THE OMAHA DAILY BEE.

ESTABLISHED JUNE 19, 1871. OMAHA, TUESDAY MORNING, FEBRUARY 11, 1902—TEN PAGES. SINGLE COPY FIVE CENTS.

FORCES BANK TO RUIN

Vice President Ties Up Over Million Dollars of Deposits.

PRACTICALLY WRECKS THE INSTITUTION

Amount Defaulted is Third of the Entire Deposits.

STATE COMMISSIONER TAKES CHARGE

Announcement Exonerates the Directors Any Blame.

DEFAULTER PLACED UNDER ARREST

Criminal Irregularities and Reckless Speculation with Bank's Funds Are Assigned as Causes of Disaster.

DETROIT, Feb. 10.—Vice President Frank C. Andrews of the City Savings bank, which has been in the hands of the State Banking Commissioner George L. Maltz since this morning, was arrested late this afternoon and arrigned at 9:30 o'clock tonight on the charge of wilfully, fraudulently and knowingly securing from the bank without security and without knowledge of the other directors, a sum exceeding $1,000,000. He was released on $10,000 bail and his examination was set for February 21.

Cashier Henry C. Andrews, through whom F. C. Andrews is said to have secured the money by means of overdrafts and certified checks, is ill at his home with nervous prostration.

In addition to a total indebtedness to the City Savings bank of $1,158,000, to secure which Mr. Andrews has signed over to the institution all his real estate holdings and stock, bonds and other securities, which it is estimated will total about $1,000,000. Four local banks and a trust company hold his checks, certified to by Cashier Andrews, to the amount of $662,000. A considerable number of these checks are protected by securities deposited with them by Mr. Andrews.

Allowed to Overdraw.

As soon as Commissioner Maltz took charge of the bank he began an examination of its books. It was found that Cashier Andrews had permitted F. C. Andrews to overdraw his account $914,000. Other liabilities brought F. C. Andrews' total indebtedness to the bank up to $1,158,000. In addition to this Cashier Andrews had certified to checks for F. C. Andrews which he had deposited in other banks to the amount of $662,000. At the close of his examination Commissioner Maltz tonight issued the following statement of the bank's coudition at the close of business February 8:

Resources—Total loans and discounts, bonds, mortgages and securities $2,383,063; overdrafts $913,852; real estate $10,899; cash in banks, $288,697; other assets $18,922.

Liabilities—Stock, surplus and undivided profits $225,212; deposits, $3,379,351.

The examination showed that the record of F. C. Andrews' transactions was not kept in the regular way, but in a memorandum book. The first record of a transaction between Cashier Andrews and F. C. Andrews is January 11, but the examiners estimate that the transactions have been going on for about six weeks. President F. C. Pingree explained the manner in which the certified checks was obtained as follows:

How Checks Are Certified.

F. C. Andrews would draw a check for the amount he wanted and have it certified by the cashier, Henry R. Andrews. He would present this certified check to the person with whom he was doing business and ask him to hold it out for that day as the bank was not in funds to meet it. Perhaps he would thus hold it out for two or three days, and eventually, when there was money enough in the bank to meet the claim he would go in and take it out. There would be only a slip of paper in the drawer and the withdrawal would be put down as a cash item. With this money he would in person pay the certified check and tear it up. This was done time and again.

The directors issued the following statements in regard to the suspension:

In justice to ourselves, our depositors and stockholders, the undersigned directors of the City Savings bank make the following statement:

Early on Saturday morning we learned for the first time that Henry R. Andrews, cashier of the bank, had allowed Frank C. Andrews to overdraw his account in the sum of over $900,000, and had also, without consideration, certified said Frank C. Andrews' checks for over $700,000, all of which checks were outstanding. The bank was immediately put into the hands of the banking commissioners, and we set about to get all the security we could. Mr. Frank C. Andrews has turned over to the bank a large amount of securities, from which we hope to pay our depositors in full.

The banking commissioner has deemed it the wisest policy to close the bank for the present, for the best interest of all depositors. Outside of the Frank C. Andrews indebtedness and checks the bank was never in a better condition.

F. C. PINGREE.
WARD L. ANDRUS.
HOMER M'GRAW.
JOSEPH SCHULTE.
F. S. OSBORNE.
W. T. M'GRAW.

Detectives Serve Warrant.

The City Savings bank was the depository for the funds of the county auditors, their balances there being more than $150,000, and F. C. Andrews was arrested this afternoon on a complaint sworn out by Auditor Christian, after a long conference between the auditors and Prosecutor Hunt. The warrant was served on Andrews, who is commissioner of police, by two of his detectives in the office of the Detroit Trust company, where he had been in consultation with the officers of the banks holding his certified checks.

