

MILLER DENOUNCES KERN'S NEGLIGENCE OF DUTIES IN SENATE

District Attorney Says Advocate for Alleged Conspirators Should Be in Washington.

OBJECTS TO HIS STRICTURES

Says Paid Servant of Public Should Not Defend Criminals.

ALL ATTORNEYS CHALLENGED

He Dares Them to Make Plea for Hockin or Munsey.

ADDRESS BY SENATOR KERN

He Criticizes District Attorney's Methods of Conducting Case and Says Evidence Not Sufficient for Conviction.

INDIANAPOLIS, Ind., Dec. 24.—Replying to Senator Kern's argument for the alleged dynamite conspirators, District Attorney Charles W. Miller this afternoon said to the jury:

"A United States senator, paid by the people to serve the people and who ought to be in Washington attending to his duties, stood here for two hours raising his voice in defense of such consummate criminals as Herbert S. Hockin. This United States senator, paid to enforce the law, has dared to defend these criminals. He has denounced a sworn federal officer because this federal officer did not conduct a childish cross-examination of these defendants."

"The only argument made here in defense of these men was in the name of the defendants' wives and children. But no voice was raised in behalf of the relatives, the women and children of twenty-one persons killed in the Los Angeles Times disaster."

Challenge for Defense.

District Attorney Miller in open court this afternoon challenged any of the twelve lawyers for the defense to speak in behalf of Herbert S. Hockin of Indianapolis and J. E. Munsey of Salt Lake City.

"Who of the lawyers will stand up and say Hockin is not guilty? Who will say that Munsey is not guilty?" shouted Mr. Miller toward the attorneys. "I will give twenty minutes of my time to any lawyer who will defend Hockin or Munsey." No one accepted the offer.

Repeating his offer, Mr. Miller paused and looked at each attorney. Senator Kern was not present.

"No answer," asserted the district attorney, "I hear no answer. There is not a lawyer who will defend Munsey or Hockin. Not a voice has been raised in Hockin's behalf, and the only defense of Munsey was that given by Thomas Kern, a former United States senator, who said Munsey's reputation was good."

Senator Kern's Defense.

Senator John W. Kern argued in behalf of the forty defendants at the "dynamite conspiracy" trial today. He appealed to the jurors to remember when preparing their verdicts that most of the defendants came from distant parts of the country.

"Plata workmen," he said, "Some of them uneducated iron workers, taken from their homes hundreds or thousands of miles away, and made to face a strange court with a district attorney hurling harsh and abusive language at them—is it any wonder that some of them could not remember details of letters they wrote five years ago?"

Senator Kern admitted to show that the evidence against Glad A. Tyndale and Eugene A. Clancy of San Francisco, Frank K. Painter of Omaha, Michael J. Hannon of Scranton, Pa., and against other defendants "was not sufficient to convict them."

ORANGES COLORED BY SWEATING CONFISCATED

CHICAGO, Dec. 24.—Federal Judge Landis today entered a final order in the government's suit to confiscate eight carloads of oranges shipped east from California and seized for alleged violation of the pure food law, the inspectors asserting that the fruit had been artificially treated by the "sweating" process to give it the proper color.

The decree signed by Judge Landis directs the United States marshal to put a paper wrapper on each of the 400,000 oranges, bearing the printed words, "colored by sweating," and then to dispose of the fruit to the best possible advantage and turn the proceeds into the Treasury department.

THE WEATHER

FOR NEBRASKA—Fair; colder. FOR IOWA—Fair; warmer.

Temperature at Omaha Yesterday:

Table with 2 columns: Time (8 a.m., 9 a.m., 10 a.m., 11 a.m., 12 m., 1 p.m., 2 p.m., 3 p.m., 4 p.m., 5 p.m., 6 p.m., 7 p.m.) and Temperature.

Boise Editors Make No Argument in Case Charging Contempt

BOISE, Idaho, Dec. 24.—R. S. Sheridan, publisher, and C. O. Broxon, managing editor of the Evening Capital-News, who were cited for contempt before the supreme court of Idaho for the publication of the message of Colonel Roosevelt to the people of Idaho during the recent campaign together with editorial comment on the court's decision barring the progressive presidential electors from the ballot, submitted their case without evidence or argument today.

