

ESTABLISHED JUNE 19, 1871.

OMAHA, SATURDAY MORNING, AUGUST 26, 1905—TWELVE PAGES.

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ASKS COURT TO ACT

Equitable Life Assurance Society Files Answer to Charges Made by State.

MISMANAGEMENT OF FUNDS ADMITTED

Directors Say Affairs Were Manipulated Without Their Knowledge.

REPLY PLACES BLAME ON OFFICIALS

Tribunal is Asked to Fix Responsibility for Illegal Actions.

DEPEW LOAN IMPROPERLY MADE

Suit Will Be Brought by Officers of the Society to Compel Return of the Money to the Treasury.

NEW YORK, Aug. 25.—The Equitable Life Assurance society today joined with the state of New York in asking for a full investigation in court of its directors and officers and their alleged wrong doings in managing the money of the society.

Some officials of the Equitable have been guilty of improper and illegal acts, it charges. In all thirteen charges are answered by the directors. Among these answers they admit the \$250,000 loan to the Depew Improvement company.

Outlining their belief as to the best policy to pursue in fixing the blame for the Equitable scandals, the directors say that the blame for alleged cases of misconduct will be found to rest on individual officers and not upon the directors as a body.

With certain reservations, admission is then made that the capital stock of the Missouri Safe Deposit company was secured by the Equitable society, which paid \$50 per share for shares of a par value of \$10.

The directors further admit that the officers who permitted the improper and improper advances of money to agents have been guilty of grave errors of judgment, but assert that they have no information sufficient to form a belief that these officers were knowingly guilty of such improper acts.

Unwarranted Loans to Agents. As to excessive and unwarranted loans to agents the reply admits that they were made.

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Admission of Wrongdoing. The directors further admit that the officers who permitted the improper and improper advances of money to agents have been guilty of grave errors of judgment, but assert that they have no information sufficient to form a belief that these officers were knowingly guilty of such improper acts.

Denial of Next Step. The directors further admit that the officers who permitted the improper and improper advances of money to agents have been guilty of grave errors of judgment, but assert that they have no information sufficient to form a belief that these officers were knowingly guilty of such improper acts.

Finally, admission of the payment of this \$250,000 to the Mercantile Trust company on July 1st is made, but it is stated that this was only after the trust company had assumed a claim against the Equitable and after this claim had been resisted and disallowed by the present managing officers of the Equitable society.

Loan to Depew Company. The \$250,000 loan to the Depew Improvement company is not admitted, with a proviso which states that this admission is restricted to "those of the individual defendants who were or ought to have been cognizant of these transactions."

The directors then announce that an examination of all facts in connection with the Depew Improvement company is now being prosecuted with a view to recovering either by legal action or by adjustment out of court any sums that may be found.

Continued on Second Page.

MARKEL AFTER CONCESSION

Wants Privilege of Running Eating Houses Along the Panama Canal.

(From a Staff Correspondent.)

WASHINGTON, Aug. 25.—Special Telegrams.—E. Markel of Omaha was in New York yesterday in conference with the Panama Canal commission.

Tom Cook, postbox of the Panama Canal commission, collector of revenue, collector of customs, collector of internal revenue, commissioner of lands and buildings, director of posts, administrator of estates and superintendent of public instruction, was at the office of the Panama commission today on his way to his headquarters at Panama.

Following is a summary of the reports of the new cases from the country:

NEW ORLEANS, Aug. 25.—Fellow fever report to 6 p. m.:

Deaths Total to date 252. New cases 12. Total deaths 264. Total recoveries 218. Remaining under treatment 46.

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SUE KELLY'S BONDSMEN

State of Kansas Seeks to Recover Money Lost by Treasurer in Failure of Devlin Bank.

TOPEKA, Kan., Aug. 25.—Three suits, aggregating \$60,000, were commenced in the district court here today by Attorney General C. C. Coleman, representing the state of Kansas, against bondsmen of State Treasurer T. T. Kelly, to recover state funds which were in the hands of the First National bank of Topeka at the time of its failure.

The first suit is for \$50,000 and is brought against the Title Guaranty and Trust company of Scranton, Pa., and T. T. Kelly.

The second suit is for \$20,000, and is brought against the Fidelity and Guaranty company of Baltimore and T. T. Kelly.

The third suit is for \$10,000, and is brought against the First National bank, William Sims, C. E. Noel, W. H. Rossington and C. J. Devlin. This action is brought to collect the amount of the bond given by the bank officials to secure state deposits.

