

## HOLD-UPS OF INSURANCE CO'S.

Geo. D. Eldredge of the Mutual Reserve Life Tells of Them.

### ACTIONS WERE BOUGHT OFF.

Alleged that It Was Necessary to Placate Several State Officials.

New York, Dec. 5.—Instances in which the Mutual Reserve Life Insurance company paid an aggregate of about \$20,000 in what Vice President George D. Eldredge of that company called "hold-ups," were related to the life insurance investigating committee by Mr. Eldredge today. In one case, in 1898, Mr. Eldredge testified, the company paid \$15,000 to a Philadelphia lawyer, who had been active in organizing the policyholders of the Mutual Reserve Life Insurance company into a movement which charged President Frederick A. Burnham of that company with mismanagement and demanded his removal. The charges also reflected upon Mr. Eldredge's management as vice president, and a threat was made to ask for the appointment of a receiver for the company.

George D. Eldredge, vice president of the Mutual Reserve Life Insurance company, appeared before the life insurance investigating committee today. He said that Morton B. Moss was general manager of the agency department of the Mutual Reserve Life Insurance company in 1897. The total commission paid to Mr. Moss in 1897 aggregated \$250,000, and in the same year the advances to him were \$230,000. Mr. Eldredge said the company had vouchers for all Moss' advances to agents. In reply to questions by Mr. Hughes, Mr. Eldredge said that J. S. Hoffecker, an auditor of the Mutual Reserve Life Insurance company, resigned from that company in 1902 after having refused to make an audit of a Baltimore agent's account, which had ordered him to make.

Mr. Hughes asked Mr. Burnham if Mr. Hoffecker had been guilty of mismanagement and should be removed? asked Mr. Hughes. "There was a threat of a receiver," said Mr. Eldredge. "Against your management also?" "I presume so."

Mr. Eldredge said the charges especially were directed against President Burnham on account of the large advances to Morton B. Moss, the manager of agents. Mr. Eldredge said the Mutual Reserve paid \$15,000 to McDonald to settle the agitation.

Mr. Eldredge said that at the end of 1872 the Mutual Reserve Life Insurance company held Mr. Moss liable for \$150,000 advanced by the company. He said that at the end of 1898 Mr. Moss owed the company \$85,000 and was then credited with \$92,300. Mr. Hughes asked many questions to ascertain where the \$92,300 came from and witness said it was cash due on commissions. But was in the nature of an estimate. Mr. Hughes and Mr. Hyland went over the company's accounts with Moss in much detail.

Witness said that in the spring of 1899 charges were made to the New York insurance department based on the fact that the company had paid \$104,000 to Moss on an over-riding commission of 10 per cent above the commissions he had to pay to his agents and renewal commissions as before.

John A. Hyland, bookkeeper of the Mutual Reserve Life Insurance company, was put on the stand and testified that at the end of 1898 Mr. Moss owed the company \$85,000 and was then credited with \$92,300. Mr. Hughes asked many questions to ascertain where the \$92,300 came from and witness said it was cash due on commissions. But was in the nature of an estimate. Mr. Hughes and Mr. Hyland went over the company's accounts with Moss in much detail.

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## A Great Physiologist

ONCE SAID THAT THE WAY TO KEEP THE STOMACH HEALTHY IS TO EXERCISE IT.

But He Did Not Tell How to Make It Healthy.

The muscles of the body can be developed by exercise and their strength has increased manifold and a proper amount of training each day will accomplish this result, but it is somewhat doubtful whether you can increase the digestive powers of the stomach by eating indigestible food in order to force it to work.

Nature has furnished us all with a perfect set of organs, and if they are not abused they will attend to the business required of them. They need no abnormal strength.

There is a limit to the weight a man can lift, and there is also a limit to what the stomach can digest.

The cause of dyspepsia, indigestion and many similar diseases is that the stomach has been exercised too much and it is tired or worn out. Not exercise but rest is what it needs.

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## INDICTED ATTORNEYS PERFECTLY INNOCENT.

