$200,000; A. B. Clark is on Bartley's bond for $300,000, on the First National bank depository bond for $100,000 and again on the Meserve bond for $100,000; Mary Fitzgerald is on the Bartley bond for $300,000, on the rejected First National bank bond for $50,000 and on the subsequently approved Meserve bond for $150,000; Charles A. Hanna is on the Bartley bond for $50,000, on the rejected First National bank bond for $50,000 and again on the approved Meserve bond for $40,000.

The difference in standing which these officers of the First National bank of Lincoln acquired between November, when they signed their own depository bank bond, and December, when they consented to help the populist state treasurer provide the necessary bond to enable him to assume office, appears still further in the attitude of the governor toward the bank. In his message to the legislature already quoted, the governor shows clearly that the $200,000 state deposit in the First National bank at Lincoln was placed there illegally by Treasurer Bartley before any depository bond whatever was offered, and puts in question whether the bond subsequently given really covers this illegal deposit.

When the populists took complete control of the state house last January it was loudly proclaimed that they would insist upon a cash settlement by Bartley, and that depository banks would either have to show the cash and accept it upon a new deposit, or give new bonds to secure their holdings. One of the first things Treasurer Meserve did after taking possession of his office was to address a letter to the officials of all the solvent depository banks defining his position and requesting them to turn their holdings of state funds back into the state treasury as soon as possible. In this letter he stated that if any of the banks wished to continue as state depositories they might do so, but that he preferred them to furnish a new bond. It was further announced that many of the depository banks were adopting the treasurer's suggestion and forwarding their holdings to the state treasury, some of them in bulk and others in installments and that two banks had at that time already furnished new bonds.

It would be supposed that with this announced policy Governor Holcomb would insist that the $200,000 deposit, which he says was deposited illegally with the First National bank of Lincoln, should be covered by some security on which the state could recover in case of loss. That much would be required by plain business principles. The fact is, however, that the bank that accommodated Treasurer Meserve with nearly $500,000 on his official bond has been allowed to keep this money and has it today, though it has not yet put up a bond which Governor Holcomb would consent to approve.

Treasurer Meserve says he has not made any new deposit under the bond rejected by Governor Holcomb, and has withdrawn some of the money, but admits that there is still on deposit unsecured except by this bond nearly $150,000 of state funds. Governor Holcomb is said to be aware of all these irregularities, but up to date he has taken no action either to require a new bond from the bank or to replace on the Meserve bond with satisfactory sureties the names which he rejected when presented by the bank.

## YELLOW FEVER STILL RAGES.

### Total Number of Deaths at New Orleans Reaches 100.

NEW ORLEANS, Oct. 18.—Before 7 o'clock this evening the 100 mark of deaths during the present period of yellow fever prevalence had been reached. When the board of health closed its books last night there had been ninety-three fatal cases. Between last night and nightfall today seven deaths were reported. This century of deaths has occurred among less than 900 cases that have been reported to the board since early in September, when the first case made its appearance in New Orleans. As usual, however, today's record has been swelled by the terrible criminal neglect of the poorer classes.

The deaths: Fanny Winters, Antonio Baronne, Paul Caruzo, Miss Adelaide Roberts, J. Goralofo, — Gounolon, John Goode.

JACKSON, Miss., Oct. 18.—The State Board of Health tonight issued the following official bulletin: "Dr. Dunn reports from Cayuga two new cases and two suspicious cases. T. C. Nixon died last night. Dr. Debney reports from Clinton no new cases, one case under treatment and one suspicious case."

Dr. Purnell reports from Edwards as follows: "Two new cases, both white; three deaths, Mrs. Penfield, Gus Havenkett, jr., Fannie Bryant, two white and one colored. The sick are doing very well. No one is critically ill.

MOBILE, Ala., Oct. 18.—Six cases and one death is the yellow fever report for the past twenty-four hours. The death is that of Nellie McKnight. Total cases to date, 170; deaths, 22; recoveries, 106; under treatment, 40.

MONTGOMERY, Ala., Oct. 18.—The Board of Health tonight issued this bulletin: The Board of Health of Montgomery county, with the concurrence of the state health officers, reports the existence of two cases of yellow fever in the city of Montgomery.

FRANKLIN, La., Oct. 18.—Two cases of yellow fever have been reported here by Dr. Smith, president of the parish board of health.

PATTERSON, La., Oct. 18.—Several days ago there was a suspicious case of fever reported a mile below the city. The premises were immediately put under guard. Last night the patient died and today an autopsy was held by Health Officer Smith and Dr. Conn of the Marine hospital service. They declared that the death resulted from yellow fever.

BAY ST. LOUIS, Miss., Oct. 18.—Rev. Father Dennis, a Catholic priest, who has been ill for several weeks, died today. His physician says his death was caused by an abscess of the liver, though the experts who came here yesterday, diagnosed his case as yellow fever. The other seven cases pronounced yellow fever by the experts are doing well.

McHenry, Miss., reports two new cases today, Dr. McHenry and a child of William Races.

