

ODELL AND DEPEW ALSO REPEL HYDE'S SUIT

Former Governor Calls Upon 'the Almighty as His Witness.

Senator Gives His Version of Various Shady Transactions Heretofore Brought Out in the Testimony—Minor Equitable Employees Examined.

NEW YORK, Nov. 16.—Former Governor DeWitt C. Odell and United States Senator C. M. Depew, as witnesses before the Armstrong legislative insurance investigating committee today, denied parts of the testimony of James H. Hyde in which his name was used. Mr. Odell in the course of his testimony called Mr. Hyde's statements "base calumny" and when he was asked whether he directly or indirectly had made threats to have the charter of the Mercantile Trust company revoked, his face flushed and, striking the arm of the witness chair with his fist, he exclaimed: "There is no truth in that statement. So help me God."

Mr. Odell was the first witness of the day. He said no political pressure was brought to bear in the settlement of his suit against the Mercantile Trust company and that it was settled entirely as suits brought by others. He said he had been advised by counsel that his claim was a just one and that any court would have awarded him more than he received in the settlement.

He knew of the introduction of the Ambler bill, which it is said might have affected the Mercantile Trust company's charter and while he did not suggest its introduction he saw no objection to it. Mr. Odell denied that he ever made a statement to R. H. Harriman or any one else that retaliatory measures would be taken against the Mercantile company. "The witness said he and Mr. Harriman were personal friends but that they had no business relations. He wrote a letter on behalf of Mr. Hyde's candidate for the post of ambassador to France. This was at the request of William H. McElroy, one of the vice presidents of the Equitable Life Assurance society."

Mr. Odell said he had never solicited political contributions, but possibly some money might have come to him through the national committee of Senator Thomas C. Platt, as the latter had always gathered together the funds in New York state except in the last year.

Depew's Testimony. Senator Depew was examined with regard to his syndicate participation and his duties as counsel to the Equitable society. Regarding the ambassadorship to Paris Senator Depew said Mr. Hyde came to him and solicited his influence to secure the ambassadorship to Paris Senator Depew said he told Mr. Hyde that he was too young to be ambassador and that it was utterly impossible to make such an appointment.

Mr. Depew advocated in the interests of the public the limiting of insurance risks and favored a public audit of the accounts of companies at intervals of one year. He said that he thought would obviate many suits that are now frequently brought for an accounting on the part of a policy holder.

How They Worked It. John Gilchrist, in charge of the security department of the Equitable Life Assurance society, told of millions of dollars in loans made at the end of the year in the name of the Equitable Life and Co. to comply with the law that the surplus should be invested or to keep down the cash balances. No collateral was required by the Equitable on these loans and the check which was held by the Equitable on these loans were the checks which were given for these loans were deposited in the bank and a certificate of deposit received. The check, however, was never cleared on the first of January, the check would be taken out and the check surrendered. These loans were made at the instance of T. D. Jordan, former comptroller of the Equitable.

McCLELLAN ALSO MAKING GAINS

Two Hundred Votes in One District Not Counted for the Mayor.

DISAPPEARANCE OF KRUP

INDICTED MAN FAILED TO APPEAR IN COURT.

NEW YORK, Nov. 16.—The original tally sheets in New York's recent majority election were opened today by the board of county canvassers. W. R. Hearst's lawyers protested eight of the first thirteen sheets taken from the envelope because they were found to differ from the returns on which the county electing Mr. McClellan were based. In one election district Mr. McClellan was credited with seven more votes than were counted for him and in another the tally sheets showed that twenty-nine votes were missing from the public count. Complaints were confined to the votes cast for mayor, comptroller and president of the board of aldermen.

Gain for McClellan. In one election district of Queens county the board of canvassers found that McClellan received 299 votes less than he should have had.

One election district, the Twelfth of the Second Assembly district, which William T. Jerome was not credited with a single vote, was discovered during the investigation today. According to the tally sheets in this district Mr. Jerome received 57 votes, but he was credited with none.

