

the state had ever contemplated, its total appropriation was only \$18,000. The house reduction of the state chemist's expenses from \$400, to \$150, was not concurred in. Bamberger alleged that this would result in the lack of analysis for the food supply of the state.

The final debate on the bill was on the motion of Bamberger to reinstate the item of \$6,000 for cottages for state prison guards, eliminated by the house. He alleged that the house had cut out this amount in the interest of house renting agents, and that a rebuke ought to be administered. His motion carried unanimously.

The University appropriation was unchanged, and the Agricultural college increase was allowed, except that there was a slight change in the funds to which the money was to go.

Several senators voted for the Agricultural college sum "under protest," saying the amount was too large, but necessary as a concession to the warring Cache county elements.

**MORE APPOINTMENTS.**  
A communication from the governor was received containing the names of Elias A. Smith and Judge J. E. Erick for members of the state board of corrections. The appointments were promptly confirmed.

**BOUNTY QUESTION SETTLED.**

The long dispute on the state bounty law ended at noon when the last clause out of his judicial committee approves the recently passed bounty law, which had been hung up pending the acceptance of house amendments.

Lawrence stated that the bill in holding the bill to test at this time the temper of the house in relation to passing it.

The measure as passed provides a bounty of \$25 on mountain lions in addition to bounties of \$1 on coyotes, lynx, and wildcats. \$20,000 is appropriated to pay claims, but no deficit is allowed.

**APOSTASY ALLEGED.**

Chas. A. Smurthwaite of Ogden Charged With Unchristianlike Conduct.

A complaint charging apostasy and unchristianlike conduct on the part of Charles A. Smurthwaite of Ogden has been filed by Hyrum H. Goddard, presiding teacher of the First district, Ogden.

With the Bishop of the Fourth ward of that city. Copies of the complaint and the summons subsequently issued are as follows:

Ogden City, Utah, March 8, 1905.—Bishop Edwin Woolley and Counselors, Fourth Ward, Ogden, Weber Stake, Dear Brethren: I hereby prefer a charge against Elder Charles A. Smurthwaite for apostasy and unchristianlike conduct, and for cause of complaint I allege: That he expressed and had expressed on a number of occasions very rebellious and unbecoming sentiments against the church and its members, and that he was a member of the church of Jesus Christ of Latter-day Saints, of which he is a member. Especially does he assail the character, motives and aims of President Joseph F. Smith, wherein he says that President Smith is not a Prophet of God, and that he could not and would not sustain him as such, or as President of the church. He also charges that Joseph F. Smith is leading the church to destruction, and that he was not chosen as President in accordance with the laws and rules governing the church. His expressions against the Lord's anointed, whom the church sustains as Prophets, Seers and Revelators, are unbecomingly a Latter-day Saint. And notwithstanding he has been visited a number of times by myself and other brethren as teachers, according to the rules of the church, he still maintains the same views and ideas, and does not wish to be visited again by the Teachers with a view to getting him to change his position in these matters. It therefore becomes my duty, as his teacher, to present this charge against him, and I ask he be cited to appear before you and show cause, if any he has why the hand of fellowship should not be withdrawn from him.

Your brother in Christ,  
HYRUM H. GODDARD,  
Presiding Teacher, First District,  
Signed this 8th day of March, 1905.

**COPY OF SUMMONS.**

Ogden, Utah, March 10, 1905.—Elder Charles Smurthwaite.—Dear Brother: You are hereby requested to appear before the Bishop and Counselors of the Fourth ward, in the Weber Stake of Zion, at 8 o'clock p. m., on Wednesday, March 22, 1905, in the northeast upper room over the amusement hall, in order to answer to a charge filed against you by Elder H. H. Goddard, in which you are accused of apostasy and unchristianlike conduct, a copy of the complaint being herewith enclosed. And you are hereby notified that if you fail to appear and answer as above required, without reasonable excuse, you will be dealt with according to the evidence and the laws of the church governing such matters.

