

JAMES E. HYDE WILLING TO TESTIFY

Before the Committee Now Investigating the Life Insurance Business.

UPON CERTAIN CONDITIONS.

Counsel Hughes Says if He Does Appear He Will Be Treated Courteously, And According to His Rights.

New York, Oct. 3.—Samuel Untermyer, counsel for James E. Hyde, today gave out for publication a letter addressed by him today to Charles E. Hughes of the insurance investigating committee, in which he says: "Referring to your request that Mr. Hyde voluntarily appear as a witness before the joint committee appointed by the defunct legislature of 1903 to investigate the affairs of life insurance companies, I have advised Mr. Hyde that your committee is without power or jurisdiction to make the investigation in which you are engaged."

"My opinion is based on the proposition that the assembly at least has no power to direct an adjournment, and to hold a future session not yet scheduled, and which can have no existence until 1906."

"The committee may investigate when in session, either directly or through a committee of its members, for the purpose of informing itself as to the pending or contemplated legislation by it, and for that purpose only."

"We appreciate, however, that the pending inquiry, though unauthorized and irregular, will prove wholesome, and in the public interest, and that the committee has the same lines of conduct as responsibility for existing conditions, which has been most unjustly placed upon Mr. Hyde, will be fixed where it properly belongs."

"The bulk of the subject matter of the inquiry, so far as concerns the Equitable society, relates to practices and conditions that antedated by many years his active connection with the society, of which he has no knowledge and which seem to have been continued under the administration with which he is subsequently connected."

"Mr. Hyde instructs me to say that he is willing to assist the inquiry by voluntarily appearing as a witness and in any other way that may be found desirable, provided his right and those of his father's estate can be reasonably safeguarded."

"Unlike the other insurance companies now under investigation, the affairs of the Equitable society have already been explored as the result of internal dissensions between the officers. Mr. Hyde has, as you know, been exonerated at great length in a secret proceeding by a hostile superintendent of insurance."

"On that investigation Mr. Hyde was denied the right to the presence of counsel at the hearing, although the superintendent had counsel to conduct the 'chamber' proceedings."

"As the result of this performance and statements made before your committee, which have not yet been submitted to the public cross-examination, Mr. Hyde has been grossly misrepresented and injured in the public esteem for his supposed connection with transactions for which he is not responsible, except for having tried to aid and more experienced men. He is not willing to repeat that experience now in another form before your committee."

"It is proposed to waive all legal objections to appearing and to tell your committee fully and frankly everything he knows, except in which regards are advanced impending litigation, on conditions that your committee will, in common fairness, accord him the right of being represented, advised and re-examined by counsel, save out the following statement: 'I received Mr. Untermyer's letter this evening and have conferred with Mr. McKee. We concur in the following statement: 'So far as Mr. Hyde's conditional offer to appear as a witness is concerned, it would not be proper for us to comment upon it in advance of the decision of the committee. We will say simply this: That if Mr. Hyde appears before the committee without condition he will be treated courteously and according to his rights.'"

"Mr. Untermyer's claim that the committee is without power to conduct this investigation we believe to be without merit, and we shall so advise the committee."

"Legislatures by concurrent resolutions of both houses have authorized joint committees to summon witnesses and to take testimony after adjournment, and to report to the next session. This course has been approved by the courts."

"The insurance committee is composed of members qualified to serve, and is sitting within the scope of its resolutions. Nor does the fact that the legislature is not in session afford immunity to recalcitrants. Section 69 of the penal code provides that when a committee of the legislature is authorized to summon witnesses, one who refuses to answer any material or proper question or to produce upon a reasonable notice any material books or papers in his possession or under his control is guilty of a misdemeanor."

Looks Bad for Policeman.
Seattle, Wash., Oct. 3.—Adam Krinkle, a German, who was robbed of \$700 and who was approached Saturday and given \$100 to leave the city and crime, today positively identified Policeman John Burkman, as the man who gave him the money. Burkman denies it is a case of mistaken identity, and offers to prove it by the fact that the night of the robbery he was with Krinkle three hours, and now Krinkle claims he never saw Burkman until last Saturday, when the money transaction occurred. The chief of police has taken no formal steps in the matter.

