inherited his musical tendencies and in recent years besides teaching music, he has been leader of a family orchestra of nine members, of which he was justly proud. His contributions to the songs of Utah have been numerous, and he will continue to be remembered through these for many years.

Prof. Beesley was in his sixty-sixth year, and he had spent 47 years in Utah arriving here with Capt. George Rowley's famous handcart company, Sept. 4, 1859.

## DEATH FROM DIABETES.

His death followed an attack of diabetes, which had afflicted him for several months, and it was not unexpected by his family and immediate friends. Until a short time ago Mr. Beesley was a member of the theater orchestra, under Prof. Shepherd, but left that organization on account of his failing health. Before that he had been active in musical affairs almost from the day he arrived here.

## CAME IN HANDCART TRAIN.

The deceased was born in Bicester, Oxfordshire, England, Dec. 14, 1840, and joined the Church Sept. 16, 1849. Ten years later he married Sarah Hancock, and the same year, 1859, started his journey west to Salt Lake, joining Capt. Rowley's handcart company at Florence, and coming across the plains with it in a handcart. His first employment was as a shoemaker for William Jennings, and soon after this he began to study himself to music, which he had studied before leaving home. When President Brigham Young erected the Theater Mr. Beesley became leader of the volunteer orchestra, that served through the first years without pay.

## TABERNACLE CHOIR LEADER.

Mr. Beesley continued with the orchestra from then till a short time before his death, and kept up his work in it along with his work in other musical lines. His leadership of the Tabernacle choir began about 1877. He was succeeded by George Carless and continued until he was succeeded by Prof. Evan Stephens, the present director. At the time he left the Tabernacle choir he moved to Lehi, where he took charge of the ward choir and won the prize offered by the Salt Lake Cambrian association for the best choir in the state, the Salt Lake choir being barred from the competition. He also lived at Tooele for some time, and taught music there.

## SOME OF HIS SONGS.

The songs which Mr. Beesley wrote are some of them heard often in church services. Possibly every ward in the Church has made a favorite of "Kind Words are Sweet Tunes to the Heart," "Welcome, Welcome, Sabbath Morn," "Your Sweet Little Rosebud Has Left You," and a number of others. Most of these songs are for children, of whom he was always fond, and for whom he wrote his latest composition,

## TREE HELD TO DISTRICT COURT

Judge Diehl Concludes That Continental's Books Were Not Correct.

WERE KEPT OPEN TOO LONG.

The Company's Annual Report Was Not a Forged Instrument But Was Not Truthful.

Court Explains That the Inquiry Was in No Wise a Financial One—Decision in Full.

"From the preponderance of testimony in this case, it is evident that the books of the Continental Life Insurance and Investment company were kept open after the 31st of December, 1904, as charged, thus affecting the report of the said company for the year named. There being in the opinion of the court sufficient cause, the clerk will enter a decision that the defendant, Hiram Tyree, be held to answer to the Third Judicial district court. The bail will stand in the sum heretofore fixed."

## TREE IN ATTENDANCE.

The above was the conclusion of the decision of Judge C. E. Diehl in the case of Hiram Tyree, upon a charge of having filed with the secretary of state a false report of the Continental Life Insurance, of which Mr. Tyree is president. The defendant was present in court, with his counsel, Judge O. W. Powers, Assistant County Attorney Job Lyon and other interested parties on either side were also in attendance.

Judge Diehl said: "The case against defendant Tyree having heretofore been dismissed, on motion, the testimony introduced can only be taken as against the defendant Tyree. The defendant introduced no testimony, and his counsel for a discharge, both as to the law and the facts."

## COULD FIND NO CONFLICT.

"There cannot be any question as to the rule of law concerning special and general statutes. It being well settled that the special shall always govern. But in the case at bar, the defendant has no conflict in the statutes. Chapter 6 R. S. 95 is distinctly administrative, the chapter designating the manner of the formation of corporations, or other concerns, and the duties of the officers thereof. But 421, chapter 9, of the penal code, R. S. 98, is distinctly a penal statute. So that if the rule as laid down in 497 of chapter 5 is not strictly adhered to, then 421 of chapter 9 was and should be used to penalize any transgression in it or failure to comply therewith, and strictly. In fact, the report must be full, true and complete."

## NOT A FORGED INSTRUMENT.

"The question of the genuineness of the document alleged to have been filed by the defendant was raised by the attorney for the defense. No doubt the instrument was genuine and might be filed, but it must also be true. Certainly it was not a forged instrument, but the statute also requires that it shall not be false."

## SIMPLY NOT TRUE.

"Now as to the facts as to whether the instrument was false or not, the report shows that on the 31st of December, 1904, there was in the company's office and in safety deposit vaults of \$48,525.51, which included the sum of \$25,458.51, which latter amount witnesses Squires testified was not cash in office or in safety deposit vaults. Without going into details as to the other items, the testimony shows that a certificate of deposit on McCormick & Co.'s bank was not issued until Jan. 10, 1905, and that some of the notes which had not been discounted or turned into cash, were not paid until early in January, or in all events until after Dec. 31. But the amounts thereof were used to make up the amount of \$40,552.51, as being in the company's office and in safety deposit vaults."

## NOT A FINANCIAL INQUIRY.

"It has been suggested by counsel for the defendant that the prosecution of this case might injure the standing of a large corporation, organized under