Scranton reports twelve new cases today, Alice Canty, Sarah Clark, Anna Mitchell, Oscar Gates, Mrs. Krebs, whites; and seven colored.

Two cases were reported at Pascagoula—Mrs. Hamilton and John Hamilton; no deaths.

The Biloxi board reports sixteen new cases and no deaths. Among the new cases are Rev. E. Thompson, rector of the Episcopal church, and Frank Suter, a well known young man.

### Episcopal Missionary Council.

MILWAUKEE, Wis., Oct. 18.—The Episcopal Missionary council opens in this city at St. Paul's church tomorrow and will remain in session three days. The meeting of the missionary council which body meets annually, is for the purpose of disseminating information, advising as to methods and stimulating zeal as to missions. The council comprises eighty-four bishops, 208 clergy and 187 laymen. Of the whole number of delegates 300 are expected to be present.


## FROM FOOT TO KNEE

### Ohio Woman Suffered Great Agony From a Terrible Sore—Her Story of the Case, and Her Cure.

"For many years I was afflicted with a milk leg, and a few years ago it broke out in a sore and spread from my foot to my knee. I suffered great agony. It would burn and itch all the time and discharge a great deal. My health was good with the exception of this sore. I tried a great many kinds of salve, but some would irritate the sore so that I could hardly stand the pain. I could not go near the fire without suffering intensely. Some one sent me papers containing testimonials of cures by Hood's Sarsaparilla, and I told my husband I would like to try this medicine. He got me a bottle and I found it helped me. I kept on taking it until my limb was completely healed. I cannot praise Hood's Sarsaparilla enough for the great benefit it has been to me. It cleanses the blood of all impurities and leaves it rich and pure." MRS. ANNA E. EAKEN, Whittlesey, Ohio.

You can buy Hood's Sarsaparilla of all druggists. Be sure to get only Hood's.

**Hood's Pills** are the favorite family cathartic. Price 25c.


# HOLCOMB INTERPRETS LAW

## Governor Pronounces One Statute to Be a Farce and a Sham.

## HE WAS NOT BOUND TO OBSERVE THAT LAW

### Reason Advanced by the Governor Why He Did Not Require Bartley to Produce the State's Money.

Governor Holcomb said on the stand yesterday, in the state's suit against the Bartley bondsmen, that the state statute which is construed to mean that a governor shall require a state treasurer who succeeds himself to produce in cash state moneys that are not on deposit in state depositories, was a "farce and a sham." Therefore, he did not require Bartley to produce at the end of his first term some $449,000 in money, but accepted certificates of deposit in lieu, which he did not know were genuine, although he considered them to be so from their appearance. This is the sort of testimony he was called upon to give by the state in order to refute the defending bondsmen's open charge that if the governor had required a strict accounting from Bartley a shortage would have been found to have existed at that time.

"I did not think that the statutes compelled me to require Bartley to produce in money such part of his cash accounts as were not in depository banks," he said. "I considered it a farce and a sham."

In this connection it also developed during the day's proceedings that these certificates of deposit did not appear in the records of the office at all. Bartley did not have them entered on the books. The certificates themselves were kept under Bartley's own key all the while. Consequently when the books were examined there was a shortage of $449,000 on them. Bartley made up this shortage by producing the certificates of deposit and showing them to the governor. After this accounting Bartley took the certificates of deposit and put them in his own private receptacle again, but at the opening of the second term the books of the office showed that Bartley had produced in cash this missing $449,000.

### CONTENTION OF THE STATE.

Herein lies the state's contention. The bondsmen allege that the books showed a shortage of $449,000 in cash. This they say was an actual shortage, undiscovered because the governor failed to observe the statutes by requiring a strict accounting of the money. In the first place, they hold that the governor did not know that the certificates of deposit Bartley turned over to him were genuine. Then they contend that the governor did not know whether or not they represented the actual money if the signatures upon them were correct. The state will produce witnesses to controvert this position.

Governor Holcomb was in attendance at the trial all day. The defendants rested their case before noon and the governor was called to the stand by the state for rebuttal purposes at 3 o'clock in the afternoon. He remained on the stand until the evening adjournment of the court, and his cross-examination had not yet been completed. He will therefore be taken in hand again by the defense when court convenes this morning.

The jurors appeared in the court room yesterday morning for the first time since last Tuesday. In the interim, while questions of law were being discussed, they have been in charge of a bailiff. The case was taken up at the point where it had been interrupted. Under the ruling of Judge Powell last Friday afternoon, the defendants were allowed to show that Bartley's bond was not approved by the governor on January 3, 1895, the first day of the term, after which they maintain it could not have been legally approved. Ex-Secretary of State Piper was the first witness called.

### DEFENSE CONCLUDES ITS CASE.

Ex-Secretary of State Piper testified that he and others, including Bartley, went to Governor Holcomb's office at 5 o'clock on January 3, 1895, the first day of the term, to have him approve the bonds of the incoming officers.