Anarchists Against Loubet.
Madrid, Oct. 3.—Learning of the intention of the Barcelona anarchists to make a hostile demonstration during the visit of President Loubet, the government is taking stern precautionary measures to prevent such action.

Big Fire in Portland.
Portland, Or., Oct. 3.—Fire tonight which destroyed to the extent of \$100,000, destroyed a large block of wholesale houses in this city bounded by Salmon street and Front street and the Willamette river. The fire started in the basement of the Era building and spread to the adjoining structure buildings. So heated did the flames become at one time that it was

necessary to sound a general fire alarm. The insurance equities about half the amount of the loss. The principal losers were: C. H. Lily, owner of the buildings and C. H. Lily, Grain & Seed company, \$35,000; New Era Paint & Oil company, \$15,000; Thomsen & Co., company, paints and oils, \$14,000; W. C. Holman, farm implements, \$20,000.

Florida Yellow Fever Report.
Pensacola, Fla., Oct. 3.—The official summary of the yellow fever situation today is as follows:
Deaths, 4; total, 31.
Cases discharged, 63; under treatment, 82.

Causes for Tuberculosis.

Paris, Oct. 3.—Sections of the International Tuberculosis congress today dealt at length with the various causes of tuberculosis, discussing a number of interesting papers. It was concluded that most important predisposing causes were alcoholism, overwork and overcrowding.

IMPERIAL BANK OF GERMANY IS NERVOUS

Liabilities Have Greatly Increased and An Advance in the Rate of Discount is Proposed.

Berlin, Oct. 3.—The return of the Imperial bank of Germany, issued today, breaks all previous records by far. The bank's liabilities have been increased to the highest point of the year, and the outlay in discounts and advances on treasury bills now reached \$1,000,000,000, which was the highest in the history of the institution, and \$25,000,000 above 1901.

The metal stock was the smallest since the end of September, 1900, while the bank's uncovered notes now reached \$250,000,000, the highest ever known. The metallic covering now had sunk to 15 1/2 per cent, but the rate of exchange would not permit the exportation of gold.

Conditions at other money centers. President Koch said, suggested a cautious advance of the rate by a full 1 per cent, which was necessary for the protection of the gold stock. President Koch pointed out that, owing to the unprecedented pressure on the bank yesterday, the first weekly return for October would not show much improvement, since the liquidation of bills could be only temporary, and the withdrawal of deposits therefor, and it would not be advisable to wait until the next return before marking up the rate.

The recent action of the Bank of England in increasing its rate was also referred to as a reason for the proposed advance, which the committee agreed to.

The market is now looking with renewed interest to the Bank of England to see whether it would be able to replenish the gold stock without a further advance in the rate. The situation here is due partly to heavy speculation on the house and President Koch plainly intimates that the action of the Imperial bank today was intended to put a brake on excessive speculation.

BOWEN ISSUES STATEMENT REGARDING LOOMIS CASE

New York, Oct. 3.—Herbert W. Bowen, former American minister to Venezuela, tonight issued a statement, in which he says:

"In answer to the letters that were exchanged recently by President Roosevelt and Mr. Loomis in regard to Mr. Hay and published in yesterday's papers, I have to say only this: After I sent to Washington all of the documents which I found in the legation at Caracas relating to Mr. Loomis, I received a letter from Mr. Hay stating: 'I have been greatly surprised and pained in reading the documents you sent me.' The following month he wrote me a letter, containing these friendly words: 'I have always taken your part, not only from personal liking, but from a conviction of your merits, your ability, your courage and your integrity.'"

"In conclusion—in order to show President Roosevelt's attitude toward Mr. Loomis, I will simply quote my last remark to him and his to me in the presence of witnesses the day he dismissed me: 'Mr. President, you will remember that after I sent you the information I had about Mr. Loomis you offered me a promotion that was intended to lead to an ambassadorship.' 'Well, he answered, 'I would have done a great deal to hush up the scandal.'"

