

ARTHUR MULLEN HAS BAD DAY

Loss on Every Proposition He Presents to Referee Evans.

BOOKS HELD PRIVATE PROPERTY

Referee Holds that Physician's Affidavit that Man is Sick is Sufficient, Despite Protest of Attorney General Mullen.

Leaving every point for which he contended in Saturday morning's sitting of the Donahue court hearing, Attorney General Arthur Mullen, who is prosecuting the Omaha chief of police for the state, at the close of the sitting found that he had made no headway since the opening at 9:30 o'clock in the morning.

Adjournment until January 23 at 10 o'clock in the morning was taken at noon. Referee Evans and the parties and attorneys in interest having agreed upon a continuance. Referee Evans has an important criminal case coming on for hearing in Wayne, Neb., next week. Attorney General Mullen must look after business in the Nebraska supreme court, beginning next Tuesday, and several important cases which will demand the attention of W. J. Connell, attorney for Chief Donahue, come on for hearing in the Douglas county district court early in January.

The first defeat of Attorney General Mullen came when Referee Evans refused Mr. Mullen's request for a bench warrant for W. J. Boehkoff, a liquor dealer, who had been arrested and confined to his bed with what is believed to be pneumonia. Mr. Mullen expects to show by Boehkoff that the liquor dealer has sold beer to proprietors of resorts.

Physician's Certificate

Attorney H. G. Burbank appeared for Boehkoff and filed an affidavit of Dr. O. J. Hoffman, who is attending the man, to the effect that he is seriously ill and unable to leave his bed. Referee Evans said that in the face of such a showing he would issue no bench warrant. The warrant would have the effect of causing Boehkoff to be arrested and brought bodily into court.

Still dissatisfied, Mr. Mullen asked an order commanding Boehkoff not to leave the jurisdiction of the court. Mr. Burbank said his client has disposition to leave and suggested that if he attempts to do so the referee will easily can prevent such an action and summarily punish the man. Referee Evans said he does not believe Boehkoff contemplates running away and refused the order.

The second defeat for the attorney general came when Referee Evans sustained the objections of Mr. Connell, the chief attorney, and Isidore Ziegler, attorney for John Nittler, a witness, to the offering in evidence of Nittler's account books.

Mr. Mullen placed Nittler on the stand Friday afternoon, made him produce his accounts and was about to offer them in evidence when Ziegler objected. Nittler was recalled Saturday morning after argument had been made. Mr. Mullen attempted to introduce the books in evidence to show that Nittler, who is a seller of beer by the case, has sold large quantities of beer in the resort district. Referee Evans sustained the objections to the offer. Mr. Ziegler's objections were made on the grounds that business records of his business are privileged matter; that they are private property, and that under the law they cannot be thrown open to decide any case in which the owner of the books is not a party in interest. Ziegler cited several supreme court decisions in support of his objections.

The remainder of the sitting was occupied by a battle between Mr. Mullen on one side and Messrs. Connell and Ziegler on the other on the question whether or not Mr. Nittler's statements regarding his sales could be admitted in evidence when the only basis for them was what he read out of his accounts. Mr. Mullen was defeated. Referee Evans questioned the witness himself to determine whether after looking over his books he actually remembered the sales or simply depended wholly upon the books. He had then depended upon the books, as his men made the sales and the referee ruled that he could not answer.

Mr. Mullen during the sitting maintained his belligerent attitude toward Messrs. Connell, Burbank and Ziegler. Once he jumped up and shouted:

"Your honor, am I to be harassed and annoyed by these outside attorneys, or am I to be allowed to try this case? If they are to come in I insist that they be entered as attorneys for Mr. Donahue."

Referee Evans said he thought attorneys for witnesses had a right to be heard.

Mr. Mullen placed Louis Metz on the stand and tried to force him to admit that beer is retailed at the brewery.

**Parker to Head the Grand Island Road**  
Announcement is made of a new President to Succeed James Berlinget.

Announcement is made by the St. Joseph & Grand Island road that W. A. Parker, now chief engineer of that road, will be made general manager to succeed James Berlinget. No official action will be taken until A. L. Mohler, vice president and general manager of the Union Pacific which controls the St. Joseph & Grand Island, returns from Europe. Mr. Mohler is expected back in about two weeks.

