Physicians in Scientific Report Find Assassin Responsible at

Time of Crime,

President McKinley, is given in the New

careful investigation by Dr. Carlos Me-

Donald and Edward A. Spitzka of this city.

The question which these investigators set

"When Czolgosz shot the president did

WASHINGTON, Jan. 3 .- Captain Leary's

Boy Convicted of Murder Gets Twenty

Years in the Peniten-

tiary.

WINFIELD, Kan., Jan. 3 .- Clyde Mccre,

the 17-year-old boy convicted of murder

in the second degree for killing C. L. Wilt-

berger, a farmer near here, last April, for

his money, was today sentenced to twenty

years in the penitentiary. He received the

The prisoner's attorney pleaded for a re-

Quit Claim Deeds.

verdict with a smile.

York Medical Journal for January 4.

themselves to answer was:

## DANNY HALEY BEATS COLLIER

Berely Two Rounds Suffice to Demonstrate Mis Enperiority.

DMAHAN SURPRISES HIS FRIENDS Fast, Foxy and Strong, He Puts Up

Pight that Satisfies a Large and Enthusiastic Crowd of Spectators.

Swings and punches to the jaw were the blows with which Haley did the work, and it took just six of them, three in the first round and three in the second. The last was a terrible jar, and left Collier hanging over the first rope with his head outside and his feet in the ring. When he fell. however, he struck his head hard on the tinned edge of the theater stage, which was just behind the ring, and it was asserted by some sitting on the stage at that point that this blow put him out. He was unable to rise, and lay with his head bent back under him while the count was fin-There were thirty seconds of the second round yet to be fought.

### Cries Over His Defeat.

No one had expected such an early conclusion of the match, especially in Haley's favor. Collier is a fighting man of long experience and a good record. He was outweighed apparently fifteen pounds, but was fast and aggressive from the start. Frank cried piteously over his defeat when he was brought to his senses. He was bleeding from the nose. Haley bore not a scratch, although Collier had put in several blows, mostly to the body.

For the first two minutes and a half of the first round Haley did not take an aggressive part in the fight, although it was easy to see as soon as he squared off after the gong that he was a different Haley. Meanwhile Collier rushed and swung and jabbed and dodged, with some success, while Danny took the whirlwind's measure and gave ground slowly. Collier seemed much the more active, though Haley was on

the alert. There were but forty seconds of this corner and the latter countered nicely on getting away. The blow was a good one and Danny leaped in for another, which he put in the same place with the other hand

Collier fell back, though not put out, and went clear through the ropes to the floor, four feet below. He climbed back into the ring to finish the round. They fiddled for a minute, and as the bell sounded Haley put his right straight to Collier's jaw again

## Second Round Fast and Furious.

The second round opened fast and furious, Haley had loosened up, and was there w a left and a right and a clever duck who ever needed. After some clinching Coll rushed at Danny, and the latter bro ground, at the same time bringing his ri round in a hook to Collier's jaw, the lat being unprepared for the blow. Each n then landed once, when Haley put in shot that ended the fight. It was a vicipunch and cinched a contest which Haley's almost from the start.

Young Corbett, featherweight chample the world, who has been exhibiting at Trocadero, was to referce the fight and peared, but was too tired to attempt work, so Frank Murphy of South Om officiated. The champion was given evation of the evening. In Haley's corner were Oscar Gardner, Billy Haley and Dick Keefe. Collier had behind him John Ritchie, Charles Kluso, Jim Ford and Cliff Hough. Tim Murphy of Sioux City challenged the winner from the ringside.

A battle royal by eight colored men was a popular preliminary. Ed Flowers won after a lot of dust had been raised. In the fourth round of a four-round contest Charles Marfisi was given an unpopular decision over Frank McGuakin on an alleged foul. Frank had the better of the fighting. Both were bantamweights at 165 pounds. Claude Grayson and Abe Warren, both col ored, furnished another four-round bout. Grayeon was experienced and active, though much smaller than his antagonist. He batted Warren around so freely in the first three rounds that the latter lost, although

in the last round he had Grayson tottering. Manager Guptill, handling Haley and Gardner, offered a side bet of from \$500 to \$2,000 on the latter to whip John Ritchie.

