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THE OMAHA DAILY BEE

THE WEATHER
Snow; Warmer

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ARCHBALD GUILTY UPON FIVE COUNTS. SENATE'S VERDICT

Judge Barred from Public Office
After Twenty-Nine Years
on Bench.

FIRST VOTE SIXTY-EIGHT TO FIVE

Jurist Insists that no Wrong Has
Been Done by Him.

SENTENCE IMPOSED BY BACON

Receives the Full Penalty Allowed
by Constitution.

ANSWERS GIVEN IN LOW TONE

Judge Archbald and His Family
Sit Throughout Afternoon in
Little Committee Room Be-
hind Closed Door.

WASHINGTON, Jan. 13.—Robert W. Archbald of Scranton, Pa., for twenty-nine years an occupant of judicial positions upon the Pennsylvania state bench, the federal district bench and the United States commerce court, today was adjudged guilty by the United States senate of "high crimes and misdemeanors" and was stripped of his office and forever disqualified from holding positions of public honor or public trust.

The conviction and judgment came as the conclusion of the impeachment trial that has been pending in the senate since last summer on charges that Judge Archbald had been guilty of misconduct and misbehavior as a judge, and that he had corruptly used his judicial power to further the private interests of himself and his friends in the acquisition of coal land properties in Pennsylvania.

Upon five of the thirteen charges brought against him by the house of representatives, Judge Archbald was found guilty. Upon the other eight the senate voted him not guilty, the majority in some cases being against him, but failing of the two-thirds majority necessary for conviction. Any one of the five verdicts of guilty was enough to bring about the punishment imposed upon him. The end of the long fought struggle in the senate came early in the afternoon when the vote was taken on the first article of impeachment. With gallery doors locked to prevent the movement of spectators, an unaccompanied hush prevailed throughout the chamber, senators rose in their places as their names were called and pronounced the word "guilty" in almost inaudible tones. The vote on the first charge that Judge Archbald had corruptly influenced officials of the Erie railroad to sell him the Katydid culm dump at Scranton, resulted in his conviction, by a vote of 68 to 2.

Still Deafened.

In a little committee room off the gallery floor, behind a guarded door, Judge Archbald, his wife and his son Hugh, sat throughout the afternoon as the senate voted upon the charges against him. The first vote of conviction was carried to him by his son from the gallery. After sentence had been imposed upon him, Judge Archbald and his family left the capitol, to go at once to the family home at Scranton.

"I have always known that I have done no wrong, and the vote of no one makes it otherwise," was his only comment upon the senate's action.

Sentence was imposed by Senator Bacon of Georgia, the presiding officer, after the senate had by a vote of thirty-nine to thirty-five upheld a resolution offered by Senator O'Gorman of New York authorizing the full penalty provided by the constitution.

"The senate therefore does order and decree," said Senator Bacon, "and it is hereby adjudged that the respondent, Robert W. Archbald, circuit judge for the United States for the Third judicial circuit, and designated to serve in the court, be and he is hereby removed from office, and that he be and is hereby forever disqualified to hold and enjoy any office of honor, trust or profit under the United States."

The sentence of the senate became operative at once, and directions were given that the president and the house of representatives should be notified.

(Continued on Page Two.)

The Weather

FOR NEBRASKA—Fair; rising temperature.
FOR IOWA—Fair; warmer in west portion.

Temperature at Omaha Yesterday.

