

GERMAN OFFICERS HELD BLAMELESS FOR ZABERN ACTS

Courts-Martial Acquit Them of Charges of Breach of Law in Alsace.

THEIR WORD IS EVIDENCE

Accepted Against Sworn Testimony of the Citizens.

STATE MUST PAY THE COSTS

Conduct of Army Men Declared to Have Been Justifiable.

ACTION TAKEN UNDER OLD LAW

Act of 1820 Intended to Preserve Divine Rights of Kings Gives Military Permission to Displace Civil Authority.

STRASSBURG, Jan. 10.—Courts-martial today acquitted all the German officers charged with breaches of the law in connection with the recent violent incidents between the military and civilians of Zabern. The military judges in all cases accepted the word of the officers against the sworn testimony of the civilian witnesses.

Colonel Von Reuter, commander of the Ninety-ninth Infantry, was charged with wrongful imprisonment, but the court found his acts justifiable.

Lieutenant Schand, accused of striking a prisoner, was released by the same court on the ground that the charge had not been proved.

Lieutenant Baron von Farnstein won his appeal before a second court-martial against the sentence of forty-three days' imprisonment imposed on him in December 19 for sabering a lame shoemaker.

The justification of Colonel Von Reuter's acts was based by the court on a decree issued by the King of Prussia in 1820, which gave the right to the military to intervene without waiting for a request from the civil authorities in cases where the latter were powerless to suppress disorders.

This decree was inserted in the most recently issued army service instructions and is valid at the present date in Alsace, although subsequent law does not authorize military action with a requisition from the civilian authorities.

The decree was issued at the time of the holy alliance which existed from 1815 to 1820 between the European sovereigns and was intended to perpetuate the reigning dynasties and prevent revolutions.

Colonel Von Reuter's detention of the civilian prisoners over night, although recognized by the court as illegal in itself, was considered justified because the transfer of the prisoners at night might have caused most serious disorders.

The president of the court-martial in explaining the verdict of acquittal said it had been established by the evidence that the officers of the Ninety-ninth Infantry regiment had been constantly insulted and stoned by civilians in Zabern and on one occasion shots had been fired.

The court, he said, was convinced that the civil authorities of the town had failed to act with the necessary energy in suppressing the outbreaks and in the opinion of the court the military officers were undoubtedly justified in arresting the people who had insulted them.

The court ordered that the costs of the suit should be paid by the state.

Crown Prince Prepares for War. BERLIN, Jan. 10.—Not only are all the rumors reasons for the recall of the German crown prince from Danzig to Berlin denied by his imperial highness in the course of an interview published in the Zeitung Am Mittag today, but the crown prince makes the startling statement that Emperor William recalled him "because his majesty believed no more time should be lost in preparing his eldest son for the higher command which he would have to assume in case of war."

The transfer of the crown prince to the general staff was to have taken place last autumn, but he requested a year's extension of his stay at Danzig. The crown prince said to the interviewer: "This extension was at first granted, but was withdrawn in December. I was detailed to the general staff because his majesty considered that I should immediately study how to conduct large bodies of troops. I should naturally, in a certain contingency, command more than a regiment."

The newspaper says the crown prince will probably visit Africa in the course of this year.

NEW HAVEN SURRENDERS

Reaches Agreement with Government for a Reorganization.

TO DISPOSE OF MANY HOLDINGS

Will Let Go of Stock in Boston & Maine, Give Up Trolley Systems and Several Steamship Lines.

WASHINGTON, Jan. 10.—The New York, New Haven and Hartford railroad announced a preliminary agreement designed to effect a reorganization of the New Haven and to prevent a suit for its dissolution under the Sherman law.

In compliance with department demands the New Haven will dispose of its holdings in the Boston and Maine railroad, cancel its lease agreement controlling the Boston and Albany, give up its trolley lines and several of its steamship lines. The question of its retention of the so-called sound lines of steamships will be left for the present at least to the Interstate Commerce commission. Under the Panama canal act, the road is required to give up all steamship holdings by July 1, unless the commission finds that their continued operation by the railroad is to the commercial advantage of the people and not in restraint of competition.

It was conceded tonight that the Department of Justice gained practically every point it demanded. Announcement of the agreement was made in the following statement from Chairman Howard Elliott and President Arthur T. Hadley of Yale, a member of the New Haven board:

The Statement. An agreement has been reached between the Department of Justice and the New Haven railroad. The New Haven in addition to the cancellation of the Boston and Albany trolley system, will give up its holdings in the Boston & Maine railroad and the Maine Steamship company, under a plan the details of which will be worked out as promptly as possible with representatives of the Department of Justice and Messrs. Moorfield Storey of Boston and Walker D. Wood of New York, special counsel for the Board of Directors. Concerning other steamship lines, application has been made, under the Panama canal act, to the Interstate Commerce commission, and their disposition will be determined by that body. Until the plan is determined by that body, the management and operation of the properties will be continued as at present. The conference was between the attorney general and special assistant to the Attorney General T. W. Gregory, Assistant Attorney General.

