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HADLEY MAKES CASE

Attorney General of Missouri Concludes Standard Oil Investigation.

SAYS HE WILL OUST COMBINE

Evidence Proves Connection Between Alleged Independent Concerns.

TESTIMONY IS TAKEN AT DES MOINES

Frank Northrup, Former Manager Republic Oil Company, Tells of Orders.

STATE DIVIDED AMONG COMPANIES

He Was Instructed to Keep Out of Territory Assigned to the Waters-Pierce Company.

DES MOINES, Ia., Feb. 13.—With the taking of testimony of Frank Northrup and F. E. Lyman of Des Moines, both former Standard Oil company employes, Attorney General Herbert S. Hadley today announced that he had made out his case against the Standard Oil company in Missouri, and expects to get a decision ousting the company from doing business in that state. The taking of depositions began this morning in the office of Reid & Reid, local attorneys. The state of Missouri was represented by Attorney General Hadley and his assistant, Rush C. Lake. Frank Hagerman of Kansas City and A. D. Eddy of Chicago appeared as attorneys for the Standard Oil company, and before the conclusion of the evidence General Hadley announced that he was certain of victory in the courts. He said he had positive evidence that the Standard Oil, the Waters-Pierce, and the Republic Oil company had formed a combination and divided the territory in Missouri between them.

Has Incriminating Letter.

F. R. Northrup, formerly manager of the Scofield, Schurmer & Teagle Oil company of Cleveland, in St. Louis gave most conclusive testimony of the truth of Mr. Hadley's charges. He said he had oral instructions from the Republic Oil company, after it had absorbed the Scofield company and the Cleveland Refining company, not to enter the territory of either the Waters-Pierce company or the Standard Oil company in Missouri, but to relax the fight on the independent companies. The letters also instructed him to follow the prices of the Waters-Pierce company. Mr. Northrup testified that he was always given one or two days' advance notice of the prices of the Waters-Pierce company.

"Have you any more letters belonging to the company which you appropriated?" asked Hagerman for the Standard Oil company.

"None of your business," was the hot retort.

Mr. Northrup was manager of the Republic Oil company in St. Louis in June, 1901, when the Republic company was organized.

F. E. Lyman of Des Moines testified also that as traveling agent of the Standard Oil company in 1901 he had been given instructions to turn orders from the Waters-Pierce customers to agents of that company.

Northrup testified that he received his personal instructions as to noncompetition with the Standard Oil from Walter Teagle. He said that he received letters from the Republic Oil company, giving him a copy to show to the trade only, which was a denial that it had been absorbed by the Standard Oil.

Waiting in Indiana.

INDIANAPOLIS, Feb. 13.—A brief adjournment was taken today in the case of the state of Missouri against the Standard Oil company of Indiana and other oil companies. The purpose of the delay is to gain time until the supreme court of Missouri hands down its decision.

FIGHTING IN SANTO DOMINGO

Report that Partisan of President Jiminez Starts More Trouble Near Hayti.

CAPE HAYTIEN, Hayti, Feb. 13.—A messenger who arrived here today from Monte Cristi, in the northern part of the Republic of Santo Domingo, reports that a revolutionary movement has broken out at Monte Cristi. General Neney at the head of a numerous body of troops has attacked and captured the town of Dajadbon on the frontier of Hayti. Neney is a devoted partisan of General Jiminez, former president of Santo Domingo, and it is generally believed that the movement is in favor of Jiminez and that its object is to prevent the government from holding the approaching elections.

SANTO DOMINGO, Feb. 13.—There is but slight basis for the report of a revolutionary movement at Monte Christi, and as a matter of fact the whole country is unusually quiet. The attack on Dagalon was made by a small group of outlaws, who, failing in their attempt to capture the town, withdrew to the mountains, pursued by government troops.

President Caceres having withdrawn his resignation, the political situation in the republic of Santo Domingo is very satisfactory. No fears of a revolution are entertained.

WASHINGTON, Feb. 13.—Secretary Root, before going to the cabinet meeting today received from the Navy department a cablegram from Commander Southerland at Monte Cristi to this effect:

There is an insurrection small force at Dajabon, twenty-four miles south of Monte Cristi.

Commander Southerland adds that there is no danger if the de facto government acts promptly.

BANKER SIMMONS ROBBED WIFE

Took Money from Her and Gave Her Forged Notes for Amount.

PEORIA, Feb. 13.—Sensational developments in the case of Dr. George H. Simmons, the banker-preacher who killed himself a week ago today, were made in the probate court today when the widow asked the appointment of an administrator of the estate. Her statement showed that her husband had dissipated $9,000 she held at the time of their marriage, giving her worthless notes representing the amount. Since his death investigation conducted by the sheriff showed these notes to be forgeries. Mrs. Simmons further said her husband had destroyed all his private papers, will etc., a few hours before his death.

