

FRISCO OFFICIALS ARE CHARGED WITH DIVERTING FUNDS

Stockholder Asks Permission to File
Suit Asking Restitution of
Four Millions.

CHAIRMAN YOAKUM IS ACCUSED
Other Directors, Also Members of
Syndicates, in the Deal.

SELL LINES TO THE COMPANY
Same Men Represent Buyer and
Seller in Transfer.

COURT WILL DECIDE TODAY
System is in Hands of Receivers and
Permission is Necessary Before
Proposed Action Can
Be Taken.

ST. LOUIS, Dec. 9.—William Niles of New York, owner of 600 shares of stock in the St. Louis & San Francisco railroad, asked the federal district court today for permission to bring restitution suits against present and former officials of the Frisco.

The petition embodying the request charges that E. F. Yoakum, former chairman of the board of directors of the Frisco, James Campbell, former vice president of the road and head of the North American company which brought the receivership suit, Thomas H. West, chairman of the board of directors of the St. Louis Union Trust company, whose resignation as receiver was accepted yesterday; the late Edwin Hawley and W. K. Bixby, now receiver of the Wabash, made individual profits aggregating \$755,000 by selling to the Frisco the short lines they and other syndicate subscribers had promoted and built.

The petition charges that the men named, by acting as buyers and seller violated their obligations to the stockholders of the Frisco and are therefore personally liable to the stockholders for the losses suffered by the Frisco.

Niles is not privileged to file suit against the individuals named without the consent of the court, as the Frisco now is in receivership.

Price of Brownsville Too High.
Mr. Niles in his petition gives considerable attention to the sale of the St. Louis, Brownsville and Mexico to the Frisco.

At the time of the sale of this road, Niles charged, Yoakum was chairman of the Frisco board of directors; Campbell was vice president of the Frisco and West, Bixby and Hawley were directors and that it was through their influence over other directors and for the purpose of furthering their private schemes they caused the Frisco to buy the Brownsville at a price greatly in excess of its value.

He also cites the sale of the New Iberia & Northern railroad in Louisiana to the Frisco, a sale which he charges netted Bixby, West and Yoakum a profit of \$500,000.

The additional charge is made that certain directors of the Frisco made \$200,000 by promoting, building and selling to the Frisco the St. Louis, Oklahoma & Southern.

He says Frisco properties were sold below par, incurring indebtedness for which the road is liable. This indebtedness with the syndicate profits, he charges, aggregate \$4,000,000 and was incurred in a careless manner and thereby the directors responsible have become personally liable to the Frisco for all resultant losses.

Collusion in Receivership.
Niles charged that the bill of complaint, which resulted in the appointment of receivers, was filed collusively and without the knowledge and consent of stockholders and bondholders. The

(Continued on Page Two)

RUN ON THE CITY NATIONAL

Big Bank Signalled for Slight
Attack as Result of Rumor.

ALL DEMANDS PROMPTLY MET
Funds Promptly Forthcoming and
Officials of Clearing House
Association Say Bank is
Perfectly Solvent.

Before the City National bank of Omaha open its doors at 10 o'clock today for business the Omaha Clearing House association will have met and issue a statement to the effect that the condition of the bank's reserve does not justify any apprehension that it will be unable to meet all obligations to depositors.

A rumor, started Saturday, resulted in a "run" on the bank yesterday, a situation aggravated by a publication in a local sensational paper in the early afternoon, and has resulted in the withdrawal altogether of approximately \$200,000 according to the president, J. P. Flack. Mr. Flack said:

"As far as we were able to trace the origin of this rumor, we found that two newsmen, crying the bank had failed, were the cause of it."

Another report of the origin of the scare was that a man who had been on a protracted spree, but who had written several checks and was "being robbed," had been told by an official that he could have no more that day, and that he went forth to spread the news that the bank could not pay.

No Danger of Failure.
President Flack said last night the bank's reserve fund was \$200,000, and that nearly \$500,000 is still on hand, for many patrons, uninfluenced by the "run" continued to make deposits. There is no danger that the bank will fail," said he.

