

NEW RULING IN BANKING LAW

Supreme Court Reverses District Court of Douglas County.

LAYS DOWN A PRECEDENT.

State Bank of Chicago Cannot Recover From First National of Omaha on Forged Draft Cashed by Latter. State Treasurer's Report Shows Heavy Balance on Hand.

Lincoln, July 1.—In the case of the State Bank of Chicago, plaintiff and appellee, against the First National bank of Omaha, defendant and appellant, the supreme court reversed the decision of the Douglas county district court and at the same time established a new precedent of law in the banking business of Nebraska.

The court holds that where a forged draft, alleged to be issued by one bank, to be paid by another, and is cashed by a third bank, the drawee cannot recover from the paying bank if the latter has used ordinary precaution in the matter.

The draft was on the German bank of South Dakota and was made payable to Charles Viterna. It was drawn for \$800 on the State bank of Chicago. The draft was cashed by the First National bank of Omaha, the cashier being personally acquainted with the party presenting it for payment. In time the Omaha bank was paid back the money by the Chicago bank and later it was discovered that the draft was a forgery. Suit was then brought by the Chicago bank against the Omaha bank for the recovery of the face of the draft. In the district court of Douglas county the Chicago bank won, but lost in the supreme court. Judge Root wrote the opinion of the court.

State Treasurer's Report.
The monthly report of State Treasurer Brian shows that the general fund has a balance of \$301,495 to take care of outstanding obligations and current expenses. The permanent school fund has uninvested \$175,577. The total receipts for the month amounted to \$500,090, and the total expenditure \$700,013.

PIONEER RAILROADER DEAD

Andrew Jackson Passes Away at North Bend, Neb.

North Bend, Neb., July 1.—Andrew Jackson, a pioneer railroad man, who died here at the home of his daughter, was continually connected with the railroad history of Nebraska from its beginning.

Mr. Jackson did his first railroad work when a boy, more than seventy years ago, on the Vermont Central road, where he was employed as driver of a cart during the construction of the line. He came to Muscatine, Ia., in 1845, where he was employed for twenty years as section foreman and in charge of a construction train.

In the spring of 1865 he came by team from Grinnell, Ia., to Omaha, to take charge of track laying on the Union Pacific railroad. He laid the first rail on the Union Pacific and landed the first locomotive that ran over the road, the same coming by a steamboat from St. Joseph, Mo. For two years he lived in Omaha, then moved his family to North Bend and still continued to serve as roadmaster for several years, having charge of the line between Omaha and Grand Island.

Fifteen years ago he went to Seattle and remained there until four years ago, when he returned to North Bend to spend his remaining days. His wife died while in Washington. He is survived by two daughters, Mrs. C. W. Dodge and Mrs. Ed Stover, both of this city.

Wymore Has \$150,000 Fire.

Wymore, Neb., July 1.—The fire here was gotten under control after the following business houses had been licked up, with loss of \$150,000: Mentgen Bros., groceries and dry goods; Taylor opera house, Bell telephone office, Laffin Bros.' drug store, Thiesens & Cutshall's meat market and grocery house, City National bank and D. A. Lasher, hardware store. The clothing store of Thomas Hargreaves was badly damaged.

Farmer Fatally Hurt.

Red Cloud, Neb., July 1.—Tom Cralick, a farmer living south of this city, met with a serious accident. He was cutting wheat and some time having in some manner wrapped around the shafting, he got down between the team and the binder and the horses started suddenly, cutting Mr. Cralick in the back and almost severing his right foot. He is in a critical condition and the doctors have no hopes for his recovery.

Candidates Coming In.

Lincoln, July 1.—R. D. Sutherland of Nelson filed his name with the secretary of state as a candidate for the Populist nomination for congress in the Fifth district. He filed also a petition to have his name placed on the Democratic ticket. James P. Latta filed as a Democratic candidate for congress in the Third district and A. T. Gatewood of McCook filed as a Democratic candidate for secretary of state. He also filed as a Populist.

POLK COUNTY FARM REPORT

Produces Big Crop of Corn and Small Yield of Alfalfa.