The City Savings bank was also the depository for the Board of Education, which had a total of $467,000 on deposit. Other local banks will temporarily advance funds to the Board of Education for salaries and running expenses.

At a meeting of the clearing house association this afternoon the following statement was issued:

Result of Criminal Conduct.

The disaster which has befallen the City Savings bank is the result of criminal irregularities confined entirely to that institution and caused by the rash speculation of its vice president, who controlled the management and betrayed his trust. The bank has been expelled from the association. The officers of this association desire to state to the public that there is no need of apprehension regarding any other bank in the city. The present condition of the banks, as shown by the weekly statements furnished to the clearing house, reveals an unusually strong showing in reserve and cash resources, and the fair name and good reputation of the banks of Detroit will not suffer by reason of this trouble.

M. W. O'BRIEN,
(Signed.) Chairman.
E. C. BOWMAN, Secretary.

Other Banks Not Affected.

There was nothing like a panic at any of the other banks in the city and comparatively few deposits were withdrawn as a result of the excitement.

At the Gratiot Avenue branch of the City Savings bank, which drew its deposits

(Continued on Fourth Page.)

BELIEVE GIRL WAS MURDERED

Police Have No Clue to Whereabouts of Man Supposed to Have Killed Her.

SAN FRANCISCO, Feb. 10.—The mystery surrounding the murder of 16-year-old Nora Fuller, whose nude body was found on a bed in an unoccupied house on Sutter street, remains unsolved. The result of the autopsy has made it practically certain that the girl was chloroformed and then strangled. Although she disappeared four weeks ago, when she met a man calling himself John Bennett, in answer to an advertisement for a girl to care for a child, the autopsy surgeon is positive that she was killed within the last ten days. Evidence that she was strangled is found in fact that there were abrasions on her neck, that a cord, small but strong and measuring seven feet in length, with a bow knot at one end, was found in the toilet, that strands were blood stains. Two handkerchiefs covered with blood were also found. A clumsy attempt had been made to burn the handkerchiefs, but they were only partially destroyed.

There is nothing to indicate that the girl and Bennett, who, under the name of C. B. Hawkins, is believed to have rented the house, lived there. Neither water nor gas had been turned on, and the neighbors heard no sound from the place. Among the few things found in the place was a large scrap of paper torn from the Denver Post of January 9. The man known as Bennett, or Hawkins, secured the key to the house on the day before the paper left the press in Denver, and as he alone had access to the place, it was he alone who could have carried the scrap of paper there.

A dispatch from Muncie, Ind., says that three months ago there disappeared from that place Charles R. Hawkins, a barkeeper, who is alleged to have taken away $3,600 belonging to Mrs. Sarah Williams. The police of the country, it is stated, have been requested to arrest him. His description answers that of C. B. Hawkins, or John Bennett, who rented the Sutter street residence. The police, however, are without a positive clue to the supposed murderer's identity.

An alibi has been established for N. E. Serebrenk, whose card was found in the purse of the dead girl. It was ascertained that he sailed for China on the evening of the 18th of January, several hours before the girl's disappearance.

CHICAGO MAN GOES TO WEST

C. D. Dunann of Great Western Accepts Advanced Position with Pacific Coast Company.

CHICAGO, Feb. 10.—Mr. C. D. Dunann, city passenger agent for the Great Western railway of this city, has been appointed general passenger agent of the Pacific Coast Steamship company, with headquarters at San Francisco. His appointment will take effect March 1.

Mr. Dunann began life as a telegraph operator and ticket agent on the Baltimore & Ohio, at Defiance, O., in 1873, remaining with that company until 1876, when he was promoted to the general office of that company in Chicago. He resigned in March, 1876, to accept a position as manager of the American Telegraph company of Fort Wayne, Ind., resigning from that company to accept service with the Pennsylvania in September, 1876, where promotions followed through the train dispatchers' office to that of secretary to C. E. Gorham, then general manager of the Pennsylvania company in Chicago, where he remained from 1878 to 1881, when he was appointed assistant city ticket agent for that company at Chicago. On December 1, 1882, he was appointed city ticket agent for the Nickel Plate at Chicago, when that road was opened for traffic, remaining in that position until March, 1883, when he was appointed assistant superintendent of the western division of that company, which position he held until July 15, 1886, when he engaged with the Wisconsin Central as ticket agent at the opening of that road out of Chicago. He resigned that position August 1, 1887, to accept the position of city passenger and ticket agent in Chicago on the opening of the Chicago Great Western railway (then the Minnesota & Northwestern railroad), in whose service he has remained.

