

## AGREEMENT MADE WITH INDIANS

Proposition of Winnebagoes Favorably Received in Certain Phases by Department in Charge.

### COMMUTATION OF ANNUITIES

President Taft Transmits Affecting Five Tribes

### MORE TIME FOR THEM

Extension of Limit to Estate of May 15.

### CONGRESSMAN MARTIN RE

Deadwood Representative Says South Dakota Will Be for Taft—Captains Sharp is Dead at Washington.

(From a Staff Correspondent.)  
WASHINGTON, Feb. 10.—(Special Telegram.)—Henry French, representing the Winnebagoes of Thurston county, and Mrs. Maggie Harding, interpreter, who have been in Washington some days, left today for the west after imparting to the commissioner of Indian Affairs the desire of the Winnebagoes for changes in the system of leasing their lands. Particularly, they wish to have more independence in those matters. They believe they have reached the stage where they should be given an opportunity to manage their own affairs. They also want a hospital at Winnebago and a doctor who shall devote his entire attention to treatment of sick Winnebagoes. The latter request was granted and a hospital will undoubtedly be an accomplished fact in the near future. As to the leasing proposition, this is practically a matter for congressional action.

Money for Some Tribes.  
Agreements concluded with certain tribes of Indians for the commutation of their perpetual annuities under treaty stipulations were today transmitted by the president to congress, together with a draft of a bill providing for the ratification of the agreements and making the necessary appropriations. Those transmitted to congress today include the agreements with the Onondaga tribe of Indians and Wisconsin, the Sac and Fox of the Mississippi tribe of Oklahoma and Iowa, the Potawatomi tribe of Kansas and Wisconsin and the Pawnee tribe of Oklahoma.

Capitalization of the perpetual annuities of the tribes named on the basis of 5 per cent interest and the deposit of the funds in the treasury is provided for in the agreement.

The appropriations in the draft of the bill are \$20,000 for the Onondagas, \$20,000 for the Sac and Fox, \$100,000 for the Potawatomis and \$200,000 for the Pawnee tribes.

Extension of Time Given.  
Regulations extending to May 15 the time for homesteaders to establish residence on lands in several western states were promulgated today by the interior department in accordance with an act recently passed by congress. The extension refers to all entries, as well as soldiers' declaratory statements, made in North Dakota, South Dakota, Idaho, Minnesota, Montana, Nebraska, Colorado, Wyoming and New Mexico, after June 1, 1902.

If any payments are required, as in cases where the lands were formerly within Indian reservation, the extension is intended the time the payment becomes due until the entry is made.

A leave of absence of three months from January 28 last is permitted these homesteaders, but those who avail themselves of this privilege cannot claim residence during their absence from their claims, and the period of residence under either commutation or five-year proofs is not shortened by the act.

### Captain Sharp Dies.

Captain Alexander Sharp, president of the navy inspection board and recently captain of the battleship Virginia, died at the navy hospital in this city at 8:45 o'clock this morning after a month's illness from typhoid fever. He was born in White Haven, Pa., in 1856 and entered the naval service as a midshipman in 1870.

Representative E. W. Martin of Deadwood, who recently returned from the South Dakota republican meeting at Huron this morning, called upon the president and informed him that South Dakota is for him and will support his policies.

P. J. Harrison, registrar of the University of Nebraska, was in Washington today enroute home from New York. He called upon the president and members of the Nebraska delegation.

E. L. Gustin of Fremont was in Washington enroute home from Boston, where he has been the last week on business.

Rural carriers appointed: Nebraska—Hebron, route 1; Roy, route 2; Cassia, route 3; Brown, route 4; Iowa—Irwin, route 2; Paul Khukufus carrier, Leonard Klinkfuss substitute. South Dakota—Tulare, route 2; Herman Roeder carrier, no substitute.

### DEFIES COMMISSION TO RUN ROAD ACCORDING TO LAW

Attorney for Rock Island Says Regulations Are So Cumbersome Railroad Cannot Follow Them.

WASHINGTON, Feb. 10.—The interstate commerce commission itself could not take control of any single line of railroad in this country and run it according to the laws regulating railroads that are now laid down in this country. It would be impossible. The laws are so cumbersome and burdensome that it is a physical impossibility for the railroads to obey them.