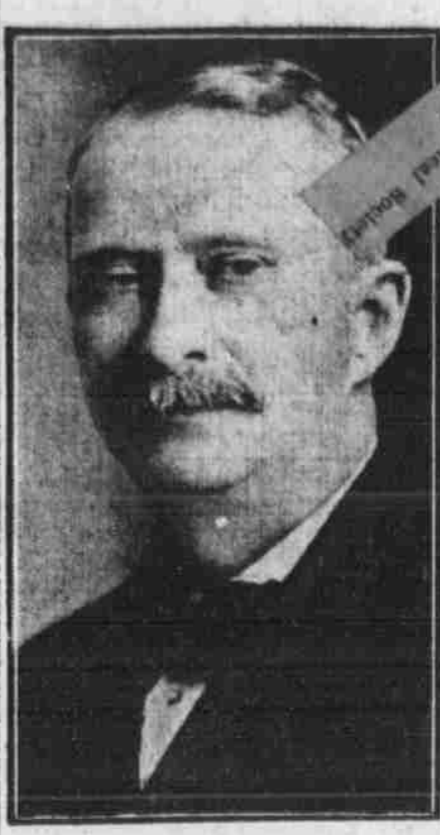
Hour	Temp.
5 A. M.	32
6 A. M.	32
7 A. M.	32
8 A. M.	32
9 A. M.	32
10 A. M.	32
11 A. M.	32
12 M.	32
1 P. M.	32
2 P. M.	32
3 P. M.	32
4 P. M.	32
5 P. M.	32
6 P. M.	32
7 P. M.	32
8 P. M.	32
9 P. M.	32
10 P. M.	32
11 P. M.	32
12 M.	32

Comparative Local Record.

Year	High	Low
1912	32	10
1911	32	10
1910	32	10
1909	32	10
1908	32	10
1907	32	10
1906	32	10
1905	32	10
1904	32	10
1903	32	10
1902	32	10
1901	32	10
1900	32	10
1899	32	10
1898	32	10
1897	32	10
1896	32	10
1895	32	10
1894	32	10
1893	32	10
1892	32	10
1891	32	10
1890	32	10

Station and State Temp. High—Main of Weather.

PIONEER NORFOLK EDITOR WHO DIED YESTERDAY.



W. N. HUSE.

Title to Half Billion Dollars Worth of Oil Land is Before Court

WASHINGTON, Jan. 13.—An empire of oil lands worth probably more than half a billion dollars was the prize which brought groups of opposing lawyers today before the supreme court.

The occasion was the argument of what reply the court should make to a request for instruction from the United States circuit court of appeals for the ninth circuit which was unable to decide whether the Southern Pacific railroad company or Edmund Burke and other separate entrants were entitled to valuable tracts of land, now said to be worthing forth oil in California.

Burke and those in a similar position claim that the exception prevented the land's passing to the railroad and that they are entitled to the land under proper entry. The railroad contends that the exception is void and anyway that evidence cannot be produced to show the lands are "mineral" or oil lands, the government having issued a patent for them and no fraud having been practiced upon it.

Primarily, the Southern Pacific railroad, alone is concerned in the controversy, but the same exceptions are contained in patents to practically every land grant railroad traversing the west and so all will be affected by the decision.

Price of British Telephone System is Sixty-Two Million

LONDON, Jan. 13.—The British government is to pay to the National Telephone company of the United Kingdom \$62,576,330 for its property, according to a decision reached by the railway and canal commission, sitting as a court of arbitration.

The whole of the telephone system in the British isles have passed into the hands of the state on January 1, 1912. The National Telephone company originally asked \$105,000,000 for its interest, but during the seventy-three-day trial just ended this claim was reduced by many millions.

Mellen's Lawyers Attack Indictment

NEW YORK, Jan. 13.—Counsel for Charles S. Mellen, president of the New Haven railroad, filed a plea of abatement in the United States district court today, asserting that the indictment charging a conspiracy agreement against Mellen, President E. J. Chamberlain of the Grand Trunk railway and Alfred Smathers, chairman of the Grand Trunk, were void, because one of the grand jurors was a resident of New Jersey.

UTAH ELECTORS VOTE FOR NICHOLAS MURRAY BUTLER

SALT LAKE CITY, Utah, Jan. 12.—Utah's four republican presidential electors met today and cast their votes for President Taft for president and Nicholas Murray Butler of New York for vice president.

NEW DIRECTORS FOR SOUTHERN PACIFIC

Step in Dissolution of Railroad
Merger Follows Conference at
Washington.

KRUTTSCHNITT LEAVES THE U. P.
Elected Chairman of Board of South-
ern Pacific Directors.