E. T. WOOLLEY, Bishop.  
AARON G. MAW, Clerk.

**GOING TO CALIFORNIA.**

But, Mr. Anderson Says, It's to Visit His Children, Not to Avoid Testimony.

That the Schettler creditors were a pack of infernal fools; that they no longer had his sympathy; and that he was going to California and would not be here when wanted to testify in the case, were remarks attributed to R. R. Anderson, receiver for the defunct Schettler bank. The words were said to have been said, for the first time, when a lady representing the committee called upon him to ascertain whether he had made similar remarks to another lady creditor.

When questioned by a representative of the "News" as to the correctness of the story, Mr. Anderson today said: "A lady called at my office yesterday afternoon, and said she had been informed that I had drawn \$1,800 for my services as receiver. I told her that the statement was not true; that the exact amount drawn by me was \$380, which was but half of the services were worth. I said further that there was but very little reward or encouragement for doing my best in the interests of the creditors. I was continually misinterpreted, and the fact that the charge for my services had been more than reasonable was not appreciated by them. I remarked that if those who criticized were not fools they were at least foolish people, and did not know when they were well served. I did not say that my sympathy was not with the creditors. I did say that when I was released, and my successor had been appointed, I was going to California to visit my children. I hope there is no wrong in my saying that I was going to California. I believe that I am free to do so. If I intended to go to get out of testifying in the Schettler case, I should certainly not say anything about going away to avoid it."

**THE POLICE RECORD.**

In Judge Ditch's court this morning W. C. Crockett was held to answer in the district court on the charge of obtaining money under false pretenses.

Royal Morrison, arrested on three charges of burglary, pleaded guilty and was ordered held to answer. His bail was fixed at \$300 in each case, and Morrison was taken to the county jail for safe keeping.

## JUVENILE COURT BILL RE-PASSED.

So Amended by the House as to Meet the Objections of the Governor.

## REPEAL OF BOUNTY LAW FAILS.

Conference Committee Acts With the Governor on the Appropriation Bill.

Acting upon a recommendation from the governor, the house this morning permitted the introduction of H. B. 238 by Marks, providing for the establishment of juvenile courts, and stipulating that the costs thereof be met in the same manner as are the courts of city and municipal courts in cities of the first and second class. The bill passed by unanimous vote.

**CONFERENCE COMMITTEE.**

A communication from the senate notified the house of its refusal to concur in house amendments to S. B. 143, the general appropriation bill, and had appointed Senators Williams, Hollingsworth and Bennion as a conference committee to confer with the governor on this matter. The house concurred in the action of the senate and appointed Representatives Fishburn, Simons and McCrea as members of that committee.

**TO BRING IN LOBBYISTS.**

Thompson, rising to a question of personal privilege, denied the charge that members had absented themselves because their pay had stopped, as he said, not believe any of his colleagues would be guilty of such reprehensible conduct. "There were some members," however, whose absence had been keenly felt, and he moved that the sergeant-at-arms be instructed to bring in such absentees and require them to show cause why they should not be punished for dereliction of duty. However, in order that the sergeant-at-arms might not be overburdened, he asked leave to reintroduce H. B. 143, relating to the killing of stock, and H. B. 84, providing for a uniform street dress for the members of the house, which would have the desired effect and bring into the house the gentlemen who had so summarily absented themselves. The motion was duly seconded, but action was suspended pending consideration of communications from the senate.

**WILSON ON BOUNTIES.**

S. B. 158, repealing the bounty law, came up in third reading and this passage. Wilson attacked the bill most vigorously, and characterized the effort to push it through as a breach of faith and an attempt to work an injustice to the country members. He criticized the senate for its refusal to pass S. B. 130, the new bounty law, and intimated that trickery was being resorted to in this matter.

