

SABBATH CLOSING UPHELD.

JUDGE SLOVER DECIDES AGAINST OPEN BARBER SHOPS ON SUNDAY.

The Opinion, However, Was Made Under a Misunderstanding of the Status of the Midland Case and Will Not Take Effect.

Judge Slover decided this morning that barber shops must be kept closed on Sunday. A temporary injunction, prayed for by J. B. Smith, manager of the Midland hotel, restraining the boss barbers from arresting his barbers, was denied and the restraining order granted by Judge Henry dissolved.

JUDGE SLOVER'S OPINION.

Judge Slover's decision follows: As a general rule a court of equity will not stay by injunction proceedings in a criminal case, but this rule, like most general rules, has its exceptions and they have been recognized in some well adjudicated cases in England and in the states of this country.

An examination of these cases will show that the courts interred not because of the threatened destruction of vested property rights; and it was on this ground alone that the courts rested their right to enjoin the prosecution of a criminal case.

It is not contended that the property rights of the plaintiff in this case will be injured in any way by the closing of his barber shop on Sunday other than is sustained generally by others engaged in the same business, and it is to be so, then the plaintiff is not entitled to the injunction he asks for.

The question whether running a barber shop on Sunday is a work of necessity is answered by a recent decision of the court of appeals at Kansas City, in which Judge Gill, speaking for the court, said: "It is not enough that it shall be more convenient to do the work on Sunday than other days of the week, but generally speaking, it might be an unforeseen necessity, or it foreseen such as could not reasonably have been provided against," and it was held that the defendant was properly convicted for carrying on his usual business of a barber on Sunday.

From the affidavit of the defendant, Fitzgerald, it appears he has not interfered with and does not intend to molest the plaintiff or those in his employ as barbers and there is no reason why the restraining order should be sustained against him, hence an order will be entered dissolving the restraining order heretofore.

The injunction is denied. A temporary injunction against defendant, Marcy K. Brown will be denied.

The only effect of present of the decision is to deny the injunction restraining Prosecuting Attorney Brown from filing informations against the Midland barbers. Until the case is heard on its merits next term, the Midland barbers cannot be molested for shaving on Sunday.

Manager Smith of the Midland hotel filed an affidavit in Judge Slover's court today to the effect that if the arrests of his barbers continue, it will cause the receipts from his hotel to fall off to the extent of from \$25,000 to \$50,000 a year. J. L. Coates and Charles Baird of the Coates house, Fred S. Doggett of the Blossom house and W. H. Dittine of the Centropolis also made affidavits stating that Mr. Smith's estimate is correct.

MR. SULZBERGER OF NEW YORK.

The Packer Comes to Town to See About a \$150,000 Addition to His Plant.

F. R. Sulzberger of New York, member of the firm of Schwarzschild & Sulzberger, packers, is in the city to complete plans for an addition to the firm's plant in Armourdale. As stated in THE STAR several weeks ago the company will enlarge its plant by building an addition for slaughtering hogs and raising swine. Only a year ago the company bought the plant known as the Kansas City packing house in Armourdale and spent over \$100,000 in improvements. It is now proposed to erect a new building 150x150 feet in dimensions and four stories high. The first floor will be used for the slaughtering of hogs, the second and third, as cooling

TALES OF SUFFERING.

Hundreds of People are Applying to the Provident Association for Food.

Before 2 o'clock this afternoon several people applied to the Provident association for aid and each one represented from two to ten persons. A large proportion of the applicants for help are negroes, and a fact developed by investigating is that white men this winter are in many instances doing work that negroes did a year ago. The percentage of negroes who were dropped when forces were reduced was much greater than the percentage of white men. In several cases colored men have said: "We must either beg or steal, for we can't let our families starve." The investigators believe that the protection of society requires that some aid be extended to these people. But among the white families there is suffering enough. There are hundreds of families without means of support and the space left for statement of weekly income on the investigators' card is often left blank, while the space for "articles needed" often contains a dozen words covering a great variety of things.

