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THE OMAHA DAILY BEE

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On Trains and at
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CHARLES BECKER IS GIVEN NEW TRIAL; GUN MEN MUST DIE

Supreme Court of New York Orders
New Trial of Former Police
Officer.

CASE REMANDED ON ERRORS

One Judge Holds that They Did Not
Affect Main Issue.

JUSTICE GOFF RESPONSIBLE

Majority of Court Holds His Rulings
Were Prejudicial.

CASE OF GUN MEN AFFIRMED

Four Men Who Shot Rosenthal to
Death in Front of Hotel in New
York Must Die in Elec-
tric Chair.

ALBANY, N. Y., Feb. 24.—A new trial was today granted Charles Becker, the former New York police lieutenant under death sentence for the murder of Herman Rosenthal by the court of appeals.

The court stood six to one, Justice Werner filing the only dissenting opinion. The convictions of the four gunmen, who appeared with Becker, were unanimously affirmed.

The reversal was based entirely on errors held to have been committed by Justice Goff, during the trial. The question of the weight of evidence against Becker entered in no way into the opinion, though it was discussed.

Judge Werner held that the conviction should be affirmed, because the main facts tended to prove Becker's guilt. He said that the fact that the main witnesses were gamblers, criminals, degenerates and murderers should have nothing to do with the decision. He said that there was nothing to authorize the court of appeals to invade the province of the jury "nor to decide in advance what must be done on another trial on a similar state of facts."

The judge discussed the case fully as to the facts and then the rulings of the trial justice. He declared that there was no error of law committed at the trial which would justify a reversal.

In the gunmen's case the court said that the only question to be decided was whether the court had erred. It was apparent, the court of appeals held, that neither unfairness nor error was shown in the case.

Reasons for Reversal.
Practically all responsibility for errors committed at the trial was placed on Justice Goff. The only serious error attributed to District Attorney Whitman was that in his opening address he referred to Becker as a "grafter." Becker, not being on trial for grafting, it was held the district attorney should not have made this statement, because it might have prejudiced the jury.

The court said that it was impossible in an opinion to portray the unfavorable atmosphere that existed at the time of the trial, but pointed out some of the rulings of Justice Goff, which were held to have prejudiced the defendant's case. Some of them follow:

At the opening of the case, Justice Goff threatened to have Mr. McIntyre, senior counsel for Becker, removed by an officer, because he objected to remarks of the district attorney.

Justice Goff frequently criticized Becker's counsel for trivial peculiarities in their forms of questions, intervened to protect the state's witnesses on cross-examination and on one occasion when Becker's counsel asked Mr. Whitman to concede a fact, the justice said, "No, I will not let him concede it." The haste of the trial was also criticized.

Repeatedly Justice Goff refused to allow Becker's counsel to have papers they were entitled to that were in the possession of the district attorney and some of the justice's rulings "passed beyond the limits of discretion and were erroneous as matters of law."

It was pointed out that Becker's counsel should have been given the fullest opportunity to cross-examine Rose, Webber, Vallon and Scheppe, who were in constant communication and conference with each other and were "engaged in the common undertaking of attempting to save their own lives by placing in forfeit that of Becker."

Innocent, Says Counsel.
NEW YORK, Feb. 24.—Joseph A. Shay, who became Becker's chief counsel after the reversal, today said that he believed Becker was innocent.

BRYAN CAN WAIT FOR BODY

Villa Says He Won't Accede to Re-
quest at This Time.

SAYS BENTON A CATTLE THIEF

Rebel Chiefdom Asserts He Ex-
pected the "Scandalous American
Press" to Attack Him About
Execution.

WASHINGTON, Feb. 24.—Consular Agent George C. Carothers at Jaurez telegraphed Secretary Bryan tonight that he would not surrender the body of William S. Benton, this time, but would turn it over to the United States at some later date with an additional statement concerning Benton's death.

Calls Benton Cattle Thief.
JUAZES, Feb. 24.—A telegram in which General Villa at Chihuahua charges the late William S. Benton with being a cattle thief and with having committed four murders was received at military headquarters here this afternoon.