**THE BILL PASSED.**

Stokey favored the measure, as did McCreas and Simons, who argued that it would save the state \$20,000 and should be passed. Austin opposed the measure, and on being put to a vote, the bill failed on the following roll-call:

Ayes—Edwards, McCrea, Roberts, Simons, Stokey, Wootton, Mr. Speaker.  
Nays—Anderson, J. A. Austin, Carroll, Christensen, Cottam, Cronan, Guidry, Hawley, Hone, Hopes, Jones, Kinney, Luther, Maughan, Marks, Merrill, Pace, Parson, Richards, Spencer, Stewart, Stringham, Thompson, Tolson and Wilson—25.

**JOSEPH'S DREAM.**

At this juncture a little more "horseplay" was indulged in. Joseph, who had been absent earlier in the day happened in only to find an improvised broom and straw man occupying his place. The apparition was knocked down and out in the first round, after which "the gentleman from Salt Lake," otherwise known as "Noise," received permission from the house to relate a dream. Before beginning, however, the speaker expressed the hope that was not a "pipe dream," but it proved to be nothing more, for Joseph played out after he had told how he had met Wilson from Vernal and two children, and had learned from him that he was a member of the Utah Legislature and that he had had an awful time whipping the city members into line.

The "dream" was interpreted by Wilson, who took occasion to rub it into his colleagues for having impugned the motives of some who were more worthy than he, and who would be more likely to enter the "ready gates" than he would be.

At noon the house "sauntered" till this afternoon.

**SENATOR SMOOT HOME.**

Arrived in Provo This Morning and Immediately Went to Ogden.

(Special to the "News.")

Provo, March 15.—Senator Smoot and wife, and their son Harold, arrived from Washington this forenoon. The senator could not be seen for an interview, as he immediately left for Ogden in answer to a summons to appear before the federal grand jury there and give testimony in the case of Pettier, the smooth swindler who was arrested in El Paso a few days ago, and who operated among Utah people recently with more or less profit to himself.

**Distress After Eating**

Nausea between meals, belching, vomiting, flatulence, fits of nervous headache, pain in the stomach, and all the symptoms of dyspepsia, and the longer it is neglected the harder it is to cure it.

**Hood's Sarsaparilla and Pills**

Radically and permanently cure it—strengthen and tone the stomach and other digestive organs for the natural performance of their functions.

Accept no substitute for Hood's.

"I had dyspepsia twenty-five years and took different medicines but got no help until I began taking Hood's Sarsaparilla. Have taken four bottles of this medicine and can now eat almost anything, sleep well, have no cramps in my stomach, no burning and no distress." Mrs. WILLIAM G. BARRETT, 14 Olney St., Providence, R. I.

Hood's Sarsaparilla promises to cure and keeps the promise.

**THE POLICE RECORD.**

In Judge Ditch's court this morning W. C. Crockett was held to answer in the district court on the charge of obtaining money under false pretenses.

Royal Morrison, arrested on three charges of burglary, pleaded guilty and was ordered held to answer. His bail was fixed at \$300 in each case, and Morrison was taken to the county jail for safe keeping.

## WHY F. J. KIESEL DECLINED TO ACT

Explanation of His Refusal to Serve as Member of Utah Commission

## AT THE PORTLAND EXPOSITION.

Inside History of Naming of Mr. Kuchler for Position at Lewis & Clark Fair.

The following letter, explanatory of Hon. Fred J. Kiesel's refusal of the appointment as a member of the Lewis & Clark exposition commission for Utah, has been received by Gov. Cutler from Mr. Kiesel, after having been sent to the Herald, which paper refused to publish it:

Editor S. L. Herald, Salt Lake City, Utah, Dear Sir:

Please insert this in the Herald, as I inadvertently doubtless an injustice has been done to Gov. Cutler, who strongly urged upon me to take the appointment of commissioner for the fair at Portland, Or. Private matters of a particular nature and which I fully explained to the governor, alone, prevented me from accepting. The governor especially urged it upon me, and he gave me his hand and said "I will support you and it must be a Democrat, which I strenuously opposed, in presenting Mr. Kuchler's name, on account of his ability, energy, and special adaptability, attributes well known to me. I even at one time suggested Mr. Joseph's name, deeming it but poetic justice, before Judge Murray, to make amends and better cultivate his acquaintance, also to carry out his ideas as to what a commission should be and how deficits can be avoided, but I gave up his name and suggested by appointing the gentleman on the board at the Industrial school, as a field for his reformatory ideas.