Expect Superior Bank Will Be Able to Reorganize

SUPERIOR, Neb., Jan. 10.—(Special Telegram.)—Reorganization of the affairs of the closed First National bank of Superior is expected by the bankers here, who are investigating the conditions which necessitated the institution's closing. The fact that the directors themselves called upon the comptroller of the currency to take charge lends support to the belief that the bank is not in a serious condition.

By noon today the State Savings bank, which is in the same building as the First National, had been examined by State Examiner Van Horn and was opened for business, being found in first class condition.

National Bank Examiner Floyd Seybolt is in charge of the closed bank, but he will not as yet make any statement of its condition. Those who are interested declare the bank will be open for business within a week.

Walter Glessman, a banker of Benson, is here, together with Cashier Moore of the City National bank of Omaha, both of whom are interested as holders of some of the Superior bank's paper. Cashier Moore declared he saw no reason why the depositors should not be paid in full.

The Citizens State bank, which received a charter last year, whose stockholders are composed mostly of Kansas investors, have secured floor space in Gray's grocery store and expect to be open for business before the month is over. They found it impossible to secure an empty store building on Main street or Central avenue.

Dealers Fined for Misbranding Eggs

NEW YORK, Jan. 10.—A fine of \$500 was imposed on the James Van Dyk company, egg dealers, on their plea of guilty to selling cold storage eggs as fresh. It is the first conviction of its kind in this state. The action was brought by the state department of health, which has been conducting a crusade against the practice of misrepresenting cold storage products.

Girl Found Guilty of Manslaughter

CONCORDIA, Kan., Jan. 10.—Bessie Moore, who shot and killed her sweetheart Joseph Kelly, October 16, last, was found guilty of manslaughter in the third degree here today. Miss Moore, who is 19 years old, alleged that Kelly wronged her.

INDEPENDENT STEEL PLANTS WILL WORK FULL TIME

PITTSBURGH, Pa., Jan. 10.—Orders were posted in a number of independent steel mills placing the plants in full operation next Monday, due, it was said, to the appearance the last few days of specifications calling for approximately 100,000 tons of finished steel for immediate delivery. Operating officials expressed the opinion that the depression which for four months has affected the industry was passing. The orders affect some 4,000 men who have been idle or working one-fourth.

TWELVE KILLED BY A MINE EXPLOSION

Over Two Hundred Men South of Birmingham Blast Occurs.

FIVE WHITE MEN ARE VICTIMS

Other Seven Laborers Meeting Death Are Negroes.

NONE OF BODIES RECOVERED

Little for Rescue Squads to Do When They Arrive.

FOREMAN ONE OF DOZEN DEAD

Had Gone in Just Five Minutes Before to Set Up Some Brattices—Dust Igniting Believed to Be Cause.

BIRMINGHAM, Ala., Jan. 10.—Twelve men, five whites and seven negroes, were killed in an explosion in the Rock Castle mine of the Davis Creek Coal company, thirty-five miles south of Birmingham, in Tuscaloosa county, early today. More than 200 men were at work in the mine when the explosion occurred. All but twelve got out of the workings before the after-damp affected them seriously.

The dead: W. W. QUARLES, foreman. FRANK TILLEY, blaster. JOE BOSNICK, miner. FELIX MALINER, miner. JOHNY HOADLEY, miner. SEVEN NEGROES. Mine Foreman Quarles had gone into the mine only five minutes before the explosion to set up some brattices. Rescue squads were rushed from Birmingham as soon as news of the explosion reached here, but there was little for them to do when they reached the mine. The explosion is believed to have been of gas origin, igniting dust in the mine. The bodies have not been brought out.

Attempt to Block Fourth Trial of Dr. Clarke Hyde

KANSAS CITY, Mo., Jan. 10.—Another attempt to block the fourth trial of Dr. R. Clarke Hyde, charged with the murder of Colonel Thomas H. Swapp, was made today when attorneys representing Theodore C. Peltzer and George E. Bowling, taxpayers of Jackson county, filed a petition in the circuit court asking an order restraining the county court from paying any money toward the expense of further prosecution.

In the petition Peltzer and Bowling declared that such "use of their money without their approval constitutes a misappropriation of public funds." The petition not only asked that the county court be enjoined from spending further money on the prosecution, but demanded that \$5,000 spent on the last trial be returned to the county treasury.

The petition for injunction is a result of the action of the court promising the county prosecutor that the court would pay the expense of a trial of the accused physician up to \$5,000. Floyd Jacobs, county prosecutor, announced he was ready to proceed with the trial on the date fixed, Monday, January 12.