The telegram follows:
"I expected the scandalous American press to attack me about the execution of Benton, but I did not have any other remedy to avoid new attempts of the foreign Huertistas, who, protected by the flag of their country, believe that they are authorized to commit the greatest of crimes. Benton was all his life a criminal of the worst kind. In the times of Terrazas and Creel, protected by these men, he killed more than four men without any provocation whatever. Then, after the taking of Chihuahua, in company with the above named individuals and according to his own confession, he appropriated more than 1,000 head of cattle which did not belong to him, and, furthermore, the day he came to see me, he attempted to cowardly assassinate me. Fortunately I anticipated his movement and disarmed him. All these motives, and especially the last named one, forced me to act severely against Benton, without taking into consideration the fact that he was a foreigner, but there are crimes which I do not wish to leave unpunished. Therefore I am disposed to give an account of the execution to the entire world. Please make the above declaration to Mr. Carothers and to the American press."

"FRANCISCO VILLA, A. General in Chief."

American Murdered.
LAREDO, Tex., Feb. 24.—Clemento Vergara, an American citizen, captured and carried into Mexico recently by Mexican federales, was hanged the morning after his capture, according to advices brought here today from Hidalgo, Mexico. Vergara had been ordered released by the federal commander at Piedras Negras as the result of representations in his behalf by the American authorities.

Grey Reads Bryan Message.
LONDON, Feb. 24.—Sir Edward Grey, British foreign secretary, told the House of Commons today the latest developments in the Mexican situation. He said Sir Cecil Spring-Rice, British ambassador at Washington had been instructed yesterday to inform the United States government that Great Britain considered it essential for a British consul to visit the spot where William S. Benton was killed.

Consul Perceve at Galveston has been selected for this purpose and he was to supply the best reports possible regarding Benton's death and concerning the two missing Englishmen, Laurence and Curtis. Sir Cecil was instructed to ask the United States government a great Britain has no objection to communicating with General Villa to instruct the United States consul at Jaurez to inform General Villa and to request an assurance that the British consul would not be interfered with.

Message from Bryan.
Sir Edward Grey read a communication from the State department at Washington, which Sir Cecil Spring-Rice, the British ambassador cabled textually to

(Continued on Page Two.)

DR. FITZSIMMONS TO GO TO THE PHILIPPINES

TECUMSEH, Neb., Feb. 24.—(Special.)—Dr. A. P. Fitzsimmons, who for the past fifteen or eighteen years has practiced medicine in Tecumseh, is to receive an appointment to the Philippine commission, according to word that comes from Washington, D. C. He is to be one of five members of the commission. The appointment is to come direct from Governor Francis Burton Harrison, and will be made about April 1. It is said the Hitchcock-Bryan deadlock over federal appointments will have no effect in this case, and that the appointment does not have to be confirmed by the United States senate. Congressman J. A. Maguire of the First Nebraska district endorses the Tecumseh physician. Dr. Fitzsimmons having served the congressman as committee man in Johnson county for several years. Dr. Fitzsimmons has resided in the Philippines, having been a United States army surgeon there. He speaks Spanish and understands conditions in the islands.

Resolved that we are unalterably opposed to the Chicago rates and demand that delegates be elected to the county state and head camps, who shall be instructed to use every honorable means to secure their repeal.

Resolved that we firmly oppose the election to any office in the Modern Woodmen of America, any one who was in any manner responsible for the adoption of the Chicago rates or interested in seeing them enforced.

CEDAR BLUFFS WOODMEN FAVOR HOUSE CLEANING

CEDAR BLUFFS, Neb., Feb. 24.—(Special.)—Following are the resolutions passed by the local camp of the Modern Woodmen at its last regular meeting:

Whereas, We hold that the adoption of the Chicago rates was a fraud upon the membership of the order, and a part of a dishonest scheme on the part of our head officers and old line companies, to kill fraternal societies in general, and

Whereas, We believe our head officers have used our general fund in a most lavish and unwarrantable manner and for purposes not for the best interest of the society, therefore be it

Resolved that we are unalterably opposed to the Chicago rates and demand that delegates be elected to the county state and head camps, who shall be instructed to use every honorable means to secure their repeal.

Resolved that we firmly oppose the election to any office in the Modern Woodmen of America, any one who was in any manner responsible for the adoption of the Chicago rates or interested in seeing them enforced.