### GOOD SHOWING ON THE LINKS Men and Women Golfers Are Undaunted in Tournament by

LAKEWOOD, N. J., Jan. 3.—Despite the snow on the links of the Lakewood Country club the winners today among men and wemen golfers who are taking part in the mid-winter four-some handicap tournament turned in fairly good cards. The play was at eighteen holes, match play. Tomorrow the final rounds for both prizes will be on the same basis. The prizes are cups donated by Mrs. George J. Gould and Mrs. Clarence M. Roof.

Following are the results of the day's games;

Following are the results of the day's games:
For the Gould cup:
Miss and J. J. O'Donohue won by default from Miss Wallace and J. Molier, jr.
Miss and Mr. Ferris beat Mr. and Mrs.
Worth by 2 up and 1 to play.
Aliss S. Downer and F. F. Freeman beat
Miss Robston and G. T. Brokaw beat Miss
L. Downer and R. Symns by 2 up (twenty-three holes).

three holes).

Semi-final round:

Miss and Mr. O'Donough beat Miss and the Mr. Ferris by 2 up and 1 to play, and the match between Miss S. Downer and F. P. Freeman against Miss Roiston and G. T. Brokaw was not finished on account of declares.

Brokaw was not finished on account of darkness.

Mrs. Naething and her son, J. B. Naething, beat Mrs. and Mr. Clark. 5 up and 4 to play in the match play round for the Roof cup and drew a bye for the semi-final.

Miss L. Wallace and D. Bacon beat Miss Park and C. H. Robbins by 3 up and 2 to play, and Mrs. and Mr. Rogers beat Mrs. and Mr. Claffin by 5 up and 5 to play. In the semi-final round Miss Wallace and Mr. Bacon beat Mrs. and Mr. Rogers by 2 un and 1 to play, and somorrow they will meet Mrs. Naething and her son in the final round of eighteen holes, match play, for the Roof trophy.

SAYS LEAGUE WILL THRIVE

President of Pacific Northwest Base Ball Circuit Expects Good Year.

ST. PAUL, Minn.. Jan. 3.—President W. H. Lucas of the Pacific Northwest Base Ball league, who is in the city to consult with Northern Pacific officials in regard to rates for next scason, said he had succeeded in obtaining rates, and nothing now stands in the way of completion of the cir. suit. "Butte and Helena," he said, "have been admitted to membership in our league stood to have been \$100,000.

and the circuit comprises the best cities of three states, namely Butte and Helena. Mont.; Spokane and Feattle, Wash., and Fortland, Gre.

"This makes one of the strongest minor league circuits in the country and as we are a member of the National Association of Base Bail clubs we are in a position to secure and retain good playing talent. With the traveling rates granted us by the Northern Pacific we were able to include Butte and Helena, notwithstanding the long railroad jump for Portland to Butte."

## HONORS ARE EVENLY DIVIDED Victory Goes to Outsiders as Well as

Pavorites on the Const.

It took Danny Haley of Omaha barely two rounds to knock out Frank Collier of Wheeling, W. Va., at the Red Light theater in South Omaha last night. A large and wildly enthusiastic crowd of sports was on hand to see the match, and the work of the winner was received with loudest acclaim.

Everyone was surprised, the spectators, Haley's friends, Collier and his backers, even Danny's own seconds and managers, and probably the latter himself. When Haley fought Mike Shreek a few months since he was a green one, and showed it in every move. On that occasion he was fought all around the ring and knocked out in three rounds. Last night he appeared a totally different man, fast, foxy and strong, with a ready right and left and a good punch behind both-of them.

Swings and punches to the jaw were the

Second race, three-quarters of a mile, second race, three-quarters of a mile, selling: Saul of Tarsus won, Ned Dennis second, Bard Burns third. Time: 1:154.

Third race, futurity course, selling: Huahua won, Ishtar second, Dr. Scharff third, fime: 1:114.

chua won, Ishtar second, Dr. Scharff third, Time: 1:11½.

Fourth race, three-quarters of a mile, handicap: Byron Rose won, Matt Hogan second, Princess Titania third, Time: 1:13½, Fifth race, seven-eighth of a mile, selling: Grand Sachem won, Katle Walcott second, King Dellis third. Time: 1:27½, Sixth race, one mile and a sixteenth, selling: Florenzo won, Domed second, Bedeck third. Time: 1:48½.