A Fugitive From Justice.
Seattle, Wash., Oct. 3.—Martin von Schösser, a member of the firm of Hoelscher & Company, wine merchants in San Francisco, was arrested Sunday night on the charge of being a fugitive from justice from Detroit, where he is said to be wanted for forgery of a \$5,000 check, today refused to go back and face the charge. He employed an attorney to fight extradition. Von Schösser claims to be a German baron. The police say he is an impostor, that fact having been learned two years ago when a hotel he

SHOUTED UP.
In England They Politely Refuse to the Stomach as 'Little Mary.'"

Little Mary—"I say up there, won't you please cut sending down such a variety of unnatural things to me. I have a strong first come down some sticky, partly material, all starch and only partly cooked. It was wheat or oats and was decorated with milk and sugar."

"Between the unwhipped mouthfuls came gu's of coffee, finally a good big drenching of it. Then some bread and a lot of grease, perhaps it was butter, then some fried eggs and fried meat and more coffee, and some fried cakes and syrup. You load things on me as if I could stand everything."

"I try faithfully, but there's no use, I can digest part of it and the balance I simply have to push it along to the liver. He says he's badly overworked now and gets so weak he almost collapses, so he sends the sour mass on down into the intestines, to raise gas and trouble of all kinds. We can't help it, and you must either select your food with better reason or stand more and more trouble down here. Suppose you try us on some cooked or raw fruit, a little Grape-Nuts and cream, two soft-boiled (not fried) eggs, some well-browned toast and a cup of Postum. Liver and I will guarantee to make you feel the keen joy of a hearty and well-digested meal. We'll send those things down to us. There's a reason, but never mind that, try it first and when you find we know what we are talking about, you may be ready to hear the reason."

PARALYSIS CURED.

MR. JOHN KENNEY'S CONDITION WAS THOUGHT HOPELESS.

But the Disease Yielded to Dr. Williams' Pink Pills—Some Details Given By Himself.

Mr. Kenney has actually escaped from the paralytic state to which he seemed a short time ago hopelessly doomed. The surprising report has been fully verified and some important details secured in a personal interview with the recent sufferer.

"The doctor," said Mr. Kenney, "told me that if I wanted to live any length of time I would have to give up work altogether, and he told my friends that the paralysis which had begun would in time involve my whole body."

"Just how were you afflicted at this time?" Mr. Kenney was asked.

"Well, I had a hot, aches and colds and chilly feelings, and at times my body felt as if needles were being stuck into it. These sensations were followed by terrible pains, and again I would have no feeling at all, but a numbness would come over me, and I would not be able to move. The most agonizing tortures came from headaches and a pain in the region of my spine."

"Night after night I could not get my natural sleep and my system was wrecked by the strain of torturing pains and the effect of the opiates I was forced to take to induce sleep. As I look back on the terrible suffering I endured during this period I often wonder how I retained my reason through it all."

"But relief came quickly when I was induced to try Dr. Williams' Pink Pills for Pale People. The very first box seemed to help me, and seven boxes made me entirely well. There can be no doubt about the thoroughness of my cure, for I have worked steadily ever since and that is nearly four years."

Mr. Kenney is at present employed by the Meridian Hat Company and resides at 1010 Auburn street, Amesbury, Mass. The remedy which he used with such satisfactory results is sold by all druggists, or direct by Dr. Williams' Medicine Company, Schenectady, N. Y.

As a double action, on the nerves and on the blood, and have cured neuritis, nervous prostration, St. Vitus' dance, partial paralysis, locomotor ataxia, Anemia and rheumatism, as well as simpler ailments such as headaches, insomnia and debility.

owned at Fort Angeles, Wash., burned in a mysterious fire. Von Schösser is said never to have attempted to secure the insurance on the building. Von Schösser has failed to give \$4,000 bonds.

Discussing New Russian Loan.
Paris, Oct. 3.—Bankers and other financiers are now discussing the details of the new Russian loan, the amount of which was given in these dispatches eight days ago.

