

THE NORFOLK WEEKLY NEWS-JOURNAL.

NORFOLK, NEBRASKA, FRIDAY, DECEMBER, 11 1908.

DAVIS NOT GUILTY.

Acquitted of Murder of Dr. Frederick Rustin.

JURY RETURNS VERDICT TODAY.

Davis and His Relatives Overjoyed.

MYSTERIOUS MURDER CASE.

Charles Edward Davis is Acquitted of Shooting Dr. Rustin in Omaha Three Months Ago—Members of His Family Prominent.

Omaha, Dec. 10.—Charles Edward Davis was today found not guilty of the murder of Dr. Frederick T. Rustin three months ago.

The verdict of acquittal was returned by the jury this morning and Davis was dismissed.

One Man Held Up Verdict.

It became known this morning, after the jury had returned its decision, that the verdict had been held up for many hours by just one juror, who held out for a verdict of manslaughter.

The defendant was overcome with joy when the verdict was announced, as were also members of his family.

Mrs. Rice Pleased.

When she heard of the acquittal of Davis, Mrs. Abbie Rice, principal witness of the state, declared that she was "so glad."

"I didn't want to see him punished," she said, "and there was always a question in my mind whether or not he really shot Rustin."

"I merely told the story that Rustin told me."

Mrs. Rice says she will go to Des Moines as soon as formally released. If her husband sends for her to come to Youngstown, O., she says she will go there and reform.

A Most Important Case.

The case was one of the most important of its kind ever tried in Nebraska, principally because of the prominence of the families involved.

The killing of Dr. Rustin was considered one of the most mysterious which ever occurred in Omaha.

While the theory of suicide was generally advanced at the time, the absence of the revolver on the premises caused the coroner's jury to make a sweeping investigation with the later result that some of the most startling testimony ever heard was given out.

Abbie B. Rice, a friend for several months of the dead physician, gave the testimony which set the investigation going.

She declared that she, herself, had a suicide pact with the dead physician, and on four different occasions made preparations to carry it out, when her nerve failed her.

Implicated Davis.

She implicated Charles E. Davis, member of a wealthy and highly prominent family who, she declared, agreed to kill Rustin if he would give Davis a drug enabling the latter to take his own life.

Davis admitted at the inquest having been in the neighborhood of the Rustin home, which is well into the edge of the city, about the time Rustin is supposed to have been shot.

Davis was held for the murder and his trial began a week ago last Monday.

It was shown that Davis was an inmate of sanitariums at three different times for temporary insanity but the defense did not make use of this plea. Davis admitted that he had a suicide mania and that he had been addicted to drugs.

Brother of Fred Davis.

Davis' brother, Fred Davis, is a prominent banker here.

Arranging for Inauguration.

Lincoln, Dec. 10.—Still hobbling on two crutches, Governor Elect Shallenberger came to the state house and conferred with the state officers regarding the arrangements of the coming inauguration. The governor, though practically one-legged, is anxious to wind up the affair on the night of Jan. 7 with a grand ball. And his wish will be law in this instance. The dancing will be in the senate chamber.

Grand Island Soldiers' Home.

Lincoln, Dec. 10.—The per capita cost of maintaining the soldiers' home at Grand Island for the year 1907 was \$198.66, according to the report of Commandant D. W. Hoyt, and for the year 1908 it was \$196.49. At the close of the biennium there were in the home 247 men and 112 women; 30 were absent on furlough. The net loss in membership during the past year was 24.

Two Iron Workers Killed.

New York, Dec. 10.—Two iron workers were killed and two others injured when a row of steel uprights supporting a roof skeleton of a lofty coal shed collapsed. Charles Miller and Daniel Lyons were pinned to the ground and the former was nearly cut in two. Lyons' skull was fractured and he soon died.

FIGHT OVER MATTHEWS ESTATE.

Woman Makes Claim to Fortune and Beats Off Officers.

Sioux City, Ia., Dec. 10.—A lively fight is promised over the estate of John E. Matthews, a wealthy negro who died suddenly in his restaurant a few nights ago. Mrs. Bessie Austin has made claim to his fortune, claiming that she was Matthews' common law wife. She beat off the officers when they appeared to take possession of the place. They later succeeded in having the place locked and will permit Mrs. Austin to be represented by counsel. The property is valued at about \$30,000.