A meeting of the depositors of the People's Savings bank has been called for Friday evening, when Receiver Wilton will present his report.

CASTELLANE DIVORCE CASE

Form of Bill Will Depend Upon Outcome of Negotiations Over Financial Affairs.

PARIS, Feb. 13.—Count Boni de Castellane had a long conference today with the lawyers of the countess, his wife. This was one of several meetings at which the two parties concerned have carefully gone over the financial features of the case with the object of determining the exact form of the procedure and ultimate decree. In the meantime the countess' bill of complaint has been prepared, but has not yet been filed. Its form will depend upon the pending negotiations over financial affairs. If these are satisfactorily adjusted the countess' bill of complaint is likely to be materially modified so as to contain only incompatibility or other grounds within the statute, by avoiding allegations of a scandalous character. However, the conferences are making for the purpose of reconciliation, as all concerned, including the count and countess and their lawyers, appear to recognize the futility of any further attempt to reunite the family.

The present indications are that after the parties reach a financial understanding the bill will be modified and a decree entered by mutual consent. This decree probably will be for a separation, as the French law permits such a decree being extended to a complete divorce after three years. Thus far, however, the countess has not decided whether the bill shall ask for a complete annulment of her marriage. Her friends are rather inclined to restrict the decree to a separation, as this would prevent the re-marriage of either party within three years, thus putting an end to the rumor that the countess intended to marry again, which her friends characterize as absurd. Until the bill is finally framed and filed the courts will not formally possess the document explicitly setting forth the grounds of the action. As a result of the countess' prima facie showing, the court has awarded her the temporary care of the children and a separate domicile at the Castellane mansion on Avenue Du Bois de Boulogne. The effect of this interlocutory order is to exclude the count from the mansion, as the law considers it to be incompatible for two separate domiciles to exist under the same roof. The countess remains there with the children and she expects to be joined soon by members of Howard Gould's family.

Count Boni expresses to friends his deep desolation over the affair and asserts his continued affection for his wife and children. He pays the fullest tribute to the wifely loyalty of the countess and does not intend to file a cross bill.

VENEZUELA STATES ITS CASE

Sends Instructions to Representative of Nation at Paris and London.

CARACAS, Friday, Feb. 9.—(Via Port of Spain, Island of Trinidad, Feb. 13.)—The Venezuelan government yesterday, February 8, transmitted to M. Maubourguet, the former charge d'affaires of Venezuela at Paris, who is also Venezuela's representative in London, a note dated February 7, from which the following is a synopsis:

To M. Maubourguet, Charge d'Affaires, London: You will answer Premier Rouvier's note of January 18, addressed to you as follows:

"I am ordered by my government to say that to appreciate the situation and the case it is necessary to discriminate. The real facts are that the Venezuelan government said it would not treat though M. Taigny (former French charge d'affaires in Venezuela) until satisfactory explanations were given, and not, as M. Rouvier's note states, that Foreign Minister Ybarra had notified the French representative that he would not have any other official relations with him.

"That regarding the cable company France did not, because she could not, allege a denial of justice and instead of approaching Venezuela in a friendly manner accused it of violating French rights, thereby abandoning the legal road and assuming the responsibilities of the cable company.

"Venezuela asks, did the cable company fill its contract? Did the French government employes assist the wreckers of Venezuela liberties? If not, Venezuela yields. Otherwise, it holds France responsible and is willing to submit this to arbitration.

"Venezuela throughout has acted in a friendly manner and withdrew its note when requested to do so. When it prohibited the landing of M. Taigney it was in order to avoid greater unpleasantness, but France violently expelled M. Maubourguet without alleging any fault.

"It also must be remembered that France before the mixed tribunals claimed $6,000,000 bolivars, but they never had a quarter of this in Venezuela.

"If these facts can be disproved, Venezuela bows and accepts the obligations."

(Signed) "YBARRA."

ROYAL BODY LIES IN STATE

Coffin of King Christian Removed from Palace to Church in Copenhagen.

COPENHAGEN, Feb. 13.—The coffin containing the body of King Christian was removed today from the palace to the Christianborg church, where it will lie in state until February 15. The crown prince and other members of the royal family, the court officials and army and navy officers followed the hearse on foot through the crowd-lined streets. After a brief service at the church the royal party returned to the palace, leaving the body in charge of a guard of army and navy officers, who will remain day and night, stationed at the catafalque. The public will be admitted to the church at certain hours. The line from the church door was fully a mile long and constantly lengthening when the doors were opened to the public, and thousands passed the bier during the subsequent two hours. The German minister during the morning placed two enormous floral tributes from Emperor William at the foot of the catafalque.