TAX ON FOREIGN BUILT YACHTS DECLARED VALID

WASHINGTON, Feb. 24.—The tax on the use of foreign built yachts imposed upon American citizens by the old Payne-Aldrich tariff act was upheld as constitutional today by the supreme court.

NEBRASKA MILLERS WIN BLEACHED FLOUR CASE IN HIGH COURT

United States Supreme Bench Rules
that Process May Be Used in
Handling Wheat.

CASE SENT BACK FOR RE-TRIAL

Omaha Lawyer, One of Attorneys,
Says it is Ended.

DECISION IS FAR-REACHING

Means Food May Not Be Condemned
Unless Injurious.

WORTH MILLIONS TO THE STATE

Millers Say that it is Equivalent to
Several Cents Babel In Equity
of the Farms of State of
Nebraska.

WASHINGTON, Feb. 24.—The supreme court today sent the so-called bleached flour case back to the district court for new trial.

The case was sent back with instructions that the law that says that foods not containing enough questionable substances to injure health were not condemned.

The decision indirectly reaches out to thousands of articles of food. In effect the court held that the government cannot condemn food unless it can show that enough poisonous ingredients have been added to cause injury to health.

The government had sought to establish that the law was violated if the presence of any amount of poisonous substance was found in food. It was contended any other interpretation would make unenforceable that section of the law prohibiting the adding of any poisonous or other deleterious ingredients to articles which might render food injurious to health.

The case was tried in the federal court for the western district of Missouri.

Means Millions to State.
LINCOLN, Neb., Feb. 24.—(Special Telegram.)—Herbert E. Gooch of the Gooch Milling company of Lincoln is feeling particularly pleased over the ruling of the supreme court favorable to the bleaching of flour.

"This decision means millions of dollars to Nebraska," said Mr. Gooch tonight. "Nebraska wheat produces a flour that is not entirely white, but by the system used by us we bleach it so that it compares with the best flour in the country. The system is entirely harmless and enables the Nebraska flour to bring as good a price as any other flour."

"Had the court decided otherwise it would have meant that Nebraska wheat would have brought several cents a bushel less than it will and the farmers of the state would have been the losers. The decision means a great deal to Nebraska."

History of Case.
KANSAS CITY, Mo., Feb. 24.—The Lexington Mill and Elevator company was found guilty by the federal district court here four years ago of violation of the pure food laws by the process it used in bleaching flour.

The government spent several years in preparing prosecution. The case against the Lexington company was a test case, the decision in which affected scores of millers who shipped bleached flour in interstate commerce. The government laboratories and expert chemists engaged as special assistants carried on experiments in an attempt to show that the bleaching method used instilled a poison into the flour.

Had not the verdict of the lower court been set aside the artificial and more rapid method of bleaching flour would have ceased. Before the invention of the process that started the litigation flour was bleached by the long and tedious method of storing.

CASE IS ENDED, SAYS SMITH

Omaha Lawyer Declares There
Never Will Be Re-Trial.

"This was the famous case brought by the government to test whether or not Nebraska millers were violating the pure food laws by bleaching flour, so that they could compete in the markets of the world with the northern, white-flour millers. The case was tried in Kansas City and the supreme court, in sending it back for retrial, reverses the decision of the lower court," says Ed P. Smith of Smyth, Smith & Schaller, who fought the case for the Nebraska millers.

"There will never be a re-trial," said Mr. Smith. This ends the case. The government will drop it, and Nebraska millers may continue to bleach their flour. They have never stopped bleaching and they never will. The government will never undertake to force the Nebraska millers from bleaching their flour. This is a complete vindication."

The government investigated the several bleaching processes, the electrical process being most generally used. For the Nebraska millers Charles F. Crowley, city chemist and chemist for Creighton university, analyzed several samples of bleached flour and reported that no more impurities were found in such samples than in the unbleached samples he examined.

"Bleached flour is just as good for food as the unbleached flour," said Prof. Crowley. "The fight against it is a commercial fight, instituted by the northern millers."