According to the witness, Governor Holcomb told Bartley that he desired him to strengthen the bond he offered, and Bartley said he would do so if he was given more time. Governor Holcomb stated that he was not satisfied with the sufficiency of the bond. Bartley took his bond and left the governor. The court would not permit the witness to say that he had given instructions to his deputy, Evans, to remain in the secretary of state's office until a late hour of the same day to receive Bartley's bond if it was offered for filing purposes. The purpose of the question was to show that the bond had not been offered for filing.

Attorney General Smyth put the witness through a long cross-examination to test his recollection of the meeting. He asked if he did not know that the bond had been left with the governor and did not leave his office until January 7 or 8, but Piper was positive that Bartley took it with him.

When Piper was excused General Cowin somewhat surprised the attendants at the trial by announcing that the defending bondsmen's case was completed.

The state began its rebuttal testimony by endeavoring to disprove the sworn declaration of ex-Deputy Secretary of State Evans, who swore positively a few days ago that Bartley's bond had not been filed until January 9. Ex-Secretary of State Piper was called to the stand and was asked to identify the bond record of his office, according to which Bartley's bond was filed on January 3, 1895. This conforms with the endorsement on the bond, but the defense introduced evidence through Evans to show that this endorsement was a forgery, Evans swearing that the filing did not take place until six days afterward.

The witness swore that the entry in the bond record, showing that the filing took place on January 3, 1895, was made by H. L. Fuller of Imperial, a clerk in the secretary of state's office.

The state did not at this time introduce the record in evidence. Piper was excused from the stand and ex-Deputy State Treasurer Bartlett was called. Through him, whom the defending bondsmen used to try to show that a shortage existed at the end of the first term, the state now endeavored to prove that no shortage existed.

Bartlett testified previously that Bartley had on hand on January 3, 1895, in cash and in depository banks about $450,000 less than the $958,068.75 he should have had on hand. The state insists that this difference was deposited in other than state depositories and that Bartley held certificates of deposit for the amount.

### FUNDS IN OTHER BANKS.

The bondsmen hold that Bartley had no right to put state money in other than state depository banks and the state treasury, and that, therefore, certificates of deposit in other institutions cannot be considered as cash.

Attorney General Smyth went to the heart of the matter by asking Bartlett if, on January 8, 1895, when he and Bartley checked up the books, it had not been found that the amount of cash on hand, the certificates of deposits in other than depository banks and the deposits in depository banks equaled the amount with which he was chargeable.

The defense objected on the ground of immateriality. In the first place, it held that, as deposits of state moneys in other than depository banks were illegal, they could not be included as part of money in the treasury. In the second place, it was maintained that the state must confine itself to showing the condition of the treasury on January 3, 1895, the day the accounting should have occurred, and not on some day afterward. It was argued that between January 3 and January 8 Bartley might have collected or borrowed a sufficient sum to make up the alleged $450,000 defalcation at the end of the first term and thus conceal it. Moreover, it was argued further, in support of the contention that deposits of money in other than depository banks should not be considered cash, that Bartley might have borrowed money to make up his shortage, deposited it in the banks and received certificates for it and afterward withdrew and returned the money, leaving the shortage again.

### OBJECTION IS WITHDRAWN.

When the trial was resumed in the afternoon the defense withdrew its objection to the question. Ex-Deputy State Treasurer Bartlett then proceeded to relate how the accounting was made on January 8, 1895.

The witness testified that Bartley had requested him to make up a statement of the amount of money in depository banks, the cash in the treasury and money in some other banks. To that statement Bartley added what he had in his charge which consisted of certificates of deposits in banks not depositories, drafts and other papers. The total equaled the amount chargeable to the treasurer, so far as the witness knew. On January 8 the governor went to the treasurer's office and Bartley handed the statement to him. Bartley explained the statement to the governor and handed to him the bunch of certificates, which he had added to Bartlett's statement. The governor checked the statement and the certificates and they apparently balanced.

Bartlett did not know what the papers and certificates of deposit were, as Bartley kept them in a pocketbook, which was locked in the safe or in his desk. Bartlett had no access to them. These certificates of deposit were not recorded in the books of the treasurer. So Bartlett testified last week. He said then that some open bank accounts appeared on the books, but not the entire amount of the certificates of deposit, which is said by the state to cover the alleged shortage of the first term.

### NO ENTRY OF CERTIFICATES.

Upon cross-examination Bartlett stated that there was no entry on any of the books in the treasurer's office of these certificates of deposit.

"Was there any record whatever kept on the books of these certificates of deposit which made up the difference between your statement of the amount in depository banks and of the cash on hand and the amount with which Bartley was chargeable?" asked General Cowin.

"No, sir."

"Were not the accounts carried on the books of the second term as if cash instead of these certificates of deposit were produced?"

"Yes, sir."