Lake Shore's New Superintendent.

CLEVELAND, O., Feb. 10.—W. H. Marshall has been appointed general superintendent of the Lake Shore road, to succeed A. H. Smith, who was recently appointed general superintendent of the New York Central lines. Mr. Marshall has filled the position of superintendent of motive power of the Lake Shore for a number of years past.

FAITH IN UNITED STATES

General Gomez Believes Government Will Fulfill Pledges to Cuba.

SANTIAGO, Cuba, Feb. 10.—General Santiago Gomez arrived here today on his way to San Domingo. He was given a great demonstration. A large crowd was assembled with bands. The police and the firemen also turned out to welcome him.

General Gomez was averse to discussing the political situation. He said, however, he believed the United States would fulfil their pledges to establish a stable government in Cuba. This he considered impossible without close commercial relations between the two countries. He believes a close commercial treaty will be necessary. He felt that a reduction of 50 per cent on Cuban sugar and tobacco imported into the United States would be granted. He also declared that the people would appreciate even a smaller reduction on these products.

FAMOUS WITNESS IS DEAD

Kansan Whose Testimony Was Killed by Lincoln's Shrewdness Dies from Fall.

TOPEKA, Kan., Feb. 10.—Joseph A. Douglas was killed last night at his home in Lindon by falling from a load of corn.

Mr. Douglas was the witness in the historical Armstrong murder trial in Illinois when William Armstrong was cleared by Abraham Lincoln. Douglas swore at the trial that he saw young Armstrong strike the fatal blow, saying that the moon was very bright at the time. Mr. Lincoln then produced an old almanac as his only witness, from which he proved that there was no moon on the night in question.

Will Observe Lincoln's Birthday.

NEW YORK, Feb. 10.—Lincoln's birthday will be observed in the financial district. All the banks, trust companies, exchanges and similar institutions will be closed, as well as the government offices.

Gets Into Fast Company.

SPOKANE, Wash., Feb. 10.—W. Salisbury, Portland's crack base ball pitcher, has signed with the Philadelphia National league club.

SON HAS DOUBLE PNEUMONIA

President's Boy in Serious Condition, with Little Change.

CRISIS EXPECTED TODAY OR TOMORROW

Temperature Rises, While Respiration Declines, but Pulse is Stronger—President Calls the Family Physician.

GROTON, Mass., Feb. 11.—2:30 a. m.—The condition of Theodore Roosevelt, jr., at this hour is apparently very serious, for lights can be seen in the infirmary and nurses and doctors are moving around. For the last half hour the voice of the boy calling for water could be heard on the street. Nothing could be obtained from the house, but it is believed the patient is delirious.

GROTON, Mass., Feb. 11.—3:30 a. m. The excitement in the infirmary has subsided and it is understood that the patient is resting easy. An hour ago he complained of difficulty in breathing and the pain caused some delirium. At this hour it is stated that the patient is no worse than earlier in the night.

GROTON, Mass., Feb. 10.—Theodore Roosevelt, jr., the oldest son of President Roosevelt, has double pneumonia. Otherwise his condition is unchanged tonight. The boy is seriously sick, but it is too early to say what the chances are for his recovery.

This was the statement issued by George B. Cortelyou, secretary to the president, at 9 p. m., and was made after a careful examination by Dr. Lambert, the Roosevelt family physician, who arrived from New York at 6 p. m.

President and Mrs. Roosevelt spent a long, anxious day in the infirmary, awaiting the crisis of the disease, which this morning appeared to have taken such a strong hold of their son. The change for the worse in the boy's condition occurred during the night and showed itself when the regular morning examination was made by Dr. Shattuck and Dr. Warren. Secretary Cortelyou, who is the only means of communication with the sickroom, made the announcement this morning of the patient's serious condition, although he said then it was not alarming.

Temperature is Higher.

"His temperature is higher," said Mr. Cortelyou, "and his respiration is weaker than yesterday, but his pulse is better."

He also said there was no immediate change, only the natural progress of the disease. He announced that the disease had spread and involved both lungs. This sudden and unfavorable turn warned the president that the most skillful medical treatment was necessary, and tonight he called to the aid of Drs. Shattuck and Warren his family physician, Dr. Alex Lambert of New York, an eminent practitioner and a man well acquainted with the boys' physique. The decision to call for Dr. Lambert was made after consultation of the physicians and the president, and the doctor left New York at noon, arriving here shortly after 5 o'clock.

No plans have yet been made for the return of President Roosevelt to Washington. He can remain in Groton for ten days at least, so far as the pressure of business is concerned. It seems probable that it will be a week before he leaves. Every facility has been given him with regard to communication with Washington. A special telephone line has been run from the residence of Dr. Gardner direct to the White House for the president's private use. All the presidential mail comes to Groton by way of Worcester and Ayer.