The condition of the bank was discussed at the meeting of the bankers and a statement issued, after a conference with the bank examiner who was in the city, in which the public was advised that there was no cause for alarm.

The paying teller's window was kept open 10 minutes after closing time yesterday and a public announcement was made assuring the depositors that the bank would keep its regular hours and that they would "get their money."

Condition of Bank.
The condition of the City National bank of Omaha on October 21, at the date of the last call from the comptroller of the currency was:

RESOURCES:

Loans and discounts	\$2,298,714.23
U. S. bonds to secure circulation	29,543.75
Furniture, fixtures, vaults, etc.	94,824.15
Deposits	1,375,862.45
Cash and slight exchange	1,305,233.34
Total	\$4,298,704.62

LIABILITIES:

Capital	\$500,000.00
Surplus	194,757.00
Reserve for taxes and in- terest on deposits	3,261.00
St. Louis, Brownsville and Mexico	2,200.00
Bills discounted	286,000.00
Total	\$4,298,704.62

The officers of the bank are: John P. Flack, president; John F. Hecox, vice president; W. D. Moore, cashier; J. D. Utendorfer, assistant cashier.

Two Hundred Forty- One Killed by Autos; Thirty-Nine Arrests

NEW YORK, Dec. 9.—Coinciding with the holding of an International Exposition of Safety this week, New York is aroused by the frequency of the so-called automobile killings. So many children have been victims that a number of women representing various organizations have appointed a committee to call upon Mayor Adolph Kline and to petition for the establishment of a bureau for the prevention of further speeding and reckless driving.

The society for political study, of which Miss Edith Raffert is chairman, has also called a public mass meeting which will probably be held in Cooper union next Monday evening at which the situation will be discussed.

There have been 24 deaths in this city from automobile accidents in the last eleven months in connection with which there have been only thirty-nine arrests, with no indictments and no licenses revoked, according to a speaker at yesterday's meeting of the society for political study.

Dedication of New Law Building

LINCOLN, Neb., Dec. 9.—The recently complete law college building of the University of Nebraska was dedicated here today by Prof. Roscoe Pound of Harvard university and Prof. George Costigan, Jr., of Northwestern university. That public confidence in the law's justice was essential in the new era of law was the theme of Dr. Pound's dedication address.

FATHER OF HANS SCHMIDT ON WAY TO NEW YORK

NEW YORK, Dec. 9.—The aged father and the sister of Hans Schmidt, confessed slayer of Anna Amuller, are on their way from Germany to New York to save Schmidt from the electric chair if possible. They will offer testimony that he has been insane for years. The announcement to this effect was made by Schmidt's attorney at the opening today of the second day of Schmidt's trial. The lawyers said the two were expected here Thursday. A jury was chosen to

GIRL MOTHER WHO KILLED LOVER

Jury Refuses to Convict Sebastiano
Sortino for Shooting Santo
Delucca.

CHARGED WITH MANSLAUGHTER
Young Woman Alleges Dead Man
Betrayed Her and Laughed.

DELUCCA FATHER OF HER BABY
Jurors Decline to Send Young
Parent to Penitentiary.

SHE TELLS STORY ON STAND
Defendant Testifies that She Does
Not Remember Firing Shots
Which Caused the Death
of Delucca.

Sebastiano Sortino, the 23-year-old mother tried in Judge Sutton's district court on a charge of killing Santo Delucca, who, according to the defense, "betrayed her and laughed," was acquitted yesterday afternoon. The jury was out fifty-five minutes.

The girl took the witness stand in her own defense in the morning session of court and testified that she remembered nothing that happened the night of March 13 after she met Delucca at Tenth and Dodge streets and he refused her request that he marry her. She said that she had bought a revolver about a month before and intended to kill herself.

Woman suffragists asked Attorney Jeffers for the defense to tell the jury that women are held irresponsible by men so far as the making of laws or concerned, but that when the law is broken both sexes are equally held accountable and that this viewpoint is wrong. Mr. Jeffers in effect told the jury this and it was said to be the first time in the legal history of Nebraska that women's rights have entered into the trial of a criminal case.