MAY BE FIGHT FOR THIRD ROAD
Possession of Central Pacific Great
Point to Be Decided.

RESULT WILL HINGE ON PRICE
Government Will Allow Union Pac-
ific to Acquire Central Pacific
Only Without Aid of South-
ern Pacific Stock.

NEW YORK, Jan. 13.—Changes announced today in the directorate of the Southern Pacific company are believed to be the direct outcome of last week's conference at Washington between Attorney General Wickham and representatives of the Harriman interests and of the Southern Pacific protective committee.

It is understood the attorney general then informed R. S. Lovett, chairman of the board of directors of the Southern Pacific and Frank A. Vanderlip and M. L. Schiff, members of the board, that he would consent to no dissolution plan until the Southern Pacific board was re-elected a firm who held similar positions in Union Pacific. In point of fact, some of the new Southern Pacific directors long have held intimate relations with the Harriman or affiliated interests, but it is assumed that the changes in the Southern Pacific board will be satisfactory to the department of justice.

It is frankly acknowledged that the plan to separate Union Pacific and Southern Pacific now centers altogether all around the ownership of Central Pacific. It is intimated in authoritative quarters that Mr. Wickham will offer no objection to the Union Pacific's acquisition of Central Pacific if it can be acquired without the aid of the Southern Pacific stock now owned by the Union Pacific insiders.

May Reopen Litigation.
On the other hand, Wall street believes a very considerable part or portion of the Southern Pacific majority will refuse to relinquish control of Central Pacific except by legal decree. This might involve a reopening of the Union Pacific-Southern Pacific litigation and undoubtedly delay by many months the consummation of the supreme court's merger decision.

Union Pacific officials make no secret of the fact that every step now has for its object the possession of Central Pacific. They express indignation that the result hinges largely on the price to be paid for that property. Central Pacific's value is easily ascertainable, as its earnings and finances always have been a matter of separate bookkeeping.

Julius Kruttschnitt resigned as director of maintenance and operation of the Union Pacific and was elected chairman of the board of the Southern Pacific, succeeding R. S. Lovett, resigned. Judge Lovett, Mortimer L. Schiff and Frank A. Vanderlip also resigned from the Southern Pacific executive committee and were succeeded by Robert Goetz, James N. Wallace and E. H. Swenson.

From the Southern Pacific board of directors in addition to Judge Lovett, the following resigned:
Otto H. Kahn, Charles A. Peabody, M. L. Schiff, Frank A. Vanderlip, R. W. Goetz, L. J. Spence (vice president) and Marvin Huggert. In their stead the following were chosen: James N. Wallace, Horace Hawkins, W. P. Bliss, C. N. Bliss, G. H. Leighton, J. N. Jarvis, C. H. Kelsey and E. P. Swenson.

Governor Stays Mum Over Appointments

(From a Staff Correspondent.)
LINCOLN, Neb., Jan. 13.—(Special.)—Democrats who have longed for the pie counter so long are getting green with envy at the republicans who are still in touch with the state meat ticket as hold-over appointees of Governor Aldrich. Some of these have been told by Governor Moorhead to hang on until he decides on their successors, and others are holding on with no word from the new governor.

Another day closed with no plums handed out by the governor and another disappointed bunch of hungry boys chased themselves to their rooming houses all night long.

W. N. HUSE—NORFOLK NEWSPAPER MAN, DEAD

NORFOLK, Neb., Jan. 13.—(Special Telegram.)—W. N. Huse, publisher of the Norfolk Daily News, died here this afternoon, after several weeks illness. Mr. Huse was one of the old time newspapermen of Nebraska, establishing the News in the latter nineties, and making it one of the live newspapers of the state. Mr. Huse took a prominent part in the affairs of the Nebraska Press association and was always ready to enter into and help that any proposed plan for the upbuilding of the state. His son, N. A. Huse, who has been actively connected with the News, will carry on the work his father has established.

Mathews Trial Postponed.

NEW YORK, Jan. 13.—The trial of Julian Mathews and others charged with using the mails to defraud in promoting ruling stocks, was postponed today January 23 on account of continued illness of Federal Judge Hough. The judge was stricken in his chambers on Friday last.