The board had decided not to include the Jerome votes in the canvass, but the attorney requested that the office of district attorney be included and secured the West brothers office court to show cause tomorrow why this should not be done.

Gave Leg Bail. A sensation was created in Justice Davy's branch of the supreme court this afternoon when John Krup, indicted for illegal voting in the recent municipal election, failed to appear for trial and his attorneys expressed ignorance as to his whereabouts.

State Attorney General Mayer, who was ordered to investigate the affair of affairs, tonight the attorney general made public this statement: "Every effort will be made to ascertain the whereabouts of John Krup, who employed counsel to defend Krup. The failure of Krup to appear in court was a flagrant defiance of law as I was informed by the district attorney."

Justice Davy declared the \$5,000 bail forfeited. Krup's case was reached at 2 o'clock, but at the request of counsel was postponed until 3 o'clock. At 3 o'clock there was still no sign of the defendant. His lawyers, Abraham Levy and former Deputy Attorney General Charles P. Ryan, said they had left him but a short time before and he had assured them that he would be in court. Krup in the day Krup's release had been secured under increased bail.

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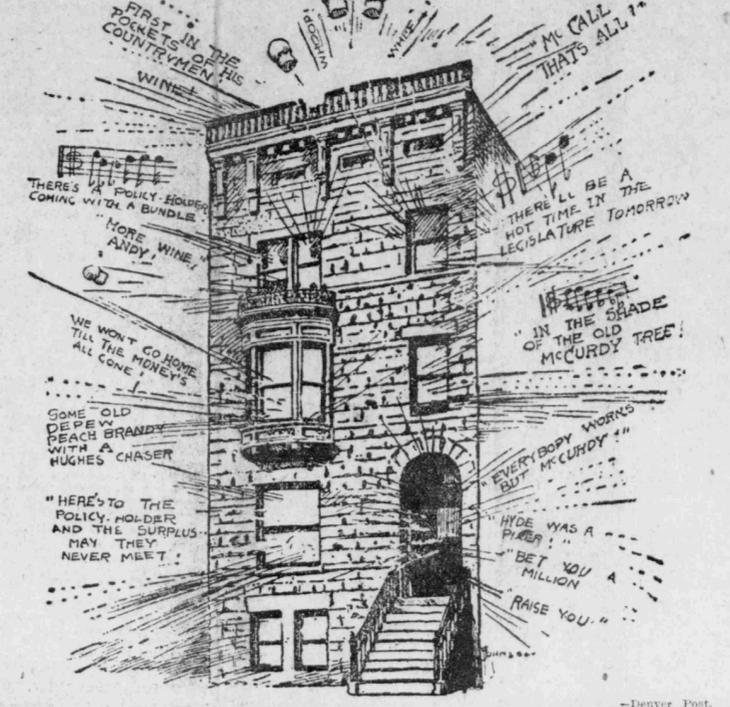
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THE "HOUSE OF MIRTH."

No. 616 Madison Avenue, Albany, N. Y., Where Life Insurance Lobbyists and Members of the Legislative Insurance Committees Mingled.



—Denver Post.

IDAHO OFFICIAL LOSES HIS JOB

John B. West Removed as Register of Lewiston Land Office.

CHARGES WERE NUMEROUS

DELINQUENT'S SUCCESSOR NOT YET NAMED.

(Special to The Herald.)

WASHINGTON, Nov. 16.—John B. West, register of the Lewiston land office, Idaho, was removed from office today by President Roosevelt for "speculating in relinquishment of political activity, etc." No successor has yet been chosen. Charges were preferred against West some time ago, alleging that he was making improper use of his office and participating too freely in politics.

Numerous Charges. Numerous specifications were submitted, charging that West, aided by his brother, had induced settlers to make filings on lands which had previously been entered by other persons. They then induced settlers to institute contests before the Lewiston land office, and immediately entered into negotiations with parties in the contest, persuading one or the other to make relinquishment. Whenever they secured a relinquishment, they collected money from the successful contestant.

In brief, West was using his office as a register to give him power to bring West made a sweeping denial, but two investigations were made by Special Agent Goodwin and Inspector O'Fallon, which sustained the charges, and on their recommendations endorsed by Land Commissioner Richards and Secretary Hitchcock, West was summarily removed from office.