The court announced that the decision would be given on the first day of the January term of court, January 2.

The only evidence introduced in the case was in behalf of A. R. Cruzen, who was cited as an alleged stockholder in the publication. Cruzen having represented to certain political leaders that he controlled the policy of the paper. Evidence was produced to show that he was in no way interested.

When court convened this morning Attorney General McDougal opened the argument for the state. He declared that the publisher and the editor stood convicted of contempt. He discussed newspapers at length, stating that Managing Editor Broxon, in taking the witness stand in behalf of Cruzen and assuming entire responsibility for the publication of the articles referred to in the complaint, was endeavoring to make himself the "goat" and shield the higher-ups.

A. A. Frazer, attorney for Cruzen, confined his argument to the alleged relations of his client to the Capital-News. After counsel for Sheridan and Broxon had announced that no argument would be presented, Attorney General McDougal briefly answered Frazer's argument, and the case was submitted.

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Chamberlain and Mellen Plead Not Guilty to Charges

NEW YORK, Dec. 24.—Charles S. Mellen, president of the New York, New Haven and Hartford Railroad company, and E. J. Chamberlain, president of the Grand Trunk Railway of Canada, indicted yesterday for criminal violation of the Sherman law, entered pleas of not guilty today and were placed on \$100,000 bail each. They were given until January 5 to change their pleas if they should so desire.

Judge Hough was loath to demand bail in either case and said at first he would release the defendants on their own recognizance. Counsel for the government, however, objected to this, and called the court's attention to the fact that neither resided within the jurisdiction of the court. Bail was furnished by a surety company.

Frank L. Crawford, Mr. Chamberlain's counsel, said before leaving the courtroom: "No jury will ever convict my client. The only reason why the work on the Grand Trunk extension was abandoned was because of high money rates. We are sure of acquittal."

Mr. Mellen declined to make a statement. Counsel for the government said that no word had been received from any representative of the Grand Trunk as to whether Alfred W. Smithers, chairman of the Grand Trunk board of directors, indicted with Messrs. Mellen and Chamberlain, would appear to plead. They added that they would write to Mr. Smithers in London, notifying him of the indictment and requesting him to appear for them to plead.

Assistant District Attorney Guiler said that there was no way of compelling Mr. Smithers to come to New York to plead to the indictment. The crime charged, Mr. Guiler added, is not one for which Mr. Smithers' extradition could be asked.

President Taft and Party Reach Colon, Start for Culebra

COLON, Dec. 24.—President Taft and his party arrived here today on board the United States warship Arkansas. They landed at 8 o'clock this morning. The party includes the president and Mrs. Taft, Charles P. Taft, Jr., Miss Louise Taft, Charles D. Hillis and Mrs. Hillis, Beekman Winthrop and Mrs. Winthrop, Major T. L. Rhoads, and Capt. Leutenant Commander G. W. Simmons.

The trip from Key West is an uneventful one. The vessel made a sea smooth through the night. The United States minister, General Dodge, a number of canal company officials, and a number of other party members. Tomorrow evening they are to attend a dinner given by the American minister, and afterward a ball in the palace of President Porras of Panama.

President Taft, before landing, sent a wireless dispatch to Colonel Goethals, asking him to have special trains in readiness, as 2,000 bluejackets and all aboard the battleships Arkansas and Delaware except the prisoners are to be given the opportunity of inspecting the canal during their visit.

ESCAPED FORGER IS ARRESTED IN CALIFORNIA

SANTA ROSA, Cal., Dec. 24.—Arrested in Petaluma last night, James Williams, a bank forger with a criminal record stretching across the continent and all over the world, was captured in California, admitted his identity here today and confessed to his latest swindle yesterday when he obtained \$300 on a bogus letter of credit from the First National bank of Sebastopol. For the last ten years his specialty has been ingratiating himself into the confidence of clergymen, whom he would then persuade to introduce him at banks. He is 67 years old. Williams is wanted for an attempted \$15,000 swindle on a bank in New London, Wis., and many other forgeries, successful and unsuccessful, in nearly all the states between the two coasts. He was given an indeterminate sentence of from one to fourteen years in Colorado, paroled, and broke his parole.

