

COMMITTEE
BOGUS SAYS
UTERMAYER

Hyde's Counsel Tells Hughes
Investigation Is Illegal.

WILLING TO LET JAMES APPEAR
AS A FAVOR TO THE POPULACE

But Must Be Along to See That
Unfortunate Young Millionaire
Does Not Get the
Worst of It.

New York, Oct. 3.—Samuel Untermyer, counsel for James H. Hyde, today gave out for publication a letter addressed by him to Charles F. Hughes of the Insurance Investigation 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 1905 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 investigation (1) to be held after its adjournment, and (2) for the express purpose of reporting to a future legislature not elected and which can have no existence until 1906."

"Either house may investigate when in session, either directly or through a committee of its number, 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 it continued on the same lines much of the 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 ante-dated 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 subsequently became identified."

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

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

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

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

"He is prepared to waive all legal objections to appearing and to your committee, fully and frankly everything he knows except as to matters that are embraced in pending litigation, on condition that your committee will in common fairness accord him the right of being represented by counsel advised and advised by counsel."

Hyde Files Demurrer.
Albany, Oct. 3.—Attorney General Mayer today received a copy of a demurrer filed by James H. Hyde, former vice president of the Equitable Life Assurance society, to the blanket suit brought by the state against the old directors of the company to compel the restitution of money alleged to have been wrongfully converted by the board.

Mr. Hyde declares that scarcely any of the allegations contained in the complaint state facts sufficient to constitute a cause of action. He holds further that the causes of action are improperly formed. Even if the demurrer is not sustained, consideration of it and of possible appeals would delay the trial of the main action until next spring or summer.

WAS ONCE PRISONER
ON DEVIL'S ISLAND

FRENCH CHEF RUN DOWN IN
NEW YORK AS A
MURDERER.

New York, Oct. 3.—Eugene Richards, a French chef, today was arrested on the charge of being an escaped prisoner from Devil's Island, once the prison of Dreyfus. He is said to have killed a woman and thrown the body in the Seine.

He denied the charge, but was locked up and the French consul notified.

Sir Thomas Lipton Battered.
London, Oct. 3.—Sir Thomas Lipton has entirely recovered from the effects of the injuries he sustained by being thrown from his horse at the king's review of the Scottish Volunteers on September 18th.

Dony Diaz-Moncentz Duel.
Madrid, Oct. 3.—Dispatches from Barcelona deny the report that a duel was fought there by General Lopez Diaz and General Moncentz, in which the former was said to have been killed.

STATE ASKS
RETIREMENT
OF McCALL

New York Life's License
Revoked in Nevada.

MAY NOT DO BUSINESS
UNTIL BOODLERS ARE FIRED

Meanwhile Policyholders in New York
Ask Permission to Bring Personal
Action Against McCall
and Perkins.

Carson, Nev., Oct. 3.—Today State Controller and Insurance Commissioner S. P. Davis revoked the license of the New York Life Insurance Co. in this state. The following telegram was forwarded to the New York home office by the controller:

"John McCall—Pending the investigation of corrupt management and fraudulent disposals of funds entrusted to your company and so long as yourself and George Perkins retain offices of trust in the management of the New York Life Insurance Co. the license of the company to do business in the state of Nevada is hereby revoked. Upon advice of a change of management and satisfactory proof of honest management the license will be reissued."

"A notice has been forwarded throughout the state warning all agents of the fact of the order and giving the agents two weeks to clear the records."

POLICYHOLDERS DEMAND RIGHT
TO ENTER SUIT AGAINST McCALL

Albany, N. Y., Oct. 3.—Attorney General Mayer tonight received the letter from William H. Hays, Russell asking permission in behalf of policyholders to sue the officers of the New York Life Insurance company for the restitution of moneys contributed to campaign funds. Hays says:

"We are convinced that the only way in 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 always believe that an action taken by the attorney general can reach the specific evil and therefore ask you to consent to the institution of suit by us on behalf of the policyholders as they join with us."

"The New York Life Insurance company, in its corporate capacity, may be named as the party defendant if we substitute our action as an action in equity, but in the 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 tarred with the same stick, 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 application to the courts."