CLORE WINS FIRST AGAIN.

In Man Carries Off Honors at Iowa Corn Show.

IOWA IS LARGEST EXHIBIT.

Judges Begin Work of Awarding Premiums—President Roosevelt's Country Life Commission Begins Its Sessions Today.

Omaha, Dec. 10.—The second day of the National Corn exposition proved that it is destined to be greater than any similar exhibition in its history. Nearly five thousand persons visited the big exhibition the first day and an even larger crowd is expected today.

President Roosevelt's country life commission began its session at the exposition today, and the members of that body were able to accumulate enough material to make a report so voluminous that the agricultural department would need an extra building in which to store it.

A conference will be held by the commission at the Rome hotel today, to which all interested are invited to come. Governor Sheldon and Regent Whitmore of the Nebraska university were among those who addressed the conference today. Miss Alice Tyler of the Iowa traveling library commission appeared before the commission and asked that cheaper rates be made on books sent to farmers. The question of education of farm children has struck a popular chord and nearly every speaker indorsed the proposition and urged the commission to take steps which would assist in giving the farmer boys a better education along agricultural as well as other lines.

The awarding of premiums on corn exhibits was begun and carried through the exhibits of six states. Iowa had the largest and best exhibit thus far judged, nine different classifications being presented.

John P. Clore of Indiana won the grand sweepstakes trophy for the best ten ears of corn, securing the \$1,000 in cash. Mr. Clore won this same trophy at the first National Corn exposition at Chicago last year.

General Henry Jackson is Dead.

Leavenworth, Dec. 10.—Brigadier General Henry Jackson, retired, died at his home here of cancer, aged seventy-one years. General Jackson was a soldier in the Crimean war, the civil war, the Spanish-American and other Indian campaigns.

PLAN TO AID TRADE HERE AND ABROAD.

National Council of Commerce Organized Today.

Washington, Dec. 10.—The organization of the national council of commerce, begun at a meeting held today in the office of Secretary of Commerce and Labor Straus, is expected to prove of far-reaching benefit to the foreign and home trade of the United States.

The council is the embodiment of ideas of Secretary Straus whereby it is hoped the commercial world may be brought in closer touch with the departments of the government and utilize their machinery and the valuable information secured by them for the general betterment of trade at home and abroad. One of the features of the movement is the establishment of a permanent bureau of the council in this city in charge of a capable man who can keep in close touch with the departments that have to do with commercial affairs and advise the various commercial interests of important matters that arise from time to time and affect their welfare.

The president will receive the delegates today, and Secretary and Mrs. Straus will tender a reception to them this evening.

Funeral of Sea Fighter.

Washington, Dec. 10.—With full military ceremonies the body of the late Rear Admiral Joseph B. Coghlan, who died Saturday at New Rochelle, N. Y., was interred in the Arlington National cemetery here.

Western Theater Merger.

Chicago, Dec. 10.—Seventy-five theaters between Chicago and San Francisco, including playhouses in Omaha, Denver and San Francisco, are to be merged into one company, according to information from an authoritative source. Klaw & Erlanger are said to be the prime movers in the extension of the proposed trust.

6 CARS OVERTURN 30 PEOPLE HURT.

Wreck on Northern Pacific in North Dakota.

ON COAST LIMITED TRAIN.

Some of the Injured Are Said to be in Serious Condition—One Man Reported Bleeding to Death—Spreading Rails the Cause.

Fargo, N. D., Dec. 10.—Six coaches were overturned and thirty passengers injured, some seriously, in a wreck of the Northern Pacific coast limited train at McKenzie, 200 miles west of here, today.

One man is reported to be bleeding to death.

The wreck was caused by spreading of the rails.

THIRD DEATH FROM FIGHT.

Another Religious Fanatic Succumbs in Kansas City.

Kansas City, Mo., Dec. 10.—Louis Pratt, one of the religious fanatics engaged in the street battle Tuesday afternoon, died this afternoon from his wounds.