Washington, Dec. 5.—A statement was given out at the department of justice today which recites that last summer the members of the law firm of Mansfield, McMurray & Cornish, Geo. Johnson and ex-Gov. Moseley of the Chickasaw tribe of Indians, were indicted for conspiracy to embezzle funds of the tribe. An investigation demanded by the accused shows that they were entirely innocent.

"At first examination," says the statement, "was made by Asst. Atty.-Gen. Russell, who was fully convinced of the innocence of all the accused. It was then examined into by the attorney-general, at the request of the president, and he also was fully convinced.

"The attorney-general then caused it to be looked into by the district attorney, W. B. Johnston, who reported to the attorney-general that the evidence submitted by the accused was absolutely conclusive. Accordingly the indictment has been ordered dismissed."

Examiner Vanderpool, for the insurance department, examined the company on the charges.

"Did you procure any changes in the chief examiner's report?" asked Mr. Hughes.

"There were certain changes made in the report, but not before the examiner made his report to the insurance superintendent," replied the witness.

After a hearing Mr. Eldredge said the superintendent of insurance, Louis F. Fyfe, eliminated from Examiner Vanderpool's report a statement that the surplus of the Mutual Reserve company did not include a lease of its home office building in this city, valued at about \$50,000. The company's offer before the insurance superintendent, he added, were devoted to having that statement struck out. Mr. Eldredge said that Examiner Vanderpool also did not include among the assets of the company \$200,000 it had on deposit with the superintendent of insurance. To make such a deposit was a custom of the insurance company in part for its advertising effect, he witness said. There was no legal requirement for it.

Mr. Hughes asked Mr. Eldredge if any moneys were paid by his company in 1898 to any one connected with the New York state insurance department except the \$5,000 or \$6,000 which was the cost of the examination then made.

The witness said there were no other payments to the department, but that James D. Wells, formerly vice president of the Mutual Reserve Life Insurance company, had testified in a Canadian investigation of the company that President Frederick A. Burnham of the company had said he had to raise \$50,000 to pay to the New York state insurance department. Witness said he was certain there was no truth in that statement, and that no money was ever paid by the company for that purpose; that nothing was in the report of the department in 1898 that the company would have paid for, nor did he know of any omission from it.

President Burnham, witness said, had never told him that he had been "held up" by the New York insurance department or paid any money in such a fashion.

"Where we have been held up by the insurance departments we have paid the money directly," said Mr. Eldredge. Mr. Eldredge said the Mutual Reserve Life Insurance company was "helped up" by the Iowa insurance department in 1898, when Max Beeher, an examiner for that department, came to New York with his son to make an examination of the Mutual Reserve company. After he made a week's examination, witness said, Beeher put in a bill to the company of \$48. The company refused to pay the bill and withdrew from Iowa. Later in the same year, when the company wanted to do business in Iowa, the company not only paid the bill, but another bill of \$36 by the same examiner for another examination.

Mr. Eldredge said there was an incident of a similar nature in Missouri in 1898. J. H. Childers and H. J. Orear, examiners for Missouri, first examined the Mutual Reserve company in 1898, and then the Missouri superintendent of insurance, Edward T. Orear, raised the question whether the company had any right to do business in that state under the Missouri insurance law. Mr. Eldredge went to Missouri and engaged as attorney Mr. Clardy, counsel for a railroad, to bring mandamus proceedings to compel the issuance of a license to the company.

"Mr. Orear heard that we were in consultation with Mr. Clardy," said Mr. Eldredge, "and notified us that he could not issue the license."

Witness then went to Jefferson City and saw Mr. Orear, who told him he had referred the case to the attorney general. The witness then went to see the attorney general.

"I had been beating back and forth from the attorney-general to the insurance department until I concluded there was no intention of dealing with the subject," said Mr. Eldredge, "and I finally made up my mind to leave Jefferson City. An employee of the department there told me that in the person of Mr. Clardy we were employing a man who was bitterly hostile to the attorney-general and the superintendent of insurance, and suggested the name of a man who, if employed, would be able to secure the license. I declined to employ the man and came back to New York, but after consideration the attorney was employed and he procured our license in about three days.