A reception was tendered Mr. Berlinget just before he left to be the vice president of the Virginia Railroad. The official staff of the road and personal friends among railroad men of other roads were present and tendered quite an ovation to the departing official.

One of the interesting things at the dinner was a book presented to Mr. Berlinget with the signature of every employee of the road in it. Some of the unlettered laborers were unable to write their names, but all signed in some manner.

MCLELLAND MAN IS MISSING

Albert Thomas Cannot Be Found—Leaves Home with Large Sum of Money.

Robbery and violent death are suspected as the possible fate of Albert Thomas of McClelland, Ia., who is reported as having disappeared in Omaha several days ago with a large amount of money on his person. In response to a report of the disappearance relatives of the young man, the police have investigated at all the hotels of the city and have failed to find any trace of Thomas.

W. M. Thomas, father of the missing man, telephoned the police from Council Bluffs Friday, reporting that his son had dropped from sight. The missing man left McClelland three days ago to purchase a large bill of goods from Omaha stores. He possessed a considerable amount of money. Upon arriving here it had been arranged that he was to telephone his wife in McClelland. He failed to do so and inquiries as to his whereabouts showed that he had not been seen at the stores where he was to have made purchases.

BRIEF CITY NEWS

Have Best Print In.

RECEPTION TO BISHOP BEECHER

He and Mrs. Heller Are Guests of the Social Service Club at Luncheon at the Omaha Commercial Club.

Mrs. Heller told the members of the Social Service club the secret of her success the last five years as superintendent of the Detention home—only Mrs. Heller did not put it just that way. She called it a "prescription for delinquency."

Take precaution of size suited to your needs. Fill half full with milk of human kindness, add to this equal parts of remembrance of childhood's joys and sorrows and strong unquenched animal spirits. Stir gently.

Then prepare five parts of patience and ten parts of perseverance, with one portion of work and three portions of play, simmer over the slow fire of experience.

Then to the essence of a winning smile, thrilled with the vibration of the touch of a gentle hand, add a stiff pinch of Biblical converse, "Yes, yes," and "Nay, nay."

"Set in the dark. The light of publicity materially increases the danger of the microscope of self-conceit—fatal to this compound—when cool, show with care."

Mix the three compounds, then add one or two good laughs wet up with a few real tears, a heaping teaspoonful of well planned failure to see, and a few grains of power to let off steam. Blend thoroughly.

"Four each day's portion into a loving cup and administer the dose hourly from the spoon of fellowship."

For external application combine with hickory oil.

Mrs. Heller read this in the course of an address at the meeting of the Saturday luncheon was held in her honor and in honor of Bishop Beecher, who goes to his new diocese to reside Tuesday.

Then Judge Edward Kennedy read a resolution which voiced the club's regret at Mrs. Heller's departure, its appreciation of her successful labors and its appreciation of her increased opportunities.

Mrs. Heller in responding denied that she is going out of sociological work. "I shall have under my care 125 of 125 young women every year," she said, "and if I can impress upon only twenty-five of these that all people belong to this world, that the weak and unfortunate, the erring and the straying, too, belong my work will be of good result."

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Drunken Giant Found Imitating Windmill

Steve Kusava, Big Polish Laborer, is Rescued from Hilltop by Tiny Little Countryman.

Steve Kusava, Polish laborer, six feet six, a drink-craved giant, yesterday was discovered standing on a hilltop near Cemetery Junction, putting on a realistic impersonation of a windmill in action. With two long sticks in his extended arms he fanned the air, uttering weird internal noises.

Little Mike Broka, a tiny bit of a grocer at Cemetery Junction, stopped Kusava's wheels and reduced him to captivity. First he delivered the delicious giant to a priest, Father and exhortation did not avail so now the big man is in a cell at the city jail.

Police surgeons disagree as to the nature of the liquor which produced the rare mechanical effect on Kusava, but they promise his recovery.