It was learned today that another student of the school, John E. Thayer, jr., of Lancaster, is ill with pneumonia at his home. The other two boys, Howard E. Potter of New York and William Gammell of Providence, who are ill in the school building with the same disease, were reported slightly improved this morning.

Boy Calls for His Father.

Young Theodore asked for his father early in the day and seemed anxious that he should remain with him. A special messenger arrived from Washington at 10:30, bringing documents requiring the president's attention.

During the day frequent word was received from the sick room through Mr. Cortelyou that everything showed the boy's condition was unchanged, although at night, Mr. Cortelyou said he had a hard day.

Dr. Lambert was met at the station by Dr. Peabody, the principal of the school, and driven to the infirmary. After a brief consultation with Drs. Shattuck and Warren he proceeded to the sick room and made his examination of the boy. The party then went to Mr. Gardner's house for dinner, and there the result of the doctor's examination was made known. It confirmed the diagnosis made by Drs. Shattuck and Warren, and Dr. Lambert readily agreed with them that the boy's condition was serious.

President Spends Anxious Day.

The president remained in or near the infirmary all day, walking over to the Gardner house for lunch shortly after 1 o'clock, and a little later taking a brisk walk about the school grounds. He did not leave the infirmary again until he went to dinner. Mrs. Roosevelt remained indoors all day. During the day the telephone and telegraph wires to the White House were kept busy, it was thus possible for the president to transact considerable business of a pressing nature.

Young Roosevelt was taken ill last Thursday, so that tonight he entered upon his fifth day. The crisis is expected tomorrow or Wednesday. All reports from the sick room show that the patient keeps up his strength and that he takes some nourishment.

The bulletin issued from the sick room at 11 p. m. stated that the patient's condition was unchanged. The patient spent the entire evening in the infirmary. The condition of young Potter and Gammel was said to be much improved tonight.

SOLDIERS HANGED AT MANILA

Men Who Deserted American Army for Insurgent Band Speedily Executed.

MANILA, Feb. 10.—Edmund A. Dubose and Lewis Russell, deserters from Company E, Ninth cavalry, and who stole arms belonging to the regiment and joined the insurgents in August last, for which they were tried and sentenced by a military court were hanged today at Guinoban, in the presence of 3,000 people. The execution was orderly. It was supervised by Captain Henry H. Wright of the Ninth cavalry, commanding the post.

Several native petitions were received urging clemency, but the authorities failed to see any reason to delay the execution, the men committing a flagrant breach of the military code in the time of war.

PATRICK'S COUNSEL ON STAND

Tells of Secrets Which Accused Reposed in Him After Death of Rice.

NEW YORK, Feb. 10.—The trial of Albert T. Patrick, charged with the death of William M. Rice, was resumed today after a lapse of six days, owing to the illness of a juror.

The most interesting part of the trial today was the move of the state in placing in the witness box John R. Potts, a lawyer and banker and at one time at least a friend of the accused. Mr. Potts said among other things that Patrick, a few days before his arrest, but after Mr. Rice's death, had retained him as counsel and that the tie had not been severed.

Mr. House, of counsel for defense, objected strongly to the testimony being accepted by the court on the ground that Mr. Potts conversations with Patrick were privileged. The court, however, allowed Mr. Potts to testify to matters prior to Patrick's arrest.

The witness said he had known Patrick since 1870, becoming intimate with him in 1890.

He had never seen Mr. Rice in Patrick's office, though the latter was in the same suite as his (Potts') office.

Patrick had told him a rich client had died and made him residuary legatee. Patrick had also shown him many of the documents now in dispute among the "Patrick" will, and he had told Patrick he did not think the will would hold. Patrick replied: "That's all right; the estate is practically mine."

Mr. Potts also advised Patrick not to fill out and use the blank checks purported to have been given him by Mr. Rice and Patrick replied that he would use the money as Mr. Rice had intended that it should be used. Patrick had told witness that Rice had named him as residuary legatee because of his personal regard for him. He also told witness the day before Rice died that he had not seen him for a week.

Then Potts swore that the day after the death Patrick brought him a check for $25,000 and asked him to get it certified. This he had done, as he had done with other checks. The defense confined itself to asking Potts if Patrick had told him he was to receive the estate as trustee, and the answer was that he had.

John T. Potter, the undertaker who embalmed Rice's body, was called and testified that he gave a sample of the fluid to Professor Witthaus for analysis.

