

THE LEADER KILLED

A Fight With the Rock Island Robbers.

OTHERS ESCAPED TO THE WOODS

The Dead Man Fully Identified—An Aggregate Reward of \$6000 Out for Him—Other Rewards.

HENNESSEY, O. T., April 5.—Part of the posse in pursuit of the bandits who robbed the Rock Island train near Dover, Wednesday night, came upon the gang thirty-five miles west of Hennessey at 3 o'clock yesterday afternoon.

A fight ensued in which one of the robbers was killed and others wounded. As soon as the robbers were sighted the deputies jumped from their horses and used them as breastworks. While the robbers made an attempt to retreat two of their horses were shot from under them and one man was killed. Another's leg was broken, but he managed to get on his horse; another was badly hit, but he too succeeded in getting away. The marshals gave chase to the retreating outlaws and finally cornered them in a bunch of timber about two miles from the scene of the battle. A waiting game is being played as the outlaws must have food and water.

The dead man was brought to Hennessey at 11 o'clock last night, and has been positively identified as Dick Yeager, alias Gyp Wyatt, on whose head there is an aggregate reward of over \$6,000, including \$1,000 offered yesterday for each of the robbers by the Rock Island. He was identified by United States Marshal Graves and G. C. Krepps, a farmer who was acquainted with Wyatt. He was also identified as one of the Dover robbers by the entire crew this morning as they passed here. Conductor Mack says he was the leader. In his possession was found the sack the porter was compelled to hold while the passengers deposited their valuables in it.

By Late Hawaiian Mails.

WASHINGTON, April 5.—The last mail from Hawaii brings an interesting budget of general information.

An account is published of the brilliant reception given by Minister Willis to Admiral Beardsley, to which President Dole was not invited. It was attended by all the American officers. Mrs. Beardsley, wife of the admiral, sails for the United States April 20.

President Dole has restored the writ of habeas corpus and abolished martial law in the island of Oahu, embracing Honolulu, indicating that security again reigns. Adjutant-General Soper has issued a congratulatory address to the National Guard and others who took part in suppressing the "late formidable insurrection."

A Honolulu paper says friends of the ex-queen declare she will treat with contempt the reported offer from a United States showman of \$500 a week to come to the United States.

One of the papers is indulging in speculation as to President Cleveland's reported trip around the world, asking if he will stop at Hawaii.

The "Dangerous persons act" was adopted before the mail left. It is a radical law against those who conspire to overthrow the government, and who come from other countries to foment disorder.

Texas Officials After Standard Oil Magnates.

WACO, April 5.—County Attorney Joseph W. Taylor has been informed recently that John W. Rockefeller and several members of the Standard Oil Company, whose names are in the famous indictment, were in Waco. The story goes that Rockefeller and his friends went over to Mexico from a Florida point, and after enjoying an excursion through Mexico, determined to make the overland run back to New York, entering Texas at Eagle Pass. They went through Waco over the Missouri, Kansas & Texas, incognito, in a sleeper, keeping the doors locked as long as they were on Texas soil. Judge R. T. Henry, ex-assistant attorney-general, said if they had been in Texas since the bills were returned they were fugitives from justice, and Governor Morton can no longer refuse the governor's requisition.

The Jury in the Taylor Case Discharged.

CARROLLTON, Mo., April 5.—The jury in the Taylor case came into court at 5:30 this morning, and reported that they could not agree. The jury stood over for conviction and five against. The judge thereupon discharged them. At 9:30 the jury was brought into the courtroom, and Judge Rucker asked:

"Gentlemen, is there any prospect that you will agree on a verdict?"

"None whatever," replied Foreman George Fleming.

"What do you say?" asked the Judge.

"There is no show whatever," replied several jurymen.

"Do you stand now as you stood from the first?" asked the judge.

The foreman replied: "The first ballot was seven for conviction and five for acquittal, and the result remained unchanged during all future ballots."

Judge Rucker ordered the clerk to enter disagreement and discharged the jury, and continued the case till the next term of court. As the jurors filed out they were hissed, hooted and reviled by people gathered about the courthouse. It is the general opinion here that Carroll county, has been disgraced by the five jurors who stood out for acquittal.

George H. Heilbron Dead.