Rome Miller Sells Hotels to Himself

Mr. Tavern Keeper Pays Mr. Boniface Dollar Each for Rome, Millard and the Murray.

Hotel Rome and the Millard hotel were sold for \$1 each this morning. Rome Miller is the purchaser. Also he sold the hotels to himself.

The Rome has been held by the Miller Hotel company and the Millard by the Millard hotel company.

Mr. Miller's extensive realty and property operations of this morning merely mark a change in the way the red tape is worked around the title.

Mr. Miller also sold himself a one-half interest in the Murray. The real reason why he deeded over the property to himself is said to lie in the fact that he forgot to pay the state corporation taxes of \$10 for each of the three corporations. Failure to pay this tax voids the corporate existence of the companies, and so Mr. Miller has put the title in his own name.

Four thousand or more corporations are in a similar boat.

Tungsten Metal Valuable Product

Material for Hardening Steel and Making Electric Lights is Plentiful in Colorado.

Tungsten, the metal from which England for so many years was able to produce a hard steel for which America paid almost prohibitive prices, is being mined now in great quantities in Colorado. J. R. Kulp, a mining expert of Denver, is in Omaha, telling of the supremacy America will take in the future in the production of this valuable ore.

"Paragene," he said, "has been found only in the last few months in extensive veins near Golden, Colo., and the mining of it promises to become one of the great industries of the west. It is an ore which can be added to iron and make steel of any degree of hardness, depending upon the per cent of it used. I expect it to come into universal use in electric lighting. The tungsten mines of England have been worked for so many years that it will be undoubtedly only the matter of a few years until they run out, and then America will have to supply the world's demand for it."

CHANGE COMMENCEMENT DATE

Mid-Year Graduation is Put Over for One Week to Accommodate

The mid-year graduation of the Omaha High school will probably be postponed from January 20 to January 27. Prof. George E. Vincent, president-elect of the University of Minnesota, who is to deliver the commencement address, has advised that he cannot keep his former engagement and the program will probably be held to suit his convenience. When Prof. Vincent was first asked to deliver the address he was given his choice of January 20 or a week later, and chose the earlier date. The school authorities, however, are glad that it is to be postponed as the later date is exactly at the close of the first semester.

PRESCRIBES FOR DELINQUENCY

Mrs. Heller Tells of Methods Used in Handling the Erring.

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Clan Gordon is to Honor Bobbie Burns

Omaha's Scots Will Hold Annual Memorial Celebration Dedicated to Memory of Bard.

Clan Gordon No. 28, Order of Scottish Clans, will hold their annual Burns' celebration Wednesday evening, January 25, in Metropolitan hall.

Some extra attractions will be brought from other cities, including the company of four Highland dancers from St. Louis, Ia., headed by that old veteran Scot, Dr. Grant J. Ross. Mrs. McFarland, Iowa's sweet singer of Scottish songs, will also be on the program, and the most accomplished piper west of New York will be in attendance.

Caldeonian society of Sioux City, Ia., has invited James C. Lincoln to deliver the program at a Burns' celebration on January 24 and it is the expectation that a number of the Sioux City people will come to Omaha for the celebration the following night.

VINCENT WILL SPEAK HERE

President-Elect of Minnesota University to Address Social Service Club January 27.

George E. Vincent, president-elect of the University of Minnesota, dean of one of the University of Chicago colleges, theologian and sociologist, will be in Omaha January 27 as the guest of Dr. W. M. Davidson, superintendent of schools. He will speak that day at a meeting of the Social Service club.

Announcement to this effect was made by President Sutton at the Saturday meeting.

Judge Sutton also announced that he had promises of addresses from two governors of states. One of these is known to be Governor Aldrich. The name of the other has not been disclosed.

HARRY LONG DEAD AT ST. LOUIS

Well Known Stage Director and Actor Succumbed to the Effects of Overwork.

A private telegram from Mrs. Mary Hill Long brings word that Harry Long died at St. Louis Saturday morning. He had been ill from the effects of overwork for some time.