Martial Law in India.

Calcutta, Dec. 10.—Practically martial law prevails in India today.

When the bill providing for summary trial and execution of the traitors and anarchists was introduced in the council today, a new law was demanded by residents as the only way to check a wave of sedition.

RUBY ONLY RED GLASS.

Janesville, Wis., Woman Duped by Grocerman.

Janesville, Wis., Dec. 10.—Elmer Ellsworth, a prominent grocerman, was arrested today on the charge of obtaining money under false pretenses. Mrs. Kate Connelly said she loaned him \$1,000 and took, as security a case supposed to contain a ruby worth \$1,000. Then she found the ruby was only red glass.

EVANS' SON-IN-LAW ACCUSED.

Commodore Marsh of Yankee Will Be Courtmartialled.

Washington, Dec. 10.—A courtmartial was ordered today for Commodore Marsh of the Yankee, a son-in-law of Admiral Evans. He is charged with neglect and allowing his vessel to run aground in Buzzard's Bay. His trial will be held aboard the Wabash at Boston.

MAY HAVE PUBLIC LIBRARY.

Chadron Citizens Hold Annual Library Rally—Building Needed.

Chadron, Neb., Dec. 10.—Special to The News: A mass meeting of the citizens of Chadron was held in connection with the annual rally of the public library association. The opera house was filled with a crowd of enthusiastic citizens and a large fund was subscribed for the maintenance of the library for another year. Miss Templeton, secretary of the state library commission, gave an address. The reports given showed that the efficiency of the library to the city had increased many fold since the last annual rally. An excellent program was rendered, and music was furnished by the Commercial club band, the Catholic choir, and the high school glee club, under the direction of Principal J. Harold Williams. Rev. G. W. Mitchell, pastor of the First Congregational church, was re-elected president of the library association for the ensuing year. It is hoped that the citizens of Chadron will build a new public library in the near future, as such an institution is greatly in demand.

Honey on Witness Stand.

San Francisco, Dec. 10.—Francis J. Honey appeared as a witness at the trial of Attorney Frank J. Murphy, accused of attempting to bribe a venireman in the Ruff bribery case. The assistant prosecuting attorney, who had not been seen in public since he was shot down in Judge Lawlor's court room by Morris Haas, appeared to be almost entirely well. A slight discoloration of the right cheek marked the spot where the bullet of the would-be assassin had entered. His voice was full and strong, proving the fear of its impairment to have been unwarranted.

Haskell Dismisses Charges.

Oklahoma City, Okla., Dec. 10.—Omer K. Benedict, manager of the Oklahoma City Times, received word from County Attorney Hepburn at Guthrie that two charges of criminal libel, pending against him, had been dismissed. Mr. Benedict was arrested Aug. 17 and 18 last on complaint of Governor Haskell, who objected to an editorial that appeared in the Times.

Night Rider Trials to Begin Monday.

Union City, Tenn., Dec. 10.—The trials of the eight men accused of leading the night rider band at Reelfoot lake and indicted on a charge of murder, likely will begin Monday. A tentative agreement was reached whereby attorneys representing the men are to be given until that time to prepare their defense.

London Comment Satirical.

London, Dec. 10.—Without departing from the consistent admiration of London for Roosevelt, his champions in London find material for criticism in his message to congress. Their comments mingle approval with satire.

The Chronicle, remarking upon the length of the message, banters Mr. Roosevelt for requiring so much elbow room. It adds: "The most popular of our orators would not dare to speak 30,000 words."

The Daily Graphic calls the message a beautiful dream.

The Standard observes that President Roosevelt has not been altogether successful in translating his doctrines into practice and dubs the message an elaborate homily literally interspersed with copy book maxims.

OHIO PHYSICIAN CREMATED IN HOME.

Dr. G. Barnes Burns to Death in Early Morning Fire.

Fremont, O., Dec. 10.—Dr. G. Barnes was burned to death in his home at Woodville, O., early today.

The fire started during the early morning hours and before rescue could come, Dr. Barnes had been cremated.