### BRUSH REFUSES TO SELL CLUB Cincinnati Scores Spalding for Upsetting Conditions in Base Ball

CINCINNATI, Jan. 2.—John T. Brush, president of the Cincinnati league base ball club, tonight notified the local syndicate who desires to purchase his holdings in the club that his stock was not for sale. He held a long conference at the St. Nicholas hotel this afternoon with Judge Howard Ferris, the head of the syndicate, but nothing was settled. Mr. Burns suggesting that a written proposition be submitted. Later in the day Judge Ferris, in writing, asked Mr. Brush if he and his associates were willing to part with their holdings in the Cincinnati club. Mr. Brush, in a long statement in reply, declined to consider an offer for the club and took occasion to go into the recent meeting of the National league at New York. He scored A. G. Spalding for the part he took in the meeting, saying that he had raised the issue of base ball to anarchy during his brief term of disputed control. Until the issue is settled, Mr. Brush said he must remain loyal to those with him in the present unsettled condition of the league.

He closed by saying that when peace is league.

He closed by saying that when peace is established he may welcome a renewal of the offer of the Cincinnati syndicate.

## round to go when Collier rushed Haley to a KANSAS MAN IS A SLUGGER the jaw with his right just as Frank was James Ferns Knocks Out Pennsylvanian in the Second

Round.

PHILADELPHIA. Jan. 2.—James Ferns of Kansas knocked out Jack Bennett of McKeesport, Pa., in the second round at the industrial Athletic club tonight. The fight was to have gone six rounds. Ferns' punches were more effective than Bennett's. In the second round the Kansas man caught the Pennsylvanian on the jaw with a terricle left hand punch. Bennett tried to clinch, but ran against a right hand uppercut, which completely knocked him out.

ity alley	of the	nigi	ht the
ARKSON	S.		
1st.	2d.	3d.	Total.
	187	215	581
182	144	162	488 443 517
152	125	166	443
170		188	517
158			450
******	419		*100
841	787	851	2,479
ATIONAL	S.		
Ist.	2d.	3d.	Total.
		133	594
			5000
163			463
158			474
157			442
***********	104	101	110
7.77	800	-	2,296
	ARKSON  18t. 179 182 152 170 158	two out of the ARKSONS.  1st. 2d. 179 182 144 152 125 170 161 158 170 841 787  ATIONALS. 18t. 2d. 160 212 131 120 163 168 158 168 157 134	ARKSONS.  1st. 2d. 2d. 179 187 215 182 144 162 152 125 166 179 161 188 158 179 122  841 787 851 ATIONALS.  1st. 2d. 3d. 160 212 132 131 120 135 163 165 134 158 167 134 151

Celebrities Take a Hand

LAKEWOOD, N. J., Jan. 3.—A three-some goil match was played over the links of the Lakewood Goif club between Su-preme Court Judge Gildersleeve and Rich-ard Croker and Andrew Freedman today. After a well contested game at eighteen hoies, medal play, Justice Gildersleeve de-teated the Tammany chief and the presi-dent of the New York Base Ball club by a score of 33 to 39.

## Several Small Bouts.

MILWAUKEE, Jan. 3.—Clarence Forbes of Chicago was given the decision over Maurice Sayres of this city, in a six-round bout before the Milwaukee Boxing club in the Panorama building tonight. In the preliminaries Walter Nolan of Philadelphia and Joe Curtin of Chicago went six rounds to a draw and "Young" Scotty of Denver knecked out "Kid" Black of Chicago in one round.

Joe Gans Successful. BALTIMORE. Jan. 3.—Thomas Briderick of Yonkers, N. Y., was knocked out by Joe Gans of Baltimore in the sixth round of a fight scheduled for twenty rounds at the Eureka Athletic club tonight.

Steamer Line to Manila. SAN FRANCISCO. Jan. 3.—The Call says that a line of merchant steamers between this port and Manila will soon be established by the Empire Steamship company. acting in conjunction with the owners of the steamer Albion. The company will put on the transpacific route the steamships Ohio, Indiana and Pennsylvania, while Albion will rin in the interisland trade. The steamers first named have been engaged in the transport service until recently. They are of the same dimensions, but vary somewhat in tonnage, owing to the difference in their fittings. They are 343 feet ions, forty-three feet beam and twenty-four feet nine inches deep.

