

Words Backed By Deeds That's why the Bee has friends and enemies, and why it wields an influence for public good.

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THE WEATHER
Unsettled

PROVISION FOR TAX ON INCOME IS PART OF CONSTITUTION

Senator Brown's Amendment to Fundamental Law is Ratified by Thirty-Seven States.

WYOMING PUTS IT ACROSS LINE Measure is Rushed Through Both Houses in Record Time.

DELAWARE CLAIMS THE HONOR News from Cheyenne, However, Reached Washington First.

CONGRESS WILL PASS LAW Act Probably Will Provide for Tax on All Incomes Above Five Thousand Dollars a Year.

WASHINGTON, Feb. 3.—An income tax is now one of the provisions of the constitution. Wyoming's ratification today of the income tax amendment—the sixteenth change in the constitution and the first since the reconstruction—completed a list of thirty-six states—three-fourths of the union, which have approved the provision.

Congress will now enact a law to levy the tax and it probably will become effective during the extraordinary session to be called by President-elect Wilson in March. The tax itself, its provisions and its limitations are all left to congress. The new law would supersede the corporation tax and provide for a tax on all incomes above \$5,000, although there has been some sentiment in favor of making the limit as low as \$3,000.

Congressional leaders who have been preparing for the final ratification by the states, each year, estimate an income tax would bring in about \$100,000,000 a year to the government. Now that the tax is provided by the constitution the proposed excise tax, framed by the democratic leaders in 1912 to meet the supreme court's decision, which held a former income tax unconstitutional, and some of its provisions may be included in the new law. West Virginia ratified the amendment last week. One house in New Jersey and one in New Mexico have approved it. Wyoming's ratification was wholly unexpected at this time.

Following is the list of states which ratified the income tax amendment:

- Alabama
- Arizona
- California
- Colorado
- Florida
- Georgia
- Idaho
- Illinois
- Indiana
- Iowa
- Kentucky
- Louisiana
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nebraska
- Nevada
- New York
- North Carolina
- North Dakota
- Oklahoma
- Oregon
- South Carolina
- South Dakota
- Tennessee
- Texas
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

The following rejected:

- Connecticut
- Rhode Island
- New Hampshire
- Utah

No action or only partial action was taken in the eight other states.

WYOMING ACTS PROMPTLY Resolution Rushed Through Under Suspension of Rules.

CHEYENNE, Wyo., Feb. 3.—Not a dissenting vote was registered in either house of the Wyoming legislature this forenoon on the joint resolution ratifying the income tax amendment to the federal constitution. The resolution of ratification was introduced in the senate by Senator Kendrick and was taking the usual course until the legislature learned that only one state was needed to make the amendment effective. Thereupon, when the senate met this morning, Mr. Kendrick moved the resolution be taken up under a suspension of the rules and voted upon. This was done and immediately forwarded to the house, where it was expedited through, the vote being completed at 11:15 o'clock. The resolution is now on its way to the governor for his signature.

DELAWARE CLAIMS HONOR Find Action on Resolution Taken at Top City.

DOVER, Del., Feb. 3.—Believing that Delaware would make the thirty-sixth state to ratify the federal income tax amendment and thus make it effective the legislature rushed through a joint resolution ratifying the amendment.

According to the speaker of the house of the Delaware legislature final legislative action on the joint resolution ratifying the proposed amendment was taken at 10:55 o'clock this morning. The senate met at 10:30 a. m. and soon afterward passed the resolution. Within five minutes after its receipt from the senate the house acted favorably upon the measure. The action of both houses was unanimous.

There was no knowledge here of action by Wyoming on the question and Delaware is claiming the deciding vote in favor of the amendment.

Wickersham and Fisher Are Scored By Oil Attorneys

WASHINGTON, Feb. 3.—Attorney General Wickersham is again scored for his action in holding up the Texas indictments against John D. Archbold and other Standard Oil officials and Secretary Fisher is again charged with "subservience to the oil trust" in a brief filed today with the house Indian affairs committee by attorneys for the Ucle-San Oil company in the Osage lands controversy. The committee's report on its investigation of charges against Mr. Fisher, pointing out of the secretary's dismissal of the Osage attorneys because they persisted in making leases with the Ucle-San company, will not be made to the congress. At a recent election the tribe ratified Secretary Fisher's action. A resolution calling on Attorney General Wickersham to submit to the house a statement concerning his action on the Texas indictments were introduced later by Representative Garner. The attorney general recently ordered the United States attorney at New York to issue bench warrants against John D. Archbold, H. C. Volger, jr., and W. C. Tingle. The case was taken back to the Texas grand jury, but it has not been acted on further. The oil officials were indicted on the charge that the Standard Oil Company of New Jersey, the Standard Oil Company of New York and the Mazonia Petroleum company of Texas had conspired to violate the anti-trust law by restricting and interfering with the business of the Pierce-Fordyce Oil association.