LAND FOR FORTIFICATIONS

Government Buys Tract of Submerged Ground in San Francisco Harbor.

SAN FRANCISCO, Feb. 13.—A deal has just been consummmated between agents of the United States and Mrs. Herman Oelrichs whereby the latter transfers the title to five blocks of submerged land west of Fort Mason to the government. The price paid is said to be in excess of $250,000. The property has been purchased, it is said, for the use of the War department, which is counting on making many improvements in the vicinity of the fort. One of the improvements which the department has in view is the construction of a pier at Fort Mason, but the exact nature of the others can only be surmised. As the property sold by Mrs. Oelrichs is submerged, it cannot be made use of at once, time being required for filling it in. The possession of the property to the west of Fort Mason, it is said, is desired by the government to more completely isolate the fortifications—perhaps to extend them—and to give a clear field of vision to the gunners in case of hostile demonstrations from seaward.

TO AMEND HEPBURN BILL

Senate Committee May Agree to Change Court Review Feature.

ALIGNMENT OF FORCES BEGINNING

Indications that Administration Republicans May Not Have United Support of Democrats in Committee.

WASHINGTON, Feb. 13.—There were indications at today's meeting of the senate committee on interstate commerce that an amendment would be proposed tomorrow on which supporters of the court review feature for railroad rate legislation may agree. The phraseology of the amendment has not been determined, but may be decided upon at a conference of Senators Elkins, Aldrich and one or two others opposed to the bill as it stands.

Senator Foraker took an active part in the discussion today by asking questions concerning the powers of the courts under the Hepburn bill and whether it would interfere with any fundamental rights. Senator Dolliver explained the rate-making section of the bill and the intention of the persons who drew it, declaring that it was the purpose to carry out the provisions of the constitution, giving the government the right to regulate commerce between the states. Neither faction in the committee is able to line up its forces and know just where it stands. One or two democrats have not made their positions known. Of the republicans Dolliver, Clapp and Cullom favor the bill as it came from the house, and Elkins, Aldrich, Kean, Foraker and Crane will not vote to report a bill which does not contain a provision for court review of orders of the Interstate Commerce commission. Supporters of the house bill have claimed all the democrats, but the speech of Mr. Tillman in the senate yesterday is said to have made them uncertain as to his vote and so far as known Mr. McLaurin has not made his position clear. If these democratic votes are lost the bill cannot be reported in its present form. If one of the votes was lost the committee would be tied, as Senator Cullom cannot get here to vote on Friday and Senator Dolliver has been unable to arrange a pair in the committee.

Elkins Introduces Rate Bill.

Senator Elkins today introduced his bill for railway rate legislation. The features of the measure have heretofore been published.

The measure provides that whenever any rate, fare or charge established by any common carrier shall be unjust and unreasonable, the Interstate Commerce commission shall have power after complaint and hearing to make an order requiring such rate to be modified so far as shall be necessary in order to remove the unreasonableness. The order shall take effect on and after a date to be specified not less than thirty days after service upon the carrier and shall continue in effect for one year, unless restrained or set aside by a lawful order or decree of court, or unless revoked or modified by a supplementary order of the commission, which may be made upon the application of or after notice to the carrier defending the proceeding.

Provision is made for the suspension by the courts of an order of the commission in whole or in part whenever it shall appear that justice requires it, such suspension to continue until the unreasonableness of the order has been determined. The provision concerning the institution of suits by the commission have been changed only in unimportant details and no changes have been made in the remaining sections. A new section is incorporated, however, providing that if any section of the bill is declared by the supreme court to be unconstitutional, this ruling shall not affect other sections. Senator Elkins says of the bill:

"This bill uses substantially the words of the president's message in regard to the regulation of railway transportation. In every respect the bill complies with and is in harmony with the president's position, as outlined in his messages to congress and his speeches. It is also in harmony with the idea as set forth in Senator Knox's Pittsburg speech.

Famine in Northern Japan.

President Roosevelt in an appeal today took official cognizance of the famine which has grown to serious proportions in northern Japan. The appeal follows:

February 13, 1906. The famine situation in northern Japan is proving much more serious than at first supposed and thousands of persons are on the verge of starvation. It is a calamity such as may occasionally befall any country. Nations, like men, should stand ever ready to aid each other in distress and I appeal to the American people to help from their abundance their suffering fellowmen of the great and friendly nation of Japan. I recommend that contributions for this purpose be sent to the American National Red Cross, which will forward such funds to the Japanese Red Cross to be used as the Japanese government may direct. Contributions can be made to the local Red Cross treasurers, or sent direct to Hon. Charles Hallam Keep, Red Cross treasurer, United States Treasury department, Washington, D. C. THEODORE ROOSEVELT.