I strenuously opposed the appointment of the gentleman on the board at the Industrial school, as a field for his reformatory ideas. I strenuously opposed the appointment of the gentleman on the board at the Industrial school, as a field for his reformatory ideas.

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## DECISION ON BALLOTS CAST.

Judgeship Election Contest Case In Ogden Is Drawing to A Close.

## HOWELL HAD 111 MAJORITY.

So Judge Morse Decided This Morning—More Witnesses Examined For The Contestant.

(Special to the "News.")  
Ogden, March 15.—In the judgeship election contest case, Judge Morse this morning rendered his decision as to the recount of ballots. The recount showed that Judge J. A. Howell received a majority of 111 votes less than the majority given by the original returns. This does not end the case, however, as the contestant, Daniel Hamer, alleges that there are certain irregularities in the alleged fact that Judge Howell made certain promises to give official positions to certain people providing they voted for him.

The contestant this morning put upon the witness stand D. F. Thomas, editor of the Industrial Utah, who testified that previous to the election he went to Mr. Howell and suggested that in case the latter was elected that he should appoint one D. G. Burdick as court stenographer, and that he was told by Howell that it would be all right, he need not worry.

Burdick then testified that he was not promised the positions by Judge Howell, but was led to believe by conversation that he would land this place in case Judge Howell was elected, and he had worked for the election of Judge Howell, as he had worked for others on the Republican ticket.

The contestant moved to strike out the testimony of witnesses Thomas and Burdick as being immaterial, but Judge Morse ruled against the motion.

**ROBBED OF THE ESTATE.**

A Greek named Anton Mchabolous has been arrested at Brigham Junction by Deputy Sheriff Beckstead and brought to Ogden, where he was arraigned before Judge Murray, and charged with embezzling \$1,300 belonging to the estate of Karl Aklis, who was killed in the Johnson explosion. The defendant put up a cash bond of \$1,000, which he admitted was cash from the said estate.

**INTERURBAN FRANCHISE.**

B. Mohr, representing the Mohr Electrical company, is in Ogden for the purpose of securing a franchise for an interurban railway through Weber county for a road from Payson to Logan, before Judge Murray.

The proposed line, except that of the city council tonight to secure a franchise through Ogden city.

**LATE LOCALS.**

The level of the Great lake has been stationary for the last two weeks. Today's local bank clearings amounted to \$438,577.44, as against \$461,569.53 for the same day last year.

Two cases of smallpox were reported to the board of health this morning. They are: W. H. Saulsbury, aged 30, residing at 22 Pleasant avenue; Mrs. Kingsbury, aged 22, residing at 49 Flowers' court.

George T. Odell has just returned from a business trip through Sanpete and Sevier counties, where he finds agricultural conditions very promising. There seems to have been plenty of snow, so that an abundant supply of moisture is guaranteed, and the farmers are in good spirits.

Franklin Farrell, Jr., son of the noted brakeman and fireman who died in the Utah train wreck, was made public evening, on route from Goldfield, Nev., back to the Nutmeg state. Mr. Farrell expressed his pleasure at the outlook in Nevada and is likely to continue his way again. He is a graduate of Yale.

Manager E. C. Warren of the Southern hotel returned this morning from his California trip. There is a whisper report at the hotel that he got sick in crossing San Francisco bay, but Mr. Warren changed the subject when this was mentioned and referred thoughtfully to the wonders of the Pacific coast climate.

There will be civil service examinations in this city, March 20th, for the position of apprentice draftsman in the Nevada and Idaho land office at Washington, salary \$300 per year, and age limit 16 to 20 years; also April 12, for the position of assistant in the division of biological survey, department of agriculture, with salary at \$500 per year.