Andrew T. Ralph, as real estate dealer at Houston, Tex., identified some letters written by Mr. Rice, one of which by its postmark showed that it was mailed after Rice's death. He said he had had business relations with Mr. Rice for about six years and never heard of Patrick in connection with any of Rice's affairs.

At this point the court was adjourned until tomorrow.

REACH SOME REAL RESULTS

Presbyterian Revisionists Make Clear Position on Elect, Infant and Other Issues.

PHILADELPHIA, Feb. 10.—The creed committee of the Presbyterian church, now sitting in this city, disposed of considerable work today, it coming to a definite decision on several vital points in the confession of faith. The work done is best summed up in the official statement given out by Dr. William H. Roberts of this city, the stated clerk of the general assembly and the secretary of the committee. It is this:

The work of the committe so far as completed provides a declaratory statement for Chapter iii of the confession of faith on predestination, and also for Chapter x, Section 3, on elect infants.

The secretary, Dr. William H. Roberts, repeats his statement that the American Presbyterian church does not teach that any dying in infancy are lost.

The committee further has agreed to revision of the text of the confession in the matter of good works—Chapter xvi, Section 7, of its being a sin to refuse an oath; Chapter xxi, Section 5, and also to the pope being a man of sin, Chapter xxv, Section 6.

It also adds to the confession two chapters, one on the Holy Spirit and the other on the gospel.

In explanation of the second paragraph of the foregoing statement regarding Dr. Roberts' reiteration that the American Presbyterian church does not teach that any dying in infancy are lost, he said that he had first made a statement to that effect last week and that since then he has received many communications from clergymen, religious newspaper editors and others as to whether he had been correctly quoted. He said he had solicited the individual opinion of each member of the committee and that they were all of the opinion as he stated it. The committee steadfastly refuses to give out the text of anything it has finally passed upon. It made exception to that pertaining to Chapter xvi, Section 7, on "good works." This section is as follows:

Works done by unregenerate men, although for the manner of them they may be things which God commands and of good views both to themselves and others, yet, because they proceed not from a heart purified by faith, nor are done in a right manner, according to the word, nor to a right end, the glory of God, they are therefore sinful and displeasing unto God.

This section was revised by striking out the words "are therefore sinful and."

The committee did not pretend to revise the confessional, but wanted to confine itself to preparing a declaratory statement of the faith. It was found after an exhaustive discussion of the matter, however, that to prepare a declaratory statement that would intelligently explain the points involved would be a difficult task, and the members finally agreed that a revision of the chapters under consideration would be preferable.

MAN SUES RAILROAD COMPANY

Asks Damages for Injuries Sustained While Coupling Cars at Earlham.

FORT DODGE, Ia., Feb. 10.—(Special Telegram.)—Suit for $20,000 damages was filed here today by A. W. Becket, against the Chicago, Rock Island & Pacific Railroad company. The suit is to recover damages for injuries sustained by Becket on September 16, 1901, at Earlham. His arm was caught and crushed between buffer irons, while he was engaged in coupling. Becket claims defective couplings as the cause of the accident.

NEW POSITION FOR L. J. GAGE

Presidency of United States Trust Company Said to Be Offered Him.

NEW YORK, Feb. 10.—It was reported with authority in financial circles here today that the presidency of the United States Trust company of this city had been offered to Lyman J. Gage, former secretary of the treasury, and that he would accept it.

ARGUES FOR THE DAIRYMEN

Shallenberger Gives His Views Concerning Oleomargarine.

CLARENCE L. THURSTON MAY RESIGN

Possible Opportunity for Another Nebraskan to Secure Post—Miss Daisy Doane to Sail for Manila on Transport.

(From a Staff Correspondent.)

WASHINGTON, Feb. 10.—(Special Telegram.)—Representative Shallenberger of the Fifth Nebraska district made his maiden speech today and was accorded respectful attention. He relied upon some of his colleagues to secure time for him, but they were absent from the house when Shallenberger saw an opportunity to deliver his views on the dairy interests of his district. By close manipulation, however, and borrowing time from other speakers, he was given twenty minutes to talk about oleomargarine.

He said the cattle interests in the west were rapidly changing from range to farm, and that the farmer instead of the ranchman was the person to be considered at this time. "The farmer realizes upon milk and butter from his herds, as well as from the beef," said Mr. Shallenberger, "while the cattle grower realizes alone upon the beef sold."

He made the assertion that of the leading cattle-raising states of the union, nine today were devoting their energies primarily to the milk and butter industry, while the beef industry was of secondary importance.

Bills of Nebraska Senators.