The amount of money in the First National bank at the time of the failure was \$47,576.60.

In speaking about the suits today, Governor Hoch said:

ORDER FOR G. A. R. PARADE

Each Department Will Comprise a Division and Formation Will Be in Order of Seniority.

WASHINGTON, Aug. 25.—Final orders for the parade of the Grand Army of the Republic during its annual encampment in Denver next month were issued today by Commander-in-Chief King. The headquarters of the commander-in-chief will be at the Brown Palace hotel, Seventeenth and Tremont streets, until the early part of the morning of the day of the parade.

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YELLOW JACK GAINS SLIGHTLY

Warmer Weather Causes an Increase in Number of Cases in New Orleans.

(From a Staff Correspondent.)

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LAWYERS ARE FOR PEACE

Bar Association Commends President's Action in Promoting Negotiations.

NARRAGANSETT PIER, R. I., Aug. 25.—The final session today was a busy and important one for the delegates in attendance to the annual convention of the American Bar association.

The most striking feature of the convention came today when resolutions approving President Roosevelt's efforts to end the war between Russia and Japan were adopted.

The resolutions were brought before the convention just prior to the adjournment of the business meeting and were adopted by a large vote.

Before action was taken, a resolution was introduced which held that in view of the recent supreme court decision that it would be useless for the national congress to enact laws for federal regulation of insurance matters, it would be improper for the American Bar association to request such action to be taken.

The minority report presented by W. R. Yancey declares that no reason has been shown why the business of insurance should be regarded as interstate commerce.

After discussing the whole question of insurance the law was left to the incoming committee. George R. Peck of Chicago was elected president.

CORONA EMPEROR HOLDS RECEPTION

SEUL, Aug. 25.—The emperor of Korea, upon the occasion of his birthday, which was celebrated today, granted an audience to the diplomatic corps and distinguished foreigners residing in Seoul.

ARREST IN MIZE MYSTERY

Chicago Sleuths Take Son of Real Estate Dealer Into Custody, but He Has a Good Alibi.

CHICAGO, Aug. 25.—There were no developments in the police investigation of the murder of Mrs. E. F. Mize today.

The man arrested was Earl Garrett, the son of a real estate dealer. The proprietor of a boarding house informed the police that Garrett had left a magazine revolver in his room, and on this information Garrett was taken into custody.

NEW YORK, Aug. 25.—Physicians of this city are much interested in a circular issued yesterday by the New York Post Graduate hospital announcing the discovery of a new cure for consumption.

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PRESIDENT UNDER THE SEA

Mr. Roosevelt Makes Short Submarine Voyage on Torpedo Boat Plunger.

(From a Staff Correspondent.)

OYSTER BAY, Aug. 25.—President Roosevelt this afternoon made a descent in Long Island sound on board the submarine torpedo boat Plunger.

As soon as the president had descended into the boat the manhole was closed and, conveyed by the naval tender Apache, the Plunger started for the Sound.

The figures show an increase in the number of new cases over yesterday's report and if there is any particular cause to assign, it is the excessively warm weather of the last few days, which has been most favorable for the development of the infection.

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SHIELDS NAME OF WOMAN

New York Man Serving Sentence for Theft Never Committed to Prevent Scandal-Recovering Public.

NEW YORK, Aug. 25.—As strange a story as that constituting the plot of any novel will be told to Governor Higgins of New York by a New York City lawyer when he endeavors to secure the pardon of a man who chooses to serve a sentence of three years' imprisonment in Sing Sing prison for theft of which he was innocent to shield the name of a woman from scandal.

The woman, Mrs. Fisher-Hansen, said, had visited his office within a few days and had asked him to secure her release from prison. She had wanted to do justice to the prisoner. They had been friends, and more than a year ago, when her husband returned unexpectedly he caught the other man running away.

The woman in the case has also paid a penalty for her indiscretion, as a servant of the company who had collected \$80,000 in blackmail from her within a few months. She is a member of one of the best families of New York and her late husband owned several factories in New Jersey.

WILLIAMS BAY, Wis., Aug. 25.—Today was association day at the National Young Women's Christian association conference at Lake Geneva.

CHICAGO, Aug. 25.—Mr. E. F. Ripley, president of the Atchison, Topeka & Santa Fe railway system, today, in reply to the recent criticisms of his road, said:

STATISTICAL REPORT Y. W. C. A.