An old man in the house adjoining the Barnes home, was saved, although his house burned shortly after he was taken out.

SWITCH ENGINE DOES FATAL STUNT.

Backs into Car Being Unloaded; Two Dead.

Chicago, Dec. 10.—Two men were killed and six severely hurt by a falling piece of machinery which was being unloaded from a freight car at the plant of the Corn Products company today.

A switch engine backed into the car, knocking the props away.

SAYS ROOSEVELT SETS BAD EXAMPLE.

Colorado Official Says He Encourages Bloodlust.

Denver, Dec. 10.—F. W. Whethead, secretary of the state bureau of child and animal protection, in an article in the current issue of a circular issued by the Colorado Humane society, declares that President Roosevelt, as a sportsman, is setting a bad example for ruthlessness and bloodlust to the American nation.

ANNUAL REPORT OF TREASURER.

Disbursements Fifty-eight Million in Excess of Receipts.

Washington, Dec. 10.—The annual report of Mr. Cortelyou, the secretary of the treasury, shows a reversal of conditions for the fiscal year 1908, as compared with the fiscal year for 1907. For the latter year the receipts were \$85,236,586 in excess of the disbursements. For the fiscal year 1908 the disbursements were \$8,070,201 in excess of the receipts, due to business depression and increased appropriations. Fortunately, the report says, the available cash balance at the beginning of the fiscal year was \$272,061,445.

Basing his figures on the estimates of appropriations already submitted by the several executive departments, the secretary is of the opinion that the excess of expenditures over receipts for the fiscal year ending June 30, 1909, may reach \$114,000,000.

SEEK TO ENJOIN RATE LAW.

Railroads Want Injunction Against South Dakota Regulation.

Chicago, Dec. 10.—The taking of evidence in the suit brought by various western railroads to restrain South Dakota from enforcing its 2 1/2-cent a mile passenger rate law was begun before Master in Chancery Gates.

President A. J. Earling of the Chicago, Milwaukee and St. Paul road, the leading witness, endeavored to show that the present values of railroad property could not be determined by the original cost, because it was greatly exceeded by the cost of maintenance and improvements. While his road, he said, was making every effort to develop the country through which it passed, local passenger service cost 15 per cent more than through traffic. This testimony was brought out through questions by P. W. Dougherty, attorney for the South Dakota railroad commission.

SISTER MARY SIGNED NAME.

Attached Signature to Blank Notes for Kiernan.

HE FILLED THEM IN LATER

Notes Outstanding Against Catholic Convent at Nauvoo, Ill., Amount to More Than a Million Dollars, Says the Bookkeeper.

Nauvoo, Dec. 10.—In an interview today Mr. Hindenberger, bookkeeper and auditor of St. Mary's academy, declared that Sister Mary was duped into signing blank notes for Kiernan, who afterwards filled out the amounts.

He said amounts outstanding against the convent would total over a million dollars.

TO PROSECUTE KEIRAN.

Bishop Canevan Refuses to Consider Compromise Propositions.

Pittsburg, Dec. 10.—Several men, saying they were representatives of P. J. Keiran, head of the defunct Fidelity Funding company of New York and Chicago, were here attempting to compromise with the several Catholic societies of the diocese who have been made defendants in a suit growing out of loans placed through Keiran and the Fidelity Funding company. One of the men was clothed in the garb of a bishop, but it is said he admitted that Bishop Canevan had not recognized him. It is said to be the policy of Bishop Canevan not to consider compromise propositions and to insist upon prosecutions. Attorneys for the organizations informed their callers that the matter was now in the hands of the police and would take its course.

Attorney Charles A. O'Brien, representing one of the societies, informed alleged agents of Keiran, who said a syndicate to care for all claims was being organized, that no compromise would be considered.

RAILROADS IS YOAKUM'S THEME.

Says Government Must Adopt Comprehensive Waterways Policy.

Chicago, Dec. 10.—J. Pierpont Morgan sat at the banquet board of the Chicago Association of Commerce last night while B. F. Yoakum, chairman of the executive committee of the Rock Island-Prisco lines, discussed "Our Country and Our Railroads." Mr. Morgan accepted the invitation to be present some time ago, stipulating, however, that he should not be called upon to speak.

