

OMAHA MAN HAS HEARING

R. W. Breckenridge Talks of Insurance Before Committee of House.

SAYS INSURANCE IS NATIONAL IN SCOPE

Baltimore Lawyer Takes Opposing View, Saying that Congress Has No Power to Regulate Insurance Companies.

(From a Staff Correspondent.)

WASHINGTON, Feb. 9.—(Special Telegram.)—Ralph W. Breckenridge of Omaha appeared before the Judiciary committee of the house today in support of the proposition that congress has power to regulate insurance. There was an exceedingly large attendance of members present and the room of the committee was crowded during the course of the hearing, both members and spectators evincing a keen interest in the subject. In the course of his presentation, which covered almost an hour in length, Mr. Breckenridge said the American people had come to distrust state supervision of insurance and that companies exact from state insurance departments only demands for money. He said there was a demand for something that would forestall improvident and improper investments and extravagant management; that would punish fraud and reduce the cost of insurance by immediately cutting off useless expenditures.

The Bar association, by a vote of 113 to 20, sent to its insurance committee for consideration a resolution declaring federal control of insurance illegal and unconstitutional under the decisions of the supreme court of the United States.

George Whitlock of Baltimore was the author of that resolution and presented that view today.

Mr. Breckenridge presented statistics to show that the insurance business was national and not local in character. Of twenty of the largest insurance companies, he said, but 10 per cent of their business was done in the states wherein they were chartered.

Mr. Whitlock contended that the American Bar association had not committed itself on the question and that if the supreme court had not decided any question it was that insurance was not commerce. Three chief justices and twenty associate justices had all gone on record to that effect.

COPY OF LETTER ADMITTED

(Continued from First Page.)

size of the package and said it weighed about 100 pounds.

Inquiry by Mr. Ritchie as to why he gave up the money brought out a somewhat heated response from the witness.

Mr. Cuddey shows feeling.

"I took the money out," he said, "because my son had been kidnapped and was in the hands of criminals who had committed a great crime by stealing my son from his parents and because they had threatened to burn his eyes out and cut his ears off. That is why I took the money out and it was for no other reason."

The witness recounted the trip out on the street with the money and said that after they had started a man on a bicycle came up behind them and rode for a distance about six to ten feet behind them. The man kept his head down and his face could not be seen and when the witness, who was driving, pulled over toward the curb and stacked up the bicycle, the man passed them, keeping his face away from the buggy, and rode rapidly away in the same direction they were going.

When they arrived at the lantern, which was the signal designated in the letter, Mr. McGrath got out and found it had the black and white ribbons tied to the handle, carried the money over to it and left it there.

In the cross-examination which was in progress when the noon recess was taken, Mr. Ritchie endeavored to establish that the check to the Omaha National bank was signed by the Cuddey Packing company and not by the witness personally.

Mr. Cuddey said it was drawn against the account of the packing company, but shared on the company's books to his account.

Sears and Wallace on Stand.

M. L. Sears, formerly attorney for the Cuddey Packing company, followed Mr. Cuddey. He testified regarding the copying of the letter found in the front yard by Andrew Gray and identified the document

shown him by Mr. Slabaugh as the copy he had made. The witness said he had been summoned to the Cuddey residence early in the forenoon of the day following the kidnapping. Mr. Cuddey, he said, was very nervous and appeared to be much excited over the fate of his boy. He said he would do anything to secure the return of "Eddie."

His testimony also went into some detail as to the procuring of the \$25,000 in gold from the Omaha National bank at the direction of Mr. Cuddey. He said Vice President William Wallace of the bank and Wallace O. Shans and some other man whom he did not know, helped him get the money. The gold was placed in a satchel and he carried it on to the buggy, but it was so heavy he had to ask the assistance of Mr. Gray, who acted as his driver, to get it into the buggy.

When they got back to the house the satchels were taken out of the buggy and a tongue for two horses put in. Mr. Sears placed the satchel containing the money into a heavy grain sack and put it in the buggy. Mr. Gray being detailed to watch it. The letter found in the front yard was tied to the handle of the satchel. A lantern with a red globe was tied to the dashboard and Mr. Sears identified a lantern shown him in court as the one used.

Here Mr. Slabaugh renewed his offer of the copy of the letter as an exhibit in the case and his demand on the attorneys for the defendant for the original. Mr. Ritchie entered the same objections he had made in the forenoon, but Judge Sutton overruled them and the copy was admitted.

Mr. Sears read the copy to the jury. He said the original had been printed with a lead pencil.

Willing to Risk It.

"Did you see the color of any of the money that afternoon?" Mr. Ritchie asked him at the beginning of the cross-examination. Mr. Sears said he had not, but he would be willing to risk taking it for money.