One of the new cases that came with the Thanksgiving holiday and was investigated and in part relieved, was that of Nelson Johnson and his wife, who live at 1229 Dripps street. They are natives of Sweden, speak English very poorly, and are entirely destitute. Mr. Johnson gives his age as 75 years and his wife's age as 70 years, and their appearance supports his statement. Investigator Pabel found them lying in a room above a stable in the rear of the lot. In his report he says: "Mr. Johnson is suffering with rheumatism to such an extent that he cannot work, and Mrs. Johnson is crippled and can only do household duties. They are old and death would be a welcome visitor to them both."

The have been provided with what necessity requires and an effort will be made to have them sent to the county poor farm.

The family of Perry Crowl, 2201 Locust street, has recently become dependent upon charity. Crowl was injured while at work in a sewer and is now almost helpless. He had laid aside several hundred dollars against a time of need, and not daring to trust one bank, had placed his money in three savings banks. All of these banks failed, his accident made him helpless and the recent birth of a son, increasing his family to six members, added to his sorrows.

Mrs. Jessie Wheeler, No. 1521 Grand avenue, who tried to commit suicide two weeks ago by taking poison, has recently applied for aid. She was supplied with a few groceries and her case is being investigated. She explained her attempt at suicide by saying that she preferred death to living constantly on the verge of starvation.

Unworthy applicants come daily and whenever a new applicant appears his case is the first thing inquired into. A German woman told a story of suffering that was heart rending and the investigator went to her home. She lives on Reservoir avenue and her home was found to be supplied with ordinary comforts.

The neighbors were next called on. The woman had told about her family, which she said was a large one, but had not mentioned her two daughters, who are earning fair wages at one of the packing houses. The girls had objected to their mother begging and said they were able and willing to support the family. The woman's name and the facts were recorded for future reference. She got nothing.

A negro woman, who wept as she told the story of how her husband had deserted her, was visited the next day and found fast asleep at noon. The recommendation that no aid be given was followed. Laziness was the cause assigned for her poverty.

Between the really deserving and the undeserving there is constant work for the investigators.

The only source of revenue for the association at present is the Commercial club's committee. It has raised \$13,000, and has much work yet to do. When the lists are all in, the association will send out a collector to see those who have been missed by the committee. In that way \$2,000 or \$3,000 more will probably be raised. This afternoon the officers of the University Medical college notified the association that they would provide medical care in cases of sickness.

ANOTHER CROOKED JUROR.

The Coughlin Case Comes to the Front With Its Usual Daily Sensation.

CHICAGO, Dec. 2.—The Coughlin case came

BORROWED THE DEPOSITS.

INVESTIGATION OF THE CONTINENTAL TRUST COMPANY ASKED.

Judge Gibson in Hearing a Case in the Circuit Court Discovers Irregularities and Calls the Attention of the Prosecutor to Them.

It is probable that the affairs of another suspended bank will soon receive the attention of Prosecuting Attorney Marcy K. Brown. During the trial late yesterday afternoon of a suit over a check for \$196 brought by the Midland National bank against the Roll Lumber company, growing out of the failure, November 5, 1892, of the Continental Trust company, Assignee-Odus G. Young was put on the witness stand. His testimony showed that officers of the bank were indebted to it at the time of its failure for almost the entire amount of its deposits, estimated at about \$115,000. Judge Gibson expressed himself vigorously on the conduct of certain directors and ordered Circuit Clerk Joseph L. Jordan to bring the matter to the attention of the prosecuting attorney.

Mr. Jordan sent the following communication to-day to the prosecutor:

DEAR SIR: Some time since the Continental Trust company of this city made an assignment. During the progress of the trial of the suit of the Midland National bank vs. E. B. Roll on January 1, 1893, it developed in the testimony that the conduct of certain persons connected with said company should be examined into and I was instructed to call your attention to the same. The assignee, Mr. O. G. Young, has been ordered to render you all necessary assistance. Respectfully yours,

JOSEPH L. JORDAN, Clerk Division No. 3, Circuit Court.