Thus declared E. B. Pierce, general solicitor for the Rock Island, before the house committee on interstate and foreign commerce at today's hearing on the administration railroad bill.

Mr. Pierce declared that certain sections of the measure were impracticable.

### MONEY FOR EMBASSY HOMES

Lowden Bill for \$500,000 Annually for Ambassadors' Residences is Favored by Committee.

WASHINGTON, Feb. 10.—The house committee on foreign affairs today decided to favorably report the Lowden bill providing for the expenditure annually of a sum not exceeding \$500,000 for the erection of American embassies abroad.

## Witness Under Obligation to Alld's Accuser

Evidence at Albany Discloses Moe Has Jowed Conger Money for Long Time.

ALBANY, N. Y., Feb. 10.—Since 1897 Hiram Moe, chief witness for Senator Benoit in his efforts to prove that Senator Nathan P. Aldrich accepted a \$1,000 bribe, has been under heavy financial obligation to the Conger family. He admitted today at the senate investigation of Senator Conger's charges that at the present time he owed Benn Conger, an executor of the estate of his brother, Frank, \$1,000. In addition to this sum, the two Groton banks, which the Conger family control, hold Moe's notes for \$3,000.

When they had dragged from the witness this catalogue of his obligation to Alld's accuser, Alld's attorney announced their cross-examination was over. Conger's legal staff immediately took the witness in hand to offset the damaging effect of his latest revelations.

For the first time since the investigation began the testimony today showed decidedly in Alld's favor. Moe was forced to tell of a secret expedition to the assembly side of the capitol last night to study the layout of the assembly corridors and committee rooms where he said he paid Alld's the \$1,000.

When Mr. Osborn took up Moe's re-direct examination he first brought out the fact that the witness was still a dealer and trustee of a Baptist church in Groton where he was a Sunday school superintendent five years ago.

Who produced the New York drafts which originally represented the \$3,000 alleged bribe money, and showed that they were "cleared" on April 28, 1901. This was to prove Moe's assertion that he had been in Syracuse to cash them the day before.

"Who went with you this morning when you visited Mr. Conger's old apartments here?" Littleton asked when he took the witness in hand after recess.

"Senator Conger," replied Moe.

By a rapid fire questioning Littleton endeavored to show that Senator Conger had carefully coached the witness regarding this house where Moe testified he and Conger had sorted the \$6,000 into three separate envelopes. They had visited the place, Moe said, between 10 and 11 o'clock this morning.

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It is planned by the company, it was announced, to mortgage the mine for \$200,000 to pay the damages contemplated under the company's proposal of settlement.

A mass meeting of those concerned will probably be called. In addition to his official duties Prosecutor Eckert is attorney for most of the Scotch widows in Cherry.

After forty-eight hours' delay Miss Frances Wheeler, a nurse, who was stricken with diphtheria Tuesday, was finally quarantined today. Dr. L. D. Howe returned today from Chicago with a supply of anti-toxin.

### Talk Platform at Huron Meet

Thirty South Dakota Progressives Discuss Questions Involved in Coming Campaign.

HURON, S. D., Feb. 10.—(Special Telegram.)—Thirty or more progressive republicans met here this afternoon to discuss political conditions incident to the approaching campaign. The discussion was confined almost entirely to suggestions for the platform, but no direct recommendations were made. The question of candidates was touched upon only incidentally.

J. F. Schroder of Rapid City doubtless will be the choice of the progressives for congressman in place of Congressman Martin and Thomas Thorson of Canton is likely to be pitted against Mr. Burke as representative of the eastern portion of the state.

No other names were mentioned for any position. A call will be issued for a general conference here March 1.

### One Word is Responsible for Prolonged Rate Row

A single word—the error of a stenographer in interpreting his shorthand notes—was in part responsible for the long litigation in the ranks of the Transcontinental Passenger association over tourist rates to the Pacific coast for 1910.

"We oppose last year's rates," was the report received by the secretary of the passenger association from one of the Omaha officials. The passenger official had used the word "oppose" in dictating his letter.

Following the receipt of the reports from the various railroads, there followed nearly six weeks of disagreement over rates to the coast. On two occasions officials of the passenger department of the Union

## BELL COMPANY IS IN CONTROL

Minority Interests in Independent Companies Discuss Status of Ohio Litigation.