Committee Calls Cromwell.

The senate committee on interstate canals has subpoenaed William Nelson Cromwell of New York to appear before the committee in connection with the investigation of canal affairs.

Burbank's Sentence Approved.

The president today approved the sentences of the court-martial in the two cases against First Lieutenant Sidney S. Burbank, who was tried in the Philippines. In one case he was charged with making false official statements with reference to his alleged marriage to a Filipino woman and in the other with embezzlement of company funds. He was sentenced to dismissal in each case, but in the latter he was sentenced in addition to imprisonment for fifteen months.

The president also approved the sentences of the court-martial in the two cases against Second Lieutenant Homer E. Lewis of the Twentieth infantry, who was tried at Fort Crook, Neb., on charges of duplicating his pay accounts and embezzlement of funds. In both cases he was sentenced to dismissal and in the latter was given an additional sentence of eighteen months imprisonment.

BEAVERS PLEADS GUILTY

Sentenced to Two Years in Prison for Conspiracy to Defraud Government.

WASHINGTON, Feb. 13.—In the criminal court today George W. Beavers pleaded guilty to the indictments charging him with conspiring with former State Senator George E. Greene of Binghamton, N. Y., and W. D. Doremus, to defraud the government in connection with the furnishing of postal supplies, and also of bribery, and was sentenced to two years in the Moundsville (W. Va.) penitentiary. He was at once taken into custody and will be conveyed to Moundsville with the first batch of prisoners going there.

WOMEN ADOPT RESOLUTIONS

National Suffrage Association Also Hears State Reports and Adjourns.

BALTIMORE, Md., Feb. 13.—Today's sessions of the Woman's National Suffrage association were devoted to the reading of reports of state presidents and the transaction of miscellaneous business, including action on the report of the committee on resolutions. The report, which was adopted, was, in part:

Resolved, That we rejoice in the decision of the men of Finland to extend full suffrage to women, and in the unprecedented growth of public sentiment in many European countries in the direction of equal rights for women and men. That we rejoice in the success of the women of Oregon in obtaining the signature of one-eighth of the legal voters to a petition for the submission of woman suffrage under the initiative and referendum law of that state.

The resolutions urge the introduction into the public schools of the system of self-government known as the "school city," also to secure juvenile courts for the reformation of youthful offenders, express grateful appreciation of the action of the American Federation of Labor in passing every year a resolution endorsing full suffrage for women, and continues:

Whereas, For the first time in history women have been invited to form part of an official commission to investigate matters of vital importance to women and children, therefore

Resolved, That we express our hearty thanks to the governors of Wyoming, Colorado, Utah, Idaho, Louisiana, Michigan, Florida, Washington and Alaska for granting the request of the California Woman Suffrage association to appoint women to serve with eminent men on a national committee to investigate the laws of marriage and divorce.

Many of the delegates will go to Washington, where on Thursday the eighty-sixth birthday anniversary of Miss Susan B. Anthony will be celebrated. At this celebration addresses will be made by Commissioner Henry B. McParland of the District of Columbia, Representative W. P. Hepburn of Iowa, Senator Fred T. Dubois of Idaho, Secretary of War William H. Taft, Congressman Frank H. Mondell of Wyoming, W. A. Reeder of Kansas and others, and letters of congratulation will be read from President Roosevelt, Senators A. J. Beveridge of Indiana, J. P. Dolliver of Iowa, Francis E. Warren of Wyoming, Charles W. Fulton of Oregon, Thomas M. Patterson of Colorado, Thomas C. Platt of New York, Chauncey M. Depew of New York, W. B. Allison of Iowa and a number of others.

MAGOON BEFORE COMMITTEE

Governor of Panama Zone Says Agriculture is Extending on the Isthmus.

WASHINGTON, Feb. 13.—Governor Magoon of the Panama canal zone, today testified before the senate committee on interoceanic canals.

Fear of revolutions, said Governor Magoon, had discouraged agriculture on the isthmus, but since the United States had taken over the zone the fear had almost entirely disappeared and now rich tracts of land are being taken for cultivation.

The eight-hour law was pronounced by the witness a blow at the efficiency of labor on the canal zone and he recommended that its application to the zone be suspended.

At the afternoon session Senator Simmons asked if there was any disposition among Panama people in favor of annexation. Governor Magoon said that the only discussion he had heard on that subject was last summer when a rumor was circulated that a union between Panama and Costa Rica was being arranged. The Panamanians then said that if there was to be a union with any government they preferred it with the United States. The witness said he thought the commission now was exercising all the functions it would be called upon to perform unless there was a revolution. In that event he thought the United States would be compelled to broaden its scope in governmental affairs.