OMAHA WILL INSIST ON BETTER DEPOTS

Commercial Club is Back of Strong Move to Force More Accommodations.

WORK IS BEING COMPLIMENTED Man Joins the Club Because of Its Newest Activity.

TWO ROADS BLOCK THE DEAL Business Men Propose to Force These Two Into Line.

REQUESTS ARE NOT HEEDD One Railroad President Wrote in February that He Would Look Into the Matter, but Has Not Been Heard From.

Another name was added to the roster of the Commercial club yesterday as a direct result of the story in The Bee Monday night telling of the resumption of the fight by the club to secure better depot and track facilities from the railroads.

A man whose name is not given went into Commissioner Guile's office and said: "I read in The Bee last night where this club is going after the railroads to secure better terminal facilities in Omaha. Here's my application for membership. I want to be identified with an organization that will go after this thing and see it through."

That the Commercial club will "see it through" is the declaration of all those members who have been connected with the proposition since it was first brought up last February. Letters have been written this month to the presidents of the various railroads centering in Omaha calling their attention to promises they made last year for better depot facilities and the fact that no improvements at the depot have been made.

Two Railroads Hold Back. There are two railroads responsible for there having been no improvement made. It is said, and the efforts of the Commercial club will be centered on these two. When the eight railroad presidents were written to last February promises of improvements were received from seven of them, while one professed ignorance of the situation and said he would make an investigation. Since the Commercial club has resumed its activities for more trackage and better depot facilities, it has been found that one railroad which had promised a year ago to lend its aid has done nothing, while the road whose president professed ignorance of the conditions has made no answer.

More Tracks Needed. The Commercial club is not trying to secure a new depot, but is asking the railroads to increase the number of tracks at the station from eight to twelve. There are now 122 trains trying to find room for their operation on the eight tracks at the Union station.

Railroad men say that it is impossible to increase trackage at the present depot; that another site and a new depot will be the only means of bettering conditions. There are railroad men, not the "higher-ups," who declare that if the Commercial club will "push the thing" now, the railroads can be made "to come across."

It is said that with the exception of one or two railroads, all are in favor of a new depot and greater terminal facilities for Omaha; they realize the necessity.

Wisconsin Begins War on Secondhand Books in Schools

MADISON, Wis., Dec. 24.—The common drinking cup and community toilet having been banished from public buildings and conveyances in Wisconsin, agitation is now being directed against the secondhand school book.

It is declared that a book is one of the most effective carriers of disease and that it cannot be entirely disinfected. The Arizona plan is advocated for Wisconsin. Free text books are furnished and when the child has completed it the book becomes his property.

Another method advocated is prohibition of the importation into any community of second-hand books. Of the 20,000,000 school children in this country about 5 per cent, or 1,000,000 have tubercular disease of the lungs, medical authorities say.

Garment Workers Considering Strike

NEW YORK, Dec. 24.—Representatives of 200,000 garment workers in New York met behind locked doors today with national officers of the United Mine Workers' union to determine when a general strike should be called in New York City.

A committee of five men was appointed to fix the date. The strike was ordered last night by a vote of 20,796 to 2,222. It is believed the strike will be called within a few days.

OHIO STATE SENATOR IS GIVEN THREE-YEAR TERM

COLUMBUS, Dec. 24.—A sentence of three years in the penitentiary was passed upon State Senator George K. Cetone of Dayton by Judge Evans in common pleas court today. Senator Cetone was convicted recently of having accepted a bribe of \$200 during the last session of the legislature. His attorney will probably appeal the case.

The sentences of Senators Huffman and Andrews were affirmed in the supreme court last week and they will enter upon prison service of three years and nine months respectively, about the first of the year for accepting bribes.

Rodney J. Diegel, former sergeant-at-arms of the senate, is now serving a three-year sentence and Representative George H. Nye of Pike county, who pleaded guilty and turned state's evidence in connection with the bribery case, is awaiting final judgment on his case.