SEATTLE, Wash., April 5.—George H. Heilbron, managing editor of the Post-Intelligencer, was found dead in his bathtub this morning, at 9:15. Heilbron arose about 8. He made no complaint of being unwell, in fact, was in his usual health, and went to the bathroom to bathe. About 9:15 the nurse, Mrs. Haines, hearing no noise in the bathroom, called Mr. Heilbron. Receiving no response, she opened the door. Heilbron was in the bathtub stone dead.

His death was probably caused by apoplexy.

Heilbron was born in Boston, November 3, 1860. He graduated from Harvard in 1883, and entered the Boston university law school and graduated in 1886. He arrived in Seattle in April, 1887, and helped to organize the Guarantee Loan & Trust Company. He was a prominent republican leader and stockholder in many corporations. He was married January, 1886, to Miss Adelaide E. Piper, of Boston. His family consists of two children, a boy and girl.

An Insane Californian Reopens an Old Wound.

STOCKTON, Cal., April.—Robinson W. Smith, an insane patient, was brought to the asylum here last night with his throat cut. Some four weeks ago Smith slashed himself with a razor while delirious, cutting through the larynx and into the windpipe. Physicians sewed up the wound which is about four inches long, but on Tuesday Smith secured an old jackknife and sawed open the old wound. The cut now presents a horrible appearance, the ragged edges of the old wound having healed some. Smith now has to breathe through the hole in his neck and can only speak by placing his hands over the opening and pressing the edges of the cut together, and then the sounds that come from his lips sound more like the grunts of a beast than the words of a human being. Physicians at the asylum will sew up the wound today.

England Wishes None of Nicaragua's Territory.

WASHINGTON, April 5.—Gresham is advised that the British foreign office has, within the past forty-eight hours, informed Bayard that England does not desire any Nicaraguan territory, that her colonial possessions are already sufficiently large to satisfy her ambition, and that all she desires of Nicaragua is the payment of the indemnity. Assurances are also given that, while England will show an earnest determination to collect this indemnity, there is little probability that Greytown will be bombarded by the British fleet in the event of Nicaragua's slow compliance with England's request. No dispatches regarding Venezuela have been received.

Williams Still in Havana.

WASHINGTON, April 5.—Surprise is expressed in diplomatic circles that United States Consul-General Williams still continues to discharge official functions at Havana. More than a month ago Spain requested his recall because of his alleged sympathy with the insurrection. It is now understood that Spain has made another demand for a change at Havana. There is no probability, however, that Williams will for the present be recalled. Possibly the delay of Spain in replying to Gresham's note may account for the delay in according to Spain's request for the removal of Williams.

Mahan Writing Two Books.

WASHINGTON, April 5.—Unless Captain Mahan can be induced to accept charge of the office of naval intelligence L. B. Kimball will be appointed. Mahan has asked for a year's leave in order to complete two books he is engaged on. In one of these, a history of the war of 1812, Mahan will endeavor to show that American success was due to the superiority of her commanders.

The Land League Bill.

LONDON, April 5.—The Irish Land League bill passed its second reading in the house of commons today.

Pain has no show with Dr. Miles' Pain Pills.

ALL OPPOSE ENGLAND

To Support France in Her Claims in Africa.

HAS GERMANY'S SYMPATHY, TOO

Strain Between the Two Governments, Despite M. Hanotaux's Words, Grows More Intense.

LONDON, April 6.—According to the latest foreign advices, Belgium, both diplomatically and practically, will support France in her claims in the Upper Nile valley. The Belgian Congo state expedition, under Vandkerchoven, which started in 1893, effected a march toward the Nile, penetrating to a great distance inland. This was all that was generally known of the expedition until very recently, its movements having been kept dark. Through a report of Commandant Franqui, who was left in charge of the advanced post, which Vandkerchoven established, the fact has been disclosed that a number of Belgian forts have been erected in the Upper Nile basin. This is the first authoritative information that the expedition had penetrated to the Upper Nile that has been made public.