Proved It on Him. When the charges were sent him, West made a sweeping denial, but two investigations were made by Special Agent Goodwin and Inspector O'Fallon, which sustained the charges, and on their recommendations endorsed by Land Commissioner Richards and Secretary Hitchcock, West was summarily removed from office.

Senator Heyburn will probably be requested to recommend a successor to West. Meanwhile, until the vacancy is filled, the Lewiston land office must remain virtually closed, save for receipt of papers.

MARRY FAR FROM HOME

Well Known Salt Lake Couple Take Out License to Wed in Chicago.

(Special to The Herald.)

Chicago, Ill., Nov. 16.—Matthew Cullen and Mrs. Nellie T. Rasche, both of Salt Lake City, Utah, took out a marriage license in this city today. They could not be found at any of the hotels when sought later and for this reason it is not known whether the marriage ceremony took place.

Both Mr. Cullen and Mrs. Rasche are well known in this city. Mrs. Nellie Thomas Rasche is a sister of the first Mrs. Cullen, who died several years ago. She has made her home in the Cullen family since the death of her sister and has filled the place of a mother to the orphan children.

Matthew Cullen is well known all over the west. He made his fortune in the Horn Silver mine in Beaver county. He was one of the original owners of the property. It was in Beaver county that he met the young woman who afterward became his wife. He is the owner of the Cullen hotel property and has many other large interests both here and in Chicago.

APPEAL IS DENIED. Sacramento, Cal., Nov. 16.—Harry Bunkers, the former San Francisco senator, convicted last April by a jury in Judge E. C. Hart's department of the supreme court for bribery, and sentenced to five years' imprisonment at San Quentin, must serve the sentence imposed according to a decision handed down today by the appellate court denying the ex-legislator's appeal for a new trial.

DOCTORS DISAGREE AS TO THE CAUSE

Death of R. A. Roth at Cody, Wyo., a Mystery—Stomach and Kidneys Sent to Chicago for Examination by Experts.

(Special to The Herald.)

CODY, Wyo., Nov. 16.—It develops that the physicians who conducted the autopsy on the remains of R. A. Roth, the business man who died suddenly Sunday evening, and who is supposed to have been drugged, could not agree in their findings, and the stomach and kidneys have been sent to Chicago for expert examination and report. Two of the physicians claimed that the death was due to a deadly drug taken into the stomach, and two others were equally certain that Bright's disease caused death.

Girls No Longer Suspected. The authorities have exonerated the Misses Hilda Ahlstrom and Mary Raner, the waitresses who accompanied Roth into the country on a carriage drive, from all blame for it has developed that they went with him Saturday and not Sunday, as first supposed. The girls did not see him again after their return from the country Saturday afternoon. Roth was about town Saturday evening and retired to his room over his saloon about midnight. He appeared to be well, and was in an especially jovial frame of mind.

It is learned that the authorities now feel certain that Roth's death was caused by Bright's disease, which was caused by the jealousy of a woman with whom he had been keeping company. Roth had a number of women friends, and the authorities are yet uncertain which one to suspect.

Visited by Unknown Woman. It is claimed that an unknown woman visited Roth's room sometime between midnight and 6 a. m., and that this woman administered the drug that caused death. It is said the jealousy was aroused by Roth's attentions to the Raper and Ahlstrom girls, and other women. A man has been found who claims he saw a red-headed, clothed woman come from Roth's rooms about 3 o'clock Sunday morning.

When friends of Roth found him Sunday noon he was unconscious and unable to talk. He died shortly after 5 o'clock that evening. The authorities are saying little about the matter, but until the report of the Chicago chemists is received, two or three women, who were classed as Roth's friends, and a female friend, will be closely watched.

SITUATION IS FULL OF GREAT PROMISE

Governor Folk Says the Reform Movement Will Gather Strength as the Years Go by and That the Reign of Grafit Has Ended.

(Special to The Herald.)