## Coal Company Bankrupt,

PARKERSBURG, W. Va., Jan. 2.—Colonel John T. McGraw and Meville D. Post, representing creditors of the Flemington Coal company, with offices in New York and mines in West Viginia, have presented a petition on behalf of numerous creditors to have the company declared an involuntary bankrupt. Assets are said to be \$500,000, with liabilities considerably in excess of that amount. The case will be heard tomorrow. It is said to be the largest bankruptcy case ever before this court.

COLUMBUS, Ga., Jan. 3.—While investigating the damage done to the dam of the Columbus Power company by the recent flood. Chief Engineer John Lee and four negroes were carried through one of the breaks in the structure. Mr. Lee and one negro were rescued badly bruised, but the three other negros were drowned. The names are Frank Harvey, William Bussey and Matt Dixon. Blouet Rests Comfortably.

NEW YORK, Jan. 3.—Max O'Rell (M. Paul Blouet), who was operated upon yesterday at the French hospital, was reported today to be resting comfortably. At the hospital it was said that Mr. Blouet was operated upon for stricture of the bowels and not appendicitis, as reported.

TRENTON, N. J., Jan. 3.—Governor Voorhees this afternoon received from former Mayor Frank O. Bridges of Trenton the latter's acceptance of the appointment to be state treasurer. He will succeed the late James B. Swain.

New Jersey Has New Treasurer.

Hickey and Bandle Find Two Excellent Locations in North End.

ELD CIRCUS GROUNDS NOW AVAILABLE

fered the American Association Owners for Use of Their Team.

Messra. Hickey and Bandle were very busy yesterday in search of a site for the be was doing, and that the act was wrong?" American association base ball grounds, They have found two most desirable loca- From the standpoint of medical science the ions, and expect within the next twentyfour hours to close a lease on one of them. have found that by going up into the south soundness?" end of the old exposition grounds they can secure ample space for a splendid base ball park. The owner has named a low rental the trial of the criminal to his execution for this location and the only thing to be determined is just what arrangements can nearly twelve pages in the New York Medbe made with the street rallway company ical Journal and, divested of all technicality. for extra service during the base ball sea- is to the effect that Czolgosz was sane and son. At present only one car line passes tesponsible under the law and punishable close to the site, the Sherman averue line, for the offense, although everything in his which gives a ride of thirteen minutes history, according to the medical experts, from Farnam street to the entrance to the pointed to the existence in him of the social Cars on this line run five minutes apart. If arrangements can be made for His refusal to reply to questions at the special base ball trains during the season the car service will be perfect.

The second site is the old circus grounds at Twentieth and Paul, a location that has my duty." long been looked upon by loce, fans as an ideal place for a ball park. It has excellent street car facilities, is within easy access of the business center and has none of the objections that can be urged against other locations. One or the other of these sites will be taken for the new grounds, unless negotiations can be put through with W. A. Rourke for the purchase of his plant at Vinton street. It is not at all unlikely, if certain arrangements can be made affeeting the site at Twentieth and Paul, that the overtures from the Western league will be rejected and no attempt made to buy the Vinton street plant.

### COMPANY WILL QUIT FIELD Trust Concern Decides on Voluntary Liquidation, Promising to . Meet Obligations.

ST. PAUL, Minn., Jan. 3.—The directors of the St. Paul Trust company, a well known institution of St. Paul, of which General J. W. Bishop has been president since 1884, with a capital of \$200,000, have voted to go into voluntary liquidation. Public Examiner Pope made the announcement of the company's decision at noon, stating that from his knowledge of the company's business he believed all creditors would be paid in full, although the stockholders probably would lose part of their investment. The company has carried on an extensive business and administered several large estates, the greatest having been that of the late Commodore Norman Kittson, who left \$5,000,000 or more, the last action on his big property having only recently been taken. There has been much litigation of this estate, the heirs contesting the trust company's claim for compensation and securing a big cut in the amount claimed.

The most serious case against the company was that of the estate of C. D. Strong, whose estate showed a depreciation of more than \$100,000 during the ten years it was in charge of the trust company. The supreme court held that there had been said the boy was sufficiently mature to no criminal impropriety of action in know what he was doing when he com-

club house in Brooklyn, which was erected through the munificence of Miss Helen Work Train Crashes Into Rear of Gould. It will contain a library, gymnasium, billiard room, a bowling alley and sleeping rooms and be a home for the men at Mare Island when off duty.

## PREPARES FOR HER RECEPTION Presisdent of Exposition Asks Women

Managers to Meet Helen Gould at His Home.