Thus, according to the evidence so far produced, the books of the office showed that there should have been $958,000 or more in the treasury, but that there was actually $449,000 less accounted for by the same books. This was the condition when the accounting was made to Governor Holcomb, but Bartley made up the difference by producing certificates of deposit and drafts of which no record was kept. Afterward no record of these certificates was made on the books, but the books were carried as if the actual cash had been produced. Bartley again took possession of them and Bartlett or no one else had access to them. The papers were put under Bartley's private key, Bartlett of his own knowledge did not know whether the papers were really certificates of deposit.

### GOVERNOR ON THE STAND.

Bartlett also said that he did not know whether it was state money or Bartley's own money that appeared in the running accounts in banks other than depository banks which he included in the statement for Bartley. He was of the opinion that the money belonged to the state.

Governor Holcomb was called to the stand and, after being sworn, was asked to testify regarding this accounting with Bartley on January 8, 1895, about which Bartlett had just been testifying.

Governor Holcomb said he told Bartley that it was his duty to ascertain the condition of the treasury and he had called for that purpose. He said Bartley took the books and went over them. They ascertained the balances against the treasurer, the amounts in the depository banks, the other bank credits consisting of certificates of deposit almost exclusively of the amount in the education fund, "which could not be put in state depositories," and the cash on hand. The result was reached that Bartley accounted for all the funds chargeable to him by his records. The credits in depository banks, the certificates of deposit, the cash on hand and one running account in the First National bank of Lincoln equaled the amount of money chargeable to Bartley on January 2, 1895, at the close of the term.

When the governor had made this statement, Attorney General Smyth asked:

"State whether or not the accounting on that day showed Bartley was a defaulter, and state whether you knew it."

### SMYTH MAKES AN OFFER.

The defense at once objected, saying that it was for the jury and the court to determine whether or not a defalcation existed. The objection was sustained. The attorney general then whispered an offering to the court reporter so that the jury might not hear to the effect that he wished to show by the witness that Bartley was not a defaulter at the end of his first term and that Governor Holcomb did not know he was a defaulter.

Governor Holcomb was also questioned by the state on the matter of the filing of the bond and he flatly contradicted the statement of ex-Deputy Secretary of State Evans that the bond had not been filed till January 9, 1895. Governor Holcomb said:

"The bond had been filed in the office of the secretary of state just prior to the time on January 3, 1895, when Bartley presented it to me for approval."

Governor Holcomb also contradicted the statement of ex-Secretary of State Piper that after the governor refused to approve Bartley's bond Bartley carried the bond away with him.

The governor said that Bartley was in his office at 5:30 o'clock on January 3, 1895, but that he did not present the bond to him until some time about 6 o'clock, when no one else was present. Governor Holcomb told Bartley that he could not approve the bond then for lack of time. The governor kept the bond for some days and then returned it to Bartley. It was then that Bartley secured the additional signatures in this city.

### COWIN ALLEGES NEGLECT.

Upon cross-examination General Cowin set out from the beginning to attempt to show by Governor Holcomb that he had been neglectful in not requiring Bartley to have the actual cash instead of certificates of deposit at the accounting. General Cowin insisted that the statutes required in the case of a state treasurer who succeeds himself that the governor shall not approve his bond until he had "produced and accounted" for public funds and property. He maintained that the word "produced" meant that actual cash should be on hand. Going on this theory General Cowin for almost an hour cross-examined the governor on his construction of this statute.

Governor Holcomb said he knew there was a statute that contemplated that the governor should not approve the bond of a treasurer succeeding himself until the funds had been produced and accounted for and he insisted that he had obeyed this. He did not regard that the statute contemplated that the "production" should be made in cash. "I did not think it my duty to require it," said the governor; "I regarded it as a sham and a farce to do so."

"Did you decline to require Bartley to produce the cash because you considered it would be a sham and a farce?"

"I did not decline. I did not think it was required."

"Did you consider it right that the treasurer sould scatter the educational funds among banks which did not protect them by a depository bond and should loan them to individuals?"

Governor Holcomb would not answer directly, although the question was repeated several times. He said that the depository law did not permit school funds to be invested in depository banks. He did not think that a big amount of money was safe in the treasury vaults and therefore under the circumstances regarded as proper that it should be placed in other banks.

### CERTIFICATES APPEARED GENUINE.

In answer to further questioning the governor said that the certificates of deposit were on some fifteen or twenty banks, but he had made no memoranda of them. He did not know whether or not they were genuine, but considered from their appearance that they were. The certificates represented funds that belonged to the educational fund. General Cowin again asked several questions whether he did not know that the treasurer could not legally place the funds except in depository banks and the treasury, but the court would not allow them over objections.

General Cowin then turned his attention to the matter of the presentation of the bond to the governor by Bartley on January 3, 1895. The governor insisted that after Bartley had given the bond to him on that day about 6 o'clock he had kept it and Bartley did not take it away. The governor denied that he had examined the bond, told Bartley the sureties were insufficient and suggested that he should get additional signatures. He said he did not examine the bond at that time at all.