Mr. Yoakum declared that the panic of last winter caused a shrinkage in the payrolls of the railroads of \$1,000,000 a day, largely as a result of misdirected agitation against the roads. He averred his conviction that an established railroad policy by the government is necessary, but it must be a stable, centralized policy, under which railroads can plan construction years ahead. He said 100,000 miles of railroad would have to be built west and southwest of Chicago to care for increasing population and commerce. Railroads alone, he said, cannot solve the transportation problem of the country, but the government must adopt as broad and comprehensive a waterways policy as has been pursued by capitalists in building railroads.

Falls Dead at His Father's Feet.

Marshalltown, Ia., Dec. 10.—While his father was unbraiding him for discipline, L. L. Lawrence, while lying in bed, pulled a revolver from beneath his pillow and blew his brains out at his home near Estherville. The young man was in a rising posture when the bullet was fired and he fell dead at his father's feet. The young man had caused his family much trouble by his dissolute ways. He leaves a widow and one child.

Eloping Couple Have Exciting Time.

Marshalltown, Ia., Dec. 10.—Samuel J. Burroughs and Miss Estella M. McEvoy had an exciting twelve hours trying to avoid parental wrath, which had been vented against their proposed marriage, but they finally succeeded in securing the services of a county official and having the ceremony performed in a choir loft, with the temperature around the zero mark.

Iowa Central Baggageman Killed.

Marshalltown, Ia., Dec. 10.—A R. Walker, agent of the Iowa Central railway at New Sharon, was fatally injured while handling baggage when struck by a freight train.

Bomb in Tenement House.

New York, Dec. 10.—More than a score of persons were injured, five of them seriously, and a hundred or more were thrown into a panic when a bomb was hurled into the airshaft of the tenement house at 339 East Sixty-third street. The house was badly wrecked. It was occupied exclusively by Italians, and it developed that threatening letters had been received by many of them during the last few months.

Reprieves Another Murderer.

Chicago, Dec. 10.—Acting Governor Sherman today reprieved Andrew Williams, sentenced to hang Thursday, until February 19.

THE CONDITION OF THE WEATHER

Temperature for Twenty-four Hours.

Forecast for Nebraska

Condition of the weather as recorded for the twenty-four hours ending...

Maximum .. 42

Minimum .. 20

Average .. 31

Barometer .. 29.78

Chicago, Dec. 10.—The bulletin issued by the Chicago station of the United States weather bureau gives the forecast for Nebraska as follows:

Fair tonight and Friday, colder to night.

RUEF CASE IN HANDS OF JURY.

Begins Its Deliberations Toward a Verdict.

STILL OUT THIS MORNING.

Testimony of Former Supervisors Is Read to Them—One of the Jurors Asks Court Difference Between Offer to Bribe and Receiving One.

San Francisco, Dec. 10.—One of the most remarkable trials in the history of California will end with the discharge of the jury that is today considering the fate of Abraham Ruef, charged with the bribery of a former supervisor of this city. Both in duration and by reason of the startling and unusual occurrences which have attended its progress the trial has attained a position as the most important outgrowth of the exposures in the summer of 1906, when a grand jury, after hearing the confession of sixteen members of the board of supervisors, returned scores of indictments, charging bribery against the supervisors. Mayor E. E. Schmitz, against Ruef and against officials of the street railway system, the gas and electric company, two telephone companies, a realty company and a quartette of prize fight promoters.

Ruef has twice appeared to answer one of the scores of indictments pending against him. In the first case, wherein Ruef was charged with extorting money from the proprietor of a French restaurant, the defendant pleaded guilty. The case was afterwards reversed by the higher courts.

In the second trial, upon a charge of having bribed supervisors in the application of the Parkside Realty company for a trolley franchise, the jury disagreed after seven hours of deliberation.

The pending trial was upon an indictment charging Ruef with bribing former Supervisor John J. Furey. It was commenced on Aug. 26 and therefore has been in progress 105 days.