Many Women Present.
Half a dozen women representing various clubs sought to impress the jury of the case upon County Attorney Magner, who is prosecuting Miss Sortino. There were a number of women among the crowd which filled the court room, the largest in the new county building.

Women crowded about Miss Sortino as she sat holding her 4-month-old baby girl on her lap and surrounded by her relatives. The visitors expressed their sympathy for the young mother and petted the baby, this always bringing a proud smile to the mother's face.

A middle-aged man standing on the east side of the court room described more affected by Attorney Jeffers' description of the suffering and anguish which the young Italian girl had experienced and which, he asserted, had unbalanced her mind, than the women in the court room, but handicrafts were in general use.

Mrs. Ella Gibbons, matron at the police station, told of the girl's despair immediately after the shooting. Mrs. Gibbons testified that the young woman ate no food for three days and that she scratched herself and tore her hair. When Miss Sortino went to the stand she broke down completely and wept with her face buried in her baby's clothes. The infant broke into loud wailing and an adjournment of court was taken while the young mother gave it nourishment.

The defendant gave her testimony in a composed manner when she returned to the stand. "I was always a good girl," she said, through an interpreter. "I knew Santo Delucca when we were home in Italy. After we came here he promised to marry me, and this was before I started to love him. He told me to come to see his sister, and then he took me to River-view park, where the wild animals are."

Cannot Remember.
"I bought the revolver about a month before the trouble," she said. "The day before he went back to home and made fun of me. Then I remember taking the revolver from my bed and going out. I met him and asked him to marry me. He said he would not. That is all I remember."

All the witnesses, including those for the prosecution, testified that the girl did not appear to be in her right mind before and after the shooting, and this fact was dwelt upon by counsel for the defense. "It is true that the law and civilization must be protected," said Attorney Jeffers, "but we are not determining the future course of civilization in this case. We are deciding the fate of this girl and her baby. It would be a greater wrong to society should she be sent to the penitentiary for an act for which she was not mentally responsible, than if the man of charity were drawn over this occurrence. She and every other person in like circumstances is entitled to the benefit of a reasonable doubt as to whether she had a reasoning mind at the time of this unfortunate affair. Unless you can say to a moral certainty that she had a sane mind, you jurors, as fair men, must not convict her."

Different in Italy.
"Customs and manners are different under the warm sun of Italy from what they are here. Under our civilization, which has been lauded here to you, a girl may be ruined and the law may say, 'Do this, that or the other thing,' and the guilty man goes free. Allowance should be made for the different viewpoint."

County Attorney Magner's argument to the jury was a protest against the allowing of sympathy to influence the decision of its members. "The law must be upheld," he said, "and judge and jury must do their duty. It is not pleasant, but it must be done."

Jury Which Heard Evidence.
The following men composed the jury which heard the evidence in the trial: Frank Mokry, 223 South Eleventh; Lee Slaven, 95 Hickory; W. E. Taylor, 616 North Twenty-fourth; D. W. Jones, 455 Burdette; John C. Hime, 2014 Farnam; J. Carter, 26 North Seventeenth; John F. Rogers, 501 North Twelfth; South Omaha.

A. Lindblad, 432 North Thirty-eighth; A. Barnhill, 228 Taylor; R. H. Thoms, 204 North Twenty-seventh; John Herpe, 224 South Thirtieth; R. W. Day, 275 South Twenty-eighth.

DR. BRANTLEY NOW ON TRIAL

Alleged Misuser of Mails Facing
Suit in Federal Court

ADMITS SWINDLING BUSINESS
Counsel for the Defense Corroborates Charge Against Concern, but Pleads Accused Was Only an Employee.

"We are now making our usual 'get-away.' It is now 2 o'clock, and if they leave us alone until 4 o'clock, everything will be all right. The newspapers are beginning to raise a hue and cry, and there is no use in staying here longer."