The low barometric pressure which threatened rain here last night, passed over, and it is clear weather today. But another low area is approaching from the coast, and cloudiness is predicted for tonight and tomorrow. Jack Frost still holds the Atlantic coast in his frigid grasp, and the people down there are becoming mightily tired. Moderate rains have been falling over the country.

There is a discussion in the National Guard as to whether the appointment of Lt. Col. H. M. Lund as assistant adjutant general does not take him out of the First regiment, as it is not understood how an officer can hold a regimental and a brigade position at the same time. This will necessitate the election of a colonel and lieutenant colonel for the regiment, in the case the second position is vacated. That the First regiment will be increased to 12 companies is not now doubted.

**TODAY'S REALTY TRANSFERS.**

Sarah Allen Curtis to H. A. Smith and Mary E. Wilson, lots 3, etc., block 2, Park View addition, \$1,000; Melissa Sears to George T. Odell, part of lot 3, block 20, plat B, Emma J. McVicker to Henry C. Hoffman, lots 19 and 20, block 3, Park View addition, \$1,000.

Nelle Smith to H. C. Karon Healy, lot 20, block 11, Forest Dale, \$500; Daniel W. McNaughton to E. G. Hubbard, lots 10, etc., block 3, Olive's sub., \$1,000.

Jno. K. Smith to Mary A. Noren, lots 5, 10, block 3, View City, \$500; Carlisa, 500 at 11%; Daily-West, 10 at 12 1/2%; May Day, 1,000 at 14%; Silver Shield, 500 at 42%; 500 at 41%; 100 at 41; 200 at 41, seller 5; New York, 100 at 41 1/2.

**Always Remember the Full Name**  
**Laxative Bromo Quinine**  
**E. W. Brown** on every box, 25c

## O. S. L. ELECTS ITS NEW BOARD.

Only One Change Made on the Directorate of the Hariman Line

## R. S. LOVETT SUCCEEDS BURT.

Action at Last Taken This Morning After Repeated Postponements Since Last October.

After postponing the annual meeting of the Oregon Short Line at 30-day intervals since last October, the stockholders this morning re-elected the old board with the single change that the name of R. S. Lovett of New York, chief counsel, was substituted for that of Horace G. Burt, who was formerly president of the Union Pacific.

The meeting was held in the board room of the railroad company on the fourth floor of the Deseret News building, and the stock was voted by proxy. Vice President and General Manager W. H. Bancroft, local counsel Parley L. Williams and Director W. S. McCornick representing the stockholders.

The meeting was purely routine in character, the polls simply being kept open for the length of time prescribed by law.

As the board now stands it is made up of the following: Oliver Ames, Samuel Carr, W. D. Cornish, Edwin Gould, George J. Gould, E. H. Harriman, H. H. Hays, Otto H. Kahn, Gardner M. Lane, R. S. Lovett, W. S. McCornick, Oliver W. Mink, Winslow S. Pierce, W. V. S. Thorne and Paul M. Warburg.

**HOPE OF RATIFYING SAN DOMINGO TREATY ABANDONED**

Washington, March 15.—Hope has been abandoned of ratifying the Santo Domingo treaty at the present session of the senate. The treaty is not dead, but will be laid aside a few months. Senator Cullem of Illinois, chairman of the committee on foreign relations who has charge of the treaty in the senate, has apprehended since the debate opened on Monday that it would be scarcely possible to secure favorable action upon it at this time. Senator Cullem and several other senators have been talking for some time about the matter, and all the indications are that no definite action on it will be taken before the senate adjourns on March 20th. The treaty was introduced by the chamber manifesting a desire for more explicit information regarding some of the details of the treaty.

**Mrs. Chadwick Weeps.**

Cleveland, March 15.—Mrs. Chadwick, accompanied by two county United States marshals, left the county jail today in a closed carriage, and was driven to the home of her husband, Mr. Chadwick, who is a resident of Cleveland. The wife of the man who was killed in the Johnson explosion, Mrs. Chadwick, was granted permission by Judge Taylor of the federal court to visit her home today to decide upon what property she would retain. It evidently was a very emotional scene, and Mrs. Chadwick was seen to weep when she first visited the home since last November, when she left for New York. Mrs. Chadwick had been in the city since last November, when she left for New York. Mrs. Chadwick had been in the city since last November, when she left for New York.