The terms, referring to the subject this evening, says:

A committee of bankers recently discussed the conditions of a new Russian loan, deciding that should the issue occur simultaneously in France, Germany, England, the United States and Holland, the amount demanded would be 1,000,000,000 francs (\$200,000,000), half being reserved for the French market. Should, however, difficulties arise owing to the differences in the quotation of Russian rates in the various countries, thereby preventing an agreement with reference to the issue, the loan would be placed entirely in France, but the amount then would be only about 1,000,000 francs (\$200,000,000).

The rate of interest, it is said, will be 4 per cent, with the approximate issue price of 9. The Russian government had requested French bankers and other financiers to send representatives to St. Petersburg, immediately with full powers to arrange details. The issue will probably occur at the end of October."

WHY POLICYHOLDERS WANT TO SUE JOHN A. MC CALL

Albany, N. Y., Oct. 3.—Atty. Gen. Mayer tonight received the letter of William Hepburn Russell, asking permission in behalf of policyholders to sue the officers of the New York Life Insurance company for the restitution of funds contributed to campaign funds. Mr. Russell says:

"We do not believe that an action by which the very grave public question involved in this matter can ever be satisfactorily disposed of is through an action in the right of policyholders, brought in behalf of the New York Life Insurance company to compel its delinquent officers and directors to account for the misuse of the corporate funds in their hands."

"We do not believe that an action by the attorney-general can reach this specific evil, and we therefore ask you to consent to the institution by us, in behalf of our clients and such other policyholders as may join with them, of suits or actions."

"The New York Life Insurance company, in its corporate capacity, may be named as party defendant if we substitute the action as an action in equity, but in that event, it will be only a nominal defendant, as the policyholders will sue on its behalf and solely for the purpose of compelling the return to its treasury of funds which have been wrongfully diverted therefrom."

"In this connection we expect to show that relief through corporate action is impossible, because the board of trustees are all tainted with the same taint, so far as the misapplication of the corporate funds is concerned, and action by the policyholders collectively is practically impossible of attainment. The only relief, therefore, is through an application to the courts."

Held for Embezzlement.
Boston, Oct. 3.—Upon information furnished by the German government through the German consul, Commissioner of Immigration George B. Billings today caused the detention of William Strauss and a Miss Anka, both of whom arrived here today on the Red Star line steamer Marquette from Antwerp. Strauss is alleged to be identical with one Julius Ellians,

who is charged with absconding from Germany with \$100,000 of trust funds.

The authorities are inclined to the belief that the case is one of mistaken identity. Strauss and his companion, however, are being held pending further inquiry.

THOMPSON'S BODY FOUND.

Bullet Hole in Head and Revolver Fused Him.

Philadelphia, Oct. 3.—The body of Peter H. Thompson, the wealthy New Yorker, who has been missing from the private sanitarium of Dr. J. P. Roberts at Lancaster, Pa., was found today in a dump of bushes in a strip of woodland just back of Lancaster, Pa., near here. In his right hand was a bullet hole and beside him was a revolver with one chamber empty.

The body was in an advanced state of decomposition. Michael Denney of Philadelphia made the discovery and will now claim the reward of \$5,000 which was offered by Francis H. Evans of New York, a brother-in-law of the dead man. In the pockets of the dead man were found \$10.44 and a gold watch with chain.

The missing man was formerly vice president of the Peter Adams Paper company, and was a resident of 100 West 34th street, New York. He had been in active business about six years ago.

Recently he suffered from nervous prostration and came to a sanitarium at Lancaster, Pa., near Haverford. He was permitted to come and go as he pleased. He was last seen alive Wednesday morning, Sept. 27, at Lancaster, as if waiting for a car.

Belford Denies Wife's Charges.

Chicago, Oct. 3.—Alexander Belford, former Chicago publisher, now a resident of Los Angeles, filed an answer in the superior court today denying the allegations of his wife, Helen McNally Belford, who is seeking a divorce. Mrs. Belford is daughter of the late Andrew McNally of Chicago. In his answer, Belford denies his intention of fighting the divorce suit and said that he was allowed time in which to prepare for the case. Belford alleges that at his present he is physically unable to come to Chicago and engage counsel. Belford, besides denying the charges of habitual drunkenness made against him by his wife, attacks her right to begin proceedings against him in Illinois courts.