Des Moines, July 1.—Corn and alfalfa occupy the high and low places in the crops harvested by the farmers in Polk county. Last year 3,592,408 bushels of corn was raised from the 75,810 acres that were planted. The eighty-four acres of alfalfa produced 177 tons. Deputy County Auditor Burnett has completed the annual crop report for the county. Corn and oats are the staple products of the county, although the farmers are not slow in the matter of butter and eggs. Last year they marketed 633,174 dozens of eggs and their wives made 731,010 pounds of golden butter.

In all, there were 53,359 pigs on the farms of Polk county last year, 3,026 sheep and 35,304 cows.

There is an average of seventy-four farms in each of the townships of the county. The average farm in the county is composed of 10 acres. The highest price paid the farm hands in the county is \$45 per month.

The report for 1909 shows a good gain over 1908.

ACCIDENTS AT RIFLE RANGE

Gun Explodes in Guardsman Hands and Cigarette Fires Tents.

Des Moines, July 1.—Two guardsmen were in great danger at the state rifle contest and the buildings at the range came near destruction by fire. Explosion of a rifle in the hands of Private Lapinea of Fort Dodge badly burned his hand and Private Richna of Tipton was hit by a bullet while operating the targets. A cigarette ignited the tents of the Fifty-fifth regiment.

RUNAWAY BOY

KILLED BY CARS

Chicago Lad Loses Life in Yards at Clinton.

Clinton, Ia., July 1.—John Mitchell, aged fourteen, a runaway boy from Chicago, met death in the Northwest ern yards here. He was with two other boys from Chicago of the same age. Mitchell was sleeping on a flat car and is believed to have gotten up in his sleep and lay on the tracks near the car wheels. An engine bumped the string of cars, moving them just enough to break the boy's back. He died immediately.

AUTO PLUNGES DOWN HILL

Passengers in Car Near Iowa City Have Remarkable Escape.

Iowa City, Ia., July 1.—An automobile belonging to Hays Carson, in which he was riding with Robert Carson and Ed Dennis, plunged down a twenty-foot embankment, turning completely around, and landed on the river bank without a particle of injury to any of the occupants. The grade was almost perpendicular.

The accident was caused by the breaking of the steering apparatus, the car wobbling from side to side before turning over the river bank. The car plowed down the bank, knocking a fence to pieces and uprooting bushes until it appeared that a steam roller had smoothed the side of the embankment.

CUMMINS CANCELS DATES

Will Take Three Weeks' Rest, but Denies Report He Is Seriously Ill.

Des Moines, July 1.—Senator A. B. Cummins denied the report that his heart is seriously affected and that he has cancelled his chautauqua dates. He declared that he will take up his chautauqua lecture July 19. "I was advised by physicians at Baltimore to take a rest and have cancelled some of my chautauqua dates. This has given rise to exaggerated reports," said Mr. Cummins.

Jewelers' Officers.

Oes Moines, July 1.—The Iowa Jewellers' association elected the following officers: President, H. Neilson of Fort Dodge; vice president, John Hind of Iowa City; secretary, Fred Edgar of Eldora; executive committee, Fred Shepherd and J. M. Goldstone of Bennett. The optometrists elected the following officers: President, George A. Feige of Des Moines; vice president, H. Replogle of Shenandoah; secretary and treasurer, George L. Goodale of Lenox.

Marshalltown in Fight for Pure Milk.

Marshalltown, Ia., July 1.—A campaign for pure milk, not only meeting the requirements of the test for butter fat, but entirely free from preservatives, has been begun here by J. A. Turner, the new appointee of the state as milk inspector. Turner insists that milk furnished local consumers must be absolutely pure, and weekly tests will be made of dealers' samples during the summer months.

Iowan Killed by Intense Heat.

Marshalltown, Ia., July 1.—As the result of being stricken with heat while working in his garden, William H. Davis, aged sixty-eight, a pioneer resident of the county, died very suddenly. Davis' heart was not strong and he became overheated in the hot sun. Returning to the house and complaining of feeling dizzy, he fell, struck his head against the floor and died before a doctor could be called.