Results Are Coming.
Binghamton, N. Y., Oct. 3.—Assemblyman John T. Rogers, of the insurance investigation committee, today said: "The coming week will be an interesting one, as in my opinion it will develop the true cause of the insurance scandal, which is the fact that the large insurance companies have been paying a great deal more money for new business than it is worth. The developments will go a long way to solve the problem. It is the purpose of the committee to investigate every company in the state and close the hearing by January 1."

Rosenfeld to the Wall.
Chicago, Oct. 3.—A new upheaval occurred today over the affairs of the Western Life Insurance Indemnity Co., when the assets of E. I. Rosenfeld, general manager of the Western Life, were ordered placed in the hands of a receiver. The action was taken in the federal court by federal Judge Rethers, who named as receiver Edwin C. Day. Rosenfeld was charged in the bill filed in court yesterday with being a trafficker in and a wrecker of life insurance companies for his own personal profit and with utter disregard for the rights of the policyholders."

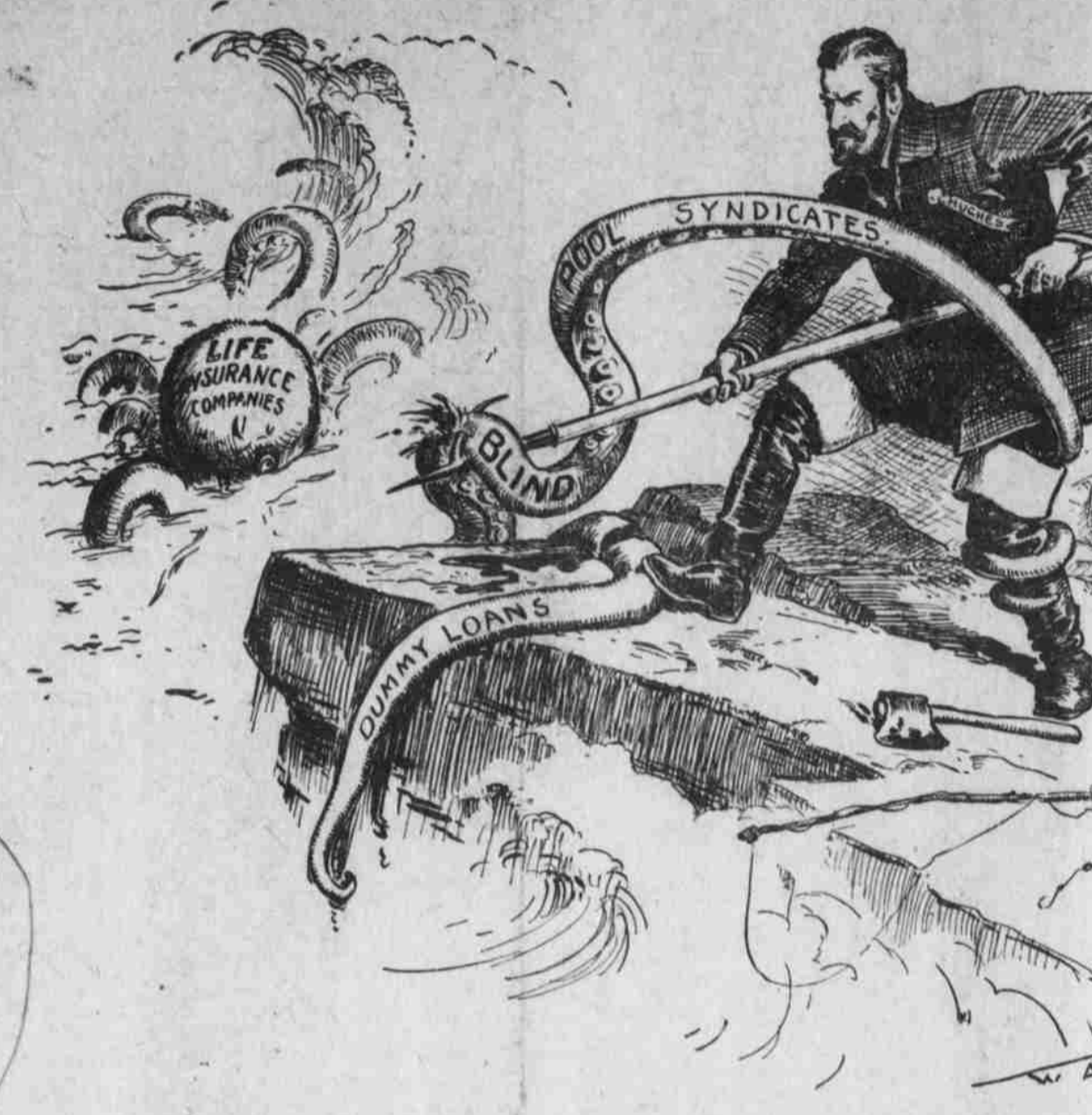
Monk Gibson Still at Liberty.
Edinburg, Texas, Oct. 3.—There is little news in the situation regarding the chase after the neep Monk Gibson, charged with the murder of five of the Condit family. There are still 700 men in the bottom who have been searching for miles with no trace of the negro. Four companies of militia are camped here.