Governor Magoon said he had acquainted himself during the day with the Bigelow article and the best answer he could make would be to endorse the letter of Secretary Taft and Chief Engineer Stevens in that matter. Senators Simmons and Hopkins protested against dignifying Mr. Bigelow in that manner, and therefore it was agreed to continue the examination without reference to his charges. A large number of statements of foreign consuls, ministers of the gospel and affidavits from Martinique women were offered bearing on the subject touched upon by Mr. Bigelow. The statements denied the charges that women had been taken to the isthmus for immoral purposes.

The commission adjourned until 2 o'clock tomorrow.

PACKERS' CASE IS DRAGGING

Judge Humphrey Asks Attorneys to Agree to Longer Sessions of Court.

CHICAGO, Feb. 13.—But two witnesses were on the stand today in the packers trial, both of them employes of Swift and Company. Their testimony was simply a rehash of what others have told relative to the manner in which the agents of the government asked at the offices of the packers, and of how they received it. Nothing important or of general interest transpired during the day.

When court met pursuant to the noon adjournment, Judge Humphrey asked the attorneys if they could not agree to hold longer sessions, saying that the trial was dragging, and that he desired to expedite it. Nothing was done today in the way of extending the sessions, but something may be done tomorrow.

Frank S. Hayward, office manager for Swift and Company, was the first witness placed on the stand when the packers' case was resumed today. Mr. Hayward was one of the men who interviewed the agents for the government when they came to the office of Swift and Company to make their investigation of the packing industry. His evidence differed in no respect from that of witnesses who had testified to similar occurrences in the offices of the Fairbanks Canning company and Nelson Morris & Co., and which has already been published.

John M. Chaplan, chief accountant for Swift and Company was the next witness. He gave an extensive description of the work done at the plant of Swift and Company by the employes of the government. He explained to the jury the reports made to Commissioner Garfield and his agents, and produced tables, copies of which he said were taken from the plant by the agents of the government. Mr. Chaplan was on the stand when court adjourned for the day.

Fog Costs Three Lives.

NEW YORK, Feb. 13.—At least three lives are believed to have been lost in the East river today when a hay barge was cut completely in two and two others had holes stove in them by a tug boat which was running blindly in a fog and rammed into shipping at the foot of East Twenty-first street.

CROWE'S LETTER TO PRIEST

Epistle Telling of Kidnaping Signed by Defendant's Name Up in Trial.

ADMISSIBILITY RESISTED BY DEFENSE

Letter is Said by Those Who Have Seen It to Be Clear Cut Confession by Crowe of Kidnaping.

The only interesting development in the trial of Pat Crowe before Judge Sutton of the district court Tuesday was an attempt on the part of County Attorney Slabaugh to introduce in evidence a letter which it is asserted Pat Crowe wrote to Rev. Father Murphy, a Catholic priest of Vail, Ia., and which men who have seen it declare is a clear cut confession by Crowe of the kidnaping of Eddie Cudahy. It was sent, presumably, by Father Murphy to Mr. Cudahy early last May. William Wallace, vice president, and Wallace O. Shane, paying teller of the Omaha National bank, testifying as hand writing experts, identified the signature, "Pat Crowe," attached to the letter as being written by the person who signed the name to a receipt at the police station and an affidavit in the former trial of Crowe.

Shortly after 11 o'clock Judge Sutton excused the jury, and the defense began its argument in opposition to the admission of the letter. Mr. Ritchie objected generally on the grounds the letter, whether it was signed by the defendant or not, was in the nature of a private communication between a priest and a member of the church and therefore inadmissible as evidence, and that the signatures to the receipt and the affidavits were secured while Crowe was under arrest and in the course of a criminal case, and therefore inadmissible for the purposes of comparison with the signature attached to the letter. His argument continued up to the noon hour, when an adjournment was taken until 2 o'clock and argument resumed. After listening to the attorneys for the afternoon the court said he would give his decision this morning.

Cudahy Identifies Letter.

The letter was first brought into the case during the examination of E. A. Cudahy, sr., who was recalled to the stand by the state. He identified the letter as one he had received early in May through the mails. The envelope was postmarked at Vail, Ia., and he understood, though he did not have positive information, that Father Murphy was a priest in the Catholic church there. He had had some correspondence with Father Murphy. The letter in question contains about six pages of ordinary letter paper.

After Mr. Cudahy left the stand William Wallace, vice president of the Omaha National bank, was called to testify as a handwriting expert. His testimony was given over the objections of the defense and in admitting it Judge Sutton said if he found it was improper he would rule it out later. The witness examined the signature attached to the letter and the one on the affidavit.

"I would say they were undoubtedly written by the same hand," he said in response to a question by Mr. Slabaugh.

