

habit of giving checks for amounts in excess of that required and taking the balance yourself."

"No, sir."

"You did it with the beekeeper, did you not?"

"Yes, under instructions."

"How many other times have you done so?"

"Once, to Prof. Cummings, I believe."

"Did you explain this to Governor Wells—this transaction by which R. G. Shisler's check and voucher is far above what he actually received?"

"These annotations on the voucher explain the additional work covered."

"But did you not explain because you could not explain?"

"No. We were working in a very different atmosphere there from what we are here."

"I show you check No. 6 for \$252.50. Did Mr. Shisler get this money?"

"I cannot say now. The check is endorsed by him and me."

DIDN'T KNOW.

"Are you aware that he denies ever having received that check?"

"No, I admit. I kept my bank checks simply as security and they were in the nature of memorandums. I often drew out large amounts and paid them out on the grounds. Sometimes I placed such as \$500 at the inside inn, and expended it to pay laborers on the grounds."

"Do you know how you paid this man?"

"No, not how I paid him."

"Do you know how you ever paid any items?"

"I do not remember the details now."

"I show you voucher, 114 purporting to cover this payment. It has no date or amount, but was approved March 3. Is it the voucher?"

"The bills were all attached to this voucher—for labor and material."

"How did you pay, in cash or by check?"

"I can't say that this check was in fact to pay this amount. The bills were once attached. The money may have been paid over to the treasurer to the date this check was drawn."

"I have here contracts for some items. How and when were they paid?"

"I have no means of knowing at this time."

"You knew that you were spending state money, and would some day have to account?"

"Yes, I turned in my vouchers and bills every month and supposed they were audited."

"I find check No. 17 for R. G. Shisler for \$37. What was that for?"

"For tables."

CUMMINGS CLEARS UP.

Mr. Whitaker was here excused while Prof. Cummings resumed the witness stand to explain a discrepancy of \$30 in a bill and check made in payment of furniture. He satisfactorily explained the discrepancy, stating that certain of the desks bought had been turned back and credit allowed.

ASKED TO EXPLAIN.

Upon resuming the chair Mr. Whitaker was asked to explain check \$1, for \$238.40 in favor of an optical company.

"The \$10 item was for printing and stationery," he explained, "not included in the original bill."

"Did you pay them the \$10?"

"I presume I did."

"You got the \$10 from the state did you not?"

"Yes, I don't remember whether I paid it by check or by cash, but it was paid at some time."

"Did you pay it at their place of business?"

"Yes, I either went down or sent down the money."

"Have you ever seen the bill?"

"Yes. There must have been a bill. There might have been, but it is evident we have not received it."

"Referring to the testimony of the president of the Beekeepers' association, you gave him a check for \$249.18 did you not and he testified that he only received \$105 of it?"

"That was a Mr. Sherman's check. Mr. Lovesey received more than \$105. I don't remember how much. The check was to represent a total of bills on hand concerning the bee exhibit, and what Mr. Lovesey didn't get, went to pay other bills."

"But have you other receipts?"

"Only one now—for an item of lumber amounting to \$5 or \$7."

"Then all you account for to the committee of this money is \$9 or \$7?"

"I have not attempted to account to the committee for the money."

"This check was drawn by Mr. Sherman to cover bills of the state over Mr. Whitaker's check without good evidence of what it is for. The evidence must have been furnished to the committee."

"Who furnished the evidence? You have no recollection of taking receipts or of paying the money out at all, have you?"

"This is all the receipt you have—this one for \$105."

"This is all the receipt I have in my possession."

"It's all you ever had, isn't it? You stated that upon your return the books didn't balance. How much were you out?"

"There were no books to balance. There was no balance ever struck, but upon the final balancing of the books my accounts balanced."

"Isn't it true there was a difference of about \$600?"

"No, sir."

"Did you not have an argument with Mr. Sherman about this \$500?"

"Not to my recollection."

"A week ago Saturday did you not make a statement that you at that time could not tell how the books balanced, you a thousand dollars or whether you owed the state?"

"No, sir, I did not."

"Do you know Mr. Harry Joseph, and Mr. Miller of this committee, and Mr. Edwards?"

"Yes, what I probably told these gentlemen was that when I came home I could not tell how the books balanced, the books were then not completed. I said no reference to the day on which we were talking."

"I have, however, about \$600 left over, which I am holding. My accounts show it to be mine."

"It is the difference between \$1,200 which the books showed I was owing the state on my return and \$600 in my possession. If the state finds it is due to them I will pay it over."

"But didn't you say your accounts balanced?"