After deliberating a short while the jury came into court asked that the testimony of three former supervisors be read. The reading consumed about an hour and the jury retired this morning to deliberate or take a ballot. Just before retiring one of the jurors asked the court to define the difference between an offer to bribe and the receiving of a bribe.

National Conservation Meeting.

Governor John A. Johnson of Minnesota, in an address before the joint conference of the national conservation committee and the governors of the different states, brought an enthusiastic message of accord from the great middle west in the scheme of conservation, and declared that the paramount problem of the hour is the development of inland waterways.

"I believe the greatest investment this nation can make is to construct a canal from Lake Superior to the Gulf of Mexico," asserted the governor. "It will solve the problem of rate regulation, and will make unnecessary further discussion between sections as to whether federal control absolutely, or state control, can be best, because competition itself would solve the problem."

Death of Kansas Hermit.

Topeka, Dec. 10.—General Hugh Cameron, known as the "Kansas Hermit," died of apoplexy in a local hospital. He came here from Lawrence to attend the funeral of A. H. Case, an old friend. General Cameron was born in Saratoga, eighty-two years ago. He went to Washington shortly after the election of Zachary Taylor as president. There he became acquainted with Webster, Clay, Douglas and other eminent statesmen of the day. He moved to his hermitage near Lawrence in 1854.

Society Persons Do Not Wed.

New York, Dec. 10.—Marriages among persons in New York, who are socially prominent, are on the decline, according to statistics based on names appearing in the Social Register for 1909, just out. Decrease of 20 per cent over last year's marriages is shown in New York city, with a general falling off of approximately 7 per cent throughout the country.

Pine Bluff Again Menaced.

Pine Bluff, Ark., Dec. 10.—The entire eastern end of the city again is endangered by the flood waters of the Arkansas river. The water passed the barriers of steel and lumber causing the ground on the protected side to crumble. Unless the river is checked a number of buildings including the Cotton Belt shops likely will be destroyed.

Water Vapor on Mars.

Boston, Dec. 10.—Professor Percival Lowell announced that his assistants at his observatory at Flagstaff, Ariz., have determined that the water vapor on Mars is present and measurable. It betrays itself in lines of the spectrum.

USE BOND ISSUE FOR WATERWAYS

Rivers and Harbors Convention Will Ask Congress to Act.

PERMANENT WORK IS NEEDED.

Scheme Contemplates Issuance of \$500,000,000 Worth of Federal Bonds, to Be Distributed Over a Ten-Year Period—Carnegie Pledges Aid.

Washington, Dec. 10.—Sentiment in favor of a government bond issue for comprehensive improvement of the rivers, harbors and canals of the country to the end that this nation should have the greatest system of waterways in the world, gained headway at the annual meeting of the rivers and harbors congress here.

The scheme contemplates \$500,000,000 worth of federal bonds for internal water courses, to be distributed over a ten-year period of \$50,000,000 annually. Following the lead of President Roosevelt and President Elect Taft, both of whom, before the joint conservation meeting, advocated the issuance of government bonds for constructing permanent public improvements, enthusiastic indorsement was given the proposition at the congress by Vice President Fairbanks, Andrew Carnegie and Joseph E. Ransdell. The gathering will authorize resolutions asking congress to authorize the bonds.

Carnegie Pledges Aid.

Interest centered in the address of Andrew Carnegie, who received an ovation when he declared he would lend his aid to inaugurate an extensive system of waterway improvements.

The advocacy by Governor Chamberlain of Oregon of the defeat of senators and representatives who have pledged themselves in favor of waterway improvements and who fail to redeem their pledges was opposed by Representative Champ Clark, who declared that congress is not opposed to river and harbor improvements and never has been. To say so, he declared, would be to assume that the congress is composed of a joblot of political idiots. He expressed the belief that if congress were presented with a feasible scheme for waterway improvement it would be adopted.

Former Mayor Low said that the present greatness of New York was due largely to the Erie canal. He said New York would support national waterway projects as heartily and unreservedly as any other state.

Samuel Gompers said the laboring man was vitally interested in waterway expansion and hoped the time would come when more attention would be devoted to such waterway schemes than to the building of arsenals and navy yards.

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