Mr. Long was well known in Omaha, where he was the stage director for the Woodward Stock company at the Boyd and Burwood theaters. He was quite prominent as an actor and stage director, having held important positions in both New York and Chicago, and in other large cities. His home was at Kansas City, where he will be buried on Monday.

Big Per Cent of Fires in Forests Last Year Due to Carelessness

Henry S. Graves Says Protection from Flames Most Important Work in Preserving Nation's Trees.

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Michael Swift, Aged Pioneer, Passes Away

Death from Hemorrhage of Brain Ends Illness of Two Months.

Michael Swift, formerly two years a resident of Omaha, died last evening at his home, 2012 Clark street. He was 72 years old. Death was due to hemorrhage of the brain, ending an illness of several months.

Mr. Swift for many years was an employe at the Union Pacific shops. He is survived by two sons, Thomas and James, and two daughters, and two brothers, Thomas Swift, president of the Douglas County Pioneers association, and Patrick Swift, residing in Butte, Mont. The latter has been advised of the death and will reach Omaha Sunday night.

BANCROFT WINS AND LOSES

After Letting Lincoln Five Take the First Game Players Come Back Strong for the Second.

BANCROFT, Neb., Dec. 31.—Lincoln and Bancroft each took one of the two games played here, the Lincoln Stars defeating the Bancroft Giants, 43 to 23, in the first game and the Bancroft boys coming back strong in the second game and winning, 25 to 23. Lincoln takes two of the three games on the trip, as it took the first game, played some time ago.

The Lincoln boys were the better basket shooters, their forwards rarely missing a shot, but the good work of Carey and Vogt of Bancroft saved one game for the local team. Abe Lincoln acted as referee and Bassinger as umpire of the series.

A Ton of Gold

could buy nothing better for female weaknesses, lame back and kidney trouble than Electric Bitters. 50c. For sale by Beaton Drug Co.

AFFAIRS AT SOUTH OMAHA

Police Judge Calanan Serves Notice Gun Play Must Stop.

JAIL SENTENCE FOR ONE MAN

Protestant Churches Will Observe Week of Prayer Beginning Sunday—Live Stock Men Will Leave for the West.

Police Judge Calanan is determined to put a stop to gun play by the foreign element in South Omaha and as a result a Pole named Henry Lochinsky is now thinking over the situation in the county jail. He has ninety days in which to contemplate. He and a countryman were arrested for carrying concealed weapons at Thirty-first and H streets and when Captain Dzwak and Detective McGuire came to investigate the case they found that the bullet from Lochinsky's weapon narrowly missed hitting the daughter of Peter Lobisch.

Direct intention to shoot any one could not be proven, but the fact was disclosed that Lobisch is a lonely Lithuanian, living among a colony of Poles. History shows that there was not any love lost between the races and there was a strong suspicion on the mind of the court that the Pole was out otherwise than amusing himself by discharging the weapon. Consequently the sentence. But Judge Calanan wishes it to be generally understood that he will put down with a strong and firm hand the use of revolvers in the city. "I hope this sentence will be a lesson to these people," said the judge, "and I want them to understand it is jail and no fines for such offenses."

Week of Prayer.

The Protestant churches at South Omaha will observe a week of prayer, beginning Sunday evening with a union service at the First Presbyterian church. Rev. C. T. Halsey of the First Baptist church will be the preacher. Monday evening at the English Lutheran church Rev. Dr. Wheeler will speak. Tuesday evening at the Baptist church, Rev. E. A. Jordan will deliver the address.

The speaker Wednesday evening at the First Christian church will be the Rev. J. M. Bothwell of the First Methodist church. Thursday evening at the United Presbyterian church, Rev. H. L. Yerian of the English Lutheran church will give the address. The services will conclude Friday evening at the Young Men's Christian association, when the Rev. Mr. Follock of the United Presbyterian church will be the speaker. All of the services will be union services and the public is cordially invited to attend.

Church Services.

First Presbyterian church, Twenty-third and J streets, Sabbath morning Rev. Dr. Wheeler, pastor, will introduce the service by a short talk on John 12:23, introductory of the "Week of Prayer." Following this introduction there will be the annual New Year's sermon on the subject, "Only Be Strong and of Good Courage." At 6:30 the Christian Endeavor society will hold services. At 7:30 the Rev. T. C. Halsey, pastor of the First Baptist church, will address a union service.