"And a Little Child Shall Lead Them"



PEACE DELEGATES WAITING

Counter Proposals by Turkey Are Expected Saturday. THIS MEANS FURTHER DELAY

These Must Be Submitted to Balkan Governments Before Next Step—Pope Asks Prayers for Peace.

LONDON, Dec. 24.—The peace plenipotentiaries of the Ottoman empire and of the Balkan allies have for the most part temporarily cast off the cares of office and are enjoying the hospitality of their diplomatic representatives in London, who are entertaining in their honor, or they are visiting friends in the country.

Two or three of them have gone to Paris to consult with the French premier Raymond Poincaré, doubtless on the subject of mediation, which was mooted in his recent speech before the chamber of deputies, and is, practically everywhere regarded as the inevitable before the widely separated views of the Balkan allies and those of the Turks can be brought to a compromise.

More Delay Probable. The present long break in the negotiations of the peace delegates, is in all probability only the first of several, for when the plenipotentiaries come together again in St. James' palace on Saturday, the Ottoman response to the conditions of peace laid down by the Balkan allies will doubtless be found to be merely a series of counter-proposals which will have to be referred to the Balkan governments. This will necessitate another long interval.

There remains little doubt in diplomatic circles, however, that the crisis ultimately will be surmounted without a resumption of hostilities. Despite the outward appearance of a unity of views, it is known, there is considerable latent jealousy among the allied nations and as time tends to sharpen the differences as to the amount of credit due to the work of the respective armies there are indications of a desire on the part of members of the Balkan league to yield some of the demands so as to hasten a settlement.

Pope Asks Prayers for Peace. ROME, Dec. 24.—The pope during his Christmas reception to the cardinals today referred to the peace conference saying that all Christians should unite in prayer that the outcome of the present councils of the nations should be peace, for which he rejoiced that there was new and additional hope. The pope deplored the attempt to assassinate the viceroy of India at Delhi. He looked remarkably well in spite of the arduous task of receiving many delegations who had come to bring him the greetings of the season.

WILSON TELLS OF ONLY TIME HE TRIED TO SMOKE

TRENTON, N. J., Dec. 24.—The arrival of a gold-mounted amber-stemmed meerschaum pipe at the state house today from one of Governor Wilson's Princeton friends in Yorkburg, Miss., brought from the president-elect that once in his life, and only once, did he smoke.

"It was this way," he said. "My father was a smoker of some attainment and had got to the stage where he liked a fat, black cigar. In his leisure house, my father took advantage of his habit and employed him to blow the pungent smoke over her rose bushes as they were in bloom. One day when he was not at home she suggested that I try it on one of her favorite plants and I obliged, somewhat proudly. For five minutes I steamed away like a furnace and then it hit me with disastrous effects. I never tried it after that."

"And you never had any ambition to learn smoking?" was suggested. "No," he replied. "You see, I never was forbidden to, so there wouldn't have been any point to it."

Government Starts Investigation of Cereal Combine

CHICAGO, Dec. 24.—Investigation of an alleged attempt to secure control of the oatmeal business of the United States has been started by the federal grand jury here, it was made known today. Purchase of the Great Western Cereal company by the Quaker Oats company will be inquired into first. Robert Gordon, secretary of the Quaker Oats company, and Daniel Pekterkin, private secretary to Joy Morton, head of the Great Western company, have been ordered to appear before the grand jury. A number of other employees have been subpoenaed to tell of the transaction. It is charged that virtual control of the oatmeal business resulted from the transaction. The cereal company went into bankruptcy in New Jersey.

The investigation follows conferences by government attorneys with Attorney General Wickersham in Washington. United States District Attorney James H. Wilcoxon was directed to open the inquiry and proceedings were started here.

The price paid by the Quaker Oats company for the cereal company was \$1,000,000. The cereal company had factories at Peoria, Ill., and Fort Dodge, Ia. Shortly after the purchase the plants were closed and the company went into the hands of a receiver. It is reported that at the time of the sale the Great Western Cereal company did 30 per cent of the oatmeal business of the country.

Attempt Made to Kill Prince Yamagata in His Palace at Tokio

TOKIO, Dec. 24.—An attempt was made early today to assassinate Prince Arimoto Yamagata, the president of the Japanese privy council and supreme military councillor of Japan. The prince escaped unhurt. His assailant tried to commit suicide.