ST. LOUIS, Jan. 3.-Miss Helen Miller Gould, a member of the board of women managers of the Louisiana Purchase exposition, and a party of four or five friends will arrive in St. Louis over the Wabash road on the afternoon of January 11 and remain in the city until the following

Tuesday. President Francis of the Louisiana Purchase Exposition company and Mrs. Francis have tendered Miss Gould a reception at their home for Saturday evening, January 11, to meet the directors and officers of the exposition company and their wives. Invitations will be sent to the national commission and all the memters of the board of lady managers.

## Beck, lot 23, block 4. Sherman Avenue park E. A. Hutchinson and husband to Rose Peterson, lot 22, block 1. Ames Place Rose Peterson to F. R. Palmateer, lot 22, block 1. Ames Place L. R. Pearson to D. H. Casey, lot 22, block 3. Sheridan Place Omaha Mercantile company to Peter Iversen, lot 1. Rustin's add. FREED BY STATE'S EVIDENCE Party to Salisbury Conspiracy Gets

Liberty While Confederates Face the Law.

GRAND RAPIDS. Mich., Jan. 3.—it developed today that Stilson W. McLeon, indicted with City Attorney Lant K. Salisbury, Thomas E. McGarry, Henry A. Taytor of New York and others, for conwater contract upon the city, confessed his share in the affair to the prosecuting attorney last Tuesday and has agreed to turn state's evidence in the trials of McGarry and Taylor. Salisbury has already been convicted. The case against McLeon is to spiracy in the attempt to foist a \$4,000,000 be dropped in consideration of his action.

## SITES FOR NEW BALL PARK REGARD CZOLGOSZ SANE MAN STANDARD OIL LITICATION

Emyth Replies to Prout on Status of Anti-Trust Enit.

NEW YORK, Jan. 3.-An exhaustive report on the trial, execution, autopsy and mental status of Czolgosz, the assassin of DEFENSE OF LATE ATTORNEY GENERAL

The report embodies the result of much | Insists that His Successor Had Every Opportunity to Make Winning

Fight Before Referces and

Did Not Do So.

he know the nature gud quality of the act The Bee has received from former At-This was from the legal standpoint. torney General Smyth the following answer to the letter of Attorney General Prout requestion that framed itself was: "Was lating to the case brought by Mr. Smyth Czolgosz at the time he committed the act against the Standard Oil company under At Sixteenth and Locust streets they a victim of mental disease or mental un- the Nebraska anti-trust law with a request that it be given space in its columns

The reply to these questions, which embodies the entire history of the case from the trial of the criminal to his execution and the disposal of his remains, takes unnearly twelve pages in the New York Medical Journal and, divested of all technicality, is to the effect that Czelgosz was sane and responsible under the law and punishable for the offense, although everything in his history, according to the medical experts, pointed to the existence in him of the social disease anarchy, of which he was a victim. His refusal to reply to questions at the trial is regarded as being in line with his

disease anarchy, of which he was a victim. His refusal to reply to questions at the trial is regarded as being in line with his role, expressed in the theatrical declaration: "I am an anarchist and have done my duty."

PROMOTION COMES AT DEATH

Captain Leary is Made Rear Admiral, but Dies Without Knoy-ing It.

BOSTON, Jan. 3:—Information from Washington shows that Captain Richard P. Leary; U. S. N., who died at Chelsea recently, died a rear admiral without being conscious of the fact. It was a promotion which he had looked for, and it is said to have been the one thing that troubled him in bis last moments. The appointment was made the day before he died, but it was only when his brother-in-law, Dr. Fairfax Irwin, returned from his funeral, at Annapolis, to Chelsea that the appointment was found.

WASHINGTON, Jan. 3.—Captain Leary's

Washington, Jan. 3.—Captain Leary's

Washington, Jan. 3.—Captain Leary's

Learn of mine on that subject to a college state that the facility of mine on that subject to a college of mine or his subject to a college state that the facil now.