"Yes, by my account it is mine—but I am not satisfied with the balance. I do not think it was correctly drawn."

"You would have no objection to turning this money over, would you?"

"No, not if it can be proven that it belongs to anyone."

"In other words, then, you and the committee both kept your books so that you don't know who this money belongs to, and so you pocketed it?"

"I think I tried to make my statement clear."

"Referring to a contract, which I have here. Were you authorized to make the expenditures herein provided?"

"Yes. I think I can find it in the minutes."

"But we cannot. Was it your custom to go ahead without authority from the board of commissioners?"

"No. I never incurred an expense of that kind without authority. I was not held down to resolutions, however, as subsequent correspondence often covered an expenditure."

Mr. Smith announced that he was through. Representative Stookey then took the witness stand and questioned concerning the \$600 balance on hand after balancing the books.

STOOKEY ASKS QUESTIONS.

Continuing his cross-examination of the witness, Mr. Stookey asked:

"All this money was received from the state, was it not?"

"Yes, sir."

"Haven't you drawn all that was due you but \$200?"

"No, sir; I haven't drawn my petty cash account at all. I have given myself credit for it, but have not drawn it."

"Didn't you tell Representative Joseph and Edward that you probably owed the state \$600?"

"I have simply received a notification that I have some items unaccounted for that would amount to this much. I kept no books and had no way of knowing whether the books here were correct or not."

"Then you don't know whether you owe the state \$600 or the state owes you?"

"No, sir."

"You are not satisfied from your own account?"

"No, sir, not exactly."

"When you came home didn't you expect to go to the commission and strike a satisfactory balance?"

"Yes, sir."

"And when you returned you found that the books were not kept up to date?"

"Yes, sir."

PRIZES AND MEDALS.

At this point in the proceedings Mr. Stookey turned his attention to grand prizes and gold medals. "Will you tell us," he asked the witness, "what these prizes consist of?"

"Not having received them I couldn't say. I have simply received a notification thus far. The secretary of awards has notified me that the prizes will not be forthcoming for some time, probably for six months."

"Here the witness told how the awards were made, this matter being in the hands of an international commission. He was asked concerning a certain ribbon scheme and stated that this was a scheme by which each exhibitor \$5 for a ribbon which was supposed to attest the superiority of their goods."

"Were the prizes to be paid for?"

"No, sir, they come gratis. None get ribbons, however, save those to whom prizes have been awarded."

"Did any get them?"

"President Roosevelt got one, too, didn't he?"

"Yes, I believe so."

"How did he get that?"

"I presume for decorations."

"Then you think the medals will be received as long as there is a sale for these ribbons?"

"That is my private opinion."

"The ribbon arrangement was a scheme to get money, was it?"

"Yes, sir."

"Did you receive any award?"

"Not that I know of."

"Did you receive anything outside of what you have stated?"

"No, sir; only what I got out of a few small sales."

"Any ribbons?"

"No, sir; I had nothing to do with them."

NOT QUITE CLEAR.

At this point Mr. Stookey took the stand. He was asked whether he had any conversation with Mr. Shisler relative to the check for \$350.30 drawn in his favor by Mr. Whitaker.

"Yes, sir, I asked the gentleman about the check, and he said he had not received it, and that the amount of any part of it. The work, he said, was not done by him and he had nothing to do with it. He said he received \$350.30 from Mr. Shisler, keeper, Victor Cline, made affidavit to these facts."

"Mr. Joseph, also a member of the sub-committee which went to St. Louis, corroborated the statement, and added that Mr. Shisler had expressed the hope that Mr. Whitaker would not get into any trouble."

"E. S. Lovesey was then called to the stand. He was asked:

"Are you positive of having turned over to Mr. Whitaker the sum of \$249?"

"Yes, sir."

"You got \$105?"

"Yes, sir."

WHAT MONEY MAN SAYS.

Mr. Lovesey then stated that he had received a total of \$721.30 on the two honey contracts, and that he was still due him \$40. Then he continued:

"Mr. Whitaker said he paid a certain sum for lumber. He didn't do anything but he covered by another voucher. The large item he said that he was required to make monthly statements of all expenditures, to send in duplicate all vouchers, with bills attached, to the secretary of the commission. He had done this in each case, retaining as his personal evidence only a triplicate voucher. He had believed that the books were being kept up to date and that when the vouchers were sent in they would be able to find out at once just how receipts attached to this voucher in a sealed envelope, and the secretary of the commission," he declared, "in a tone that showed he considered it hardly just to try to force him to remember the details of every transaction years after it had been made."