General Cowin gave the bond to the governor and asked him to indicate what signatures were on it when it had been presented to him. The state objected. General Cowin stated that he intended to show that the bond was offered the governor on January 3, 1895; that it was taken away that same day by Bartley; that Bartley secured additional signatures and then brought it back to the governor. The purpose was to show that the instrument had not been properly filed. Judge Powell took the point under advisement, as the regular hour for adjourning, 5 o'clock, had arrived.

## PEST OF WILD HORSES.

### Story of an Attempt to Capture a Band in Arizona.

"We've got a new kind of game now in Arizona," said a man from Flagstaff to a correspondent of the New York Post, "and if you tenderfeet are after some sport, and want to be chased off the top of the earth, I can take you to the place. What is it? Why, horses. Just plain bronchos, and as ornery a lot of kiuses as you ever saw. The fact is that the whole northern part of Arizona is overrun with them, and I'm taking a petition to Attorney General Fraser, asking that the territory either pay so much for their scalps or give the boys the legal right to clean them out.

"It's my private opinion," added the herder, "that the wild horses have got the start, and nothing is going to stop them but a company of cavalry. They are just like deer, and as vicious as possible, and the man that corners them has to look out for himself. They are ordinary horses that have escaped from bands from time to time, and formed in a herd under the lead of a stallion. As they have increased they have broken up, so that hundreds of herds have formed, and several thousand wild horses are on the ranges, eating good fodder, stampeding cattle and sheep, and making a nuisance of themselves.

"Last month I went out on a regular horse hunt with a party, and the animals gave us all we wanted. In the band near our place there were four or five splendid mares, led by a stallion known as Black Hawk, as black as night. We thought we would take them in and break them; so a dozen of us started off with lariats. We were all mounted on the best of stock known in this section, and we thought it would be a mere lark to run them in. The band had been stampeding our stock, and finally got so bold that they would come up near the camp on the run, then stop short and look at us, giving a sort of challenge, as it were, and then wheel off like the wind.

"We started early in the morning and rode across the mesa for about ten miles without seeing a thing; then one of our party thought he saw some antelopes over by a big butte. They were coming our way, so we stopped, and in a few minutes it dawned upon us that they were a band of wild broncbos. They were moving along in a bunch and the wind had lifted a column of dust, so that they looked like a big comet flying along the ground with the tail in the air. They had evidently sighted us and were going to stampede our horses. You know how Indians throw themselves out of sight on their horses? Well, we played the same game and rode slowly along, looking at the flying broncbos just under the necks of our animals. On they came—nearly fifty of them—like a whirlwind, and oresently we saw that they were led by the big black stallion that so many persons have tried to capture. It was with the greatest difficulty that we kept our horses quiet and it was easy to see how the wild horses could stampede other animals. When the drove was within twenty yards of us it separated, as though to surround us. Then we could hold our animals no longer and at the word from the boss we dashed at the drove.

"It was the sight of my life, and I've been on the plains for years in all kinds of places. The wild horses stopped instantly, all except the black stallion. He came on until he reached us, then threw himself on his haunches, pawing the air. For a moment his head seemed to be surrounded with lariats, and I would have sworn that two went over; but he dodged them all and ran at us, striking our horses, and after beating his way directly through he turned and ran. The others had deserted him, and it was now a race to the finish. I've seen some riding, but this beat anything in my experience. It was a fairly good country, but cut by washouts, so that one moment we were in the bed of a wash and the next flying along the mesa or leaping some creek over the boulders, or circling around buttes. Finally we ran down into the level country, where big buttes rise up like ruins of houses—a place the men called the Enchanted City. Here the herd gained on us, and after four hours of the hardest riding, we saw them climb out of a big arroyo, going right up the slope that our horses half an hour later absolutely refused; and so they disappeared. We were dead beat, and all ready to acknowledge it. I don't believe there is a horse in Arizona that can catch that stallion."

The governor of the state has been requested to take some action, and undoubtedly the curious exhibition of men trying to exterminate horses will be seen. Arizona is not the only state where such horses are found. Large herds are to be seen in California, and on the San Joaquin plains a noted stallion has led the forces for years—a magnificent creature that has aroused the cupidity of many a lover of horseflesh. One man offered $1,000 for him, and over fifty men have laid traps to capture him. After various methods had failed, they formed stations and ran him at full speed to one, or near it, where a new man would start in. In this way he was chased by fresh horses for over 100 miles at what was supposed to be full speed, but the pursuers never got nearer than 500 yards to him.

### Business Troubles of a Day.

HOUSTON, Tex., Oct. 18.—The City bank of Sherman failed to open its doors this morning and after a meeting the directors decided to make an assignment. Cashier Hall says the bank has assets of four to one of liabilities. He says the bank's indebtedness is $60,000 and assets $200,000. A petition for a receiver has been filed by E. C. McLean, a stockholder. Pearlstone & Co. of Buffalo, Leon county, filed a deed of trust to protect preferred creditors. Preferences are for $65,000; total liabilities about $100,000; assets larger than the total liabilities. A. Lowenstein of Dallas and Cleburne today filed a deed of trust at both places. Preferences are for $23,768.