### HEARING ADJOURNS FOR WEEK

President Vail of Big Corporation Will Be Examined Then.

### WHAT EVIDENCE SHOWS

Attorneys for Plaintiffs Say They Have Proved Their Case.

### W. H. REMICK ON STAND

Broker Who Negotiated the Deal with Morgan & Co. for Majority Interests Tells of the Transfer.

NEW YORK, Feb. 10.—Counsel for the minority stockholders in the Ohio and Indiana independent telephone companies, control of which was recently sold to interests yet to be officially identified, said tonight in the hearings held here they were satisfied they had already proved the control has passed to the American Telephone and Telegraph company. The hearings were adjourned until a week from today because the western lawyers insisted on next examining President Vail of the American Telephone and Telegraph company, and he cannot appear before them.

Before leaving for Cleveland tonight, H. B. McGraw, one of the principal attorneys for the minority stockholders, who are plaintiffs in the action, said:

"Through President Vail and W. H. Remick, the broker, who negotiated the deal, we have already established that the American Telephone and Telegraph company loaned to Remick's firm (R. L. Day & Co.), without security, \$7,200,000 for the purpose of buying these controlling shares in the independent companies of Ohio and Indiana."

### Number of Admissions.

"They admit that the American company wanted the companies and provided the money to make the purchase. They admit that the contracts, not only between the American company and Remick's firm, but between Remick and F. W. Goff and James S. Bralley, Jr., who had the stock of stock to sell, were drawn in the American company's office and that Remick was acting for the American company."

"Further, we have shown that the American company asked J. P. Morgan & Co. to form a holding company for these Ohio and Indiana companies, and that when Morgan & Co. took the holdings over the American company released Remick from the option so that the transfer could be made to Morgan's firm."

"We believe that this shows conclusively that the American Telephone and Telegraph company, which owns the Central Union company in Ohio and Indiana, has quitted all competition here."

Remick, who testified today that his profit in the deal has been "about \$60,000," exclusive of the brokerage on the telephone company at Huntington, W. Va., sails for Europe next Tuesday for a protracted vacation.

Remick's Testimony.  
Mr. Remick testified today that he had telephoned to F. H. Goff at Cleveland to have the minority stockholders suit disposed of until he (Remick) could dispose of the majority shares here. He admitted that advice to get a delay in the Cleveland proceedings was given him by Chief Counsel Leverett of the American Telephone and Telegraph company.

Remick declared that from the time he first received the offer from Morgan & Co. until after the deal was ended no one connected with the American Telephone and Telegraph company knew the identity of the prospective purchaser. He said he had nothing whatever to do with the adjustment of rates by the United States Telephone company following the sale by Goff and Bralley. Soon after that sale the United States company raised its rates to those of the Central Union company, which is owned by the American Telephone and Telegraph company.

In answer to a final question from Mr. McGraw, Remick said it was in the American Telephone and Telegraph company's offices that he told Bralley that he was buying the stock for himself, and not for the American Telephone and Telegraph company or anyone else.

### KENTUCKY SENATE STIRRED BY GRAFT CHARGES BY DRIES

Committee Begins Investigation of Assassination Liquor Interests Are Using Money.

FRANKFORT, Ky., Feb. 10.—The senate committee chosen to investigate the rumor given here before the State Antislavery league by Senator Watkins of Union county, "dry" leader of the senate, that certain members of the upper branch of the Kentucky assembly had been bribed by the liquor interests of the state began work this morning.

The investigation is supposed to provoke much bitterness and it is declared if Watkins fails to produce proof sufficient to substantiate the charges alleged to have been made, his seat in the senate will be declared vacant.

Every newspaper man at the capital, together with members of the senate and house and a number of outsiders have been summoned to appear before the committee.

Pacific railroad were summoned to Chicago in conference over rates.

It was generally known that the eastern agents favored raising last year's rates approximately \$1.50 from Chicago. Their votes, however, were not sufficient to swing the proposed higher schedule.

One of the western roads was represented as favoring the raise. This announcement caused surprise. When the letter of one of the western men was produced the correct attitude of that road was learned.

"We favor the old rates," exclaimed an official. "We do not oppose them. There's a mistake somewhere."

The final vote was a victory for the western railroads in maintaining the old rates to the coast.