This is the substance of a letter, alleged to have been written by the defendant to a friend, that the prosecution will introduce as a chief exhibit in the case against Dr. E. D. Brantley, whose trial before Judge Page Morris of Duluth in the United States district court has begun. United States Attorney P. S. Howell will undertake to show that the letter was written by Brantley shortly before he left Omaha May 4.

Dr. Brantley, for three terms a member of the Tennessee state legislature, a graduate of the medical school at Vanderbilt university and a practicing physician at Memphis, is facing the penitentiary because of his connection with the Electro-Oxygen company, which had offices in the Fidelity-Casualty building here last spring and which was headed by X. W. Wittman, who, with Mrs. Wittman, also, is under federal indictment.

Admit It Was Swindle.
According to the admission of court of Arthur P. Mullen, counsel for Brantley, the Electro-Oxygen company was a swindling concern. The contention of the defense will be that, although patients, lured by "promising" advertisements in daily newspapers of Omaha, were defrauded, Brantley cannot be held liable, because he was only an employee of Wittman. That Brantley was engaged on a salary is admitted by the prosecution. It is contended, however, that his guilt is equal, inasmuch as he knew, it is alleged, the nature of the business, and had been associated with Wittman in similar enterprises in other cities.

This is the second trial that Brantley has faced. He was several months ago brought up for a preliminary hearing before a United States commissioner at Memphis, but was discharged because the evidence against him was held insufficient. It was not until he had been indicted by the federal grand jury here that he could be brought to Omaha for trial.

Wittman went from here to Colorado Springs. He was arrested there and gave bonds to assure his appearance for trial here. Some time ago clothes, identified as belonging to Wittman, were found on the banks of the Hudson river, New York; this fact tending to give the federal authorities believe that he is alive.

Mrs. Wittman, at liberty under \$500 bonds, came from Louisville, Ky., several weeks ago. It is probable that the case against her will not be prosecuted.

Mansion and Art Treasures Burned

PITTSBURGH, Pa., Dec. 9.—Five students narrowly escaped death and a property loss of \$5,000 attended the destruction by fire here today of the residence of the late Captain Samuel Brown. The Brown mansion was one of the show places of the Monongahela valley. The house has been occupied by Mr. and Mrs. James Ward since it was raised ten years ago from the valley to a bluff 100 feet above and was filled with pictures and bric-a-brac. These, too, were destroyed, bringing the loss to about \$25,000.

The Picture on the Screen

**PARDON ME! BUT
IT IS NOT IN THE
PLATFORM!!!**



Drawn for The Bee by Powell.

JUDGE ORDERS JURY TO DISMISS THE CASE AGAINST DR. CRAIG

Court Holds State Did Not Sustain
Charge He Murdered Helene
Knabe.

FOLLOWS MOTION BY DEFENSE
Those Watching Progress of Trial
Are Not Surprised.

WOMEN BELIEVED MURDERED
Prosecution Fails to Connect Veteri-
narian with Crime.

VICTIM A PROMINENT DOCTOR
Bill Against Alonzo M. Ragsdale,
Indicted with Other. Nolle
Prossed in Indianapolis
Court.

—SHELBYVILLE, Ind., Dec. 9.—Judge Alonzo Blair today instructed the jury to dismiss the case against Dr. William B. Craig, charged with the murder of Dr. Helene Knabe at Indianapolis October 23, 1911. The motion to dismiss the case was made by Attorney Henry Spain for the defendant yesterday when the state concluded its evidence.

The sudden termination of the case was not unexpected by those who have watched the progress of the trial. It was the general opinion that the state failed to make a strong case against Dr. Craig, who is dean of the Indiana Veterinary college at Indianapolis.

Mr. Spain in his argument to dismiss the case said he believed Dr. Knabe was murdered, but said "it is a far cry that Dr. Knabe was murdered to the proposition that Craig did it." He declared that the state had failed to connect Dr. Craig with the crime and also had failed to establish an motive for Dr. Knabe's murder. He said that the state argued that their evidence was sufficient to convict, but they were overruled by Judge Blair.