SUPREME COURT ASKED TO REVIEW RYAN CASE

WASHINGTON, Feb. 24.—Formal application was made to supreme court today for a review of the conviction of Frank M. Ryan and other Structural Iron Workers' union officials on the so-called dynamiting indictments at Indianapolis.

Mr. Ryan's resolution for certain information on the New Haven reorganization was warmly debated.

Adjourned at 5:30 p. m. to noon, Wednesday.

BOONE GIRL BECOMES BRIDE OF OMAHA MAN

CHICAGO, Ill., Feb. 24.—(Special Telegram.)—William G. Lansing, 215 South Twenty-seventh avenue, Omaha, was licensed here today to marry Miss Nora Whalen of Boone, Ia.



—Drawn for The Bee by Powell.

FEW REPORT INCOME TAXES

Estimated Five Thousand Have
Failed to Make Returns.

MUST BE IN BEFORE MARCH 1

Inspectors Are Not Required to Call
Upon Anyone to Get Their State-
ments, Which Must Be
Brought In.

Five thousand farmers, stockmen, merchants, bankers and professional men in Nebraska may wake up some morning next week and find themselves being prosecuted by the government for failure to file an income tax statement as is required by law, before March 1.

Although but four days remain for some 5,000 Nebraskans to make the return of the incomes to Ross L. Hammond, collector of internal revenue for the state of Nebraska, there is little rush at that office, and a few of these 5,000 people seem to realize that their failure to comply with the income tax law by filing a statement of their incomes before March 1 may subject them to a fine of from \$20 to \$100.

It was originally estimated by the federal officers that 6,000 persons in Nebraska would be compelled to pay tax under the new income tax law. Although the requirements of the law have been very generally published, most persons seem to believe that a collector will visit them, or a request for the statement will be mailed them.

The law requires that persons must file their statements with the collector of internal revenue, and there is no clause which may permit the violator of the law to escape, on the ground that nobody asked him to file the statement.

If only the minimum, penalty assessed against these 5,000 delinquent taxpayers the sum would yield perhaps more than the collection of the tax really due the government.

Corporations have been much more prompt to make their returns than the individuals, and many suits may be instituted by the government authorities against these 5,000 delinquent taxpayers the sum would yield perhaps more than the collection of the tax really due the government.

POLK CELEBRATES OPENING OF NEW LIGHTING SYSTEM

POLK, Neb., Feb. 24.—(Special.)—One hundred members and guests of the Polk Commercial club sat down to the annual club banquet, which was given in the Ayres hotel on Friday evening. The electric lights were turned on in the village for the first time that evening and the streets were brilliantly lighted with the electric lights, while the dining room of the hotel shone with innumerable electric lights, the room having been specially wired for the occasion. After a three-course banquet had been served, the guests listened to short addresses by Rev. Henry Zimmesler and Rev. F. W. Ham-jamin, and then W. M. Manlin of Lincoln, the principal speaker of the evening, was introduced by H. M. McGaffin, president of the club. Short talks were made by Postmaster Shafer and other members of the club.

The National Capital

Tuesday, February 24, 1914.

The Senate.
Met at noon.
Conference on Alaska bill were again postponed.

Mr. Norris' resolution for certain information on the New Haven reorganization was warmly debated.

Adjourned at 5:30 p. m. to noon, Wednesday.

The House.
Met at noon.
Urgent deficiency bill again debated.

Hearing on the La Follette amendment before commerce committee.
Rivers and harbors bill, carrying \$45,000,000, reported from committee.

Representative Green gave notice of his intention to speak on his resolution for investigating the Rock Island railroad financial affairs.
Adjourned at 5:30 p. m. to noon, Wednesday.

Lent Begins

Holding First Meeting in Years in
This City.

IS CONSIDERING ATTRACTIONS

Members Say that the Auto Show is
the Magnet Which Attracted
Them to Omaha—Sign Up
Some Contracts.

For the first time since the Nebraska state fair used to be held in Douglas county the board of managers of the State Board of Agriculture, popularly known as the state fair board, met in Omaha yesterday. The auto show at the Omaha Auditorium is admitted to have been one of the drawing cards which caused the meeting to be called for Omaha.