From the Cleveland Leader.

### BORAH CALLS HUGHES TO TASK

Senator Says Governor is Enemy of Income Tax.

### GIVING COMFORT TO OPPOSITION

Addresses Senate on Brown Amendment, Declaring It is Constitutional and Expedient in Present Form.

WASHINGTON, Feb. 10.—Senator William B. Borah of Idaho took occasion in the senate today to attack the position of those who oppose acceptance by the several states of the proposed amendment to the constitution of the United States which would permit the levying of a tax on incomes without apportionment between the states.

Incidentally the senator paid his respects to Governor Hughes of New York, including him by inference among those who profess to be in favor of an income tax but oppose practical measures which would permit its enforcement. His allusion was, of course, to Governor Hughes' annual message to the New York state legislature urging defeat of the proposed amendment on the ground that its language might be so construed as to authorize congress to tax incomes derived from state and municipal bonds.

Senator Borah pictured the mind of the public as in a state of suspicion and discontent toward the government and declared that the people could not much longer be withheld from radical action if taxation were continued in protection of wealth and in exemption of "incomes which sustain luxury and breed idleness and folly."

The senator said in substance:

Early Court Decisions.  
"The history of the income tax since 1894 has not been one which any citizen can recite with pride. For a hundred years a rule of construction as established by the men who helped to write the constitution had received the approval of an undivided court time and time again. During this period there sat upon the bench of the supreme court some of the greatest lawyers of that or any other period of our country and we did so."

In 1894 and 1895 these precedents were overturned; this constitution received an interpretation unknown to its makers. In the face of two most powerful dissenting opinions to which two other judges assented the humiliating and astounding doctrine was announced that the makers of the republic had hedged wealth about so that the taxing powers of the government could not reach it even in time of war; that the founders of a government based upon equality and justice had made it impossible to divide the burdens of government between consumption and a large class of great wealth. Last session this body we were called upon to ratify and declare by express act our assent to that interpretation. Under the rule of the majority we did so. We submitted this proposed amendment to remedy this situation."

(Continued on Second Page.)

### Tailors are daily receiving pretty spring suiting patterns. One must call early in the season to get the pick of these.

Order now while they are not rushed and you will be more satisfied with the work done.

On the want ad pages under the classification "Tailors", is a complete list of Omaha's representative tailors. Many are making special inducements for your early spring order.

Have you read the want ads today?

## Taft to Confer with Party Men on the Situation

New York Republicans Seek Candidate for Governor Acceptable to President and Hughes.

WASHINGTON, Feb. 10.—President Taft's visit to New York on Saturday, it is expected, will be made the occasion of an important political conference regarding New York state conditions. This conference probably will take place at the home of Lloyd C. Griscom, the new chairman of the New York county republican committee. Efforts will be made to have Governor Hughes attend the conference.

The republicans are said to be anxious to get a candidate for governor who will have the support both of President Taft and Governor Hughes.

In view of the many rumors of various sorts which have gained circulation in financial districts and elsewhere regarding the attitude of the administration, President Taft's speech before the republican club of New York on Saturday night at the Lincoln club dinner will be followed with unusual interest.

It was said today that the president will take advantage of this opportunity to say that the republican party went before the American people in 1908 with certain well defined pledges in its platform.

He will contend that these pledges must be carried out, in fact as well as in spirit, and that he will do all in his power to see that they are carried out.

### War Carried to Coffee District

American Plantations Are Subjected to Marauding Expedition in Nicaragua.

MANAGUA, Feb. 10.—Matagalpa province is overrun by revolutionists, who are moving toward Managua. This section is occupied largely by American-owned coffee plantations, which have been seriously damaged by the depredations of recruiting parties sent out by the government. The danger to American interests is doubled now that General Chamorro's forces are also in the district.

Despite repeated protests made by the American consul, Olivares, American plantations have been raided and left bare of laborers, who have been drafted into the government army. As a result the coffee crop is in danger of being a total loss.

### FOWLER MAY SUCCEED ELLIS

President Taft Leaves Appointment of Assistant to Wickham.

WASHINGTON, Feb. 10.—President Taft will leave to Attorney General Wickham the selection of a successor to Wade H. Ellis, the special assistant in charge of trust prosecutions, who resigned several days ago to enter politics in Ohio. It was said today that Mr. Wickham probably would name James A. Fowler of Tennessee, now an assistant attorney general in the department of justice. Several other names, however, are under consideration.