MR. CUMMINGS SWORN.

Mr. Cummings was the first witness sworn. He admitted that he had a voucher for his second month's salary. This he explained he had signed at the request of Secy. Cannon, after noting on it that the item of salary was already covered by another voucher. The first voucher, however, he had made out before he was thoroughly acquainted with the forms and had signed his name in the wrong place, the money once.

In regard to his expenses he explained that at the hotel where he stopped he had a bill for \$10.00 for room and board, which made a total of about the amount drawn. He did not have a receipt for each meal.

Mr. Cummings closed his testimony by stating that he had sold the exhibit material under his charge at the end of the fair, and had turned the money in to the commission.

He was questioned by Representative Stookey before leaving the chair, as to the medals awarded to Utah, and answered that all he had received was a postal card telling him of the award. Where the medals were, he did not know.

LOVESY'S STORY.

E. S. Lovesey, the honey contractor, testified in regard to his bill for honey and wax, that he had signed a voucher for \$249.18, and had only received \$105 of the amount, the rest being taken by Director General Whitaker. Mr. Whitaker explained that the voucher was to cover a number of items connected with the exhibit of honey, such as starch and lumber and fees to the sculptor, etc., all of the items for which ought to be shown in the minute book of the commission's meetings, where the matter came up.

He had receipts for some of them in his possession, and reference was found in the typewritten minutes showing the claim to be allowed for the full amount of the voucher, but not detailing the items.

Mr. Smith then asked the witness concerning each voucher for which receipts were not at hand, and as well as he could remember, Mr. Whitaker explained the transactions represented.

IS NOW ADJUTANT.

Captain Briant H. Wells Holds That Position at Fort Douglas.

A change of regimental adjutant was made today, in the Twenty-ninth United States Infantry at Fort Douglas. Capt. John F. Madden, who has been adjutant for the last four years, completed his term of duty in the line of adjutant, and according to regulations retired today to assume the duties of adjutant of the company L. Capt. Madden's place as regimental adjutant is taken by Capt. Briant H. Wells, of the Twenty-ninth United States Infantry. He was made captain in 1901.

Headache

Is often a warning that the liver is torpid or inactive. More serious troubles may follow. For a prompt, efficient cure of Headache and all liver troubles, take

Hood's Pills

While they rouse the liver, restore regular action of the bowels, they do not grip or pain, do not irritate or inflame the internal organs, but have a positive tonic effect. 25c. at all druggists or by mail of C. L. Hood & Co., Lowell, Mass.

"BEST OF THE GOOD ONES."

Three Crown Flavoring Extracts.

Every atom is perfectly pure and is filled with the finest flavoring qualities. They taste just like you like them to taste.



Hewlett Bros. Co. Of Salt Lake City.

This trade mark on every bottle guarantees that they will cost nothing if you don't like them.

Your grocer sells THREE CROWN, prepared by

Hewlett Bros. Co. Of Salt Lake City.

was not right in the management of the affairs of the commission. Privately, Mr. Hansen held that such information as he had received was privileged; that the ethics of the case did not demand or make it necessary that he give testimony.

He then took the matter over with members of the committee, who, if they did not directly endorse his position, conceded that the committee should be the same relationship between himself and those with whom he discussed the matter that exists between lawyer and client or doctor and patient. The committee evidently took the same view of the contention and excused the witness from taking the stand.

EVENING SESSION.

Joseph Was Absent at World's Fair Hearing Last Night.

An adjourned session of the world's fair investigating committee was held last night at 7:30. At members were present except Joseph, who was detained at a meeting of the joint educational committee, and came in just before adjournment.

The men on the stand were Horace Cummings, Director General Whitaker and E. S. Lovesey, the honey and beeswax man. The line of questions tended to bring out each item on which there was not complete documentary evidence that an expenditure had actually been made.

Director General Whitaker was on the stand when the committee, headed by the attorney for the committee, stated that there was one more item he wished to go into thoroughly with the director before releasing him on permanent leave. He had done this in each case, retaining as his personal evidence only a triplicate voucher. He had believed that the books were being kept up to date and that when the vouchers were sent in they would be able to find out at once just how receipts attached to this voucher in a sealed envelope, and the secretary of the commission," he declared, "in a tone that showed he considered it hardly just to try to force him to remember the details of every transaction years after it had been made."

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RESERVATION OPENING PUT OFF

Is Postponed Until Summer on Account of the Indian Allotments

Will Be on Lottery Plan.

Is the Most Satisfactory Method of Any the Land Department Has Tried.

(Special to the "News.")