Senator Dietrich, in the absence of his colleague, introduced for Senator Millard several bills that will be of interest to Nebraskans. One was amendatory to a former act granting the right to the Omaha Northern Railway company to construct a railway across and erect stations in the Omaha and Winnebago reservation in Thurston county and extending the time for such building until 1906.

Another bill which Senator Dietrich introduced for his colleague appropriates $2,390, with interest from 1877, to A. H. Reynolds, a resident of Questa, Toos county, N. M., who formerly lived in Sidney, Neb. Reynolds was in the banking business in Sidney in 1877, and during that year he cashed two Indian vouchers issued to D. J. McCann, government contractor, on account of supplies furnished by him to the government, as shown by the receipt of Lieutenant C. A. Johnson, then acting Indian agent at Red Cloud, Neb. When these vouchers were presented, payment was refused on the ground that McCann was a defaulter on other contracts, and instead of paying Reynolds for the amount involved, the government applied the amount to McCann's indebtedness, which brought about Reynold's failure. He now asks to be recompensed for the amount he advanced on these vouchers, with interest at 6 per cent.

To Sell Part of Niobrara.

Senator Millard, through his colleague, also introduced a bill authorizing the sale of part of the Fort Niobrara military reservation in Nebraska.

Representatives Burkett of Nebraska and Fowler of New Jersey left today for Lincoln to attend the annual banquet of the Young Men's Republican club on the anniversary of Lincoln's birthday.

Congressman Hull of the Des Moines district returned from Iowa, greatly improved from his recent illness. He says that while he expects a contest for renomination, he has no fears as to the outcome.

Captain C. L. Watrous of Des Moines and Hon. Silas Wilson of Atlantic, Ia., who have been in Washington for several days, left today for Iowa.

Miss Doane to Sail on Transport.

Senator Millard has secured permission for Miss Daisy Doane of Omaha to travel on one of the army transports from San Francisco to Manila, it being Miss Doane's intention to join her brother, Lieutenant W. H. Doane of the regular army, in the Philippines.

Senator Gamble presented a delegation of Rosebud Indians to the secretary of the interior today, and explained their presence here. The Indians are anxious to secure a settlement of the amount due the Sioux nation under the treaty of 1889, which involves about $4,500,000. It is thought the department will be able to make a definite report soon as to the amount due the Rosebuds.

A warrant was granted by the auditor for the Interior department in favor of E. C. Dudley for $4,000, closing up the contract Mr. Dudley had with the government for putting in a water system at the Canton insane asylum, South Dakota.

Senator Gamble's bill to provide for the purchase of a site and the erection of a public building at Deadwood, carrying an appropriation of $200,000, was reported favorably today from the committee on public buildings and grounds.

Clarence Thurston May Resign.

Clarence L. Thurston, son of ex-Senator Thurston, who for the past year has been secretary of legation at Buenos Ayres, has been granted leave of absence by the State department to return home, and it is thought he will resign from the diplomatic service to take up the study of law with his father in this city. This may give some Nebraskan an opportunity to break into diplomacy and acquire a knowledge of our southern neighbors.

Representatives Mercer of Nebraska and Cousins of Iowa will leave tomorrow morning for Grand Rapids, Mich. They go by special car to attend the banquet of the Lincoln Republican club Wednesday night. The party was arranged by Congressman William Alden Smith of Michigan. Minister Wu and his secretary also are going.

Department Notes.

An additional rural free delivery route will be established at Sutton, Clay county, Nebraska, April 1, with William E. Bemis as carrier. The route embraces thirty-one square miles, containing a population of 450.

The application of John W. Harper, Curtis Dessig, Charles Callahan, Andrew K. Greenlee, L. W. Scanlon and others to organize the First National bank of Sidney, Neb., with $25,000 capital, has been approved by the comptroller of currency.

The receipts of the postoffice at Omaha for January were $40,259, compared with $36,223 for the same month last year, an increase of $4,036.

At Des Moines the receipts were $37,639 and $31,825, respectively, increase of $5,814.

Postmasters Appointed:

Iowa—Savannah, Davis county, W. F. Pirtle.

South Dakota—Republican, Minnehaha county, Oscar Olson.

Harry B. Noland of Des Moines, Daniel M. Reynolds of Atlantic, William Morris of Cedar Falls, Ia., Warren D. Lane and John

(Continued on Fourth Page.)

CONDITION OF THE WEATHER

Forecast for Nebraska—Snow Tuesday, with Rising Temperature in East Portion; Wednesday Fair and Colder; South Winds, Becoming Northwesterly.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	6	1 p. m.	15
6 a. m.	6	2 p. m.	15
7 a. m.	6	3 p. m.	14
8 a. m.	8	4 p. m.	16
9 a. m.	10	5 p. m.	18
10 a. m.	11	6 p. m.	16
11 a. m.	12	7 p. m.	15
12 m.	13	8 p. m.	15
		9 p. m.	14

BENEFITS OMAHA DEPOSITORS

Chief Justice Sullivan Issues Injunction Against Compromise of German Savings Bank Claims.