Commandant Franqui has made a report to the administration of the Congo state, informing the authorities that the dervishes are menacing his position and urgently requesting that reinforcements be sent him before it shall be too late. On the strength of this it is said that King Leopold is projecting another expedition, with the ostensible purpose of strengthening the outposts of the former one. It is suspected in the foreign office, however, that, under an agreement with France, concluded in the autumn of 1894, King Leopold will co-operate with France in the establishment of a Franco-Belgian position on the left bank of the Upper Nile, before the English can secure a similar position and accurately define their claims.

M. Hanotaux, the French minister of foreign affairs, demands that England, as the first step in the pending negotiations shall define what are supposed to be the boundaries of her sphere of influence. This demand has acted as a check to the policy of the foreign office. The sultan of Turkey holds the suzerainty of the whole region in question, including the equatorial provinces formerly governed by Emin Pasha. A section of the cabinet is reported to be in favor of making a decisive declaration, claiming the whole valley of the Upper Nile to be within the British sphere and denying that the sultan has any rights in the Emin territory. It is believed that M. Hanotaux is willing to refer the matter to arbitration or to conference, but, on the other hand, it is suspected that England is afraid to do either, lest the question of her occupation of Egypt should become involved. In the meantime, the diplomatic advantage rests with France, and the strain between the two governments, despite the pacific words of M. Hanotaux, becomes intensified.

The Alleged Decision.

WASHINGTON, April 6.—The attention of some members of the cabinet was called today to a dispatch from Chicago regarding the publication there of the supreme court decision on the income tax, but they declined to express an opinion thereon, on the ground it would be manifestly improper to discuss any opinions of the court at least until they had been officially promulgated.

From another, but entirely authentic source, it was learned that whatever the decision of the court may be, the president will not call an extra session of congress, and even should the decision declare the law wholly unconstitutional, the president will adhere to his determination not to call congress together, and will so announce.

All efforts to secure from members of the supreme court either an authoritative confirmation or denial of the Chicago publication prove unavailing.

Senator Voorhees, chairman of the finance committee, when told of the publication today, said: "It may be that a portion of the law may not be sustained. I consider there is a possibility of such result, but I do not know a thing. I do not believe any one outside of the court knows a thing about it. But suppose it should be true that that portion of the law regarding rents and municipal bonds should prove to be, in the opinion of the court, unconstitutional, the law will not be materially impaired. It will still afford an immense revenue. Estimates are entirely too low on the revenue which would be derived from the law as

a whole. Instead of it including from \$15,000,000 to \$30,000,000, it will add \$50,000,000, \$75,000,000 or even \$100,000,000 revenue."

Senator Harris, of the finance committee, declined to discuss the question, as also did Senator Jones of Arkansas.

Senator Peffer expressed the opinion that if incomes from rents and bonds should be eliminated the efficiency of the law would be materially crippled.

"Leaving out of consideration the question of the tax on bonds," he said, "rent is a most important one when one considers that one-third of the farmers in the country are renters; that 52 per cent of the entire population of the country at large, and 77 per cent of the people living in cities of over 100,000 population are also thus classed, and that in New York city the per cent of renters is 94. Such a decision would result in a great spread of populism."

Officials of the treasury department utterly discredit the story sent out that the shortage in the Carson mint will reach \$500,000. They say they have no information that the shortage is more than \$90,000, as stated in an Associated Press dispatch yesterday. They also discredit the report that the San Francisco Mining Association has asked to have all Carson City gold coin recalled, saying no such information has been received and there has been no gold coined at the Carson mint since May 1, 1893. All coinage prior to that time at that, as other mints, is regularly tested by the government assay commission.

A. M. Cannon Found Dead in His Room in a Hotel.

NEW YORK, April 6.—Anthony M. Cannon, 60 years old, of Spokane, Wash., a guest at the Sturtevant house, was found dead in his room at the hotel soon after 2 o'clock this afternoon. The hotel people notified the coroner's office, and Deputy Coroner O'Hanlan, after examining the body, declared that no suspicious circumstances, indicating suicide, were visible, and gave a permit for the removal of the body to an undertaker's. In the dead man's pockets was found a card of the bank of Spokane Falls, in one corner of which was this inscription, "A. M. Cannon, president." Mr. Cannon has been a guest at the Victoria hotel for some time, and when that hotel closed, April 1, he went to the Sturtevant house. He was last seen about the hotel at 8 o'clock last night. Up to about 2 p. m. today he had not been seen to leave his room, and finally one of the call-boys was sent to investigate. As the call-boy could obtain no answer to his knocks on Mr. Cannon's door it was forced open and he was found lying dead in bed. According to the deputy coroner, Mr. Cannon had been dead several hours. Death was undoubtedly caused by heart failure, for Mr. Cannon had for many years been noted as the man with the lowest pulsation on record. His average pulsation was 38, except during the past few months, when it had risen to 44 per minute. No insurance company would accept Mr. Cannon as a risk.