Washington, D. C., March 7.—Surveys on Utah reservation are completed, according to Commissioner Richards of the general land office. The opening however will be postponed until summer on account of Indian allotments which cannot be made until spring. The Indian office is backward in making these allotments. The president will issue his proclamation in ample time so that the reservation may be thrown open to settlement within the time specified by the act of Sept. 1.

"The opening will be conducted very similar to the Rosebud opening in South Dakota. It will be a lottery plan," said Gov. Richards, "as that plan has given the best satisfaction of any the land department has tried. Just as soon as the allotments are made the proclamation will be issued. The land department is ready to begin work. It is the Indian office that is holding the opening back."

DISFELLOWSHIPED.

Frank J. Cannon Disfellowshipped from The Church of Jesus Christ of Latter-day Saints.

Action has been taken in the Bishop's ecclesiastical court of the Fifth ward, Ogden City, in the case of Frank J. Cannon, accused of unchristianlike conduct and apostasy on complaint of William G. Rackham. The trial having been conducted according to the rules of the Church of Jesus Christ of Latter-day Saints and the accused having answered in person and by letter, the following decision was rendered and forwarded to the accused. It makes its own explanation:

The decision of the Bishop's court of the Fifth ward, Ogden City, of the Weber stake of Zion, is: That the charges preferred against Elder Frank J. Cannon by Elder William G. Rackham are fully sustained by the evidence and by his own statements and admissions; that he be and is hereby disfellowshipped from the Church of Jesus Christ of Latter-day Saints for unchristianlike conduct and apostasy, and that his case be sent up to the High Council of the Weber stake of Zion for further action.

JOHN WATSON, Bishop.

HEBER H. THOMAS, First Counselor.

GEORGE W. LARKIN, High Priest, Acting as Second Counselor.

Ogden, Utah, March 4, 1905.

MESSANGER BOY HURT.

Royal Cox Run Over by Pacific Express Wagon This Morning.

Royal Cox, an A. D. T. messenger boy, had a narrow escape from serious accident at 12:30 p. m. today, in front of the Kenyon hotel. In riding his wheel across the street he was run over by a Pacific Express wagon.

The boy was flying under the front wheel of a Pacific Express wagon. He was thrown under the wheel and was badly injured. He was taken to the hospital.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Tablets. Druggists refund money if it fails to cure. E. W. Grove's signature is on box. 25c.

LATE LOCALS.

The regular monthly meeting of the state board of land commissioners is being held today.

Gov. Cutler has invited his staff to accompany him in full uniform this evening, to witness Mother Goose.

The Salt Lake Bohemian club will give its first annual ball on the evening of the 13th inst., in Christensen's hall.

The Ladies' Aid society of the First Baptist church will meet with Mrs. C. O. Harris, 278 east First South street, on Thursday, at 2:30 p. m.

During this afternoon's regular call of the Mining Exchange, the only business transacted was the sale of 200 shares of New York Bonanza at 44 cents.

Students of Schools Christensen has arranged for Judge W. H. King to deliver an address at a meeting of the principals of the city schools in the near future.

The city has been covered by the directory census takers, and the work of arrangement and classification now begins. The directory will be out next month.

The committee on teachers and school work of the board of education will hold a meeting tonight at 7 o'clock before the regular monthly board meeting which is scheduled for 7:30 o'clock.

State Supt. of Schools Nelson returned today from Milwaukee, where he attended the sessions of the department of superintendence of the National Educational association.

Five cases of measles and one of smallpox were reported to the board of health today. The smallpox case is that of James Jensen, aged 17, residing at 163 east Seventh South street.

There will be an entertainment in the Thirtieth ward meetinghouse, next Tuesday evening in honor of Franklin B. Platt, Jr., who leaves the following Wednesday for the California mission.

The Duft Concert company left this noon for Ogden where it will give a concert this evening. Dr. Duft responded last evening, to one encore with "It Is Enough," from the oratorio of "Elijah," which he sang at the earnest request of Mr. Worthington.

Michelson May Form Cabinet.

Christiania, March 7.—The regent, Crown Prince Augustus, has invited former Finance Minister Michelson to form a new cabinet in succession to the Hagedup ministry which resigned March 1.

APPOINTMENTS MUST COME SOON

Rumor That Name of Moyes Was To Be Withdrawn This Afternoon.

JOHN SHARP MAY BE RENAMED

Game Wardenship About to Be Settled—Amendments to Bills Compensating Prison Guards.