Total Membership Now Over One Hundred Thousand—Addresses by Misses Howe and Hayes

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INDICTMENT IN COTTON CASE

Holmes, Haas and Peckham Accused with Conspiracy to Defraud United States.

(From a Staff Correspondent.)

WASHINGTON, Aug. 25.—Edwin S. Holmes, Jr., of Washington, D. C., until recently associate statistician of the Department of Agriculture but who was dismissed from the service on the ground of fraud reports, has been indicted by the grand jury on a charge of conspiracy to defraud the government.

Mr. Beach said tonight that Holmes, who has been away from Washington for some time and whose whereabouts have not been generally known, will be here tomorrow morning to answer to the indictment.

Section 548 of the revised statutes, under which Holmes was indicted, and which is understood to form the basis of the charge against the three men provides:

That if two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner and one or more of such parties do any act to effect the commission of such offense, all the parties to such conspiracy shall be liable to a penalty of not less than \$10,000 and not more than \$50,000 and imprisonment of not more than two years.

The report of the secret service on the charges alleging that advance information regarding the cotton crop reports had been given to cotton brokers in New York is asserted that Holmes had communicated advance information to L. C. Van Riper, a New York broker, and Moses Haas or Haas, a New York broker, and that the information was conveyed in conveying information from Holmes to other New York brokers.

Secret Service Report for Year.

The annual report of Chief William of the secret service shows a total of 822 arrests, of which forty-four related to counterfeits of currency, fifty-two to altering the value of the coin, and the others in connection with various violations of the federal statutes.

WOMAN JUMPS INTO RIVER

Escapes from Niece and Ends Life from Bridge at St. Louis.

ST. LOUIS, Aug. 25.—Escapes from her niece who was making her to her home in Texas after an illness, Mrs. Laura Oxford, aged 32, jumped from a Burlington train that had stopped on the Eads bridge today and was drowned in the river below.

NEBRASKA MAN MAY DIE

Walter McNulty of Loup City is Struck by Engine in Wyoming.

GREEN RIVER, Wyo., Aug. 25.—(Special.) Walter McNulty, a cattleman of Loup City, Neb., who stopped here en route east with a train load of cattle, was struck by a switch engine in the yards here and thrown from the track, sustaining very severe injuries.

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NEBRASKA WEATHER FORECAST

Partly Cloudy Saturday; Showers in West Portion, Cooler in Northwest Portion and at Night in East Portion, with Showers. Sunday Fair.

(From a Staff Correspondent.)

Temperature at Omaha Yesterday:

OYSTER BAY, Aug. 25.—President Roosevelt has accepted the office of honorary president of the Public Schools Athletic League, the headquarters of which is in New York City.

President Roosevelt's letter accepting the tender of the honorary presidency is dated Oyster Bay, August 19, and addressed to G. N. Wingate. In it the president says:

In answer to your letter I beg to say that it will give me pleasure to accept the office of honorary president of the Athletic League of Public Schools children, which you are president. I most heartily believe in your league and I feel that in promoting a service among the school children of New York along the same and healthy lines it has followed it is performing a noble and important task.

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RIFT IN THE CLOUD

Czar's Answer to President's Last Proposal is Partly Responsive.

(From a Staff Correspondent.)

ST. PETERSBURG, Aug. 25.—The Associated Press is permitted to announce that Emperor Nicholas' answer to President Roosevelt's latest proposal was partly responsive. At 1:30 a. m. a long cipher message arrived from Oyster Bay for Assistant Secretary Peirce.

RUSSIA WILL MEET THIS AFTERNOON

General Belief that Adjournment Will Be Taken Until Next Week.

EMVOYS ON BOTH SIDES SEEM PESSIMISTIC

President Roosevelt is Still Exchange Cablegrams with Russian and Japanese Sovereigns.

BUCKETING

ST. PETERSBURG, Aug. 25.—3:30 a. m.—According to reports from Tokyo, a member of the imperial family, the Associated Press learns that a dispatch was sent to M. Witte yesterday, which is considered at Petrohof as offering a decided hope of peace.

PESSIMISM AT PORTSMOUTH

PORTSMOUTH, N. H., Aug. 25.—The peace conference tonight seemed headed straight for the rocks. Despite the fact that every question of principle involved in the quarrel between the two countries has been settled in favor of the victor and that apparently only "words and money" still separate them, the negotiations for the peace of the world have reached a point where it is believed that the conference will be adjourned tomorrow.

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