In the suit tried yesterday it was shown that E. B. Roll of the Roll Lumber company delivered a check for \$496 to the Continental Trust company, November 4, 1892, the day before it failed; The trust company indorsed the check and it came into the possession of the Midland National bank. The trust company being insolvent, the Midland National bank sought to enforce the check against Mr. Roll. He refused to pay it, alleging that the officers of the Continental Trust company, when they accepted the check, knew the company was insolvent and that they were therefore guilty of fraud. Inasmuch as the title of the trust company to the check was not good, he claimed that the title of the Midland National bank, who got it from the trust company, was also not good. The trial dragged along during the afternoon and until Assignee Young took the stand in sensational features developed.

Mr. Young testified that depositors of the trust company have thus far received a dividend of only 3 per cent and that it is very doubtful if they will receive 5 per cent more. He testified that he held the notes of officers and directors of the bank for nearly the entire amount of its deposits. The deposits subject to check shortly before the failure of the bank were about \$97,000, and the time deposits about \$10,000. The witness said that \$30,000 in cash was borrowed from the bank by one of the directors only a few days prior to the assignment. The total indebtedness to the bank of its officers, as evidenced by their notes, was stated to be about \$115,000.

The testimony of the assignee was received in a dead silence. For a few moments after Mr. Young had finished, not a word was spoken. Finally Judge Gibson said: "It appears from the hearing of this case that three directors of the Continental Trust company have gotten away with about \$115,000, and that their actions caused the company's failure. I deem it a matter of public justice that the prosecuting attorney of this county be notified of these proceedings. Mr. Clerk, see that Mr. Brown is notified of the facts alluded in this trial. Proceed, gentlemen?"

The trial was then resumed and at noon today was not completed.

The Continental Trust company had offices in the Massachusetts building and had a good line of depositors, many of whom have since brought suit to recover their deposits. George W. Toulmin was president, C. C. Edison secretary and other officers were H. S. Lynn and George Hoffman. The company was chartered as a trust company, but did a general banking business. It was organized in 1887.

TO CARRY ON.

BOSTON, Dec. 2.—The New England United States hotel, tended. The speaker, grossman Michael D. introduced by ex-Mr. the discussion of an was, "The Present S the cause of the reces heavy was the persi try toward silver r caused the Jack of the European count distrust and anxiet went to the rescue, danger of panics w fixed protection sh to blame for the pan was what the peopl the recent election Democratic party the reform nes ignore the verdict polls in 1892, beca elections in 1893. swerving support of vision and reduction nearly all industries tariff advocates ref "Does not he know, our labor (in propor is now the lowest pa employed in the wor his intelligence notie by the tariff taxes, w pig iron in Tennessee than it can be boug called protection ha our people, a weight has simply operated protect her in the which otherwise wou by American manufa

Referring directly, Harter said there w but what was left w tection than the act American and foreig making it. "The fac he, our "Democrat far enough or cut d fairly he called a ma

JARVIS-CO.

BRITISH CREDITORS R A Plan of LIVERPOOL, Dec. adjust the affairs of gage Trust company York arrived yester an interview they s reconstruction whic the creditors and s They added that the the terms and provis public before they st ors and sharers.

H. M. Beardsley, a uel M. Jarvis and R embarrassed compa committee, which s not the reorganizati of British investors s could be making company's affairs. of Sir re Shaw of Bradford and T. R. and McLean Brodie. Beardsley left New organization of the had not been com might be by this ti such completion n up the committee. plan of reorganizati upon and would be stockholders for app Generally stated, t founding of the comp form that would ma than it now is, in into the most availa ibility to give detai will probably be m bodied in circular f New York to credi

TO WIND UP.

Judge Winters D