He also testified the entire letter was written by the same person and that the signature attached to the receipt was written by the same person who wrote the letter.

Positive in His Decision.

"Are you able to say positively upon the examination of a minute or two you have made here they were written by the same hand?" asked Mr. English in cross-examination.

"Yes, sir."

Wallace O. Shane, paying teller of the same bank, also identified the handwriting on the receipt and affidavit as the same as that in the letter. Mr. English asked him if the signature was not a simple one and easy to copy. The witness responded that no signature was easy to copy so that it could not be detected. It was after this testimony was adduced that the letter was offered in evidence and the arguments on the objections of the defense were begun.

Previous to this Judge Day, before whom the trial on the charge of shooting Officer Jackson was held, took the stand and testified that the signature to the affidavit was written by Crowe in his presence.

At the request of the defense John Murtagh, who testified as to the appearance of the men who rented the Patrick cottage before the kidnaping was recalled for cross-examination. He said the defendant did not look like the man he saw at Patrick's. In reply to a question by Mr. Slabaugh he testified he could not say that the defendant was not the man. He said the defendant is fleshier than that man.

The state introduced as evidence half a dozen photographs of Crowe, the lantern used by Mr. Cudahy on the trip to Paddock's grove and several legal documents, among them the papers bearing the signature of Crowe, objection of the defense to the admission of the pictures and documents being overruled by Judge Sutton.

Long Argument on Letter.

Almost the entire afternoon was taken up by the attorneys in the argument of the objections of the defense to the introduction of the letter. In his argument County Attorney Slabaugh contended that inasmuch as the letter was not written to Father Murphy in his capacity as priest and contained a request that he forward it to Father Linnihan and write to Mr. and Mrs. Cudahy about it, it was not confidential and could be admitted. He also contended that the signatures on the affidavit and the receipt were written willingly by the defendant and could be admitted for the purpose of comparison.

The reading of passages from the letter appeared to affect the defendant greatly. One part which was read told of the defendant's desire to reform and lead an upright life. He said Father Murphy, to whom he was writing, had buried his father and Father Linnihan had buried his mother.

When Mr. Ritchie read this Crowe leaned over and buried his face in his hand. Then he pulled his handkerchief out of his pocket and wiped his eyes.

Sutton Takes Time.

At 4 o'clock the arguments and citations of authorities were finished and Judge Sutton said he desired to reserve his ruling on the admission of the letter until this morning.

"It must be conceded," he said in making the announcement, "that one test of the admissibility of the letter is that the relation claimed must really exist. The communication must be made in an official capacity. The question depends on whether the writer sought the priest in his official capacity as priest and communicant or whether it was purely a business matter. In the opinion of the court it is not enough that they belong to the same church. If someone else might have given him the relief sought as well as a priest then the court thinks it is not a privileged communication. I have read the letter but once

(Continued on Second Page)

NEBRASKA WEATHER FORECAST

Fair and Continued Cold Wednesday. Thursday Fair and Warmer.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	33	1 p. m.	21
6 a. m.	30	2 p. m.	19
7 a. m.	30	3 p. m.	19
8 a. m.	24	4 p. m.	18
9 a. m.	23	5 p. m.	17
10 a. m.	22	6 p. m.	15
11 a. m.	22	7 p. m.	15
12 m.	21	8 p. m.	12
		9 p. m.	10

WILLIAM HITE KILLED BY CARS

Knocked Down, Dragged Hundred and Fifty Yards and Body Badly Mangled.

William Hite of Bellevue, Neb., aged 45 years, was run down and dragged by a Missouri Pacific train at Fifteenth and Grace streets at 11:40 o'clock last night and so severely injured that he died within a few minutes. Hite was with Martin Galipo, 211 South Twenty-sixth street, South Omaha, when run down. Galipo says they were in the yards waiting to get on a freight train going to Sioux City, and that Hite stepped behind a car which formed the end of a string to get into shelter from the cold wind. Galipo stood to one side of the track. At this time switch engine No 314 was making up a train and the two men failed to notice the engine was about to couple on the other end of the string of cars until the jar of the impact reached the end where they stood. Hite, being directly in the way, must have been knocked down and some of his clothing caught, as he was dragged several blocks to Charles street, when the train stopped and ran north again about one block, when Galipo's frantic efforts to secure the attention of the trainmen were successful and the cars brought to a standstill.

The body was horribly mangled, both legs being crushed, one entirely severed, while there were bruises and cuts about the trunk. John Gravenhurst, C. E. Wiley and L. A. Douglas of the crew ran up with lanterns and on finding what was left of the man, one of them ran for a blanket. There was still signs of life, but when the blanket came Hite was dead. The police were sent for and searched the track for the dismembered portions of the body, which were found strewn along in the blood-soaked snow for 150 yards. Coroner Brailey arrived and took charge of the remains. Hite was unmarried and had a mother and two brothers living at Bellevue, also a brother at South Omaha.