"It was just as cheap for us to come to Omaha as to go to Lincoln," one of the members explained, "and besides, we had some business matters here and one of our members wanted to get pointers from the auto show to use in the auto section at the next state fair, September 7 to 11, inclusive."

To Abolish Passes.
Although no action in regard to passes to the fair was taken at the morning session and may not be taken at all, according to Secretary W. R. Mellor of Lincoln, President Joseph Roberts of Fremont ventured his personal opinion that the board would probably abolish all free passes to the state fair, as has been done in Missouri. The matter came up when a question was asked him by a man visiting the meeting. He said he was opposed to free passes to the fair and expected the board to go on record against them. The question was originally brought up recently by editors of state papers, who refused to hereafter accept fair passes in pay for advertising in their papers.

Talk of Attractions.
Most of the board's time at the morning session was consumed with consideration of proposed attractions for the state fair next fall. It was tentatively decided to spend between \$1,500 and \$10,000 for professional auto races, an aeroplane auto race, exhibitions by Indians, acrobats, comedians and other entertainers, who will be the drawing cards of the fair.

The proposed auto races by professionals from the Indianapolis speedway, under the direction of Moross and J. Alec Sloane, were favorably considered as the most desirable drawing card and the biggest attraction that it would be possible to secure. It is contracted for, the auto races would be held on Labor day, the first day of the fair.

Lincoln Beachey in an aeroplane, racing against Barney Oldfield in an auto, was another feature that was considered. The final decision will probably be made today.

The only actual voting by the board was in awarding the contract to print the state fair premium lists to the Western Advertising company of Lincoln, whose bid of \$2.04 per page was the lowest, considering other provisions. It was decided not to sell any space in the booklets for advertising.

Secretary Mellor reported that he had already contracted for two attractions for the fair. He said he made his decision in favor of Patrick Conway's band because the only other band available for the date had tango dances with it, of which he did not approve.

"If the senator means to say that the directors robbed the stockholders of the road, he is in great error. At the most there were only errors of judgment. The adjustment cannot go on satisfactorily if unwarranted statements of that kind are made."

Senator Norris declared if the senate had reached the point "where it was unwilling to throw the light on the predation of a lot of pirates," it ought not to wonder at the existence of anarchists in the country.

Senator Lodge said he would speak on the resolution tomorrow and it went over.

Murders Former Sweetheart, Who is Bride of a Week

SAN FRANCISCO, Cal., Feb. 24.—Disappointed in love, Abraham Pepper of Tacoma, Wash., called Mrs. Dorothy Johnson, his former sweetheart and bride of a week, into the hall of the hotel where she was spending her honeymoon, today, shot her dead at her husband's feet, and then shot himself. With a bullet in his head Pepper was rushed to the Central Emergency hospital, where his chance for recovery was said to be slight.

Abraham Pepper and F. L. Johnson, manager of a Tacoma music store, were rivals for the hand of Miss Dorothy Danhauser. Pepper had kept company with the young woman for five years, but Johnson was successful and a week ago he and his bride left Tacoma for a honeymoon trip in California.

Pepper followed and today he called at Johnson's room. Mrs. Johnson opened the door and Pepper fired. As the woman crumpled to the floor without a word, and while the husband was rushing toward her assailant, Pepper shot himself.

**Warm Debate Over
Charges of Norris
Against the N. H.**

WASHINGTON, Feb. 24.—Senator Norris' resolution calling on the attorney general for certain information as to the status of negotiations for reorganizing of the New Haven & Hartford railroad was warmly debated today in the senate.

Senator Norris said someone had stolen \$200,000,000.

"I object to such loose statements as that somebody has stolen \$200,000,000," declared Senator Lippert of Rhode Island. "If the senator means to say that the directors robbed the stockholders of the road, he is in great error. At the most there were only errors of judgment. The adjustment cannot go on satisfactorily if unwarranted statements of that kind are made."

Senator Norris declared if the senate had reached the point "where it was unwilling to throw the light on the predation of a lot of pirates," it ought not to wonder at the existence of anarchists in the country.

Senator Lodge said he would speak on the resolution tomorrow and it went over.

Wilson Signs Eight-Hour Bill.
WASHINGTON, Feb. 24.—President Wilson today signed a bill limiting the hours of labor of women in the District of Columbia to eight hours.