TERRE HAUTE, Ind., Oct. 18.—The Terre Haute electric street railway went into the hands of a receiver today as a result of a levy made by the city treasurer for delinquent taxes, amounting to $5,093. The company also owes $10,000 for street improvements and has a heavy bonded indebtedness. The receiver's bonds was placed at $50,000. Russell H. Harrison is president of the company. For several hours the cars did not run.

### Masons Meet.

WASHINGTON, D. C., Oct. 18.—The supreme council of the Ancient and Accepted Scottish Rite of Freemasonry for all southern jurisdictions of the state, including all states west of the Mississippi river, opened its regular biennial session in this city today. Thomas Hubbard Caswell of San Francisco, grand commander, presided and read his allocution. Work on revision of the statutes will begin tomorrow. The thirty-third degree will be conferred Friday night. The attendance of active and honorary members of the supreme council is quite large.

### Decides Against Armour.

ALBANY, N. Y., Oct. 18.—The appellate division of the supreme court has decided in favor of the state in an action brought against Armour & Co. and the Armour Packing company for alleged violation of the oleomargarine and butter law. The claim is for $1,700,000 in penalties and the decision today was for an order to show cause why seven orders obtained by the state directing railroad officials to produce their books before a referee should not be vacated.

### Foundrymen Meet.

CINCINNATI, Oct. 18.—The Western Foundrymen's association convened here today in annual meeting. President C. A. Sercomb of Chicago presided and A. Sarge, jr., also of Chicago, served as secretary. Congressman Bromwell made an address of welcome in place of Mayor Tafel. S. S. Knight read a paper on "The Value of Physical Tests." The meetings continue Tuesday and Wednesday.

### Tolstoi is Ill.

BERLIN, Oct. 18.—The Lokal Anzeiger says that Count Lyof Tolstoi, the Russian author and social reformer, is suffering from an illness which will necessitate the performance of a serious operation.

# MITCHELL CONFERENCE ENDS

## Delegates Agree to Meet Next Year at Parker and Adjourn.

## CLOSE OF A VERY SUCCESSFUL MEETING

### Last Session of the Conference is Marked with Great Interest—Treasurer's Report Makes a Good Showing.

MITCHELL, S. D., Oct. 18.—(Special Telegram.)—Sunday evening, despite the rain, an immense crowd filled the Methodist church to attend the Epworth league anniversary. Rev. W. H. Jordan presided over the meeting and the Parkston quartet rendered the music. The speakers of the evening were Ethan Colton, president of the state league; Rev. J. P. Jenkins, Madison; Rev. C. E. Hager, Vermillion, and in closing Bishop Warren made a short address.

The pulpits of the city churches were occupied Sunday evening by the visiting ministers. Rev. T. H. Youngman of Brookings delivered an interesting sermon at the Congregational church, Rev. C. B. Clark preached at the Episcopal church and F. J. Norton delivered a sermon at the Baptist church. Rev. Alfred Fowler was to have spoken at the People's church, but owing to the small crowd no services were held. Rev. J. E. Norvall spoke to the Free Methodists.

The Methodist Epiaccpal church was filled this morning at the closing session of the conference. A few committee reports were read and adopted, the only one causing debate being on equal suffrage. A portion of the resolution, which was objectionable in wording to nearly all the delegates, was stricken out and the remainder was, after debate, adopted. The cause of the opposition seemed to be due to the fact that the question was "too much of a political one" for many of the ministers. There is a strong objection to too much endorsement in official records to specific political questions.

The treasurer's report was read and showed a grand total in benevolent collections of $9,033, a slight decrease from last year, though for regular benevolences, excluding miscellaneous collections, there was an increase of $304.

George H. Giffin, Arthur McFarlane and S. A. Chappel were received on probation into the conference.

Parker and Canton were nominated for the seat of the next conference and Parker was selected.

A. E. Carter and C. E. Hager were chosen delegates to the National Anti-saloon league.

This completed the business of the session. After the singing of a hymn the bishop offered prayer and after a short address proceeded with the reading of the appointments and with benediction the conference stood adjourned.

## FORT MEADE MAY BE ABANDONED.

### Revival of Old Rumors in a More Specific Form.

STURGIS, S. D., Oct. 18.—(Special.)—Rumors have been rife for several weeks past in regard to the abandonment of Fort Meade. The question has been discussed a number of times before but on this occasion there seems to be more ground for the rumor, for it was reported that General Miles had decided that of the two forts, Robinson and Meade, which are quite close together, the latter was not needed and should be abandoned. The people of the Hills feel that in having Fort Meade stationed where it is there is practically no fear of an Indian outbreak. The fact that this small area of country was the chosen spot of the red man and it was the last to be given up and is still fairly worshipped by them is enough to cause a feeling of uneasiness.

