

JUDGE BAKER ITS TARGET

Supreme Court Issues Another Sharp Order at Smyth's Request.

ATTORNEY GENERAL IS FORCING HIS CASE

District Judge Must Hear Him or Be Held in Contempt of the Supreme Court on Its Mandamus.

LINCOLN, Dec. 4.—(Special.)—On application of Attorney General Smyth the supreme court this afternoon issued a peremptory order requiring Judge Benjamin S. Baker of the district court of Douglas county to pass upon the motion for a new trial in the case of the Nebraska National bank...

The whole action is considered a sensational procedure in supreme court affairs. The argument on the attorney general's motion was brief and before court adjourned this afternoon the following order was given to Clerk Herdman to be served on Judge Baker:

This cause coming on to be heard upon the motion of the state of Nebraska for rule upon the Hon. Benjamin S. Baker, as judge of the district court of Douglas county, to comply with the command of a certain writ of mandamus, and to show cause why he should not be held in contempt of court...

Building and Loan Associations.

Dr. P. L. Hall, secretary of the State Banking board, today completed his report of the Nebraska building and loan associations. The appended summary, taken from the report, shows in tabular form the remarkable growth of this class of institutions.

Table with 3 columns: Year, No. of shares, Total. Rows for 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900.

In commenting upon this summary Dr. Hall said that it was the best evidence that could be found which would show how well the building and loan associations of the state stood the strain of disastrous commercial conditions and how certainly they are making safe, conservative basis for future growth and strength.

Secretary is Gratified.

"In submitting this report I hope I may be pardoned for expressing a sense of gratification in the material growth and improved condition of the building and loan associations of the state during the last four years," said Dr. Hall. "The growth and evident prosperity of these institutions is due to the better conditions generally obtaining in the state and to wider experience on the part of the management of these institutions. The adverse conditions of the years of drought and panic taught some very valuable lessons, costly to some, but a better practical knowledge of the principles underlying the purposes of the associations and increased familiarity with the details of management are bearing fruit. Most of the checks and former years, the result of drought, panic and incertitude, are now cleared away and the future is bright with promise of growth and usefulness.

In the increased prosperity of these institutions, however, lies a danger. Continued Dr. Hall, "for as they become popular and win the confidence of the people so will they attract the attention of dishonest promoters and schemers who quickly discern new fields to exploit. The department must stand guard against their invasion and it may be powerless to prevent for a time their advent into the field, but if the present law is rigidly enforced there will be but little profit to the adventurer and he will not long remain."

Suggests State Examiner.

Concerning the laws governing building and loan associations, Dr. Hall said: "The present law needs amending in one particular and it is an imperative necessity that this amendment be secured at the earliest opportunity. I refer to the appointment of examiners for these associations. Nothing but absolute ignorance of the growth, importance and value of the public value of these associations have led to the error of making them a side show to the banks and gave birth to the idea that the qualifications requisite to equip a person to be a successful bank examiner could be any indication of his knowledge of building and loan work. Provision should be made for an examiner of building and loan associations exclusively, requiring proper qualifications and a fixed salary and necessary expenses. If an amendment is ever made to our law providing for an examiner exclusively for these institutions, I sincerely hope the present vicious fee system will not be a part of it. With this amendment I would advise that the present law be left as it is, as too frequent change in laws regulating quasi-public institutions is an injury in many ways. I have been urged to advocate in the report an amendment to the law providing some additional savings bank features, of which I have seen and am still known to be a strong advocate, but I prefer to let the demand for such come from the associations. Some of the important rulings of the banking board, made since the adoption of the new building and loan act, are worthy of consideration. The question of authorizing a building and loan association to provide for an expense fund, being presented, was referred to the board and after careful consideration the following rule was adopted: 'In a building and loan association a special expense fund cannot be provided by assessments made upon its members for that purpose. The board will hold that properly under the present law a general fund and reserve fund only are recognized.' The question of authorizing building and loan associations to establish auxiliary boards was brought before the board, and in accordance with a ruling made by the same associations already authorized with provisions for such auxiliary boards have not been disturbed, but associations organized since have not been accorded the privilege."

Thanks for Everybody.