(From a Staff Correspondent.)

LINCOLN, Feb. 10.—(Special Telegram.)—Chief Justice Sullivan has issued an injunction against the receiver and legal representatives of the defunct German Savings bank of Omaha, restraining them from enforcing, or attempting to enforce, a decree of the Douglas county district court approving a compromise made by the receiver with certain stockholders.

This restraint shall exist until the supreme court can investigate. The case has already been appealed.

The injunction was issued on the application of Grant S. Cobb, one of the depositors and creditors of the institution.

FRANK JAMES MAKES PROTEST

Enters Injunction Suit Against Theatrical Company Bearing His Name.

KANSAS CITY, Feb. 10.—Frank James today made application for an injunction against the management of a play called "The James Boys in Missouri," in which the members of Frank James' family are represented as being train robbers, bank looters and outlaws of the worst character. The suit was brought, Mr. James says, because the play glorifies outlawry, makes heroes of outlaws and is injurious to the youth of the country, and besides, he says, it revives a reputation that came to him in early life which he has been trying to live down for twenty years.

The suit raises the question as to whether or not a private citizen can be portrayed on the stage without his consent, whether it be to his credit or discredit. The attorneys argued the case late this afternoon and the court's decision will be rendered tomorrow.

The play was presented as usual this afternoon and tonight.

CANAL PROMOTER GOES EAST

Fritz Jaeggi Leaves for New York in Interest of Loup River Ditch.

COLUMBUS, Neb., Feb. 10.—(Special Telegram.)—Fritz Jaeggi, the capitalist who has been here several months promoting the Loup river power canal project, leaves Omaha today for his home in Switzerland, being accompanied to New York by H. E. Babcock, president of the irrigation company, their mission being to contract for the financing of the power part of the enterprise. The $70,000 mortgage indebtedness of the company has been paid off and all indications are favorable for the early completion of the power project.

SMALLPOX ON THE DECLINE

Two Thousand Six Hundred Cases Now Given as Total in Illinois.

SPRINGFIELD, Ill., Feb. 10.—The State Board of Health today gave out a statement that from reports received by Secretary Egans from all over the state, smallpox now exists in fifty-seven counties, with an aggregate of 2,600 cases, a decrease of 1,000 cases since the last report made to the board on January 1. Secretary Egans states that in towns, townships and counties where a strict quarantine is observed, and where a vaccination proclamation has been issued and held to, the disease has practically disappeared.

SWITCHMEN OUT ON STRIKE

Fifteen Men Quit Work and Tie-Up Threatens to Become General.

MISSOULA, Mont., Feb. 10.—Fifteen Northern Pacific switchmen today went on strike, and the trouble threatens to become general. The men refused to use a road engine for a switch engine. Superintendent Russell, it is said, promised to meet the men and adjust their grievances, but failed to put in an appearance at the time stipulated, and the switchmen walked out. Tonight it is rumored that non-union men are coming from Helena to take the places of the strikers and there is much excitement.

LEMON EXTRACT KILLS CHIEF

Fluid Proves Too Much for "Big John," Prominent Ute Councilor.

SALT LAKE CITY, Feb. 10.—A special to the Telegraph from Richfield, Utah, says: "Big John," one of the best known Indians in south central Utah and prominent in the councils of the Utes, is dead as a result of drinking a bottle of lemon extract, which he took for a cold.

Indians from the whole surrounding country are gathering at Richfield and preparations are being made to give John a funeral with all the tribal ceremonies.

CATTLE STARVE IN COLORADO

Thousands of Head Are in Peril for Want of Feed and Water.

DENVER, Feb. 10.—Humane Agent H. B. Kerr has left for a tour of the southeastern counties to investigate the reports about starving cattle. In Baca county thousands of cattle on the ranges are said to be dying from starvation and exposure. The cause of the mortality is due to a scarcity of grass and the freezing of the water holes.

Movements of Ocean Vessels, Feb. 10.

At New York—Arrived: La Gascogne, from Havre; Minneapolis, from London.

At Havre—Arrived: Carlisle City, from San Francisco via Pernambuco.

At Tenneriff—Sailed: Neko, from Hamburg, for San Francisco via Guayaquil.

At Antwerp—Sailed: Serapis, for San Francisco.

At Liverpool—Arrived: Umbria, from New York.

At Glasgow—Arrived: Sardinian, from Boston.