The Favored Class.



From the Indianapolis News.

OHIO IS ABOVE DANGER LINE

Three Thousand Persons Driven
from Homes at Cincinnati.

GREAT AREAS UNDER WATER
Water is from Three to Twenty
Feet Deep and Property Loss
Will Run Up to High
Figures.

CINCINNATI, O., Jan. 12.—It was estimated today that 3,000 persons had been driven by the Ohio river flood from their homes in Cincinnati and the cities of Covington, Newport and Dayton, across the river in Kentucky. Many factories have been flooded and hundreds of persons thrown out of work.

The river continued to rise steadily, but more slowly today, the stage at 9 o'clock being 61.2 feet. The government forecaster predicted that the rise would continue today and tomorrow and probably a maximum stage of 63 feet would be reached.

This prediction was made on the assumption that there would be no more rain in the next two days.

The authorities in the four cities are doing all in their power for the flood sufferers. In Cincinnati, Dr. Otto P. Geyer of the department of charities and corrections, opened soup houses and inaugurated other means of succor. Mayor Hunt has issued a proclamation asking for funds to aid sufferers and will ask the council to approve a \$20,000 special bond issue, to be added to the fund.

In Kentucky, churches, school houses and police stations are sheltering the homeless.

Thousand Homeless at Louisville, Louisville, Ky., Jan. 13.—Police and fire department employees working to move families from districts menaced by the Ohio river flood were cheered today by news that the rise was less rapid than registered last night. While nearly 1,000 persons had been driven from their homes and the outlook was that this number would be doubled, it was believed

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Convicted Banker Makes Trip to Prison Alone

SIOUX FALLS, S. D., Jan. 13.—(Special.)—Presenting himself at the Sioux Falls penitentiary without being accompanied by an officer, but instead provided with a letter of introduction written by the judge who sentenced him and addressed to the warden of the institution, F. G. Kurtz of Spencer, but for about four years engaged in the banking business, a man named Witten, who served a term of one year and one day for irregularities in connection with his management of the Witten bank.

The leniency shown him was due to the fact that the deposits of the bank which failed were paid in full and the irregularities charged to him in connection with the bank records were regarded as indicating that he was not guilty of any intentional wrongdoings.

MAN SUPPOSED TO BE MURDERED RETURNS HOME

ALEXANDRIA, La., Jan. 13.—After being mourned as dead for more than three months and believed to be the victim of an assassin bent upon robbery, Nelson McManis, a prominent lumberman of Iowa, has returned to the home of his mother in this city.

Leland Walker of Pollock, La., after a third degree grilling, shortly after the disappearance of McManis, confessed that he and Robert Harp had murdered the lumberman and thrown his body into a creek near Jena. Harp was acquitted of the murder and the La. Sells parish grand jury was scheduled to consider the case against Walker next week.

The National Capital

Monday, January 13, 1913.

Met at noon.
Passed bill to require all anti-trust suits to be heard in public.
Campaign funds investigating committee heard testimony of Gilbert Stewart on the Archbald letters.

Court of impeachment voted on articles of impeachment against Judge Robert W. Archbald.

Senator O'Gorman introduced a bill to grant medals to all survivors of the battle of Gettysburg.

Appropriations committee agreed to recommend provision for commerce court until the close of fiscal year.

Legislative, executive and judicial appropriations bill, carrying \$2,254,714, was reported.

The House.

Met at 11 A. M.
Resumed debate on postoffice appropriation bill.

Ways and means committee continued its hearings on tariff revision, taking up the lumber and silk schedules.

Gloucester fishing interests were heard by merchant marine committee on bill for hospital ship for fishing fleet.