NEW YORK, Feb. 10.—"The sugar trust made a scapegoat of me. It deserted me absolutely. It humiliated and ruined me after I served it faithfully for twenty-nine years."

Oliver Spitzer, former dock superintendent of the American Sugar Refining company's plant at Williamsburg, thus expressed himself, after he had heard a sentence of two years in the Atlanta prison imposed on him today by Justice Martin. Spitzer was convicted for conspiracy to defraud by underweighing sugar.

In broken tones Spitzer bitterly arraigned the sugar trust, saying:

"I started with the company in 1886 a boy and by industry worked my way, step by step, until I became superintendent of docks at Williamsburg."

"It has been reported that I was receiving big pay from the trust. As a matter of fact I got a salary of \$5 a week. The expenses of this trial have cut into my savings and left me practically a ruined man."

"In the alleged fraud prosecution the government cried for a victim and the sugar trust answered by sacrificing me and four \$15 a week checkers. None of us was guilty of any breach of the law, but somebody had to go to prison to save those 'higher ups.'"

"They said I had knowledge of the manipulation of the scales at the sugar docks. I don't think I was in the scale house once during the last fifteen years. I had no occasion to enter them. As to the cornstarch said to have been discovered in a hole in a set of scales I know nothing about it and seemingly no one else except Parr, who claims to have found it later."

"I am going to Atlanta today because I directed my counsel not to apply for a stay of execution. I did not want to place myself in the same sort of a position as Mr. Morse found himself in."

"I am not saying this because I anticipate that my conviction will be upheld by the courts. On the contrary, on an appeal I expect the conviction to be reversed and a new trial ordered."

### MEMPHIS BANK SAFE BLOWN

Robbers Succeed in Getting Twenty-Six Hundred Dollars.

### C. C. DECK "COVERED" DURING JOB

Man Living Near the Bank Is Forced to Sit Idly By While Thieves Are Cracking Strong Box.

MEMPHIS, Neb., Feb. 10.—(Special.)—The Bank of Memphis was broken into and robbed between 2 and 3 o'clock yesterday morning. The robbers took a hammer and knocked the dial to the safe off and injected nitroglycerine into the opening. Five charges being given before the door yielded. About four ounces of nitroglycerine in a bottle were left behind in the bank after the robbers completed the job. The safe contained \$2,617.27, of which \$175.00 was in gold, \$280 in silver and the balance in paper money. The robbers broke into the Burlington railroad section toll house and took tools with which to effect an entrance through the front door of the bank. Grain doors were taken from the two elevators and barrels from the stores and used for barricades. There were four or five men in the job.

Deck "Covered" by Gun.  
Charles C. Deck, who lives in a residence east of the bank, saw the robbers at work, but could not give any warning, as two of them covered him with guns while the others put in the nitro-glycerine. Robert Skelton, section foreman of the Burlington, found \$40 in damaged and partially torn bills about 200 yards east of the depot when he went to work this morning, which it is supposed the robbers purposely left behind to avoid detection in attempting to use the bank as a hide-out. The bank was about to send them to Washington for redemption.

The total loss to the bank, which is largely owned by Ashland capitalists, is \$2,000, while the bank had insurance amounting to \$3,000, and none of the depositors will lose from the robbery. The bank has issued a reward of \$2,000 for the capture and conviction of any or all of the robbers.

While it is not definitely known which direction the robbers took after completing the job, it is thought they were headed for Omaha, from the direction in which the damaged bills lay when found. A gang of 100 law men came from Omaha to Memphis the night before to finish the ice harvest at Armour & Co.'s lake, but ten of these were laid off, as there was not enough work for all, and it was at first thought some of these men had a hand in the robbery, but the job looks like the work of professionals.

The safe of the Ceresco State bank was cracked about fourteen months ago and over \$2,000 was taken. Sheriff Dailey from Wahoo and detectives from Lincoln have been summoned and are working on the case.

### NO DENIAL FROM STORMS

President of Iowa State College Will Not Talk of Reported Resignation.

BOONE, Ia., Feb. 10.—(Special Telegram.)—Dr. A. B. Storms this morning, in an interview, refused to deny he will resign from the head of the Iowa State college at the end of the present year. He said the educational board must give out any developments in the college situation.