Andrew Gray, Mr. Cuddey's coachman, was the next witness and his aggressive answers under cross-examination and a broad Scotch dialect made him an entertaining witness for the crowd. While he was being cross-examined by Mr. Ritchie some of his answers caused ripples of laughter to pass through the audience. Judge Sutton finally warned the crowd that unless better order was preserved he would order the room cleared.

Mr. Gray recounted the early search for Eddie and the finding of the letter the following morning. His testimony corroborated that of Mr. Sears as to the getting of the money from the bank. After the return from the bank he said he had watched the money all the time until Mr. Cuddey and Mr. McGrath had gotten into the buggy for the trip out Center street to leave the money. He identified the lantern which he tied to the dashboard of the buggy before he left the stable and admitted on cross-examination that he did not see the money in the satchel with his own eyes.

Paddle J. McGrath, at that time head cattle-buyer for the packing company, related the story of the trip out Center street with the money, and his account did not differ in any material detail from that told by Mr. Cuddey. He did not see the money in the satchel, but said the package weighed about 100 pounds. The package he left beside the lantern, he said, was the same that was in the buggy when they started from the house. He understood the sack contained money.

Delivery of the Money.

William Wallace, vice president of the Omaha National bank, told of the delivery of the money to Mr. Sears at the bank. He took the money, he said, out of the safe in the vault in five sacks, each containing \$5,000. He piled it up on the safe and when Mr. Sears did not come for it promptly began to get nervous, as he did not like to be in the bank with a few men and with that amount of money out. When Mr. Sears arrived he tried to get him to take currency, but he insisted he must have gold. The money was placed in a satchel used by the bank to carry money to the express office and the bank watched Mr. Sears carry it out to the buggy. Mr. Ritchie attempted in the cross-examination to show that Mr. Wallace had not counted the money since it was placed in the safe. Mr. Wallace admitted this, but said he had counted it before it was locked up and no one but him had access to it.

Charles Johnson of Douglas precinct, who lived in Sarp county at the time of the kidnapping, was on the stand for a few minutes to tell of an incident that happened the night the money was left by the side of the road. He said he was driving home and when near the grove where the money was left he saw a one-horse buggy standing by the road. Two men were with it. One of them was on the ground near the front wheel and was holding a lantern. As Mr. Johnson passed them this man swung the lantern toward him and said: "Say, whoa there; stop a minute."

Mr. Johnson got on going and they did not molest him. He heard of the kidnapping two or three days later.

Wallace O. Shans, paying teller of the Omaha National bank, was on the stand just before the evening adjournment and told about the delivery of the gold to Mr. Sears, his story corroborating the testimony already given on that point.

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FORECAST OF THE WEATHER

Fair Today and Tomorrow in Nebraska—Warmer Tomorrow.

WASHINGTON, Feb. 9.—Forecast of the weather for Saturday and Sunday: For Nebraska and South Dakota—Fair Saturday, Sunday, fair and warmer.

For Iowa—Fair Saturday, Sunday, fair and warmer in northern portions.

For Kansas—Partly cloudy Saturday; probably snow in southern portion, Sunday, fair.

For Missouri—Fair Saturday, Sunday, fair except snow in extreme south portion.

For Colorado—Fair in north, snow in eastern and southern portion Saturday, Sunday, fair.

For Wyoming—Fair Saturday and Sunday.

For Montana—Fair Saturday and Sunday.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Feb. 9.—Official record of temperature and precipitation compared with the corresponding day of the last three years:

Maximum temperature..... 29 15 12 44

Minimum temperature..... 10 5 3 15

Mean temperature..... 19 10 10 25

Precipitation..... .00 .00 .00 .00

Comparison of precipitation departures from the normal at Omaha since March 1.

Deficiency for the day..... 7

Total excess since March 1..... 1.94

Normal precipitation..... .60 inch

Deficiency for the day..... .03 inch

Precipitation since March 1..... .59 inches

Deficiency since March 1..... 1.11 inches

Deficiency for year, period, 1905..... 4.36 inches

Deficiency for year, period, 1904..... 1.50 inches

Reports from Stations at 7 P. M.

Station and State..... Temp. Max. Min. Rain.

Omaha, clear..... 29 15 .00

Chicago, clear..... 30 24 .00

Denver, clear..... 24 18 .00

St. Louis, clear..... 26 20 .00

Huron, clear..... 23 17 .00

Kansas City, clear..... 26 20 .00

North Platte, cloudy..... 27 20 .00

Omaha, part cloudy..... 27 20 .00

St. Paul, snowing..... 12 10 .01

Salt Lake City, clear..... 28 14 .00

Valentine, cloudy..... 14 14 .00

Williston, clear..... 10 4 .00

Indicates below zero.

L. A. WELSH, Local Forecaster.

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