FIVE MILLION HARDWARE CORPORATION FAILS

NORWICH, N. Y., Jan. 10.—The Pierce, Butler & Pierce Manufacturing company, a \$5,000,000 hardware corporation, one of the oldest in New York state, was today placed in the hands of a federal receiver. Creditors filed a petition asking to have the company adjudged bankrupt and alleging its inability to pay its debt. Assets were placed at \$3,200,000 and liabilities at \$1,900,000. The business was founded in 1839 by Sylvester E. Pierce, father of William K. Pierce, who recently withdrew as president of the concern.

Public School Roll of Honor CHILDREN RECEIVING THE HIGHEST MARK IN MORE THAN HALF THEIR SUBJECTS LAST WEEK.

Table listing names of children and their schools, such as Bancroft Annex, Clifton Hill, Lincoln, Lothrop, Walnut Hill, etc.

Going to Church—Then and Now



Drawn for The Bee by Powell.

OMAHA JOBBERS GET MANY EARLY ORDERS

Are Filling Up Stocks of Country Merchants Which Have Run Low.

GREAT OUTLOOK FOR CROPS

Railroad Men All Report the Best Outlook for Some Years All Over the State for Big Crop Yields.

Assistant General Freight Agent Jones of the Northwestern is back from a trip over the company's lines in the western part of Nebraska, where he found conditions with business men and farmers the best in many years. Generally, business is good in the towns and merchants are in a most optimistic mood, laying in large stocks and preparing for an enormous trade during the coming spring and summer.

The winter has been an open one and stock is coming through in the best of shape and with little feed. The result has been that farmers and ranchers have wintered their cattle at the minimum expense and that when the animals are sold next summer, whatever is received for them will practically all be profit.

All through the western portion of the state, according to Mr. Jones, the outlook for the crop next season was never better. From Gordon west to the state line the entire country is covered with a blanket of snow, ranging from three to six inches in depth, insuring an ample supply of moisture in the event the precipitation from now on should be light.

Other railroad men, those of the Union Pacific, the Missouri Pacific and the Rock Island, all reported the best outlook for some years.

Superior Resort Proprietors Pay For Protection

SUPERIOR, Wis., Jan. 10.—During an executive session today of the Wisconsin state vice hearing, when indictments of the segregated district were being examined, Mayor J. E. Konkol and Rev. Harry Milford, formerly a local reform leader, became involved in a heated controversy.

Mayor Konkol characterized sensational statements made on the stand yesterday by various reformers as "a pack of lies." The mayor and preacher challenged each other to physical combat. Chairman Theodore of the commission ordered the mayor and preacher, together with a crowd, to leave the building.

The proprietors of houses in the segregated district testified today that \$33 a month was collected from each house, the aggregate being \$13,000 a year. Formerly the proprietors paid this money in person to the judge of the municipal court, but lately it has been collected by a young drug clerk without official position.

The trouble was the result of the eagerness of the men for employment and the limited number of tools available. The men fought with their fists, knocking one another down. Men who obtained hammers were attacked.

LABORERS WRECK TOOL HOUSE IN FIGHT FOR JOBS

PORTLAND, Ore., Jan. 10.—Several laborers were painfully bruised and cut today while fighting for hammers with which to break rock for the city at the recently established rock pile. In the scramble the tool house was wrecked.

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STRIKE BREAKERS TAKEN TO JAIL AT POINT OF PISTOLS

Sensational Charges Made Against Copper Mine Managers in Report of Federal Officials.

SITUATION IS MISREPRESENTED

Men Not Informed that Strike Was in Progress.

PROFIT OF COMPANY IS LARGE

Calumet and Hecla Pays Enormous Dividend on Capital.

WILSON GIVES OUT THE REPORT

Secretary of Labor Intimates that It May Be Made the Basis of a Proposed Investigation by Congress.

WASHINGTON, Jan. 10.—Report of the Department of Labor's investigation of the Michigan copper strike, made public here today, declares that strike breakers were imported into the copper region by misrepresentation; that some were taken to the mines at the point of pistols; that strikers were wounded by firearms in the hands of armed guards, but that no evidence was found of officers being injured by the strikers.

It was pointed out that while many of the smaller copper mining companies in the region were operating at a loss, the Calumet and Hecla companies, which employ more than 50 per cent of the men in the region, had "extremely large profits." With an authorized capital of \$2,000,000, of which \$1,300,000 was paid in, the report declares that since 1901 the company has paid \$121,000,000 in dividends and reinvested \$75,000,000 in its property. It pays wages for a ten to eleven-hour day ranging from \$2.50 to \$3.00 and with an average of \$2.75, while the average day wage of other companies is \$2.74. The report also points out the welfare work the company conducts for its employees, such as hospitals, a pension fund and the like. The report was made on the investigations of Walter B. Palmer, a special agent of the Department of Labor; John A. Moffitt and John B. Densmore, assistants to the department, who were sent out to the copper region as conciliators.