ARIZONA LAND FOR
FOREST RESERVES

SEVEN HUNDRED THOUSAND
ACRES WITHDRAWN FROM
ENTRY FOR GOVERNMENT USE.

Washington, Oct. 3.—The commissioner of the general land office has ordered the withdrawal from entry in Arizona of about 700,000 acres of land to be set aside as forest reserves. The land lies in the southeastern corner of the territory, and it will be divided into several new reserves, to be called respectively, the Bluebonnet, Santa Teresa, the Gallinas, Whitestone and Dragoons. There are also additions to the established reservations of Santa Catalina and Santa Rita.

HUGHES BEGINS TO DRAW BLOOD



From the New York Herald.

MAY MEAN THAT
KING-EMPEROR
HAS SURRENDERED

Indication of Settlement of
Hungarian Muddle.

UNIVERSAL SUFFRAGE NEAR
IN SOME MODIFIED FORM

Vienna, Oct. 3.—According to Hungary reports the reappointment of the Fejervary cabinet, empowered to carry out elections in Hungary on the basis of a modified universal suffrage, is the outcome of the prolonged audience which the king-emperor granted to Premier Fejervary and his colleagues today. The premier was with his majesty four and a half hours, the time being occupied by Minister of Interior Kristofly's explanation of his suffrage proposal. Nothing is officially known, however. It is reported that M. Kristofly succeeded in favorably impressing the king-emperor, who withdrew his opposition to the proposition of universal suffrage, but insisted on certain measures being taken, remarking that it was a "question of nationalities."

Fresh Riots in Brno.
Brno, Austria, Oct. 3.—Fresh disturbances between the Germans and Czechs broke out here this evening. The Czechs marched through the streets wrecking stores and insulting Germans. Almost the whole garrison had to be called out to restore order, the rioters having continued the disturbances in the suburbs after being driven from the city. Many persons were injured and some of the windows in the Jewish synagogue were smashed.

Strong patrols have been placed at the prominent German buildings for their protection during the night.

Coalitionists Decline the Task.
Budapest, Oct. 3.—A resolution endorsing the coalition leaders after their audience with the king-emperor at Vienna, September 23, has been approved by the committee of coalitionist members of the Hungarian parliament and will be submitted to the plenary conference of all the opposition parties. The resolution declares the coalitionists cannot undertake to form a cabinet on the conditions laid down by the crown and protest emphatically against a revision of the settlement of 1867, being made dependent on the Austrian view and against doubt being cast on Hungary's economic independence. The resolution deprecates the constant reorganization of parliament and demands the king-emperor's memorandum on the subject should be discussed in parliament so that it may be ascertained who is responsible for the dissolution.

BUT TWO DEATHS
IN NEW ORLEANS

YELLOW FEVER SHOWS RAPID
DIMINUTION THROUGHOUT
THE SOUTH.

New Orleans, Oct. 3.—The yellow fever report to 6 p. m.:
New cases, 30.
Total to date, 3,072.
Deaths, 2.
Total, 378.
New foci, 5.
Under treatment, 210.
Discharged, 2,466.

The Pensacola Report.
Pensacola, Fla., Oct. 3.—The official summary of the fever situation today is as follows:
New cases, 9.
Total to date, 176.
Deaths, 4.
Total, 21.
Cases discharged, 62.
Under treatment, 32.

GOMEZ WANTS NO
INTERVENTION IN
CUBAN POLITICS

Liberal Leader Says He
Does Not Need It.

HAS NO INTENTION OF
VISITING ROOSEVELT

New York, Oct. 3.—General Jose Miguel Gomez, governor of Santa Clara province, Cuba, who recently resigned as a Liberal candidate for the presidency of Cuba in opposition to President Palma, arrived here today on the steamer Monterey. He will remain in this country about two weeks.