FIGHT ON TAX LEVY

Argument on Motion to Dissolve Injunction Still in Progress.

CORPORATION BOOKS NOT YET CALLED FOR

Judge Dickinson Holds Them Not Necessary at Present Juncture.

SUBPOENAS FOR OFFICERS HELD GOOD

Court Declines to Quash Order Requiring Representatives to Testify.

CONTENTION OF ATTORNEYS ON CASE

Connell for City and McIntosh for Complainants Debate Motion to Dissolve Without Matter Reaching Point of Submission.

City Attorney W. J. Connell has completed his argument on his motion to vacate Judge Dickinson's temporary injunction order restraining the council from passing the ordinance levying the 1902 assessment as proposed. Attorney J. H. McIntosh, who represents W. G. Shriver and George Morton, in whose names the order was secured, has partially completed his reply to the city attorney, but when court adjourned yesterday afternoon had still some precedents to cite, and the hearing was continued until 9:30 this morning, with a prospect of its reaching a conclusion early.

The motion of the attorney for the street railway company to quash the subpoenas served on officials of the five franchised corporations of Omaha was disposed of shortly after 3 o'clock yesterday afternoon when the court sustained the motion insofar as it applies to the officers being required to produce the books and records of their companies in court, but overruled it in its application to the officers themselves having to appear.

Basis of the Decision.

Judge Dickinson in taking this action stated that the court's only jurisdiction in the matter before it was to decide whether the council had proceeded properly in the matter of the complaints of Shriver and others; not whether the assessments of the corporations in controversy had been fair and sufficient, and that, this being true, the production of the records showing the financial affairs of the corporations would be without excuse.

When this decision had been announced Attorney McIntosh had E. M. Morsman, secretary and treasurer of the Nebraska Telephone company, called to the stand: The latter, answering questions, testified that he had known from the papers that members of the real estate exchange had filed complaints against the corporation assessments, but that he had not actively interested himself in the debates.

How the Council Proceeded.

City Attorney Connell had Councilman D. J. Mount of the Seventh ward called. The latter testified that he had been present at the Board of Equalization meeting when representatives of the real estate exchange and the corporations were each allowed thirty minutes hearing in debate on the complaints.

"And were you present at the Monday meeting when Councilman Hascall presented his motion finally disposing of these complaints?" asked the city attorney.

"Yes."

"Was it not in writing, and was it not discussed?"

"Yes."

"You may explain the circumstances."

"In disposing of such motions it is the rule that no one be allowed to discuss the question after roll call has begun, yet Councilman Lobeck tried then to demand the advice of the city attorney, and delayed two minutes while the chair was calling on him to vote. There was nothing to prevent his voting."

"How about Councilman Zimman's voting?"

"The circumstances were the same, practically."

Street Railway Company Called.

Attorney McIntosh had John L. Webster of the street railway company on the stand next. In an effort to prove that it was distinctly the Real Estate exchange as a whole, and not Morton or Shriver, who was given attention by the board at the Friday meeting. He asked:

"Did you appear at the meeting referred to by these other witnesses?"

"Yes, upon the notice received by the street railway company."

"What was said with reference to taking up complaints?"

"It was announced in a general way that such was to be done. I do not remember the exact words."

"What occurred after the announcement?"

"Councilman Hascall made a motion that the complainants and the corporations should each have an hour and a half. This was modified to the end that the complainants need occupy but half an hour, and then the corporations half an hour, but continuing alternately until the full time was consumed."

"You don't claim to be quoting the exact words?" asked Attorney McIntosh.

"No."

What Hascall Referred To.

"Now, didn't Hascall say that the exchange and the corporations should have the half hours?"

"Sometimes the reference was to the exchange, sometimes to the Commercial club and sometimes merely to the complainants."

"You understood this, then, to be between the Real Estate exchange and Commercial club and the corporations?"

"I understood those first two to be at the head of it all. In the preparations for debate the reference to the complainants was merely to those on that side of the house from among whom were to be chosen, by the men themselves, those who should speak for them."

"Didn't F. D. Wead (the chairman of the exchange's tax committee) do the designating?"

"I don't know. I only remember that someone on that side made announcement that so-and-so would be the next speaker."

"Well, Mr. Webster, didn't you, in the course of your remarks, take occasion to say that no sufficient complaints had been filed?"

"No. I emphasized that evidence must be produced to support any that were filed."

A five-minute recess was taken, which gave James Creighton opportunity to raise his familiar voice in the court room loud enough for all to hear his suggestion that the city and the corporations seemed to be entering into a "happy family arrangement."

City Attorney's Argument.

The city attorney made the first of the