FIREWORKS GO OFF IN BIG STORE

Largest Des Moines Grocery Suffers \$20,000 Loss.

PANIC IN CROWDED STREET.

Lighted Match Tossed Carelessly Aside Causes Much Excitement. Roomers on Third Floor Taken Out Almost Suffocated—Several Persons in the Crowd Are Slightly Injured.

Des Moines, July 2.—An impromptu display of fireworks caused the partial destruction of the leading downtown grocery store. The fireworks in the window of H. S. Chase & Co.'s store, near the busiest corner of the city, started things going.

The whole front of the store was blown out and all the buildings in the block were put in danger. A woman and her son rooming on the third floor above were taken out almost suffocated. One of the clerks in the store was burned and several in the crowd in the street received slight injuries. The loss was probably \$20,000.

FOUND DYING AT MANAWA

Mystery in Death of Omaha Man Near Council Bluffs.

Council Bluffs, Ia., July 2.—A man who was found in a dying condition in a secluded spot at Lake Manawa was identified as Amos Royster of Florence, a suburb of Omaha.

Royster's wife was searching for her husband when a reporter informed her of his death. Royster's death is a mystery. Physicians who have examined the body say there is no evidence of personal injury. When last seen in Omaha, Royster was in perfect health. There are no marks of violence on the body.

JEWELERS END CONVENTION

Iowa Gathering Denounces Fake Advertising and Sales.

Des Moines, July 2.—The Iowa jewelers elected to hold their next annual convention in Des Moines, the last week in June, 1911. Resolutions were adopted at the final session. In these the jewelers declared against fraudulent advertising and the booming of business by fake fire sales. They favor a national stamping law for watch cases. Cedar Rapids gets the state optometrists' convention next year. The dates have not yet been fixed.

LIGHTNING KILLS SEVERAL

Recent Storms in Parts of Iowa Were Very Severe.

Mason City, Ia., July 2.—Details of the recent severe electrical storm which passed west of here through the counties of Hancock, Winnebago and Kossuth have been received. No less than three people were killed outright and six more are known to have been injured. In these three counties no less than fifty houses were struck by lightning and more or less damaged.

HOEVE GETS JUNKIN'S BODY

Drake Criminologist Pays Condemned Negro \$50 for His Remains.

Des Moines, July 2.—Professor H. J. Hoeve, the famous criminologist of Drake university, who analyzed the skull and body of John Junkin during his trial in Centerville a year ago, will receive the body after the prisoner is hanged at the Fort Madison penitentiary on the last day of July. The negro is said to have received \$50 from the college professor for his carcass.

Nathoo Saves His Long Hair.

Fort Madison, Ia., July 2.—"Count" Nathoo was brought in from Des Moines by Deputy Sheriff Curran. The Hindoo wants to keep his long hair, and the prison authorities will undoubtedly yield to the request, as there is no law to require a shaved head. Nathoo "practiced" here six years ago and is well known in Fort Madison.

Estrada Gets Big Prize.

Buffalo, Nicaragua, July 2.—The government customs house at Pearl lagoon was taken by the rebels under General Masias. Estrada's men also captured a large cannon and some provisions and ammunition. The fighting lasted twenty minutes and the total casualties are said to be fifty.

Claimholders Still Have Chance.

Aberdeen, S. D., July 2.—The filing of the first 8,000 winners in the Cheyenne River-Standing Rock land drawing of last October closed, and the remaining winners will be permitted to file after Sept. 1. Of the 8,000 lucky ones, just 2,400 filed. Much of the land remaining untaken is excellent for agricultural purposes, and many of the would-be claimholders holding high numbers will be able to secure excellent farms after Sept. 1.

Five prominent business men of Fair, Ala., were arrested on a charge of attempting to assassinate J. H. Givens, a wealthy banker, and three merchants who were his companions. The Givens party was fired on from ambush while driving near Falco. All were wounded, and later when a posse pursued the assailants, they walked into another ambush and three deputies were shot. None will die.