In her bill Mrs. Belford says she and her husband separated April 29, 1933, and that she has been a resident of Illinois since then. The Belfords were married in Chicago Sept. 12, 1888. At that time Belford was the head of the publishing house of Belford, Clarke & Co. This firm failed and Belford, with his wife and two children, removed to Pasadena, Cal. They then moved to Los Angeles.

Yellow Fever Report.
New Orleans, Oct. 3.—Report to 5 D.M.
Deaths, 3; total 392.
New foot 5.
Under treatment 210; discharged 2,466.

Moravia Situation Critical.
Vienna, Oct. 3.—The situation in Moravia growing out of the quarrels of the Czechs and the Germans is still critical. President Baron Gautschi von Frankenthurn today received telegrams from the German deputies demanding instant military protection. It is feared that it will become necessary to declare a state of siege in Brunn, where serious disorders were renewed tonight.

Wife Beaters Sentenced.
New York, Oct. 3.—Frank McDonald, convicted of beating his wife, was today sentenced by the court of special sessions to one year at hard labor in the county penitentiary and to pay \$500, the extreme penalty under the law. James Cumiskey, for knocking down his wife, was sentenced to nine months' imprisonment. The court announced that hereafter wife beaters must expect the utmost punishment permitted by the law, and that no mitigation would not be accepted as a plea in mitigation.

Bank Statements a Farce.
New York, Oct. 3.—Charges that the statement of New York banks as issued weekly has become a farce, and the

TEA
Tea stands for Schilling; and Schilling for tea.

Your grace controls your money if you don't like Schilling's Tea.

DISTURBANCE IN THE THOUGHT WORLD.
The crisis through which Russia is now passing is no more revolutionary in its nature than is the commotion now exercising the world of thought. All old theories are being overhauled. Men are no longer satisfied with immemorial answers to the great, vital questions of life. They demand light and truth. They ask—

Who am I?
Where do I come from?
Why am I here?
Whither am I going?
With new emphasis.

Only science in all the history of the world, so far as we know, has these questions been answered with a rational beneficence in keeping with the character of the great Architect of the universe. First by the Saviour of the world, and, second, by the Prophet Joseph Smith.

One hundred years ago the Prophet was born, and now, for the first time, has an attempt been made to epitomize the doctrine he advanced on the mysteries of existence. The time is opportune, both with regard to the memory of the Prophet, and to the present unrest in the thought world, for, as his teachings served to bring about the disturbance now existing, so they will lead the way to the new light that is rising upon the world.

But the road, as laid by L. A. Wilson, "Outlines of Mormon Philosophy," or the answers given by the Gospel, as revealed through the Prophet Joseph Smith, to the questions of life, death, resurrection, and the Kingdom of God on earth, is the only true path to the Kingdom of God on earth, and, second, by the Prophet Joseph Smith.

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trust companies in extending large credits without maintaining adequate cash reserves, constitutes a great danger, were made by the Clearing House association today by the president of the Clearing House bank, William A. Nash. The Clearing House bank is one of the most important financial institutions of the city, having average deposits of about \$10,000,000.

Mr. Nash denounced the existing state of affairs by which the trust companies, operating outside of the clearing house, and not subject to its rules, are not obliged to maintain the cash reserve of one-fourth of the sum of deposits, which reserve is required of national banks by federal law, and of other clearing house banks by the rules of that institution. Mr. Nash urged that measures be taken to bring the trust companies under the regulations of the clearing house.

Consult Madame Zelma, the noted English clairvoyant. Remember she has no equal in the city. 167 West 1st South.

Only one remedy in the world that will at once stop itchingness of the skin in any part of the body. Don't's Ointment. At any drug store, 25 cents.

CONGRESSMAN BARTHOLOTT IMPRESSED WITH THE KAISER

New York, Oct. 3.—Congressman Richard Bartholdt of St. Louis, who returned today from Europe on the Kaiser Wilhelm II, gave an account of the night of the Brussels conference of the Interparliamentary union and a visit to Berlin. Six of the American delegation went on to Berlin after the conference, and were there treated with the utmost consideration by the emperor.