MUSICAL NIGHT IS BIG ATTRACTION AT MOTOR CAR SHOW

Hundreds Flock to Auditorium to
Hear Delightful Music and
to View the Cars.

ORCHESTRA IS AUGMENTED

Success of the Ninth Annual Show
is Now Assured.

MANY SALES OF MOTOR CARS

Regardless of Special Attraction,
Salesmen Sign Contracts.

DEALERS COME IN DROVES

Number of Dealers Attending the
Event This Year Surpasses by Far
Those Recorded During Pre-
vious Years.

Music lovers and automobile lovers alike turned out Tuesday evening to attend the ninth annual automobile show "Musical Night." There was plenty of entertainment and diversion for all. Those who came to hear the delightful music occupied seats in the balcony and gave their attention to the melodies which floated out over the big Auditorium promulgated from Nebbe's orchestra. The orchestra was augmented to double its ordinary size and special popular airs, operatic selections and hand marches were played. Those who came to look at the machines did so without difficulty for there was a throng of salesmen always on the alert to be of any assistance.

The crowd was almost as large as the crowd Monday night. The music proved to be an excellent attraction and a worthy one as well. The musicians did their best to prove their mettle and they were highly successful. Their selections were applauded time and again and the most popular ones had to be repeated in order to satisfy the apparent insatiable desires of those with musical ears.

Many Out-of-Town Dealers.
The multitude of out-of-town dealers, who have come to Omaha to witness the ninth annual show has surpassed in numbers even the flourishing expectation of the most optimistic of the Omaha agents. Every train brings more of the Missouri valley territory men and Clarke Powell asserted that a meager estimate would put the number above 1,500. Already there are over 1,200 here and many more are coming in as fast as the delayed trains will bring them.

Attendance is Large.
The fact that the show is so well attended is one of the most pleasing features from the viewpoint of the directors and stockholders. All of the Omaha agents had persuaded their factories to send their biggest men to this event and they were a bit doubtful that the factory men would appreciate Omaha as compared to New York and Chicago.

Last year, which was a banner year, brought approximately 1,000 out-of-town dealers here and it was conceded that an equal number this year would be a sufficiency. There is not a factory man at the show who does not admit that outside of Chicago and New York cannot be beaten.

As a result of the throng of visiting dealers contracts for spring and summer deliveries are being made as fast as the order blanks can be filled out. And the deliveries call for not one or two cars, but several car loads of cars, an unprecedented event except in the cases of several of the larger dealers at the Omaha show. Omaha agents who ordered trainloads of machines for distribution have found that their orders were short and are sending hurry messages to the factories for more cars.

Entire Firm Come.
Another feature about the visiting dealers which is especially delightful is the fact that the former custom of one member of the firm making the journey here has been abolished. Not only has

(Continued on Page Two.)

Don't Concern Yourself

with non-essentials, but do
something worth while and be
a positive somebody instead of
a negative nobody.

Nature has provided you
with certain powers which, if
properly employed, will enable
you to acquire business pres-
tige and a financial competency.

Ignore the clock, do your
best at all times and stop frit-
tering and trifling away your
time.

Stand straight, front things
and how to the line, and suc-
cess will come to you as surely
as night follows day. If you
have failed in one line of ac-
tivity don't sit idly by and be-
moan your fate, but get busy at
some other kind of work. If
you are in doubt regarding the
channel into which to direct
your energies, read us Bee
"Want Ads." These busy lit-
tle ads banish poverty, make
for progress and point the way
to the things you want.

A few cents is often all that
it costs to get splendid results
in large business ventures
through the medium of The
Bee classified advertisements.
Partners can be obtained,
money loaned and borrowed,
and almost every conceivable
thing can be bought, sold,
changed or rented through The
Bee "Want Ads" section.

**Find Your Opportunity in
Bee "Want Ads."**

The Weather

Forecast till 7 p. m. Wednesday:
For Omaha, Council Bluffs and Vicinity
—Fair; rising temperature.

Temperature at Omaha Yesterday:
Leg
5 a. m. 33
6 a. m. 33
7 a. m. 33
8 a. m. 33
9 a. m. 33
10 a. m. 33
1