Mr. Eldredge presented the bill of this attorney, which called for the payment of \$3,500 for legal services to W. H. Phelps. The company paid the bill. We have now made a clean breast of every time we were held up," said Mr. Eldredge.

The witness again stated that no money had been paid by his company, directly or indirectly, to the insurance department of New York state. He said it had paid \$15,000 to Tracy, Boardman & Platt, attorneys, for legal services in connection with the legislation necessary to the reincorporation of the company in 1900.

The committee adjourned until tomorrow.

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## SENATOR ELKINS ON RATE PROBLEM

Outlines a Measure that He Thinks Would Soon Solve It.

### NOT OF A DRASTIC NATURE.

Would Give Interstate Commerce Commission Power Over the Matter.

Washington, Dec. 5.—Senator Elkins chairman of the committee on interstate commerce, after reading the president's message today made the following statement regarding railroad rate legislation:

"As I understand it the president does not desire to vest in the commission arbitrary and uncontrolled power to fix rates. He has repeatedly stated that the action of the commission in fixing

a rate should be subject to review by the courts and that the railway companies should be furnished legal protection against any injustice. That being the case, a law giving to the commission power to fix rates should not be drawn in such manner as to give to the commission purely legislative discretion in fixing rates.

"It should give to the commission power to change any rate only if the existing rate be unreasonable or otherwise in violation of the interstate commerce act, and it should give to the commission power to change a rate that is unreasonable or otherwise unlawful only to the extent that such change may be necessary in order to remove the unreasonableness or other illegality of the rate. In other words, it should only give to the commission power to reduce a rate to the maximum that would be reasonable and lawful if originally imposed by the railway company. A statute can be drawn to effect this result. If those who advocate vesting in the interstate commerce commission the power to fix rates are in good faith seeking to carry out the policy of the president they should be willing to accept a statute giving to the commission power to fix rates substantially in the following terms:

"Whenever any rate, fare or charge fixed by any common carrier or any service shall be unreasonable or unjustly discriminatory, or otherwise in violation of any provision of the act approved Feb. 1887, entitled, 'An act to regulate commerce,' or any act amendatory thereof, the interstate commerce commission shall have power, after investigating the facts and hearing the parties affected, to make an order to modify the rate, fare or charge so far as may be necessary in order to remove the unreasonableness, unjust discrimination or other illegality thereof; and such order shall take effect at the expiration of such time as the commission shall prescribe, not less than ten days after publication thereof.

"Any party affected by such order shall be entitled to institute a proceeding to review such order in the circuit court of the United States for any district through which the line of the carrier may run, and if the court in such proceedings shall find that the rate fixed by such carrier was not unreasonable, unjustly discriminatory or otherwise unlawful, it shall enter a decree setting aside such order; but if the court shall find that such order modified the rate, fare or charge fixed by the carrier either more or less than was necessary to remove the unreasonableness, the unjust discrimination or other illegality of such rate, fare or charge, then the court by its decree may modify and correct such order accordingly."

Senator Elkins said he would favor such a measure as he outlined, and believed it meant a solution of the problem that had been agitating the country for a long time. This is the first indication that has been given by Senator Elkins as to the railroad legislation he would support.

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## A RARE CHRISTMAS BOOK FOR UTAHNS.

That rare art work entitled "Pictures of An Inland Sea," written and illustrated by Alfred Lambourne, is now almost out of print. The few remaining copies are in possession of the Deseret News Book Store, who will offer them at bargain prices for the holidays. This book was one of the most popular of all Christmas gifts sold last year. The former price was \$1; now 50 cents in the handsomest binding. In paper 25 cents. Special terms to agents and dealers. A more beautiful present on a Utah subject could not be selected by anyone desiring to remember a friend abroad. Call immediately at the Book Store before the limited supply is exhausted.



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An appropriate gift for a gentleman.

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