St. Martin's Episcopal church, Twenty-fourth and J streets, Rev. Alfred G. White, fourth, Sunday school, 10 a. m. Holy communion and sermon on the subject, "Mutuality a New Year's Thought." 11 a. m.; evening prayer and eighth lecture in the series on the "Sermon on the Mount." Topic, "The Sermon Rule of Devotion." 7:30 p. m.

St. Edward's mission, Twenty-sixth and Adams streets, Sunday school, 3 p. m. At the morning service in the First St. Clement's Episcopal mission, Twenty-ninth and S streets, W. L. Cullen, lay reader, Sunday school, 10 a. m.; morning prayer and sermon on the subject, "The Circumcision." 11 a. m. Christian church the pastor, Rev. E. A. Jordan, will preach on the text, "And if I Be Lifted Up From the Earth I Will Draw All Men Unto Me." John 12:32. There will be no evening service.

United Presbyterian church, Twenty-third and L streets, Sabbath school, 10:30 a. m.; preaching service, 11:30 a. m.; subject, "Christ Lifted Up." Young People's Christian union, 6:30 p. m. There will be no evening service. There will be a union prayer meeting service at the First Presbyterian church.

St. Luke's Lutheran church, Rev. S. H. Yerian, pastor, Sunday school at 10 a. m.; morning service at 11 a. m.; subject of sermon, "A Message For 1911." mission band at 3 p. m.; catechetical class at 5 p. m.; Luther league at 7 p. m.; subject for consideration, "His Name Was Called Jesus," leader, Miss Lily Healy. At 8 p. m. the congregation will join in the union service at the First Presbyterian church.

West side Methodist church, Sunday school at 2:30; preaching at 3:30; also in the evening at 7:30. Letter Memorial services in the morning. First Baptist church, Twenty-fifth and H streets, Bible school meets at 9:30 a. m.; morning worship, 11 a. m.; sermon for the New Year by the pastor, Rev. C. T. Halsey. His text will be, "God Seeketh Age that Which is Passed Away." Bethel mission, Twenty-third and R streets, 3:30 p. m. Union service at the Presbyterian church at 7:30 p. m.

Will Visit Western Wool Growers. A party of ten, including Secretary Stryker of the National Stock exchange and commission men at the stock yards, will leave today on a business trip west. They first go to Boise, Ida., where they will spend two days at the meeting of the Idaho Wool Growers' association. Then they will travel to Portland to attend the meeting of the National Wool Growers' association, which will be in session four days. After that the party will break up and some will go south to San Francisco and Los Angeles. Some also propose visiting Denver.

Amateur Opera. Thursday night the Bohemian opera, "Prince Jarmine," was produced by pupils of the Bohemian Free school in the high school auditorium. The large audience appreciated the excellent performance, much of the success of which must be attributed to John Franek, president of the city council, who carefully supervised all the rehearsals. The musical numbers, which were rendered to the accompaniment of Franek's orchestra, were throughout tuneful and at times brilliant. The following was the cast:

Lubos, leader of hunters.....E. Kostalova  
Hocovoc, hunter.....Z. Simek  
Lenka, huntress.....E. Pajsova  
Vera, huntress.....A. Benakova  
Juzena, huntress.....V. Vokosova  
John, leader of Sarecky hunters.....J. Pavik  
Court clerk.....R. Sterba  
Martin, leader of the guards.....J. Kozarik  
Prince Jarmine.....A. Pospisilova  
Queen of fairies.....L. Sterbova  
Narcissa, fairy.....A. Pospisilova  
Vorel-Me-Not, fairy.....A. Vankatova  
Vojtech, hunter.....M. Vokosova  
Lulle, fairy.....V. Kadavych  
Vojtech, hunter, an old miner.....J. Mucha  
Father Hasek, hermit.....J. Filib  
First highlander.....V. Smitik  
Second highlander.....O. Sterba  
Third highlander.....M. Smitik  
Fourth highlander.....Boh. Smitik  
Juzena, shepherdess.....V. Kutilkova  
Vlasta, shepherdess.....H. Opocna  
Jirina, shepherdess.....O. Vokosova  
Fairies, shepherdesses, hunters, huntresses, pages, yeomen.....