The question is: Was it the fault of the court, or hat statute, or of Attorney General Prout that the statute, or

### Question of Sufficiency.

was made under the law giving the president authority to retire officers who served in the civil war one grade higher than the position they held at the time the request for such action is made. Unfortunately, for some unexplained reason, action was deferred on Captain Leary's application until his sudden death recalled the matter to the attention of the officials, when he was made under the law giving the president has a defense that I characterized this deposition as "insufficient." He is right, but insufficient for what? Insufficient, of course, on which to rest the whole case. But that was far from saying that it did not contain valuable testimony for the state. Because I deemed the unsupported testimony of one witness insufficient on which to submit the case did not warrant Mr. Prout's deduction that the testimony was worthless. Surely it cannot be that the attention of the officials, when he was mr. Prout pleads further, in extenuation of his conduct with respect to this deposition. promptly retired at the advance grade, the retirement taking effect as if before his SMILES AT HIS SENTENCE

Mr. Prout does not know this.

Mr. Prout pleads further, in extenuation of his conduct with respect to this deposition, that I knew, during my term of office, that the deposition had been sent to the clerk and not to the referees. This is true. But how does it justify Mr. Prout? I had no occasion to give any thought to whether the deposition had been properly directed. The objection of the company that it had been misdirected did not come up for consideration or decision until Mr. Prout presented the deposition in evidence. Then the defect in the direction—a mere technicality—was brought home to Mr. Prout, and he was given an opportunity to correct it. A few postage stamps and a few days' delay both of which were at Mr. Prout's command, would have made the deposition admissible in evidence. I submit to the candid reader, would not an attorney, loyal to the interest of his client, use the postage stamps and incur the delay, and does not the fact that Mr. Prout refused to do so prove him unfaithful to the interest of the state which he pretended to represent?

Disobedience of Company. form school sentence, but Judge McBride Second. It is a fact, admitted by Mr. Prout, that when I retired from the office of attorney general, I left him an order of the supreme court upon the Standard Oli

WRECK ON NEW YORK CENTRAL

Work Train Crashes Into Rear of
Passenger and Woman is
Badiy Hurt.

ALBION, N. Y., Jan. 3.—A collision occurred on the New York Central road at Pancher today. The westbound passenger train had just pulled into the station when a work train crashed into its rear. Several passengers in the day coach of the passenger train were badly shaken, but only one, Mis. Catherine Reddy of New York, was seriously injured.

A telephone message from Eagle Harbor raid the rear passenger coach, after the collision, rolled over and was burned.

THE REALTY MARKET.

INSTRUMENTS placed on record Friday. January 3.

Warranty Decds.

J. J. Nelson and wife to Mary Siek, Kotter, lots 1 to 6, block 7, Millard, \$1,000 W. F. VanBurg and wife to Hannah Lind, e½ 10 2. block 10, 25 back 4. Ames Place

A. C. Larson and husband to Emily Beck, lot 23, block 4. Sherman Avenue park

Avenue park

A. C. Larson and husband to Emily Beck, lot 23, block 4. Sherman Avenue park

Avenue park

Avenue park

Avenue park

Avenue park

B. C. Larson and husband to Emily Beck, lot 23, block 4. Sherman Avenue park

B. R. Hutchinson and husband to Boek 20, block 3, Sheridan Place

Book 2, Sheridan Place

Dombla Mercantile company to Peter

Mr. Prout was thereby told that while the affidavit of mine presented by him and this dured it, thad one will sufficient for the purpose for which he affidavit of mine presented by him and the had need it it was not the affidavit to the santute, the will have been just about as pretinent.

Now, turn to his letter and contemplate which he had presented an "improper" affidavit. I had add in my letter to the Post that he had presented an "improper" affidavit was his not mine.

He thereby condensors to the fact, the court and that the affidavit was his not mine.

He thereby condensors to the fact, the court and that the affidavit was his not mine.

He the fill avenue of the court and that the affidavit was his not mine.

He the fill avenue of the court and that the affidavit was his not this a piece of the

## What He Should Have Done.

But supposing, for the moment, that I had filed a defective affidavit, would that justify him, the attorney general, in refusing to file a proper one after he had been informed by the court that my affidavit was deferilye; what was necessary to make it sufficient, and that he could have the time to present such affidavit? Certainly not. Defective pleadings are filed every day by lawyers, but upon the defect being braught to their notice by a decision of the court they at once correct them, if they be correctable.

There is, however, no profit in proceeding upon the assumption that I had made a mistake in the affidavit, for I had not. The fact that Mr. Prout did not present any legal affidavit, that it was his duty to do so, that he was informed of this by the court and that he flagrantly neglected his duty in that respect, are established beyond the possibility of successful degial.

stands for Uncle of American fame he uses WOOL SOAP let's all do the same

Use Swift's Pride Soap in the Laundry.