To the Associated Press General Gomez said:

"This is not my first visit to the United States. I was here in 1898 with the commission from the Cuban government to arrange matters. My object now is to get a rest. I do not know what cities I shall visit. I have no plans."

Asked if he should visit Washington or call on President Roosevelt, General Gomez said:

"I do not know if I will visit Washington, but I do not expect to visit President Roosevelt."

When informed of the report that he came on a mission to ask American intervention in Cuban politics, he replied with an emphatic "No."

REQUISITION OUT
FOR PAT CROWE

GOVERNOR OF NEBRASKA SENDS
PAPERS AND AN OFFICER
TO BUTTE.

Lincoln, Neb., Oct. 3.—Governor Mickey this evening issued a requisition on the governor of Montana for the return of Pat Crowe, under arrest at Butte. The charge on which the requisition was issued was the shooting and wounding of an Omaha policeman.

The papers were placed in the hands of City Detective Heitsold, of Omaha, who will leave for Butte early tomorrow morning.

Edward A. Cudaly stated today that he was as anxious as ever to prosecute Crowe on the charge of kidnapping his son.

Positively Identified.
Butte, Mont., Oct. 3.—The prisoner here was positively identified today as Pat Crowe, Chief Donohue will leave Omaha tonight with requisition papers for him. The prisoner says he is Crowe and expresses a desire to go back to Omaha and clear himself, believing there is no law under which he can be prosecuted.

WILKIE ANNOUNCES
NEW COUNTERFEIT

TEN DOLLAR NOTE OF 1901
SERIES BRANDED AS AMONG
THE QUEER.

Washington, Oct. 3.—Chief Wilkie of the United States secret service has announced the discovery of a new counterfeit ten dollar United States "Buffalo" note. It is of the series of 1901, letter B, Lyons register, Roberts treasury.

The counterfeit is fully three-eighths of an inch longer than the genuine. The number and denominational "X" are darker than the genuine. The seal is a trifle darker than the genuine. The back of the note is printed in a very dark green.

Richard Clarkson Dead.
Des Moines, Ia., Oct. 3.—Richard Clarkson, pension agent for Iowa and Nebraska, and thirty years manager of the Iowa State Register, died today.

FATAL WRECK ON SANTA FE'S
LINE TO THE GRAND CANYON

One Man Killed Four Missing and Twenty Injured
When Cinder Train Piles Up Twelve Miles From
Williams—Enginemen Have Miraculous Escape.

Special to the Morning Journal.
Williams, Ariz., Oct. 3.—As the result of a wreck on the Grand Canyon branch of the Santa Fe, twelve miles from here at noon today, one man is dead, four are missing and believed to be dead under the wreckage and twenty men are more or less seriously injured.

All of the dead and injured are Japanese section men who had been at work on the railroad to the rim and who were being brought into Williams. The injured are being cared for here and the wreckage is being rapidly cleared in a search for the bodies of the missing men. A shoo fly is being built around the wreck and traffic will probably be resumed in that way tomorrow morning. The wreck was one of the most serious in the history of the Santa Fe in this division. The engine crews had a miraculous escape from death.

The wreck occurred at 12:15 o'clock at mile post No. 12. A train of loaded cinder cars, backing north in charge of Conductor L. A. Fuller and brakemen Edwards and La Prado was made up with a caboose on the head end followed by an engine and two water cars, then another engine and about twenty-five loaded cinder cars. Engineer F. Stockton and fireman H. Harding were on the first engine, while Engineer A. H. Lingo and Fireman P. B. Douglas were on the second.

The caboose and one of the engines had safely crossed a broken rail, throwing the rail across the track. The rail caught the second engine, throwing it crosswise of the track. Eight of the loaded cinder cars piled up in a heap on the engine, the weight of a great Ledgerwood unloading plow, which was on one of the rear cars, serving to cram the wreck-

age together as it piled up on top of the heap.

On the first of the wrecked cinder cars were about thirty Japanese, section hands, most of whom were injured. One man was killed outright and there are said to be four men under the wreckage. In all twenty-two men were injured. All were brought to Williams. It is not believed there will be any fatalities among the men now being cared for here.