**Lt. Boone Tries to Escape.**

Portland, Or., March 15.—A special dispatch to the Telegram from Vancouver, B. C., barracks says that Lieut. Francis M. Boone, who was made public yesterday, made a desperate attempt to escape from the barracks this morning, and was shot by sentries. Boone is in a very debilitated state of health, suffering from a blood disease, and blood poisoning, and is being treated by physicians, however, express the hope that they will be able to save his life, the wounds themselves being not of a fatal nature. It is reported that Boone could death at the hands of the sentries, making a break for liberty to draw their fire.

**ROCK ISLAND PASSENGER TRAIN DERAILED AT FLAGLER**

Colorado Springs, Colo., March 15.—Shortly after 6 o'clock this morning Rock Island passenger train No. 15 from Kansas City and St. Louis, was derailed four miles east of Flagler, this state, and several persons were slightly injured, no one seriously. The accident is attributed to a broken flange on the engine. The engine, baggage car, smoker and chair car left the rails, the smoker going over on its side. The injured are:

Engineer Robert Coala.  
Baggage man A. J. Huffman.  
Fireman J. C. Grant.  
Mail Clerk W. D. Lana.  
Passengers: Belle Baker, Ezra Baker, W. C. McMan, Mary Funk, Mrs. James Blescoe.

All the trainmen injured were able to continue on duty and all the passengers were able to continue their journey. The train arrived here at 2 o'clock this morning. The road bed was open for traffic at 9 o'clock this morning.

**Kuropatkin Repulses Japanese.**

St. Petersburg, March 15.—Gen. Kuropatkin, in a dispatch dated March 14, says: "I have received Japanese attack on the center of our position at the Pan river (about 15 miles south of the pass), has been repulsed. More than a thousand corpses remain in front of our position."

**DEAD IN A CAB.**

Woman's Companion Was Suffering from Alcoholism.

New York, March 15.—The body of a woman who had been dead several hours and a man unconscious and apparently dying, were found in a cab which was driven up to a Brooklyn police station on a gallop early today. The man, who was suffering from al-

coholism and possibly from the effects of a drug, may recover. Both he and the driver of the cab have been detained by the police pending an investigation. Although the condition of the man was so serious that he could give the police little information which would aid them in their investigation, he said that his name was Thomas De Egan and that he lives in Monroe street, one of the better class residential sections of Brooklyn. The driver, a man, he said, was Miss Mary Savage, 20 years old.

Both De Egan and Miss Savage were well dressed.

**APPROACHES TO VLADIVOSTOK.**

They Will be Free of Ice by March 21.

Tokio, March 15.—It is expected here that the approaches to Vladivostok will be free of ice by March 21.

The ice in the Tsushima river, Korea, has melted, and traffic with Pingyang has been resumed. Pingyang is 30 miles west of south of Wonsan, which is on the northeast coast of Korea, 370 miles southwest of Vladivostok.

**A BRAVE WOMAN.**

Holds a Notorious Swindler Until Arrival of Police.

Chicago, March 15.—Despite his struggles, Mrs. Minnie Rounds has held on to the arrival of the police a man believed to be wanted in several states on the charge of swindling. The captive gave the name of Charles E. Raymond.

Within the last few months frequent complaints have been made by persons who said they had been swindled by a man declaring he represented an advertising agency with headquarters at Milwaukee.

Mrs. Rounds was approached by Raymond, who wanted to purchase her property for sale. She recognized the man as one to whom she paid \$4.50 two months ago. She attacked him with an umbrella, and prevented him from escaping.

The police found in the man's possession letters from many firms and a list of more than 800 supposed victims. There also was a note signed "Miss Agnes Stranisky, Winona, Minn.," accusing the man of swindling the writer and taking her