Senators today were busy preceding the session in discussing new appointments. It was stated that this afternoon and tomorrow appointments for all positions not yet filled will be made. A rumor is current to the effect that the appointment of A. H. Moyes is to be recalled and that another name is to be submitted in his place, probably that of the present incumbent, John Sharp. While the truth of this rumor cannot be definitely determined until the opening of the governor's communication in executive session late this afternoon, it is generally conceded that Sharp is the nominee, and that the senate has a hearty confirming vote ready for "Uncle John."

There was a large run of bills ready for final action today, among them being H. B. 138, on the establishment of experiment stations.

COMMITTEE REPORTS.

The committee on appropriations and claims reported favorably on H. B. 135 by committee on penitentiary and prisons appropriating \$2,500 to David Wilcken, the penitentiary guard, who was injured in a jail break. It amended the bill by changing the salary of the guard to sign a release to all claims against the state in consideration of the money.

A like report was handed in on H. B. 139, making the appropriation for Guard Zebulon Jacobs.

The committee on education reported favorably on the following:

H. B. 140, by Marks, on revenues for district schools.

H. B. 145, by Marks, on the duties of teachers.

H. B. 144, by Marks, on school elections.

IN THE HOUSE TODAY.

Indications Point to a Preparation for the Winding Up Scene.

That the house is getting ready to adjourn is quite evident, although it is hardly probable that the session will close before the adjournment of the legislature. Under the law adjournment should be taken on Thursday next, but the outlook is that it will be Saturday or Sunday before the work of the state lawmakers is brought to a close. Meanwhile, the committee on education while committees are hard at work on bills before them, and the result is an abundance of reports, some favorable and others of an adverse character.

The committee on the judiciary recommended the passage of H. B. 205 by Marks, providing for undertakings on appeal from justices and city courts to the district court; also S. B. 63 by Lawrence, relating to special taxes in cities; also S. B. 62 by Lawrence, authorizing the first and second classes to issue scrip.

The committee on claims and public accounts recommended the non-passage of A. C. 13 by F. H. Willis for \$350, on account of sickness while on duty with the National Guard in Carbon county.

The committee on municipal corporations recommended the passage of H. B. 206 by Marks, requiring the payment of labor performed and material furnished on public improvements.

The committee on public health recommended the passage of H. B. 122 by Kinney, requiring the use of medicine and surgery; also S. B. 98 by Walton, requiring outhouses on school grounds to be kept in a sanitary condition.

The committee on military affairs recommended the passage of S. B. 65 by Park, relating to composition of the militia; also S. B. 64 by Park, relating to certain organizations of soldiers.

The committee on public health recommended the passage of H. B. 121, by Hawley, creating the office of dairy and food commissioner; also S. B. 87, by Walton, relating to the use of medicine and surgery; also the passage of H. B. 207, by Pantor, to prevent the sale of cold storage or stage eggs as fresh eggs; also the non-passage of S. B. 108, by Walton, requiring the disinfection of public buildings, railway coaches and sleeping cars; also the passage of S. B. 101, by Walton, making it unlawful to expel a person from the floor of any public building or church; also the passage of S. B. 99, by Walton, providing for annual convention of health officers.

The committee on municipal corporations recommended the non-passage of H. B. 223, by McCrear, providing for submission to electors of propositions for the granting or extension of municipal franchises.

The committee on municipal corporations recommended the non-passage of H. B. 115, by Kinney, authorizing cities of 12,000 or more inhabitants to create a fire department.

The committee on elections recommended the passage of S. B. 95, by Hollingsworth, creating a state committee on voting or balloting machines.

REPUBLICAN CHAIRMANSHIP.

Cortelyou Will Resign if H. S. New Will Be Appointed.

Washington, March 7.—Postmaster General Cortelyou will shortly resign as chairman of the Republican national committee. He authorized the following statement today:

"Upon assuming the duties of postmaster general, Mr. Cortelyou announced that he would retire from the chairmanship of the Republican national committee. At the expiration of a few days required to dispose of certain necessary details, relating to the committee's participation in the national campaign, the appointment of a vice chairman already selected by Chairman Cortelyou under the authority conferred upon him will be announced and the vice chairman will become the acting chairman of the committee."

Harry S. New, of Indianapolis, is at present vice chairman of the committee and the probabilities are that he will be selected as acting chairman.

R. R. ANDERSON PRESENTS BILL

Receiver for Schettler's Bank Files Petition for Remuneration for Services Rendered.

ON THE BASIS OF \$5 PER DIEM.

Asks But One Half the Usual Amount Charged by Petitioner for Similar Service.

R. R. Anderson, receiver for the defunct bank of B. H. Schettler, today filed a petition in the district court,