KANSAS CITY, Mo., Nov. 16.—Edward Rosswater, editor of the Omaha Bee, and Governor Joseph W. Folk of Missouri, were the guests of honor at the monthly dinner here tonight of the Knife and Fork club. Governor Folk, in the course of his speech, said: "The next few years will be distinguished as the time in which industrial problems are settled, the reign of speculation being brought to an end, the doctrine of equal rights fixed in national policies and in the conscience of mankind. We are in the midst of the most drastic period of American history, a period in which universal rights are to be defined and observed as they have never been before. The men who share in these activities, in a capacity no other men have, are taking part in the tremendous moral upheaval now going on."

Promise of Better Things. "There have been great reform movements in the days gone by, but they were local; the vampires of graft were driven away and remained but a season and then returned after the waves of public indignation had spent their fury. The present presents a situation of brighter promise to our vision. Reform is not a passing fancy, it is a permanent instead of local and transitory. The revolt from political oppression is rearing its head in city after city and state after state. A civic regeneration is going on all over the land. Will it last? It is the question. Will not the people soon forget and allow things to continue in the same old way. I answer no. Revolutions never go backwards and this is a revolution that has been brought in the conscience of men."

Movement Has Just Begun. "We are at the beginning of the movement for higher ideals in our life which will gather strength as the years go by. The elections of last week were but the taking of the first breakfast of the opposition. The fight will go on with increasing vigor and the time will never come when the people can rest on their laurels. The moral idea in politics has come to stay. This wave of the patriotism of peace will go on with increasing force."

SMOOT'S BLUNDER FATAL.

(Special to The Herald.)

Washington, Nov. 16.—In an interview today, Senator Burrows, chairman of the privileges and elections committee, says the case of Senator Smoot will not be taken up before the holiday recess, but will be given prompt consideration when the senate reconvenes in January. It is impossible to tell when the report will be made, because further evidence in the case for the purpose of playing football in Washington, that testimony detrimental to Smoot will be offered in liberal doses. There will probably be a re-echo of the late campaign in Salt Lake, and Smoot's connection with municipal campaigns is believed to have greatly weakened his case before the senate.

OREGON MAN KILLS HIMSELF IN OGDEN

(Special to The Herald.)

Ogden, Nov. 16.—H. T. McMahon of Ontario, Ore., blew his brains out in the Bolander rooming house about 1 o'clock this morning by shooting himself in the left temple while lying in bed. The shot was heard by the landlady, who summoned M. C. McMahon, a brother of the suicide. The man was dead when they entered the room. McMahon was about 30 years of age and came to Ogden yesterday morning accompanied by his brother, presumably from Salt Lake. No cause could be found for the rash deed. From letters that McMahon wrote before taking his life it is evident that the suicide was carefully planned. He was a member of the I. O. O. F. No. 99 of Ontario, Ore., and one of the letters that he left was addressed to the local lodge of that order in which he enclosed a draft for \$100 and request that his remains be shipped to his home.

PLATT IS MOVING TO DITCH THE GOVERNOR

(Special to The Herald.)

New York, Nov. 16.—"I am going to remain the chairman of the Republican state committee," declared ex-Governor Platt tonight when shown the dispatch from Washington in which Senator Platt was quoted. Senator Platt returned to this city today, but again declined to be interviewed for the rash deed. From letters that McMahon wrote before taking his life it is evident that the suicide was carefully planned. He was a member of the I. O. O. F. No. 99 of Ontario, Ore., and one of the letters that he left was addressed to the local lodge of that order in which he enclosed a draft for \$100 and request that his remains be shipped to his home.

WAY CLEARED FOR MOFFAT ROAD

Department of Justice Abandons Fight for Gore Canyon.

WORK IS TO BE CROWDED

CONTRACTS WILL BE LET ON TOWARD SALT LAKE.

(Special to The Herald.)

WASHINGTON, D. C., Nov. 16.—The Moffat railroad has won its fight for Gore canyon. Attorney General Moody has decided to drop the case against them and the road from Denver to Salt Lake can be constructed as originally planned.