The question is of great importance to the people of this city and county, for the money turned in for farm supplies and other necessities by the government is considerable. The Commercial club of this city recently sent a letter to Senator Kyle in regard to the matter and in answer the senator sent a letter received from Secretary of War Alger, which says:

Dear Senator Kyle—I have your letter of September 27. So far as my knowledge goes there is no movement on foot for the abandonment of Fort Meade. I will keep the matter in mind and if there should be any effort brought to bear upon the department to make this change you may rest assured that your state shall have ample opportunity to be heard.

R. A. ALGER, Secretary of War.

## HANDS IN HIS RESIGNATION.

### Insurance Clerk Anderson Decides to Quit the State's Employ.

PIERRE, S. D., Oct. 18.—(Special Telegram.)—C. H. Anderson, the insurance clerk in the state auditor's office under Auditors Hipple and Mayhew, today handed in the following letter of resignation, which has been accepted:

Hon. H. E. Mayhew, state auditor: My Dear Sir—I hereby tender you my resignation as an employe of your office. In doing this I am prompted by what seems to me to be for your interest. I shall remain in Pierre and stand ready to refute any charges against my character relative to my work in the state auditor's office during my service therein, which is from statehood to date. Yours most truly,

CHARLES H. ANDERSON.

Mr. Anderson says he has contemplated resigning for some time, but has hesitated because the fact might be construed by his enemies as an admission of the charges which have been so freely made against him relative to the commission of criminal acts in the state insurance department, and that he will remain and engage in business in this city and leave to time and developments the proof of innocence.

## MAN AND HIS WIFE ASPHYXIATED.

### Fumes from a Hard Coal Stove Do Deady Work at Mitchell.

MITCHELL, S. D., Oct. 18.—(Special Telegram.)—Sunday afternoon about 4 o'clock, when the Roman Catholic Sunday school had finished its session, Father Hogan went out into the yard and walked over to the home of J. B. Thunnison, across the street, to make a call. Father Hogan knocked at the door, but received no response, and as there seemed to be an air of mystery about the house, he called Messrs. Jacquemal, Gormley and Lyons, who were in the vicinity of the church, to come and make an investigation. After a few minutes' consultation the four men decided to force an entrance into the house. When they entered the door they were nearly driven back by an overpowering force of gas, which had evidently escaped from a hardcoal stove. Going into the bed room they found Mr. and Mrs. Thunnison lying prostrate on the bed. Attempts to revive them proved fruitless and a doctor was summoned. When Dr. Crane arrived he pronounced Mr. Thunnison dead and his wife in an unconscious condition, from which she never aroused, and this morning about 4 o'clock all life left her body and she was pronounced dead.

## CRIME OF TWO DRUNKEN MEN.

### Break Into a Postoffice and Stone the Postmaster, Who Will Die.

MITCHELL, S. D., Oct. 18.—(Special Telegram.)—Henry and Charles Wilson, two brothers of this county, got drunk last night and proceeded to smash up the town of Pollock, a small place twelve miles north. They broke the big plate windows of the postoffice building, and going inside, broke up the boxes and threw all the mail matter into the street. When Mr. Ellison, the recently appointed postmaster, appeared and asked them to quit, they both rushed at him with rocks. The elder brother was stopped by bystanders, but the other made good his aim, striking Mr. Ellison near the left ear and crushing his skull in a horrible manner. His tongue, arms and entire body are paralyzed and he is not expected to live through the night.

Sheriff Lee brought the two men here this afternoon and placed them in jail. Fears of lynching are entertained by the boys in case Mr. Ellison dies. The preliminary hearing is set for Wednesday. Excitement is at fever heat, as the victim stands high in the community.

### Hunter Accidentally Shot.

ABERDEEN, S. D., Oct. 18.—(Special.)—Frank Knowles, a young man from Minneapolis, accidentally shot himself while hunting near Mansfield yesterday. The shot made an ugly hole in his side, exposing his vitals, the left ear was partly torn off, and the side of his face full of shot. He was taken to Northfield for treatment, and is resting easy today. There are hopes of his recovery.

## DRAWN FOR FEDERAL GRAND JURY.

### List of Names from Which the Jurors Will Be Selected.

CHEYENNE, Wyo., Oct. 18.—(Special.)—The following grand jurors have been drawn for attendance at the United States court in this city in November: John C. Cable, Iron Mountain; Carl Bryant, Rawlins; Samuel Poole, Carlile; P. J. Gosden, Laramie; J. E. Chappell, Buffalo; S. J. Falk, Salem; G. C. Pittman, Laramie; John Stahl, Casper; F. A. Tjole, Newcastle; Fred Hesse, jr., Laramie; James W. Gates, Rock Springs; M. J. Myer, Cheyenne; Tim Kinney, Rock Springs; George M. Carruth, Evanston; E. E. Woodard, Tie Siding; N. W. Chassell, Sheridan; W. B. Hugus, Saratoga; J. W. Green, Cambria; R. W. Wallace, Casper; A. A. Spaugh, Manville; A. R. Merritt, Douglas; G. G. Van Ortwitch, Wheatland; Daniel McUlvan, Cheyenne. On the petty jury, which will be in session November 16, the following jurors will serve: A. P. Howes, Newcastle; Al Ayers, Douglas; W. J. McRea, Newcastle; Peter Kinney, Newcastle; John Storrie, Hat Creek; F. H. Muzzey, Meriden; I. N. Bard, Little Bear; Alex Beverage, Rock Springs; J. A. Parnell, Cheyenne; J. F. Larsen, Evanston; Isaac Amos, Carbon; Michael H. Mullen, Wheatland; C. K. Bucknum, Caspar; N. S. Miller, LaBarge; Edward Wallace, Rawlins; R. H. Knittle, Douglas; J. S. Atherly, Sherman; Braxton P. Mull, Davis Ranch; J. M. Bennett, Buffalo; Hyrum Strong, Fort Bridger; Guy Cleveland, Green River; William Werner, Fetterman; George D. Rainsford, Diamond; P. A. Demorest, Casper; John T. Snow, Patrick; H. B. Kelley, Cheyenne; John Gunther, Lusk; J. B. Jennings, Rawlins; A. Trabing, Laramie; George Mosgrove, Carbon.