Democrats Will Put Lumber and Meats on the Free List

WASHINGTON, Jan. 13.—Free lumber as part of the democratic tariff program of the coming extra session of congress seemed assured today at the hearing before the house committee on ways and means despite statements by witnesses representing Virginia and Carolina lumbermen. The lumber schedule was closed so far as the hearings were concerned after colloquies between the democratic members of the committee and the witnesses had indicated the intention of the majority of putting on the free list rough and dressed lumber, hem and squared timber, shingles, laths and fenceposts. Representative Kitchen of North Carolina, demoralized, referred incidentally to meats, and Representative Longworth of Ohio, republican, asked:

"Do you democrats intend to put meat on the free list?"

"Yes," replied Mr. Kitchen. "I'm going to vote for it."

Representative James of Kentucky, democrat, in the cross-examination referred to the "greater necessity for conserving the interests of the poor people than of conserving lumber."

Poison Found in Medicine Given to Wealthy Woman

CHICAGO, Jan. 13.—Coroner Hoffman is investigating the death of Mrs. Leah Hewitt, 39 years old, who died at a north side hospital December 21, leaving an estate valued at \$25,000. A daughter of the woman expressed the opinion her mother was the victim of poison, and enough poison was found in the medicine prescribed for her to kill a score of persons. Coroner Hoffman has questioned the husband of the victim and several other members of the family.

In her bill for separate maintenance filed shortly before her death Mrs. Hewitt charged her husband with attempting to poison her by putting strychnine in the medicine and that on a previous occasion her husband tried to take the lives of her daughter and herself by turning on the gas.

MANY IN FAVOR OF REMOVAL

Omaha Cornhuskers Get Hundreds of
Letters Backing Up Move.

UNIVERSITY IS TOO CROWDED
Local Association to Become Active
in Backing Up the Report of
the Regent of the State
University.

Omaha alumni of the University of Nebraska are receiving from all parts of the state letters approving their plans for helping secure the removal of the university campus from its present site to the state farm. Amos Thomas, secretary of the local Nebraska association, has received at least fifty letters during the last two days from towns as far west as Sidney. In each communication was an unmistakable tone endorsing the plan to change the campus and asking that the letter be relayed upon to give his support to any movement the Omaha Cornhuskers should back.

Since last week the Omaha alumni have become determined in a clean-out, out-and-out policy to be rid of the present "tenement university." According to their views the big state school is being stunted in its growth, being pressed down into an abnormal shape, and all because it is congested—congested like a big tenement house in one of the east side districts of New York or any other large city.

In Cramped Quarters.
It is in too cramped a position for natural growth, and it is certain to lose the value of many of the functions of its blood if it remains much longer where it now is located. The University of Nebraska, like a child, must have ample room in which to grow. The child of the tenement is stunted in growth; the foul, stifling, unnatural air of the tenement district does not permit of a healthy growth. And the Omaha alumni of Nebraska ask how their alma mater can progress, either mentally or physically, if it is kept jammed down in a quarter where it is impossible for it to expand.

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Dr. Richardson is Ready to Report on Rockefeller

WASHINGTON, Jan. 13.—Dr. C. W. Richardson, who examined William Rockefeller, the oil magnate, at Miami, for the house money trust investigating committee to determine if the millionaire was physically able to give testimony, has made his report. Chairman Pujo will not make it public until after it has been presented to the full membership of the house banking and currency committee.

It is understood that Dr. Richardson found Mr. Rockefeller suffering from the ailments described in the affidavits filed with the committee by his physicians as "acute inflammation of the larynx," which had necessitated six operations. Dr. Richardson will testify regarding his examination before the committee Wednesday, so the session which has been set for tomorrow, was advanced one day.

HODGES INAUGURATED GOVERNOR OF KANSAS

TOPEKA, Kan., Jan. 13.—George H. Hodges of Olathe was inaugurated today as the nineteenth governor of Kansas, being the first democratic executive to take the oath since the inauguration of Governor George W. Dick, thirty years ago. The administration of the oath to Governor Hodges was the climax to the inauguration of the entire list of state officials, most of the others being inaugurated on the 12th.

Governor Hodges in his inaugural address stated that it was his special hope to foster the development in the state of better roads, scientific agriculture, strict enforcement of the prohibition law and the settlement of new arid lands. He trusted the railroad and utilities legislation of past administrations.