How does he attempt to excuse his conduct? He says, speaking of me:

"Having refused to swear positively that the books of the company showed it was a trust, he now attributes the dismissal of the suit to my failure to swear to the contents of the books he had never been able to locate in four years of his official life."

### What Smyth Swore To.

What Smyth Swore To.

In the first place, it is not true that I refused to swear positively that the books of the company showed it was a trust. It was not necessary that I should swear positively upon that subject in the affidavit which I filed. The law did not require such an affidavit of me at that time. My affidavit upon information and bedef accomplished what I intended it to accomplish. The affidavit required of him was an entirely different one, because the purpose to be reached was an entirely different purpose. I could have sworn as positively as the law required if it were necessary for me to have done so, and I would have done so if I had been in Prout's place, for I had prepared myself for such an affidavit by reading the testimony, consisting of several hundred pages of printed matter, in the case of the State of Ohio against the Standard Oil company, wherein the officers of the trust testified; by procuring from the secretary of the state of Indiana a certificate of his records, which showed that at one time the Standard Oil trust owned all but about one-haif dozen shares of the stock of the defendant in this case; by reading the testimony, or so much of it as was published, in the investigation of the Standard Oil company before the attorney general of New York, and by consulting other sources of information. If Mr. Frout had done the same he would have been able to have made the requisite affidavit. And if he had been representing a private client, and as loyal to his interest as a lawyer should always be to the interest of his client, he would have done so, and if he had not done so his neglect would have been culpable and disbarment proceedings would be justified.

In the files of the attorney general's office was the certificate of the secretary of the state of Indiana, just referred to, which showed that the Standard Oil trust owned practically all the shares of stock of the defendant company. If the attorney general had been half as industrious in digging up that certificate as he was in re

The attorney general says: "I did, however, offer before the referees every syllable of evidence left in my hands by my predecessor. It was all rejected and the referees held it was insufficient. I excepted at the time to their holdings, as shown by the reports, but the report was confirmed by the supreme court."

This is another illustration of the fact that a half truth is worse than a whole ile. He seeks to leave the impression that he presented his exceptions to the supreme court and that they were overruled. This is unqualifiedly faise. Upon the filing of the referees' report the court made an order that if no exceptions were filed by the attorney general within ten days the report would stand confirmed. He knew the attorney general within ten days the attorney general within ten days the report would stand confirmed. He knew of that order, but he failed to file any exceptions until after the ten days had elapsed, and, consequently, never presented to the supreme contr for its decision any of the rulings of the referees to which he had excepted. This he cannot successfully deny. But now he seeks to have the public believe that he did present the exceptions and that the supreme court ruled against him. This is a bare-faced attempt to put the responsibility for the result upon the supreme court, when it should rest upon the attorney general. Such conduct can elicit only the condemnation of honorable men.

and the supreme court held that there had been no criminal impropriety of action in handing the Strong cetate, but that the most important of the strong cetate, but that the way of the condition is the value of that cetate the case of the condition is the value of that cetate the case of the condition is the value of that cetate the case of the condition is the value of that cetate the case of the condition is the value of that cetate the case of the condition is the value of that cetate the case of the condition is the value of that cetate the case of the condition during the cetate of the cetate the condition of the condition during the cetate of the cetate the condition of the condition during the cetate of the cetate the

Pays Penalty with Life.

CLAYTON, Ala., Jan. 3.—Bob Brown, a negro, who murdered Mr. McLeod, a road overseer, was legally hanged here today at noon. The exuction was attended by a large crowd of white and colored people.

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Ase Pac-Simile Wropper Below. Very small and as saw

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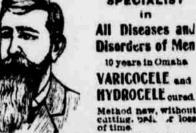
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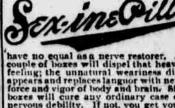
Dr. Searles & Searles, Omaha, Neb.

## Poor Indeed

are those weighed down by mental de-pression. Men rise in this world pression. Men rise in this world through buoyant nerve force.

The loss of this force daily drags down to failure some of the world's brightest minds. Such a condition is commonly known as Nervous Debility. When you lose self-confidence and feel your strength, energy and nerve force are slipping away, it is high time you seek sensible aid.

You prefer health and success to misery and failure.



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