Among the important cases which will be tried at the November term of court is that of the United States against George Reeb and Gus Smitzer, who are charged with having held up and robber a number of coaches and two government ambulances in the National park on August 14. The witnesses in the case will include prominent people from a number of eastern states, who were passengers on the coaches.

Isaiah Johnson, a colored soldier of the Ninth United States cavalry, will be tried for murder. Johnson is charged with having shot and killed a comrade named Pawley at Fort Washakie in August. Johnson, after his arrest, escaped from the military guard at Fort Washakie, but was subsequently captured by the troops.

Another case of interest is that of Miss Elsie Duval, ex-assistant postmaster at Fort D. A. Russell, who will be tried for embezzlement of postal funds, which it is claimed she secured in an illegal manner while in charge of the Fort D. A. Russell postoffice.

### Trout for the Black Hills.

LEAD, S. D., Oct. 18.—(Special.)—The government has just shipped ten tons of black-spotted trout to the Black Hills to be placed in the lakes and mountain streams. One of the finest sports of recent years is trout fishing in the hills and with the new lot put in every brook and stream will be full of the finny tribe.

## ISSUES ARE MUCH COMPLICATED.

### National, State and Local Matters All Enter In.

NEW YORK, Oct. 18.—Ex-President Harrison touched upon a truth regarding the New York municipal campaign in the course of the interview with Murat Halstead, which is published today. This is that, to an extent, the issue is whether there shall be any issues beyond purely local ones. The question thus presented divides democrats and republicans alike—the latter perhaps more sharply than the former—as to both national and state issues. The strength of the Low, or Citizen's union, people is principally among republicans who hold to the proposition that local issues should be paramount in the city campaign, while the republican organization insists that the fight be made on the St. Louis platform of the party and particularly the financial plank of that document. The declaration in the Low platform that proper compensation be exacted for franchises granted, such as for street railways, is but one of several attempts by men who are, for the most part, republicans in presidential years, to have the campaign fought on local lines.

The free silverites among the democracy have from the outset been aggressively in the city canvass, but these are in the minority and were completely overruled in the Tammany regular democratic convention, and had small consideration in the councils of the Thomas Jefferson party, which has made Henry George its standard-bearer. The democrats, however, while practically ignoring national issues, are doing some effective work on the subject of the excise law, even elevated and street railway cars being placarded with queries as to the justice of a law which levies a tax upon the larger cities, a portion of the proceeds being bestowed upon the country districts. This question of the excise will enter also, and, naturally, into the election of members of the state assembly, of whom sixty-one in a total membership of 150 are to be chosen in the Greater New York territory. The effect of this, a state issue in the main, is likely to be felt in the vote for officers of the city.

The registry of Saturday (the final day) was larger than anticipated and the Tammanyites appear to be most jubilant at this development, though leaders of the other political divisions say they are satisfied and confident. Justice Van Wyck still adheres to his policy of silence and refers all interviewers to his forthcoming letter of acceptance.

CHICAGO, Oct. 19.—Referring to the belief expressed by the followers of Henry George that recent utterances of W. J. Bryan indicated his support of the George ticket in the Greater New York campaign, Mr. Bryan has wired the following to the Associated press:

NORFOLK, Neb., Oct. 19.—I have not expressed any opinion in regard to the New York mayoralty campaign and do not care to express any opinion in regard to it.

W. J. BRYAN.

### Second Convention Necessary.

BALTIMORE, Md., Oct. 18.—The democratic city committee has issued a call to the delegates to the recent city convention commanding them to reassemble tomorrow and renominate all the candidates for municipal offices of the democratic ticket. This extraordinary course has been rendered necessary by the failure of the chairman of the original convention to certify to the nomination of those selected at that time.

### Denounces Tammany Hall.

PHILADELPHIA, Oct. 18.—The executive committee of the National Municipal league has issued an address to "friends of good government throughout the United States," the burden of which is a denunciation of Tammany Hall and a plea for the election of Seth Low for mayor of Greater New York.

### Republicans in