Not one of the train crew or engine men were injured, all of them having apparently miraculous escapes. One of the crew walked to Prado and wired notice of the wreck and a special train was sent out from here at once.

JERRY SIMPSON
NEAR TO DEATH

FORMER KANSAS CONGRESSMAN
NOW DYING IN A WICHITA
HOSPITAL.

Wichita, Kas., Oct. 3.—Ex-Congressman Jerry Simpson, who was brought here yesterday from Roswell, N. M., and placed in the St. Francis Hospital, is in a critical condition and is not expected to live through the night.

Most of the time of the meeting was occupied by the president and Secretary Root and Attorney General Moody.

Mr. Moody took up with the president three appointments, which were decided upon, but their announcement was withheld pending acceptances. He also discussed the status of the beef trust cases, which are being pressed by the department of justice.

Postmaster General Cortelyou also conferred with the president over postoffice appointments.

Did Not Discuss Strike.
Washington, Oct. 3.—John Mitchell, president of the United Mine Workers of America, after an interview with President Roosevelt by appointment today, he remained with the president half an hour. At the conclusion of the interview Mitchell said he had urged the appointment of Louis Hanovering, editor of the Forth Worth Post, Cambridge, Mass., Oct. 3.—Theodore Roosevelt, Jr., son of President Roosevelt, reported for the Harvard freshmen football eleven today. He gave his weight as 145 pounds and said he had played four years at Groton. Few candidates for the team are smaller than he.

Utah Company Enjoyed.
Newark, Oct. 3.—An injunction restraining the Utah Copper company from increasing its capital stock from \$4,500,000 to \$6,000,000, from issuing convertible bonds to the amount of three millions and from transferring its property or stock to the Guggenheim interests was granted today by Vice Chancellor Pitney. The injunction was made operative pending the final hearing of the suit of Enoch A. Wall against the Utah Copper company.

EXCLUSION
LAWS MUST
BE AMENDED

If Chinese Antagonism Is
To Be Allayed.

PRESIDENT'S CIRCULAR HAS
FAILED TO TAKE EFFECT

Matter Thoroughly Discussed at First
Cabinet Meeting To Be Held Following
Summer Vacation
of the Government.

Washington, Oct. 3.—The most interesting subjects discussed at the cabinet meeting today were, first, the Chinese boycott against American goods, and, second, the consideration of complaints made by the Chinese against the method of execution of the existing Chinese exclusion law. The important fact developed was that the president's efforts last summer to allay the indignation of the Chinese by a circular of instructions to the American minister to China and consular officers to refrain from a measure failed of its purpose and required a considerable amendment to secure the object sought. Minister Rockhill himself reported that it had not been found impossible to carry out in full the instructions contained in the circular without doing great injustice to worthy Chinese and imposing burdens too heavy to be borne upon the American consuls.

Being freshly back from the Orient, Secretary Taft took a prominent part in the discussion of this matter when it was broached by Secretary Root and presented some of the results of his observations on his recent trip. It developed that the requirement that American consuls identify the Chinese seeking certificates admitting them to American ports imposed a task upon these officials beyond their ability. The Chinese applicant frequently came from some place far distant from the American consulate and the consul was consequently obliged to refer to identify as proper persons to be admitted to the United States many very worthy Chinese, which, of course, led to bitter complaint and fostered the boycott feeling. Then a Chinese merchant who desired to send his son as a shop assistant to his branch store in the United States with a view of ultimately admitting the son to citizenship, found that the boy was barred on the charge that he was a coolie, Chinese living in the British and French and Portuguese Asiatic colonies, being really citizens of those nations, did not see how he could be admitted to America under proper passports instead of being required to produce the unpopular certificate.

These were only a few of the complaints made, and the administration of the existing exclusion law. The trend of the opinion in the cabinet meeting was that these complaints after all were directed rather against the construction given to the law than the act itself, and especially against the definition given in California to the term coolie, so it was practically decided that some important changes in the present regulations must be made.

Today's session was the first regular meeting of the cabinet held for some months, and it was one of the longest held during the administration of President Roosevelt. It was attended by all members of the cabinet except Secretary Shaw, who is absent from the city, and Secretary Metcalf, who is ill.

It was the first cabinet meeting for Secretary Bonaparte of the navy and the first as secretary of state for Mr. Root. "All I did," said the former, jocularly, "was to listen."

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