Wilson's Anti-Trust Bills Before Jersey Senate Committee

TRENTON, N. J., Feb. 3.—The senate committee on judiciary today began its hearing on Governor Wilson's seven anti-trust bills, which were introduced by Senator Davis, the democratic leader. The advocates of the bills were given thirty minutes and the opponents an hour, and a half, but no one spoke for the bills, although several persons who favored them were present. When the opposition was called William I. Lewis, counsel for the Tidewater Oil company, said he did not appear in opposition to the bills as a whole, but rather to suggest what he considered desirable changes. The same attitude was taken by Richard V. Lindabury, counsel for the United States Steel corporation and other concerns. Mr. Lewis said he thought the bills would prohibit a manufacturer from selling his entire output to a single customer. This he thought should be changed. Mr. Lewis also thought the bills tended to force cash transactions. Mr. Lewis criticized the so-called "price bill" because it prohibited discrimination in prices between different sections of the state except for the difference in the cost of transportation. Mr. Lindabury thought Mr. Lewis was too strict an interpretation upon "price bill," which he believed had been construed reasonably to carry its express purpose of preventing monopoly.

Governor Morehead Names Fifty-Three Colonels for Staff

(From a Staff Correspondent.)
LINCOLN, Feb. 3.—(Special Telegram.)—Governor Morehead has appointed the following staff of colonels: L. P. Uterback, Felix J. McShane, Myer Klein, T. J. O'Brien, C. B. Laver, P. C. Heafey, A. D. Petherman, Thomas Quintan, Adolf Storck, Charles E. Fanning, George Rogers, J. A. C. Kennedy, L. J. Platt, Harley G. Morehead, Dr. C. C. Allison, Edward Getten, Arthur Metz, Everett Buckingham, A. V. Dresher, Southrup Neils, Thomas Byrne, J. W. Woodrough, Herbert S. Daniel and J. S. Henderson. Omaha: W. H. Woods, Michael Murphy, Thomas Hoctor, J. H. Bulla, South Omaha: Robert S. Oberfelder, Sidney William Heatty, Brady, John Moore, Calverly, Dr. A. D. Cameron, Kearney: Dr. C. G. Barnes, Alton: John Sink, Grand Island: Bishop Beecher, Kearney: S. D. Bartle, David City: John C. Hartman, Fairbury: John R. Golden, Nebraska City: J. H. Kelly, Gettysburg: Fred Volpp, Scribner: Dr. A. P. Fitzsimmons, Tecumseh: George Gillin, Lexington: Jacob Klime, Jr., Beatrice: C. P. Tierney, Broken Bow: E. J. Shimo, Beatrice: E. L. Troyer, John G. Maher, W. E. Straub, Ft. W. Brown, Jr. C. J. Bills and Ed Washburn; Lincoln: George A. Towle, Ed Washburn.

Cattlemen Charged With Burning Outfit of Sheep Herders

SHELDAN, Wyo., Feb. 3.—(Special Telegram.)—Sheriff Hoop returned from Arvada last night with evidence of the identity of the cattlemen who raided the Fainer camp in Powder river, burned the outfit's wagons and stampeded the sheep. Failure of the herders to observe the "deadline" dividing the sheep and cattle range precipitated the trouble. Anton Sieber, the herder in charge of the Walsner flock, failing to move fast enough to suit his assailants, was driven off at the point of a gun. "It's no use to reach for your gun," he was told, "as those fellows on the hill have a head on you."

BIG PRINTING PLANT IN DES MOINES BURNED

DES MOINES, Ia., Feb. 2.—Fire, starting in the electrolyte foundry, partially destroyed the Homebased Publishing company's four-story building here early today. Estimate damage is \$175,000, covered by insurance.