Michael Hinchev is Dead. Michael Hinchev, who has been block watchman in the business district for the last two years, died Friday night from erysipelas, following an injury to his right hand, at his home, 516 North Seventeenth street, South Omaha. He was 42 years old and is survived by his wife and the following brothers and sisters: Mrs. James Melia, N. P. Hinchev, D. J. Hinchev, J. J. Hinchev of South Omaha, and Mrs. B. Melia of Omaha and Mrs. John J. Collins of Greeley, Neb. The funeral will be held Sunday from the residence at 2 o'clock to St. Agnes church. Interment at St. Mary's cemetery. Mr. Hinchev belonged to the South Omaha aerie, No. 154, Fraternal Order of Eagles, and the Woodmen of the World. The Eagles are requested to meet at the Ancient Order of United Workmen temple at 1 p. m. Sunday to attend the funeral.

Magic City Gospel.

Mrs. Mary Cox has returned from an extended visit with her son at St. Louis. The German-American Entertainment club will give a grand pretzel ball this evening at Franek's hall.

Dr. C. M. Schindler has returned from Manning, Ia., where the doctor and family passed Christmas with friends.

The special Christmas offerings at the First Presbyterian church are reported by Treasurer J. L. Duff to be about \$260. The Cecilia club will give a New Year's entertainment Sunday evening at the Danish Brotherhood hall, Twenty-fifth and N streets.

Lodge No. 3, Clanmen of America, will hold an open meeting Saturday night at the Woodmen hall. A program of music and dancing has been arranged for the occasion.

At the last meeting of the woman's auxiliary of the Young Men's Christian association the following officers were elected for the coming year: Mrs. J. H. Philip, president; Mrs. C. H. Hopkins, secretary; Mrs. Moore, treasurer.

ASSIGNMENT OF THE JUDGES

Judge Lee Estelle Reassigned to the Criminal Division.

NO GRAND JURY IN FEBRUARY

Only Change is in the Exchange of Dockets by Judges Kennedy and Sutton—Kennedy to the Juvenile Division.

Judge Lee S. Estelle was reassigned to the criminal court docket for 1911 at the annual meeting of the Judges of the district court of Douglas, Washington, Fort and Sarpy counties held in the judicial chambers of courtroom No. 1 Saturday morning, when it was also decided that no grand jury would be called for the February term of court.

Announcement that Judge Estelle's administration of the criminal business of the county had been endorsed by his reassignment to the criminal docket came as a surprise to some speculators who have confidently declared the beginning of the new year would see some other judge on the criminal court bench. The only change in the assignments of dockets and courts was an exchange by Judge Howard Kennedy, who has presided in one of the law courts during 1910, and Judge A. L. Sutton, who during the year has presided in the juvenile division.

The new assignment follows: Court room No. 1, criminal, Judge Lee S. Estelle. Court room No. 2, law, Judge A. L. Sutton. Court room No. 3, law, Judge Willis G. Sears. Court room No. 4, law, Judge William A. Redick. Court room No. 5, equity and juvenile, Judge Howard Kennedy. Court room No. 6, equity, Judge A. C. Troup. Court room No. 7, equity, Judge George A. Day.

Dates for beginning of terms of court in the several counties were fixed as follows: Douglas, February 8, May 1, October 21; Washington, February 7, September 15; Butte, February 13, September 25; Sarpy, February 26, September 25.

The Judges reappointed Deputy County Attorneys Magney, Piatti, Coad and Killek and Jury Bailiff Martin Kirkendall. The individual judges appoint their own court room banks. No changes will be made. All juvenile court officers were reappointed.

Alaskan Citizens Say Hitchcock "Does Not Know," "Sour Dough"

Mass Meeting Sends Caustic Telegram to Nebraska Representative—Want Knowledge, Not Meddling.

CORDOVA, Alaska, Dec. 31