Gore canyon will not be occupied by the government as an irrigation reservoir, as it is intended to be reopened to the department of justice today, and it is the understanding of all government officials that this ends the controversy over the canyon.

This being the case, it will not be necessary for the Colorado and Utah delegations to introduce legislation in the coming congress, and the Moffat road the right of way through Gore canyon. It is barely possible that California interests may bring pressure to bear on the attorney general with the hope of inducing him to reopen the case and compel the Moffat road to vacate Gore canyon, but it is not the attorney general's purpose to take such action, as he has already given the Moffat road full right to occupy this canyon with its road, and he believes the reclamation service is not entitled to drive the railroad out of the canyon.

This decision is a flat turn-down for Secretary of the Interior Ethan Allen Hitchcock, who has shown intense prejudice against the railroad from the outset, and who has done all in his power to make the railroad build to suit the convenience of the reclamation service.

WILL PUSH WORK. Moffat Gives Orders to Go Ahead With Contracts. Denver, Colo., Nov. 16.—Telegrams were sent to this city yesterday indicating that all opposition to the Moffat road running through the Gore canyon had been abandoned. One was to Charles H. Hunt, who expressed the railroad's belief in his legal correspondent at Washington, informing him that the department of justice had abandoned the Gore canyon litigation.

Following this, William A. Deuel, general superintendent of the Moffat road, received a telegram from David H. Moffat, now in New York, to release the suspended contracts on the big tunnel through the mountains and push operations from both ends.

Reasons for the Conditions. An investigation of the why and wherefore brings to light some causes for the success of the University of Utah football team. They are: First—The existence of two athletic boards, the one of regents and president, the absence of a central, directing board. Second—The difference of policy pursued by the two boards. Third—The lack of organization, the absence of a central, directing board. Fourth—The lack of organization, the absence of a central, directing board.

HITCHCOCK IS INDIGNANT

Punishment of Nebraska Land Grabbers Much Too Light According to the Secretary.

(Special to The Herald.)

WASHINGTON, Nov. 16.—Secretary Hitchcock was today indignantly informed that in the matter of the prosecution of Bartlett Richards and W. G. Comstock, in the federal court at Omaha for the illegal fencing of 21,600 acres of government land, upon pleading guilty the defendants had been sentenced to remain for six hours in the custody of the city marshal and pay a fine of \$300 each.

"You can say," said the secretary, in discussing the verdict, "that I am surprised and indignant that the sentence is utterly inadequate. The indictment was the result of four years of determined effort and the expenditure of \$200,000. I had selected the large operators in the hope that the result would be a warning to the rest of the country. That the case was so strong one is evident by the fact that the men pleaded guilty. The result is degrading, but we shall not cease our efforts."

Remedies Are Suggested. Before going into these causes of Utah's football weakness in detail, or quoting any of those interviewed, it is suggested that the following remedies be suggested. First—The organization of a strong body for the purpose of obtaining material for the purpose of playing football in the university. Second—The centralization of authority in one athletic board, the one shall remain in all matters regarding football at the university.

Third—The securing of aid for the purpose of playing football in the university. Fourth—The securing of aid for the purpose of playing football in the university. Fifth—The securing of aid for the purpose of playing football in the university.

Position of Dr. Plummer. Now, while Dr. C. G. Plummer specifically stated in an interview yesterday that he would speak not from the standpoint of a member of the advisory council, but as a member of the board of regents, it is hardly likely that his views would change with the title, therefore it is reasonable to suppose that where he and Professor Cummings differ in the one case they will differ in the other.

The interviews following are in the order in which they were obtained yesterday afternoon. Regarding "inducements" to players, and speaking as a regent, Dr. Plummer said: "I want all the notoriety and prominence possible given to the fact that the board of regents will not tolerate professional players in the university. I am opposed, I am opposed, and have been opposed for years, to the idea that 'beef and brawn' should be paid for coming to a university and playing football. I favor getting back to the old-fashioned methods of allowing athletes to enjoy various sports, while in college, through natural selection. No man, in my opinion, should be allowed on a football team."

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