The would-be assassin broke into Prince Yamagata's residence just after midnight and endeavored to approach the prince. He was, however, observed by some attendants and he then tried to commit suicide, but he was caught and prevented as he was in the act of stabbing himself. He was arrested and an investigation is now proceeding into the reason for his attempt.

Prince Yamagata was the chief of general staff during the Russo-Japanese war. He is well known in all the European countries.

MISSING GEM MAY BE CLEW TO LOGUE MURDER

CHICAGO, Dec. 24.—A missing diamond, weighing two and a half carats, of exceptional brilliancy and valued at \$800, is sought by the police as the key to the solution of the mysterious murder of Joseph H. Logue, the diamond merchant slain in his office last Friday. The stone was left for sale with Logue by a blonde woman shortly before the victim's body was found bound and mutilated.

Every effort made by the police to find this woman so far has proved unsuccessful. Captain Halpin thinks she might be able to throw important light on the murder mystery.

W. L. MINOR TO BE CHIEF STATE DEPUTY AUDITOR

Auditor-elect W. R. Howard announces that the position of chief deputy will be filled by W. L. Minor of Morrill. He was given over a week ago that Mr. Minor would have a place in the state auditor's office, but it was not stated at that time what place it was to be. In making this selection Mr. Howard has given special consideration to the claims of the western part of Nebraska, which has been almost unrepresented in the official positions in the state house.

PORTER KILLS TRAIN BANDIT

Negro Saves Treasure in Thorough Safe on Frisco Line. SECOND HOLDUP IN ILLINOIS

Robbers Explode Five Charges of Nitro-Glycerin in Vain Attempt to Open Strongbox on Alton Train.

KANSAS CITY, Mo., Dec. 24.—To Walter Daniels, a negro porter, of Kansas City, should go the credit for saving the valuable consignments contained in the "through safe" of the express car of St. Louis & San Francisco train No. 115, Oklahoma City to Kansas City which was held up near Chandler, Okla., last night, according to passengers on the train who arrived here this morning. Daniels shot and killed the negro bandit while the latter was in the act of robbing the express.

According to passengers, the robber got on the train as it left Chandler, about 9 o'clock. He first entered the chair car, where, encountering the conductor, he held the latter up, took his watch and money, and compelled him to lead the way to the express car. The robber had forced the express messenger and conductor to open a small safe containing little of value and was trying to force them to open the larger safe, when Daniels, who had secured a revolver from a passenger, shot him in the back. Several shots were exchanged before W. S. Corbett, a private detective, re-inforced the porter. Wounded, the bandit fled wildly from the floor. Eighteen shots were fired before the negro lay still. The body, unidentified, was taken back to Chandler.

Porter is Not Seared. "That porter was the only one of us not scared to death," said George Peterson of Tulsa, a passenger, who was in the chair car when the bandit held up the conductor. "The porter sneaked into the next car, got a revolver while the rest of us were under the seats. As he came back following the holdup man to the express car he asked somebody

(Continued on Page Two.)

Steel Corporation to Increase Wages

NEW YORK, Dec. 24.—Elihu H. Gary, chairman of the United States steel corporation, announced this afternoon that the corporation was planning the adjustment of wage scales soon which would result in material increases, particularly in connection with wages paid unskilled laborers. Within a few days, he said, the amount of the increase and the day upon which they will be effective will be determined.

It is understood that not less than 30,000 laborers will be benefited, and it is considered not improbable that many other employes in various minor capacities will also share in the new scales.

The United States steel corporation had 158,835 employes on its rolls in 1911, with total annual salaries and wages of \$167,419,000.

Castro May Not Be Allowed to Land

WASHINGTON, Dec. 24.—Ciriaco Castro, former president of Venezuela, said to be en route from Paris to New York, traveling under the name of Ruiz in all probability will be denied admission to the United States if sufficient grounds can be found under the American immigration laws to deport him.

The State department today requested the Department of Commerce and Labor to subject Castro to a rigid examination when he reaches New York on Saturday, and in the meantime will make a sweeping search for evidence to delay the deposed president.