Paul F. Mohr, the vice-president of the Columbia Railway & Navigation Company, who lives at the Gerlach, in New York, took charge of the funeral arrangements, and will send the body to Spokane to the wife of the dead man Monday.

Grain and Trade Congress.

MOBILE, Ala., April 6.—The committee on permanent organization of the South & West Grain & Trade Congress recommended M. P. Thistlewood, of Cairo, Ill., for president. Resolutions were introduced and referred indorsing the Nicaragua canal and calling on the government to construct and control the same; indorsing the Florida ship canal; naming Charleston, S. C., as the next place of meeting, and appointing a permanent committee on freight rates to consider discrimination by railroads between Eastern and Southern points.

A Scarcity of Beef Cattle.

RENO, Nev. April 6.—Not for 10 years has this state been so free of beef cattle as at the present time. There is scarcely a beef steer for sale in Nevada, Grant county, Or., or that portion of California lying east of the Sierras. Last year at this time there were fully 25,000 head seeking a market. Eastern buyers have cleaned up all the beef in this section. Cattle have gone up about \$2 per head. There is a better feeling prevailing among beef people than for 10 years.

Doesn't Concern This Country.

LONDON, April 5.—It is stated at the foreign office that nothing is to be said in regard to the Venezuelan situation. The Central News, however, claims to have learned from high authority that the dispute is regarded as between England and Venezuela directly, and the rumor that the United States protectorate has been suggested is without foundation.

Dr. Miles' Pain Pills cure Neuralgia.

TEXT OF THE OPINION

Income Tax Decision Ready at Last.

DELIVERED IN THE SUPREME COURT

Rents and Bonds Exempted From Taxation—Field, White and Harlan Read Dissenting Opinions.

WASHINGTON, April 8.—Chief Justice Fuller began this morning to read the decision of the supreme court in the income tax case. He began by stating the exceptions to the law as made by counsel for the appellant as follows:

First—That the act imposes a direct tax in the respect of real estate, rents, issues and profits as well as of incomes and profits of personal property, and not being apportioned as in violation of section 2, article 1 of the constitution.

Second—That the law, if not imposing a direct tax, is, nevertheless, unconstitutional, in that its provisions are not uniform throughout the United States, and do not operate with the same force and effect upon the subject of tax, wherever found, and in that it provides exemptions in favor of individuals and co-partnerships, while denying all exemptions to corporations, having a similar income derived from like property values, and provides for other exemptions and inequalities, in violation of section 8, article 1 of the constitution.

Third—That the act provides no exemption of tax upon incomes derived from stocks and bonds of the states of the United States, and counties and municipalities therein, which stocks and bonds are no proper subject for the taxing power of congress. The income from these securities in the United States amounts to over \$65,000,000 per annum, on which the total annual income tax would be \$1,300,000.

He then took up constitutional points involved, dwelling upon the fact that the constitution required the apportionment of direct taxes and uniformity in excises and imports. He also dwelt upon the question of representation and taxation which was, he said, the foremost one when the constitution was adopted.

He then took up the question of tax on rents, and in so doing discussed at a considerable length the question of direct taxes as considered at the time of the framing of the constitution. The framers of the constitution were, he said, well versed in the government of the colonies, and European countries, and were well versed in the literature of the period, including works on political economy, and well calculated to pass intelligently on a matter of this kind. He quoted various supreme court decisions, and sought to show that while the income tax question had been before the court, the question only had been considered as applying to the point at issue in particular cases.