ROW OVER AVIATION MEET

Sioux City Business Men Dissatisfied and Refuse to Pay.

Sioux City, Ia., July 2.—Dissatisfied with the aviation exhibition given by J. C. Mars and Eugene Ely under the auspices of the Glenn Curtiss company, the business men's committee refused to make the second payment of \$2,000, and Mars announced that Curtiss would sue in the courts. The committee insists on two days of successful flights, as provided for in the contract. Thousands of people who came to Sioux City this week went home disgusted over the show. The business men will standpat. They gave up \$2,000 before the meet, but propose to hang on to the other \$6,000 until the goods are delivered.

CHARLES BAKER IS DEAD

One of Iowa's Most Prominent Attorneys' Passes Away.

Iowa City, Ia., July 2.—Charles Baker, one of the most prominent attorneys in the state, died of heart failure. He was a member of the legal firm of Baker & Ball. He was in his sixty-eighth year and had practiced forty-four years at Marengo before locating here. He served in the Fourth Wisconsin regiment throughout the civil war and was in command of a company of scouts. He was imprisoned at Fort Tyler, Texas, toward the end of the war, and was there when the conflict ended. He leaves a wife and four sons.

TWO WOMEN MAY BE FATALLY HURT

Hurled From Buggy in Runaway Near Boone.

Boone, Ia., July 2.—At noon on a deeply wooded hill near here Mrs. Peter McDonald and Mrs. Andrew Simpson were thrown from a buggy and probably fatally injured. Their horse became frightened and ran at breakneck speed down the hill. A lineman working nearby ran to the rescue of the women and found both unconscious. He tapped a wire and summoned aid from town. Both women were brought to the hospital here. Neither has regained consciousness. A hatpin penetrated four inches into the skull of one of the victims.

GUARD SHOOT COMES TO END

Championship in Regimental Rifle Matches Won by Fifty-Third's Team.

Des Moines, July 2.—The championship in the regimental rifle matches was won by the team of the Fifty-third regiment of the Iowa national guard. Lieutenant Don E. Pressner, company D, Fifty-third regiment, Manchester, is the individual rifle champion and Lieutenant M. C. Mumma of Iowa City, a member of the Second cavalry, is the revolver champion.

JUDGE ROBINSON WEDS

Clare Lunbeck Is Bride of Chairman of State Board of Control.

Des Moines, July 2.—Judge G. S. Robinson of the board of control, who started for Alaska ten days ago, sent word to friends that he was married last week in Tacoma to Miss Clare Lunbeck, formerly state agent in the employ of the board of control, engaged in home finding for orphans.

Body Pierced by Wagon Tongue.

Ia. Grove, Ia., July 2.—James Taylor, who works for Ed Clark on Dr. E. C. Hellman's farm in Silver Creek, was terribly injured at the farm, his abdomen being pierced by a wagon tongue. His condition is very serious. He was walking backwards leading a team when he ran into a tree. The team came on and the tongue pierced Taylor's abdomen.

Found Dead in His Bed.

Des Moines, July 2.—C. L. St. Clair, aged forty-four years, was found dead in bed at his room in the Wellington hotel. Mr. St. Clair was a land agent, coming to Des Moines four weeks ago from San Angelo, Tex. Heart failure is thought to have been the cause of death.

Dubuque Plumbers Strike.

Dubuque, Ia., July 2.—Union plumbers, numbering twenty-seven, went out on a strike. The plumbers ask a raise from \$4 to \$4.50 a day.

VAGS SENT TO WHEAT FIELDS

Kansas City Judge Says Refusal Will Mean Six Months in Workhouse.

Kansas City, July 2.—"Hereafter I intend to sentence all vagrants to the Kansas wheat fields while the harvest season is on." Judge Burney said this in the municipal court here. "If they refuse to go and are caught loitering around town I will send them to the workhouse for six months."

Sues Wayman for Slander.

Chicago, July 2.—C. M. Spare, one of the jurors who held out for acquittal of Lee O'Neil Browne, has filed a suit for \$50,000 against State's Attorney Wayman, alleging slander and libel. Wayman, in an interview, is said to have accused Spare of "hanging" the jury.