"His majesty," said Mr. Bartholdt, "impressed me much by his wonderful energy and the keenness of his interest in all the latest international developments. On our taking our leave he recommended me to convey to the president his renewed estimation of esteem and admiration of his success in efforts to bring about peace. I replied: 'It is generally supposed, your majesty, that you, too, did much to accomplish that happy result.' To which he replied: 'It is true that I did advise the czar to make peace.'"

"I noticed," said Mr. Bartholdt, "that President Roosevelt is willing to leave the initiative of convening the next conference of nations to the emperor of Russia, and with this we are perfectly satisfied. If, however, the work of the conference is to be confined to the particular questions which have given rise to the Russian situation, and our negotiations meaning less than that would hardly satisfy the people."

Mr. Bartholdt proposes to prepare a bill for introduction at the next session of Congress, embodying the area of an international congress of council and will confer with President Roosevelt on the subject on reaching Washington.

WEST LIFE INDEMNITY CO.
Cries of "Robbers," "Thieves," Raised at Policyholders' Meeting.

Chicago, Oct. 3.—Shouts of "robbers" and "thieves" were heard as a meeting of policyholders of the Western Life Indemnity company today. Men nearly came to blows during the session, and attending protests made against rulings of the chair. The principal speaker followed a request for a reading of the minutes of a previous meeting and a refusal by President George M. Moulton.

Atty. Hicks, chairman of the policyholders' committee, shouted as he advanced to the chair step by step that freedom of speech being the area of an "egg rule" was being restored by officials of the insurance company.

President Moulton was rapping for order. He declined to listen to Mr. Hicks. The chair demanded that the qualified voters in this meeting be heard. He said a committee on credentials would be appointed.

I move that T. D. Steem, O. F. Parker and J. S. White be named as a committee on credentials," moved Mr. Hicks. President Moulton declared him out of order and said that any clause had the right to name the committee. Mr. Hicks again objected, but President Moulton appointed.

LYRIC THEATRE
Tonight!
25c 50c 75c.

THE KENTUCKY BELLES WITH JIMMY BRITT.

Next Week—"THE MERRYMAKERS."

AT Barton's

Every Suit Guaranteed.

We Thrive By Merit.

The Season's Newest in Clothing, Hats and Furnishings.

Quality is Our Specialty Our Goods so satisfies the wearer that he comes here again and again.

Everybody says our New Fall Suits and Overcoats Are Excellent.

Suits and Overcoats, \$7.50 to \$35.00. Hats, \$1.50 to \$5.00. Shirts, 50c to \$5.00. Underwear, 50c to \$5.00. Sweaters, 50c to \$8.00. Etc., Etc.

Your Money Returned If Not Satisfied.

BARTON & CO.,
45-47 MAIN STREET.

\$20.00 Will Buy A Daniels, High-Art Finely Tailored Suit.

Daniels affords you the choice of the latest suitings, the finest of tailoring, and guarantees a perfect fit at a price totally inadequate to the service he renders. It seems foolhardy to even think of ready-made clothes when such popular prices prevail at this place. A few uncalled for suits at bargain prices.

DANIELS, 57 W. 2nd St.

PROBATE AND GUARDIANSHIP NOTICES.
Consult County Clerk or respective signers for further information.

IN THE DISTRICT COURT, Probate Division, in and for Salt Lake County, State of Utah. In the matter of the estate of Geo. Rees Wallace, deceased. Notice.—The petition of the executors, praying for the confirmation of the report of the commissioners in partition in the estate of Geo. Rees Wallace, deceased, has been set for hearing on Saturday, the 11th day of October, A. D. 1905, at 10 o'clock, A. M., at the County Court House in the Court room of said Court, in Salt Lake City, Salt Lake County, Utah.

Witness the Clerk of said Court with the seal thereof attested, this 4th day of October, A. D. 1905.
(Seal.) J. H. ELDREDGE, JR., Clerk.
By W. R. Farnsworth, Deputy Clerk.
S. V. Jones Attorney for Executors.