BOMBARDMENT OF ADRIANOPLE BEGUN BY BALKAN ALLIES

Hostilities Began Punctually at 7 o'clock. When Armistice Ends.

THE SKIRMISH AT TCHATALJ Action at Outposts of Constantinople is Insignificant.

POWERS FAIL TO AVERT FIGHT Germany and Great Britain Fail to Pressure on Bulgaria.

REVOLT IN THE TURKISH ARMY Many Officers and Soldiers Ready to Avenge the Death of Nazim Pasha, Their Favorite Commander.

BULLETIN. CONSTANTINOPLE, Feb. 3.—(Special Telegram.)—It is announced officially that hostilities began punctually at 7 o'clock tonight, both at Adrianople and Tchalatja. At Adrianople the allies opened their bombardment. At Tchalatja an insignificant skirmish occurred.

CONSTANTINOPLE, Feb. 3.—The outcome of the representations made by the British and German ministers at the Bulgarian capital was awaited here this morning. Although the armistice was scheduled to end at 7 o'clock in the evening, the Ottoman officials had not yet lost hope that a resumption of hostilities would be avoided.

The German communication to the government of King Ferdinand of Bulgaria was even more direct in its terms than was that of Great Britain in urging a peaceful settlement. Germany declared it considered the new Turkish proposals as adequate, while both Great Britain and Germany intimated that intractability on the part of the Balkan nations was not approved by the powers.

In the meantime Turkey has not been neglecting operations. The movements of troops and war stores have been incessant during the last week, while the hospitals at the front have all been cleared and their patients removed to the infirmaries in this city.

ATLANTA, Ga., Feb. 3.—The Balkan allies do not appear in a particular hurry to resume the war against Turkey. Two of the Serbian delegates who arrived here from London today said that hostilities would not begin "before tomorrow," indicating that there may be a considerable delay before the war is renewed in earnest. Europe, they declare, desires peace.

WASHINGTON, Feb. 3.—The government will prosecute officials of the United Shoe Machinery company under the one remaining indictment, it was announced at the Department of Justice today. That indictment charges monopoly and unfair competitive methods and is declared by officials to be the most important and strongest of the indictments returned against the company.

WASHINGTON, Feb. 3.—The government today suffered its first big defeat in the recent anti-trust campaign when the supreme court held that the officials of the United Shoe Machinery company had not violated the Sherman anti-trust law by organizing that company. The court, however, did not pass upon the legality of the system by which the company leases machines on terms that no "Independent" machinery be used.

The action of the supreme court today grew out of the Massachusetts federal court's annulling one of two indictments brought against the shoe machinery company first by organizing the United Shoe Machinery company, and second, by a system of leasing their machines whereby patrons were compelled to promise not to use any machinery made by independent and to use only that made by the alleged combine.

Monopoly Complete. The charge was that the shoe machinery corporation took over the business of the Consolidated and McKay Leasing Machine company, manufacturing 60 percent of all leasing machines; the McKay Shoe Machinery company, manufacturing 20 percent of all leasing machines and 80 percent of all metal fastening machines, and of the Goodyear Shoe Machinery company, manufacturing 80 percent of all the well-sewing and outsole-stitching machines.

J. J. Gallagher, Man Who Shot Gaynor, is Dead of Paresis

TRENTON, N. J., Feb. 3.—James J. Gallagher, the man who shot Mayor Gaynor of New York nearly two years ago at Hoboken N. J., died today at the New Jersey state hospital for the insane in this city. Death was due to paresis. He had been at the state hospital since January 18, 1911, having been transferred there from the New Jersey state prison where he had been sentenced to serve 12 years on a charge of assault on Street Commissioner William Edwards of New York City who was with Mayor Gaynor at the time. Gallagher was never prosecuted for shooting the mayor. This was at Mayor Gaynor's request. Gallagher's act was prompted by disappointment from having been discharged from a municipal prison in New York City.

HAS TEETH DRAWN TO CONCEAL IDENTITY

CHICAGO, Feb. 3.—Hopling to conceal his identity Alcepha Fisher had eighteen of his teeth extracted and replaced by gold ones. Also he jabbed a hand and a substitute, but he was recognized in New York and brought back here today to answer to charges of burglary and robbery.

One of the Drawbacks of Being a Domesticated Lion!



From the Chicago Inter Ocean.