HARTING CHOSEN AS TIME KEEPER

Veteran Ring Official Selected for Jeffries-Johnson Fight.

TOMMY BURNS REACHES RENO.

Says If White Man Is in Form Johnson Stands No Chance—Jeffries Goes Fishing and Champion Idles About Camp—Delegations From Australia Arrive.

Reno, Nev., July 2.—Dust-covered and tired, but beaming with good nature and his creel bulging with good Truckee river trout, Jeffries returned to Reno from an early trip to Verdi, up in the slopes of the Sierras above the city. That is the way he proposes to spend his time from now until he shakes hands with Jack Johnson on July 4 and the battle is on.

Camp Johnson, although the stellar attraction was in evidence all day, was just as quiet as Camp Jeffries. Jack lolled about the place. Not a stroke of training work did he do.

Among the celebrities who arrived were the Australian fight promoter, Hugh McIntosh; Tommy Burns, ex-heavyweight champion; Bill Lang, champion heavyweight of Australia; Abe Attell, the premier featherweight; W. Corbett, the Australian referee; Eddie Hannon and George Harting, the veteran timekeeper. With the exception of McIntosh, the Australians predict that Jeffries will have little difficulty in disposing of Johnson.

Burns immediately upon his arrival gave out the following statement:

"All I want to know is that Jeffries is in the splendid condition he is reported by the newspapers to be in. If I satisfy myself that Jeffries has come back to his old form, I'll know absolutely that he can't lose this fight. If my match with Johnson, I learned the big negro is not much of a fighter, though he is a good boxer. It will take more than boxing, however, to win next Monday."

Shortly after George Harting's arrival here it was announced that he had been selected as the official time keeper for the Jeffries-Johnson match. In his time Harting has counted out 1,100 defeated fighters. Four of the men to whom he gave the fatal "eight, nine, ten," died from their punishment.

Betting continues light. Some layers are offering odds of 10 to 7½ on Jeffries, but even money that Jeffries will not knock Johnson out in nineteen rounds.

Little Betting in New York.

New York, July 2.—There is a dead lock in the betting here on the Jeffries-Johnson championship fight. Jeffries' own statement that the contest was an even proposition caused his admirers to hesitate to put their money down at 10 to 6.

FLEES NAKED FROM FIRE

Woman Tears Burning Clothing Off and Carries Baby to Safety.

New York, July 2.—Her light clothing ignited by the flames of an overturned kerosene stove as she was preparing to warm the milk for her sick baby, Mrs. Rosa Moskowitz tore every stitch of her blazing garments from her, seized the child in her arms and with not a whit less bravery than Lady Godiva in a crisis, fled with the infant from the burning room down the fire escape.

Neighbors gathered below cloaked her and cared for her and her three little children, the two older of whom were able to make their own way down the fire escape to safety.

Mrs. Moskowitz will recover from the effects of the painful burns she received. The rescued child, a six months-old boy, was named Teddy after Colonel Roosevelt.

MANY SETTLERS HOMELESS

Fires in Canada Destroy Many Towns and Settlements.

Winnipeg, Man., July 2.—Bush fires invaded the towns of Devlin and La Velle, in the Rainy river district of Ontario. At Devlin, the hotel and numerous stores and houses were destroyed. The fire jumped the Rainy river from the American side at Emo Ont., and is now burning fiercely east of there. Hundreds of settlers lost all of their property.

The manager of the Rat Portage Lumber company estimated the company's loss from bush fires in the Rainy river district at \$2,000,000. Little lakes are alive with moose seeking safety from the flames. The towns of Stanley is reported in grave danger.

STRIKERS USE DYNAMITE

Bitter Struggle in Pennsylvania Results in Several Deaths.

Greensburg, Pa., July 2.—The West moreland coal district is in the throes of a miners' strike, which so far has resulted in several deaths by the use of dynamite. There are many arrests and much violent disorder.

At Export the homes of two foreign miners were dynamited, resulting in injury to a year-old baby. The strike now in the second month, is the outcome of an attempt to unionize the field.