Coming down to the present tariff act, he said the law was passed in a time of profound peace, and it was to be taken as evidence that congress had sought in this matter to form a precedent and establish a departure from the established lines, and it, therefore, became important to enquire into the circumstances with some attention to details, and for the purpose of comparison he went back to the enactment of the income tax during the civil war. He quoted from a decision in the Springer case, giving the history of the case and devoting much attention to it, as he said the defense had apparently relied upon this more generally than upon any other precedent. It is, he said, conceded in all cases, from Hylton to Springer, that taxes on land are direct taxes, but in some of them it was determined that taxes on rents derived from land are direct taxes, while in some of them it was determined that taxes on rents derived from land are indirect taxes. Was there, he asked, any distinction between the tax on land and on the income derived from the land? The court had been unable to see any distinction. He closed by saying the court had reached the conclusion that a tax on rents was invalid. The chief justice then took up the question of the taxation of municipal and state bonds. The decision was also adverse to this

part of the law, as repugnant to the constitution. On other points the court was divided, and therefore no opinion could be given. The lower court having ruled in favor of the law the law would stand except as to rent and state, county and municipal bonds, and on these two points it was directed that judgment be now reversed.

When Chief Justice Fuller had finished Justice Field began to read the dissenting opinion, finishing before 2 o'clock. He said:

"I am of the opinion that the whole law of 1894 is null and void." He laid stress upon the fact that the law does not exempt judges of the United States court from payment of the tax. It was not right, he said, that the supreme court should remain silent and make no protest when many United States judges drawing small salaries, would be affected because of the law. He called attention to a letter once written by Chief Justice Chase to the treasury officials protesting against the deduction of income tax from the salaries of United States judges.

Justice Field was followed by Justice White in a second dissenting opinion. His dissent was largely extemporaneous and very long. He favored upholding the whole law.

Justice Harlan followed Justice White in a dissenting opinion, and the case closed. Nothing was said as to how any of the justices stood save the three who read dissents.

The decision applies to three cases, the first of which was brought in the courts of the District of Columbia by John W. Moore, to enjoin the commissioner of internal revenue from the collection of the income tax, while the other two were those of Charles Pollock vs. the Farmers Loan & Trust Company, and Louis H. Hyde vs. the Continental Trust Company. Both appealed from the decision of the circuit court for the southern district of New York. When the circuit court sustained the law, Pollock and Hyde appealed to the supreme court of the United States. The cases were then advanced on the docket and argued March 7, 8 and 11, 12 and 13. Attorney-General Olney, James C. Carter, of New York, and Assistant Attorney General Whitney appeared for the government, and Choate, Seward, Guthrie and ex-Senator Edmunds for the trust companies and Moore. The argument attracted more attention than has been given to any case in the supreme court for years, and the interest then manifested appears not to have diminished since. The lawyers for Moore and the trust companies attacked the constitutionality of the law on board grounds, while Messrs. Olney, Whitney and Carter defended it.

Castellane and His Wife.

NEW YORK, April 8.—A private letter from London to a celebrated actress here, describes the mode of life of Anna Gould and her husband, Count Castellane. The countess seems devoted to her husband and intensely jealous of him, not allowing him out of her sight, and insisting on his constant attendance.

After all the talk about the \$3,000,000 settlement from the Gould estate, it is now said that Castellane only received \$25,000, given to him by George Gould, to prepare properly for the wedding and purchase necessary presents. George was anxious to make a suitable settlement and the matter was discussed at a gathering of the Gould children. The only member of the family who vehemently opposed it was Anna, who said she wanted to believe the count married her for love, not money. The next day George told the count of this decision. The count was chagrined and said he would consult his father. Marquis Castellane was furious, and urged his son to break off the match, return to France and marry Mlle. DeMombazon, to whom he formerly paid his addresses. The count said matters had gone too far and he would be made ridiculous if he broke off the match at the last moment because he did not receive a large settlement, though he said he had expected a large dot.

Peel Has Resigned.

LONDON, April 8.—Before a crowded house, at 3:30 P. M., the speaker of the house of commons, Right Hon. Arthur Wellesley Peel, announced his resignation, and delivered his farewell address.

De Witt's Witch Hazel Salve cures scalds, burns, indolent sores and never fails to cure piles. Snipes-Kinersly Drug Co.

Highest of all in Leavening Power.—Latest U. S. Gov't Report

Royal Baking Powder

ABSOLUTELY PURE