WASHINGTON, Feb. 10.—It is expected that Assistant Secretary Whitnall will today dispose of the court-martial case of Paymaster George P. Auld and Surgeon Ansey H. Robnett, recently tried at the Charleston navy yard, Boston, on charges of conduct unbecoming an officer and a gentleman in connection with an assault on Dr. Edward Spencer Cowles at a navy dance.

While no official announcement has been made, naval officers in Washington are practically unanimous in the opinion that the numbers which the court recommended should be lost in the case of Paymaster Auld will be remitted. A severe reprimand, however, is looked for.

It is not believed that the court has found Surgeon Robnett guilty.

### BELIEVED ROBBETT HAS BEEN FOUND NOT GUILTY

Finding in Court-Martial of Paymaster and Surgeon May Be Announced Today.

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### BILL TO ABOLISH ALL BUT ONE PENSION AGENCY

Appropriation Committee Favors Maintaining Only Washington Office.

WASHINGTON, Feb. 10.—The abolishment of seventeen out of eighteen pension agencies in the country is recommended to the house by the appropriations committee in the report on pension bill submitted today. The only agency will be located at Washington.

### BILLS FOR CONGO REFORM

Belgium Government Has Measures for Relief of Condition of

BRUSSELS, Feb. 10.—The government has elaborated a series of measures for reforms in the administration of the affairs of Belgian Congo. The question of labor and the system of land taxation has received special attention.

## HYDE CHARGED WITH MURDER

Information Against Husband of Colonel Swope's Niece Filed by John G. Paxton.

### WARRANT IS SWORN OUT

Physician Comes to Prosecutor's Office, Where it is Served.

### HEARING AT INDEPENDENCE

Bail is Fixed at \$25,000 at Suggestion of State.

### GRAND JURY TO TAKE THE CASE

Court Calls Special Venue to Make Thorough Investigation of the Whole Mystery of Deaths and Stenosis.

### BULLETIN.

KANSAS CITY, Feb. 10.—Prosecutor Conkling and Mr. Paxton reached Kansas city at 4 o'clock and found Dr. Hyde and the latter's attorneys awaiting them in the prosecutor's office. The party at once repaired to the marshal's office. There the warrant was served upon Hyde. After a few preliminaries the party started for Independence, where it was intended to arraign Hyde immediately before Justice Loar and arrange the matter of bond. In consideration of Dr. Hyde's action in surrendering and the fact that the grand jury is to investigate Prosecutor Conkling agreed to fix the bond at \$25,000.

KANSAS CITY, Feb. 10.—A climax in the Swope mystery came late this afternoon when John G. Paxton, the family counselor, filed an information at the office of the county prosecutor formally charging Dr. Bennett Clarke Hyde with murder in the first degree, holding him responsible for the death of Colonel Thomas H. Swope. A warrant for the arrest of Dr. B. C. Hyde, charged with the murder of Colonel Swope, was sworn to by Prosecutor Conkling at 3 1/2 o'clock before Justice of the Peace W. F. Loar at Independence. It was based upon information previously filed by J. G. Paxton, charging murder in the first degree. Mr. Conkling then immediately started for Kansas City, ten miles away, to serve the warrant.

In the meantime Dr. Hyde and his attorneys started for the prosecutor's office to accept service.

Bail had been arranged for by Hyde and it was considered probable that he would be released promptly.

Grand Jury is Called.  
Judge Ralph S. Latschaw of the criminal court at noon today instructed the county marshal to empanel a special grand jury to convene Saturday morning at 10:30 o'clock to investigate the death of Colonel Swope.

The grand jury investigation will go into every phase of the Swope mystery. The inquiry will not be confined to the death of Colonel Swope, but the death of Christian Swope and the epidemic of illness in the Swope household will be the subjects of an exhaustive investigation.

To thwart the efforts of the opposing attorneys to secure the deposition of Dr. B. C. Hyde, upon the order of his attorneys for an order of dismissal today, the circuit court at Independence, Mo., today dismissed the suit brought by Dr. Hyde demanding \$50,000 from John G. Paxton and other defendants for alleged libel. Dr. Hyde had been subpoenaed to give his deposition in this suit today.