JAPAN TO ANNEX KOREA

New Has Control of Police Administration of Hermit Kingdom.

Tokyo, July 1.—There is every reason to believe that announcement of the annexation of Korea by Japan is imminent.

In accordance with the convention recently made between Korea and Japan, the Korean emperor has issued an edict delegating to the Japanese government the police administration of the country. This is the first step and the final step will be taken when Korea is practically under guard. The garrisons are being steadily strengthened. The mass of Koreans accept the reports of the approaching annexation with indifference, but a decided spirit of unrest and activity among the anti-Japanese element necessitates precaution prior to the forthcoming announcement.

Lieutenant General Viscount Teranishi, the Japanese resident general of Korea, will leave for Seoul, the Korean capital, on July 15, to confer with Emperor Yi Syek of Korea, who is reported to be in a complaisant state of mind in view of the announcement which has been made for him, his immediate family and other members of the royalty under the annexation arrangements.

The text of the Russo-Japanese convention, recently made, will be published soon in St. Petersburg.

MAY PARDON ANDREW HAWKINS

Aged Man Recommended to Governor for Clemency.

Lincoln, July 1.—Andrew Hawkins has been recommended to the governor for a pardon July 4. The recommendation was signed by Chief Justice Reese of the supreme court, Attorney General Thompson, Secretary of State Junkin and Warden Smith of the state penitentiary. This was done under the law which provides that the governor may issue a pardon to a life prisoner on July 4 without a hearing, providing the same is recommended by the above.

Hawkins was sent to the penitentiary for life Dec. 24, 1893, and has been in prison longer than any other person confined there. He was convicted of the murder of a man named Jensen in Red Willow county, the conviction being on circumstantial evidence. Hawkins is now nearly seventy years old. Judge Reese said he signed the papers because of the recommendation of Warden Smith, in whom he had the greatest confidence, and without investigating the case. From merely reading the opinion in the case, the judge said Hawkins' rights had not been protected in the trial. Mr. Junkin signed because of the age of the prisoner. Since the conviction of Hawkins an affidavit has been filed with the governor that a party talking in a saloon in Omaha admitted that he committed the murder. The governor has the case under advisement.

Wilson State Health Inspector.

Lincoln, July 1.—The state board of health has re-elected Dr. W. H. Wilson state health inspector, at a salary of \$1,800 a year. The three nurse secretaries having resigned, the following were elected to succeed them: Nan Dorsey of Omaha, Lillie Stiff of Lincoln and Bessie Bixby of Lincoln. They serve one, two and three years.

Livery Barn at Bayard Burned.

Bayard, Neb., July 1.—The livery barn and automobile garage belonging to L. C. Leach at this place was destroyed by fire. Two buildings, a carpenter shop and a blacksmith shop next to the barn, also burned. The total loss was \$10,000.

COMMITTEE WITHOUT FUNDS

No Provision Made for Payment of Expense of Inquiry Asked by Gore.

Washington, July 1.—Members of the senate committee appointed to investigate the charges made by Senator Gore relating to Oklahoma Indian land contracts have discovered that the committee was not provided with funds to defray the cost of the inquiry.

When the inquiry resolution was passed Senators Hale and Hughes stated that no appropriation was desired. This declaration escaped the attention of Senator Jones of Washington and other members of the committee, and it is probable that the committee will not take up the inquiry until congress assembles in December.

The house committee appointed to inquire into Indian affairs in Oklahoma, however, was given broad power and funds to cover the cost of the investigation. The resolution provided that all expenses of the committee should be provided out of the house contingent fund.

St. Louis Police Under Charges.

St. Louis, July 1.—One police lieutenant, six sergeants, a detective and fifteen patrolmen were charged with pilfering from the Police Relief association fund by the board of police commissioners.

Two Killed; Two Injured.

Fostoria, O., July 1.—Rev. E. F. Lashley and Ralph Biedler were instantly killed; M. A. Stone burned and James McConnell probably fatally injured when an automobile jumped into a ditch near here.