WILL FOSTER DRAMATIC ART

New York Men to Endow Theater on Plan of National Play Houses in Europe.

NEW YORK, Nov. 13.—A movement by a group of well known New York men to establish in this city a theater designed to foster and develop the dramatic art was described today by Charles T. Barney, one of the founders. He said:

Our plan is not launched in the interest of or identified with any one man. No one has as yet been selected as manager for the new theater; we propose to choose the best available man and whoever he is, he will be subject to the active direction and supervision of the board.

It is not our intention to call the new playhouse the National theater, as this would seem to imply a national endowment, but we hope to make it a national theater in the sense that it would be the founders' earnest endeavor, by the standard of the performance and the spirit of the administration to place it in the same relation towards the dramatic art and literature of this country as is held by the principal national theaters in Europe. It will be run for the sake of art only and not in any way for the sake of profit, and its mission will be to stimulate art and exercise that refining influence which makes the stage, if properly conducted, an educational agency second to none in effectiveness.

Careful estimates of the earning capacity of the house convince us that it will not only be easily self-sustaining, but distinctly profitable for the creation of an endowment fund, a school of dramatic art, and actors' pension and similar uses in keeping with the altruistic purpose of the enterprise.

The names of the founders—with several gentlemen yet to be heard from—are as follows:

John Jacob Astor, Charles T. Barney, Edmund L. Bayles, August Belmont, Paul D. Cravath, William B. Osgood Field, George J. Gould, Elliot Gregory, James H. Hyde, Otto H. Kahn, James Henry Smith, James Stillman, Robert P. Van Cortlandt, Harry Payne Whitney, Henry Rogers Winthrop.

JOHN A. M'CALL IS DYING

Last Rites of Roman Catholic Church Administered to Former Life Insurance President.

NEW YORK, Feb. 13.—The last rites of the Roman Catholic church were administered today to John A. McCall, former president of the New York Life Insurance company, at Lakewood, N. J., where he has been seriously ill for some time. Father Healy of the Church of Our Lady of the Lake, which the McCall family has attended whenever at Lakewood, officiated.

Mr. McCall had had a sinking spell and the doctors had been hastily called. His condition was such that his family was advised to be prepared for the worst. Subsequently Mr. McCall rallied somewhat, but his condition remains critical.

Besides Mrs. McCall there are now in constant attendance three physicians and three trained nurses. Dr. F. G. Janeway and Dr. John Vanderpool of New York have been called in consultation.

DEMURRER IN BLANTON CASE

Evidence All In and Attorneys Ask That Verdict for Defendant Be Ordered.

JOPLIN, Mo., Feb. 13.—All the evidence in the case of Charles L. Blanton, charged with conspiracy in the location of government buildings, had been submitted when the defense late this afternoon demurred to the evidence and asked the court to render a verdict for the defendant. The demurrer was argued at length by both sides and the defense tonight feel hopeful that the court will sustain it.

Charles L. Blanton, charged with conspiracy in the location of federal buildings, took the stand today in his own defense. He denied emphatically having any knowledge of money raised to influence the selection of sites in the several towns of Missouri and Arkansas.

Movements of Ocean Vessels Feb. 13.

At New York—Arrived: Kaiser Wilhelm II, from Bremen; Staatendam, from Rotterdam.

At Cherbourg—Arrived: Kaiser Wilhelm der Grosse, from New York.

At Liverpool—Arrived: Pannonia, from New York, via Queenstown. Sailed: Lake Champlain, for St. Johns, N. F.

At Naples—Sailed: Brazile, for New York.

At Rotterdam—Arrived: Rotterdam, from New York.

At Moville—Arrived: Astoria, from New York.

At Hong Kong—Arrived: Coptic, from San Francisco.

At Fiume—Sailed: Carpathia, for New York.

At London—Sailed: Lake Michigan, for Halifax.

SUPPLY DEPOT FIGHT

Congressman Kennedy Hammers Away Until He Wins Over Committee.

SPECIFIC APPROPRIATION FOR OMAHA

Secretary Hitchcock Wanted General Grant with No Cities Named.

NEW YORKER AND KANSAN BACK HIM UP

Hinshaw, Who is Member of the Committee, Ably Seconds Omaha Man.

LAND OFFICE RECEIVERS ARE TO STAY

Funeral of Miss Grace Thurston to Be Held Thursday Morning from the Family Home on Wyoming Avenue.

(From a Staff Correspondent.)