FEDERAL ATTACK ON ANTHRACITE TRUST WILL BE REOPENED

New Suit Attacking Minor Combina-
tions of Railroads and Mines
Decided Upon.

GOVERNMENT COUNSEL REPORTS

Entrusted with Immediate Prepara-
tion and Filing of Bill.

STUDIES MOVE SEVERAL WEEKS

Question Left Open in Recent De-
cision of Supreme Court.

CIVIL PROCEEDINGS PLANNED

Effort to Clear Up Whole Coal
Situation of Much Interest to
Government on Account of
Consumers' Complaints.

WASHINGTON, Jan. 13.—Attorney General Wickham, it is understood tonight, has decided further to attack the so-called hard coal trust in civil proceedings under the Sherman anti-trust law.

This was the result of a conference here today between the attorney general and James C. McReynolds of New York, who was the government's counsel in the anthracite trust suit, decided by the supreme court a few weeks ago. The new suit, it is said, will be directed against the so-called minor combinations of coal-carrying railroads and coal companies in the Pennsylvania fields, charges against which were dismissed by the supreme court without prejudice in its recent decision, because they were held to have been improperly incorporated in the government's original general bill against the "trust."

It was learned on reliable authority that the attorney general had entrusted a further move to clear up the whole coal situation to Mr. McReynolds, who will be charged with the preparation of the bill and the conduct of the suit to be filed at an early date.

Consumers' Complaints Heeded.

By direction of the attorney general, Mr. McReynolds has been studying for several weeks the effect of the supreme court's decision upon conditions in the hard coal fields. He made his report today and is said to have recommended pursuing the question, which has been of absorbing interest to the Department of Justice, because of numerous complaints against the high prices of coal.

The minor combinations not passed on by the supreme court and left for future consideration and possible action were those alleged to have been created in 1888 by the absorption of the New York, Susquehanna and Western by the Erie; in 1887 by the acquisition by the Reading company, which owned the Philadelphia & Reading railway and a coal company by a similar name; of the Central of New Jersey with its coal company; in 1889, by the acquisition by the Erie of the Pennsylvania Coal company, which is said to have been projecting a new railroad, the Delaware Valley & Kingston.

House Democrats Try to Annul Recent Civil Service Order

WASHINGTON, Jan. 13.—An amendment to the postoffice appropriation bill to annul the executive orders which placed fourth-class postmasters and assistant postmasters and clerks of first and second class postoffices under civil service was adopted by the house today as a committee of the whole. It was offered by Representative Cullop of Indiana, and will come before the house again when it finally passes on the bill. All republicans refrained from voting.

Judge Haney Decides to Oppose Sterling

MITCHELL, S. D., Jan. 13.—(Special Telegram.)—After a conference of three days which was held by the stalwart faction at Huron and Pierre a new candidate was announced today for United States senator to enter the list against Thomas Sterling. The matter was laid before Judge Dick Haney this afternoon by a representative of the faction, and he signified his willingness to enter the race at this time. Judge Haney went out to Pierre late this afternoon to get in touch with the men who are backing his candidacy. The stalwarts make the emphatic declaration that Sterling cannot win with the support that he now has.

Judge Haney has just retired from the supreme bench of the state, where he served for eighteen years, and it is believed his friends in this section of the state will stand loyal to him as a candidate. It is strongly intimated that Governor Byrne in the course of another day, and that the full strength of the stalwarts will be centered on him.

SOUTHMADE TAKES STAND IN HIS OWN DEFENSE

STURGIS, S. D., Jan. 13.—(Special Telegram.)—In the Southmade murder case in circuit court today the defense introduced testimony that Southmade was subject to epilepsy. The defendant on the stand said that June 2, his wife was not in the house; that after a search he found her lying dead in a field with a revolver by her side; that he put her body in a little horse wagon and hauled her to the house and put her on a bed, where she was when the coroner reached the scene. He said he had a fit that morning prior to the tragedy and claimed not to remember the statements that Mrs. Southmade had made on the bed.

The state has a signed statement, which was not admitted on objection by the defense.