Prominent Woman Doctor.
Dr. Helene Knabe was one of the most prominent women doctors in the state and at one time was connected with the State Board of Health. She was found dead in her apartment in Indianapolis on the morning of October 24, 1911, by her office girl, Miss Katherine McPherson. The police, after a long investigation, reported that Dr. Knabe committed suicide. Coroner Durham of Marion county conducted an independent investigation for more than a year. Two grand juries considered the case, but made no report.

State's Contentions Overruled.
Women of Indianapolis became interested and employed a private detective to gather evidence. It was on the detective's report that the third grand jury which had considered the case, returned indictments December 15, 1912, against Dr. Craig and A. M. Ragsdale, an undertaker and administrator of the Knabestown, Blawie was indicted as an accessory after the fact.

**Grand Duke Boris
Settles Libel Suit
With Frank Munsey**
LONDON, Dec. 9.—A libel suit brought by the Grand Duke Boris of Russia, against the Frank A. Munsey company, was settled out of court, but the grand duke will appear on the witness stand on December 15 and give evidence to clear his character.

The case arose out of an article describing the grand duke's career in Manchuria during the Russo-Japanese war and his relations with General Kurapatkin, the Russian commander-in-chief.

Frederick E. Smith, a prominent unionist politician, acting as counsel for the grand duke, asked the judge to set a day for the grand duke to testify. He said the case would have involved the calling of an immense number of witnesses. In order to avoid this the parties had discussed the matter out of court and had reached a settlement.

Henry E. Duke, counsel for the defendant company, will make a statement and the grand duke will go on the stand on the date set when the terms of settlement also will be announced.

Woman's Emancipation

Woman's work is never done so it is said. But one has only to look about to observe to what a great extent woman's work has been reduced by later-day methods of house-keeping.

For up-and-doing women drudgery has been turned into pleasant occupation by the magic hand of progress. Take, for example, the kitchen, that department of every home which is conceded to furnish the lion's share of disagreeable work for woman. Compare the kitchen of today with that of yesterday. Think of the many, many improvements devised to lessen and make more interesting woman's work.

Likewise, in every other department of the house. Progress is simplifying and making woman's work less burdensome. And yet, many women are so absorbed in their tasks that they pay little attention to the persistent and enlightening voice of newspaper advertising.

The Bee is a faithful and true friend to all who wish to profit. Manufacturers and retailers are constantly telling how to eliminate drudgery from housekeeping.

The Weather

Forecast till 7 p. m. Wednesday:
For Omaha, Council Bluffs and vicinity—Fair, not much change in temperature.
Temperature at Omaha Yesterday:
Hours. Deg.

5 a. m.	28
6 a. m.	28
7 a. m.	28
8 a. m.	29
9 a. m.	29
10 a. m.	29
11 a. m.	29
12 m.	29
1 p. m.	29
2 p. m.	29
3 p. m.	29
4 p. m.	29
5 p. m.	29
6 p. m.	29
7 p. m.	29
8 p. m.	29
9 p. m.	29
10 p. m.	29
11 p. m.	29
12 m.	29

Comparative Local Records:
1913, 1912, 1911, 1910.
Highest yesterday..... 48 51 42 39
Lowest yesterday..... 28 14 20 19
Mean temperature..... 38 36 36 36
Precipitation..... .00 .00 .02 T
Temperature and precipitation departures from the normal at Omaha since March 1, and compared with the last two years:
Normal temperature..... 30
Excess for the day..... 8
Total excess since March..... 810
Normal precipitation..... .08 inch
Deficiency for the day..... 1.39 inches
Total rainfall since March 1, 33.52 inches
Deficiency since March 1..... 3.88 inches
Deficiency, cor. period, 1913, 18.99 inches
Deficiency, cor. period, 1912, 18.00 inches
Deficiency, cor. period, 1911, 18.00 inches
Reports from Stations at 7 P. M.
Stations. High. Rain-
f. m. in. fall.

J. A. WELSH, Local Forecaster.