WASHINGTON, Feb. 13.—(Special Telegram.)—Ever since Omaha was made an Indian supply depot trouble has arisen at every session of congress to continue the appropriation, namely, $10,000 per annum. A good deal of fun has been had over the ability or inability of the congressman from the Second district, the senator from the North Platte country and the Nebraska delegation to retain this specific item in the Indian appropriation bill. Mr. Kennedy, according to a statement he made today, finds no humor in the struggle to retain at Omaha an Indian supply depot.

When Secretary Hitchcock was before the house committee on Indian affairs, which prepares and reports the Indian appropriation bill, he asked for a general appropriation of $84,000, or $24,000 higher than was appropriated in the last Indian bill, to cover generally the Indian supply depots at St. Louis, Omaha and San Francisco, but he desired no mention of the last named cities. An African in the lumber pile was suspected and Mr. Hinshaw, member of the Indian affairs committee, and Mr. Kennedy began a campaign of education. Commissioner Leupp in his testimony before the Indian affairs committee stated that the Omaha supply depot was needed and that the possibilities of its future were very bright, but he could do no more than support his chief in asking for a recommendation of $84,000 without mention of either Omaha, St. Louis or San Francisco.

Insists on Specific Appropriation.

Mr. Kennedy consulted Senator Millard, who has had considerable experience in retaining the $10,000 appropriation for the Indian supply depot in the bill. After canvassing the situation, Senator Millard suggested that a specific amount should be insisted upon and that Omaha should be named in the bill as heretofore; otherwise by some devious method it might be dropped out completely. And upon that proposition Mr. Kennedy has proceeded. With hammer and tongs he has gone after members of the Indian affairs committee, aided and abetted by Mr. Hinshaw, until at today's session of the Indian committee of the house Mr. Sherman threw his hands in the air and said that there was so much objection to the appropriation for Indian supply depots being general in character he would suggest that the $24,000 additional asked for by Secretary Hitchcock be divided equally between Omaha, St. Louis and San Francisco. The committee agreed to the same.

In conversation with Mr. Kennedy Chairman Sherman frankly stated that Omaha deserved the place many times more than did St. Louis.

"How about New York?" said Mr. Kennedy.

"Well," replied Mr. Sherman, "you would hardly expect me to agree to that proposition."

Mr. Kennedy in making his argument to the opponents of Omaha, Mr. Sherman and Curtis of Kansas principally, showed that under Mr. Jones, former commissioner of Indian affairs, Omaha was never given a square deal; that intending bidders were compelled to ship their samples to Chicago and base their prices on Chicago, when, in fact, they were 500 miles nearer the points of destination. Mr. Leupp has corrected this very greatly and the coming season gives promise of being the best Omaha merchants dealing in Indian supplies have experienced.

Merchants Can Help.

If the Commercial club will go to the front and aid Mr. Kennedy in the efforts he is making to secure a specific appropriation for Omaha, and business men generally will take it upon themselves to wire the committee the necessity of continuing the Indian supply depot at Omaha, much can be accomplished between the time of the bill's report to the house and its passage.

Receivers to Hold On.

The movement to abolish receivers of public moneys at land offices gives fair promise of being defeated in the near future. The bill submitted by the secretary of the interior through friends in both the house and senate does not meet with the approval, and it has been practically agreed upon by members of the public lands committees of the two houses to report against it when it comes up.

Butchers Oppose Parcels Post.

The Retail Butchers' Protective association of Omaha, through its executive officers, is remonstrating against the passage of the parcels post bill. Senator Millard having transmitted the remonstrance today to the senate committee on the postoffice and post roads, with the request for careful consideration.

Minor Matters at Capital.

Representative Norris has recommended the appointment of C. W. McConnoway to be postmaster at Holdrege, Phelps county. Mr. McConnoway has served one full term. It is expected by Judge Norris that his nomination will be sent to the senate on Friday.

Representative McCarthy today entertained at luncheon State Senator M. A. Meserve of Creighton and Will Tactette of Bloomfield. These gentlemen are in Washington enroute to New York.

Funeral of Miss Thurston.

The funeral services over the remains of Miss Grace P. Thurston, eldest daughter of former Senator Thurston, who died in this city Monday night as a result of an operation for appendicitis, will be held Thurrday morning at 11 o'clock from the residence of her father, 2132 Wyoming avenue. The services will be of an unobtrusive character and only close relatives and personal friends of the bereaved family will attend.

It was announced tonight that the following pallbearers had been selected: Senators Millard and Burkett, Congressman Kennedy, W. E. Andrews, auditor for the Treasury department; Joseph R. Webster of the Interior department, M. A. Ballinger and Robert B. Brown, partners of Mr. Thurston, and Edgar C. Snyder.

An operation had been performed on Miss