Officials point out that the power to deny admission is very broad under the provisions of the immigration laws, covering physical, mental and moral qualifications.

BROKERS TAKE PART IN SNOWBALL FIGHT ON EXCHANGE FLOOR

Money-Making Forgotten on Day Before Christmas in the Old-Fashioned Pastime.

SURPLUS OF TURKEY IN CHICAGO NEEDED PERSONS OF ALL DESCRIPTIONS TO RECEIVE CHRISTMAS CHEER.

TAFT PROVIDES FOR EMPLOYEES Remembrances for White House Force Come from President.

BUSINESS MEN CARE FOR POOR Homes of Five Thousand Residents of Kansas City Visited by Those Bearing Food, Clothing and Toys.

NEW YORK, Dec. 24.—Stocks and bonds were forgotten on the New York Stock exchange today while brokers engaged in an old-fashioned Christmas eve snowball fight. Great baskets of snow were brought in from the street and dumped upon the floor of the exchange, messenger boys were conscripted and became "powder monkeys" and for a while there was a battle royal.

A corporal's guard of wealthy brokers took up their positions in the visitors' gallery and from their position of vantage bombarded the members on the floor. The latter, organized under half a dozen leaders, attacked from every side and forced the band within a few minutes to retreat. Meantime the attendants and messengers had been organized into an ammunition detail, and working in relays, brought in more snow from the street.

After the battle was over everybody joined in building a giant snowman in the center of the floor. The creation was an object of wonderful and extravagant architecture. It stood until the water was forced out by steam heat and then tumbled in a mass of slush.

First Blizzard of Winter. A blizzard born at midnight and growing worse each hour, swept New York and northern Atlantic seaboard today. The storm blanketed the city with ten inches of snow and the wind, riven to a forty-mile gale, drove two vessels on the treacherous sands of the New Jersey coast. In the open places the snow drifted this afternoon to a depth of many feet.

The local weather bureau declared that the storm would continue without abatement for some hours at least and that the wind would attain still greater velocity. The indications were that New York will be buried under the heaviest snow in a generation.

The two vessels in distress were the Turrillia of the United Fruit company and the three-master John H. May of Philadelphia. The former, with about sixty passengers aboard, summoned aid early in the day and the revenue cutter Benewa was sent to its rescue. The John H. May, with its crew of six, was pounded by a heavy sea off Sandy Hook.

Four Liners Delayed. Four ocean liners, one of them with Mrs. J. P. Morgan aboard, lay at anchor off Quarantine, fearful of braving the thick weather in their docks. They were the Rotterdam, the George Washington, from Bremen; the Surinam, from Paramaribo, and the Catherine Cuno from Port Antonio.

Earlier in the day a ferryboat and tug collided in the upper harbor, injuring four men, two of them fatally.

Across the Hudson the roads were choked with incoming passenger trains, some of them hours late and all of them heavily laden. Conditions in the yards of the Grand Central and New Haven roads in Manhattan were similar.

Reports of snowbound suburban trains, of street traffic blocked and of vessels stormbound were received from eastern cities as the day advanced.

None to Go Without Turkey. CHICAGO, Dec. 24.—No criminal, insane, sick or dependent person in this city will be without turkey this Christmas. None of the thousand of people in Chicago needs to abstain from turkey and cranberry sauce tomorrow. Plans by the city authorities and charitable organizations are more extensive along this line than any ever made here before, and there is more likelihood that hundreds of roast turkey will go uneaten than that anyone will go without.

Grand opera will be heard by the condemned murderers, bandits and lesser criminals in the county jail.

Music and vaudeville will feature the day at the public hospital and the county insane at Danmunt, and the number of nearly 3,000 will feast and dance.

Taft Remembers Employees. WASHINGTON, Dec. 23.—Although President Taft is in Panama, he made arrangements before his departure whereby all of the faithful employes of the White House should receive Christmas remembrances, and today each of the 125 employes received a large fat turkey, the gift of the president and Mrs. Taft.

(Continued on Page Two.)

The Bee "For Sale Miscellaneous" column

is a great, silent auctioneer of the news paper world. You have but to make known what you have for sale in this column and you will be surprised at the speed with which some bargain hunter will swoop down upon you.