In closing his report Secretary Hall made the following reference to his own administration: "In conclusion I wish to express to the members of the State Banking board my grateful acknowledgment of their many courtesies and express my appreciation of the careful, conservative manner in which they have considered all questions coming to them from the department for adjudication. Whatever of success may have attended its administration it is but just to say in a large measure due to your assistance. To the building and loan people of the state and especially to the members of the Nebraska State League of Local Loan and Building associations your loyal support of the department and ready acquiescence in its requirements has been one of the most pleasing and valuable incidents of my official life."

Round Up of Jurors.

A dozen deputy sheriffs were pressed into service by the district court this afternoon to round up a lot of recalcitrant jurors who refused or failed to obey subpoenas issued by Judges Frost and Cornish. Among those who were taken before the bar of the court were President Aylesworth of Cotner college, Judge J. Stuart Dales, secretary of the University Board of Regents, and S. J. Alexander. President Aylesworth reminded the court that he had been excused from service before the subpoena was issued. The judge acknowledged his mistake and allowed him to depart. Mr. Dales said he had been so busy with his work at the state university that he had forgotten the subpoena and he also was excused. Mr. Alexander was found by one of the officers as he was about to board a train for the east. He humbly begged the mercy of the court, offered to pay the costs of his riding and was discharged with an excellent record and he thinks that was the reason the officers were so anxious to have him in the crew. According to Rosegreen life on the Alabama was "not a picnic," though Semmes, he thinks, was the best man he ever sailed under and the reasons were the "best he ever got on any ship." The crew was short-handed, the boat had left Capetown very suddenly on account of some trouble with the authorities there and a continuous round of watching, drill and target practice kept all hands going pretty lively. The crew was a mixed lot and included but few Americans. They were a tough lot and it took strict discipline to keep them down. One Englishman, Harry Sparre, told that he had been with her during the war and claimed he had "swiped" a lot of stuff from prizes and that he was the only one of the original crew left on her.

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TRENTON, Neb., Dec. 4.—(Special.)—Samuel Fleming swore out a warrant today charging Mrs. Mary Armstrong with shooting at him with deadly intent. Mrs. Armstrong's buildings were burned a few days ago, but she and Fleming had had trouble before and the shooting was the result of the previous hostilities. Fleming claims the woman shot at him eight times.

Buffalo County.

KEARNEY, Neb., Dec. 4.—(Special.)—Following is the November mortgage statement for Buffalo county: Chattel, filed, 167, amount, \$124,045.50. Farm, filed, 115, amount, \$32,024.50. Farm, filed, 30, amount, \$18,136.28. Released, 28, amount, \$23,123.50. City, filed, 9, amount, \$4,100.00; released, 9, amount, 6,845.

ALABAMA'S LAST SURVIVOR

Nebraskan Claims Distinction Supposed to Belong to Jerry Lynch.

SAYS HE FOUGHT ON HER AT THE FINISH

John Rosegreen of Fremont Declares He Was Hit-Fated War Vessel's Carpenter's Mate, and Describes Her Destruction.

PREMONT, Neb., Dec. 4.—(Special.)—Jerry Lynch, whose death was recently reported in eastern papers was not the last survivor of the crew of the historic Alabama," says John Rosegreen, for the last twenty-seven years. He was discharged from the cruiser you would find the name, "John Rosegreen, carpenter's mate," and I am that man."

Rosegreen says that he shipped on the Alabama at Capetown, South Africa, in the spring before her "last and only fight," as the old man insists upon calling it, and was with her when she went down under the guns of the Keersarge, off Cherbourg, the following summer. He says he had a chance to ship on her, but he was discharged from his eventful career, but on account of the anxiety they showed to get him and some other suspicious circumstances he concluded he didn't want anything to do with her. He had previously served three years in the Danish navy and was discharged with an excellent record and he thinks that was the reason the officers were so anxious to have him in the crew. According to Rosegreen life on the Alabama was "not a picnic," though Semmes, he thinks, was the best man he ever sailed under and the reasons were the "best he ever got on any ship." The crew was short-handed, the boat had left Capetown very suddenly on account of some trouble with the authorities there and a continuous round of watching, drill and target practice kept all hands going pretty lively. The crew was a mixed lot and included but few Americans. They were a tough lot and it took strict discipline to keep them down. One Englishman, Harry Sparre, told that he had been with her during the war and claimed he had "swiped" a lot of stuff from prizes and that he was the only one of the original crew left on her.

When orders were given to clear ship for action," said Rosegreen, "on that morning in June, we all thought we would make short work of the Yankee cruiser. I don't know much about the fight, for, you see, I was a member of the crew of the forward gun