Secretary Wilson, making public a summary of the report today, declined to say what his next step would be, but intimated that the findings of his investigators might be made the basis of a proposed congressional investigation.

Twenty-six phases of the investigation, made public today, details the work of Mr. Palmer and also that of John B. Densmore, solicitor for the Department of Labor, and Special Agent John A. Moffitt, who were later sent as mediators. Their investigation of the situation, beginning with the causes, wages, hours of labor and including the Western Federation of Miners, violence, the militia and armed guards, injunctions against picketing and ending with the earnings of the company.

Secretary Wilson today declined to say what the next step in the department's participation in the situation would be, although he intimated that the report of the investigators might become the basis of a proposed congressional investigation.

What Report Shows. "In connection with the efforts of the department at mediation, the reports of John A. Moffitt and John B. Densmore, who acted as conciliators, and of John H. Moyer, who acted as mediator of conciliators, the suggestions were made that the managers of the companies meet the representatives of the miners with the view of effecting a settlement."

That the whole question in dispute be submitted to arbitration. "That the companies be permitted to submit to arbitration and no member of the Western Federation of Miners be selected on the board of arbitration."

That the companies agree to reinstate all of the workmen without discrimination on the basis of their membership or non-membership in a union. "That the companies post notices that they will reemploy all the strikers who are discharged on condition that they will not deal with the Western Federation of Miners or have any of its members in their employ."

That the companies agree to reinstate all of the workmen without discrimination on the basis of their membership or non-membership in a union. "Each of these propositions as made were accepted by the representatives of the miners as a basis of settlement, but were rejected by the representatives of the companies on the ground that they would not deal with the Western Federation of Miners or have any of its members in their employ."

When a judge dissolves an injunction I always supposed the injunction was dissolved," the attorney general said, "but, maybe, I am not so familiar with federal court practice as some railroad lawyers here."

"Why are the railroads afraid of the state courts? Why do they always seek court decision at once, without further argument or delay, and announced that if the judge did not do this the state would go to the United States supreme court and obtain an order he would obey. 'You cannot continue to police this state for the railroads,' shouted Mr. Baker."

"You cannot always act to save them from hurt." The attorney general's attack followed the filing of a supplemental bill in the case by the railroad lawyers, asking Judge McPherson to enjoin the attorney general from prosecuting suits brought in state courts against the railroads to collect millions of dollars in excess charges made while the rate laws were in litigation.

A supplemental bill asking Judge McPherson to grant a perpetual injunction restraining the attorney general from prosecuting suits filed in the state courts to collect alleged overcharges made by the railroads was filed today by Frank German, attorney for the railroads.

The attorney general has filed suits against thirteen railroads. An attorney representing stockmen of this city asked permission of the court to file an intervening petition in which a claim against six railroads for alleged overcharges was set forth.

STEALS FIFTEEN THOUSAND FROM A U. S. MAIL POUCH

CHICAGO, Jan. 10.—Harry L. Watson, 29 years old, of Belle Plaine, Ia., confessed to Chief Postal Inspector James E. Stuart here today that he had stolen \$15,000 from a mail pouch in Belle Plaine, January 7. The sum was in checks and money orders. Watson said that he was a newspaper man. Attention of the police was called to him, it is said, when he attempted to purchase jewelry here, tendering two checks for \$400 each in payment.

LABORER ATTACKS JUDGE McPHERSON

Attorney General of Missouri Makes Sensational Speech in Court.

MAKES CHARGE OF FAVORITISM

Jurist is Told that He Cannot Continue to Police State in Interest of the Railroad Companies.

KANSAS CITY, Kan., Jan. 10.—A spirited attack on the acts of Judge Smith McPherson of the federal district court in the Missouri railroad rate cases was made by John T. Barker, attorney general of Missouri, today at a hearing conducted by Judge McPherson preparatory to entering a final decree dismissing the cases in accordance with a recent decision of the United States supreme court, holding the state rate laws constitutional.

Attorney General Barker demanded that Judge McPherson dismiss the injunctions dissolved by the United States supreme court decision at once, "without further argument or delay," and announced that if the judge did not do this the state would go to the United States supreme court and obtain an order he would obey. "You cannot continue to police this state for the railroads," shouted Mr. Baker.

"You cannot always act to save them from hurt." The attorney general's attack followed the filing of a supplemental bill in the case by the railroad lawyers, asking Judge McPherson to enjoin the attorney general from prosecuting suits brought in state courts against the railroads to collect millions of dollars in excess charges made while the rate laws were in litigation.

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