SHOE MACHINE COMBINE WINS Supreme Court Holds that Company is Not Trust.

WASHINGTON, Feb. 3.—The supreme court today held that the United Shoe Machinery company is not a trust, but that it has violated the Sherman anti-trust law by organizing that company. The court, however, did not pass upon the legality of the system by which the company leases machines on terms that no "Independent" machinery be used.

PIONEER NEBRASKAN DIES AT EXCELSIOR SPRINGS.

Henry T. Clarke, one of Omaha's earliest pioneers and well known all over the west, died Sunday at the Elms, Excelsior Springs, Mo., surrounded by all the members of his family except his son, Harry Clarke of Bellevue, who was kept away from the bedside by the receipt of his wife. Those with him at his death were, John T. of New York, Mrs. Matthew J. Whittall of Worcester, Mass., Henry T. of Lincoln and Gordon J. of Okmoochee, Okla.

Mr. Clarke has been quite sick for the last two years, during which time he has been at the Her Grand under the care of a trained nurse. The last time he appeared in public in Omaha was the occasion of the visit of Senator Burton of Ohio last October.

Born in New York. Mr. Clarke was born at Greenwich, N. Y., April 26, 1824. The rudiments of his education were acquired in a little yellow school house on his grandfather's farm at Greenwich, where President Chester A. Arthur was his fellow pupil. He finished his education at the village academy built by his father on the lot adjoining the family home.

At the age of 18 Mr. Clarke left home and entered a store at Erie, Pa., as a clerk. In the spring of 1852 he secured a position at Cleveland, O. In 1855 he decided to go west and chose Lawrence, Kan., as his objective point. On April 16 he left Chicago and drove west. En route to Lawrence he passed through Omaha and Bellevue, on reaching Lawrence he found but one white person living there and decided to come back to Omaha.

With the assistance of two surveyors, Mr. Clarke located on a spot near Bellevue, where he decided to make his permanent home. At the time of Mr. Clarke's arrival at Bellevue, the agencies of the Omaha, Otoe and Pawnee Indians were located there and also the Indian tribes, the Tretter, the Mitchell and Latav.

Returns Home to Mary. A little over three years after he had settled in Nebraska, Mr. Clarke returned to his native town, where he was married to Martha A. Fielding, a former school mate.

In 1862 Henry T. Clarke was a member of the Nebraska house of representatives. In 1864 he was elected to the council (now the state senate), being the first of three members of his immediate family to occupy seats in that body. He was a prominent candidate for the gubernatorial nomination in 1888. He was a member of the Board of Education of Omaha for three years and president of the board for two years of that time.

Mr. Clarke was the first man to be made a master Mason in Nebraska (see No. 1 at Bellevue). He was one of the organizers of the Veteran Masons in Omaha and was its president. He has for many years been a prominent member of the Omaha club, Commercial club and the Omaha Board of Trade. In 1894 he was appointed receiver of the Union Trust company, a large financial institution of Omaha. He was one of the incorporators of the Northwestern Electric Light company which first furnished electric light for Omaha.

Owens Many Acres. Mr. Clarke owned large tracts of state lands for building railroads in the state, and for raising thousands of acres under cultivation, giving his personal attention to raising grain and stock in

Nelson Contempt Case Sent Direct to the State Supreme Court

KANSAS CITY, Feb. 3.—The application for a writ of habeas corpus, asked Saturday by Colonel W. R. Nelson, editor and owner of the Kansas City Star, following his sentence by Judge Joseph A. Guthrie to one day in jail for alleged contempt, was this afternoon referred direct to the Missouri supreme court. This will act as an arrest of judgment and Colonel Nelson will remain at liberty until the supreme court acts.

COLORADO REJECTS BILL TO PROTECT ILLINOIS

DENVER, Feb. 3.—The Colorado senate today refused to go on record in favor of giving Uncle Sam's fighting man the privilege of the open branch of the Legislature killed a bill making it a misdemeanor for any man, woman or child to bring to this state a horse, mule or pack animal or other regular animal or the national guard.

The National Capital

Monday, February 3, 1913.

LEASING POINT NOT PASSED ON Method by Which Independent Machines Are Kept Out of Factories is Before Court in This Case.

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MONOPOLY COMPLETE. The charge was that the shoe machinery corporation took over the business of the Consolidated and McKay Leasing Machine company, manufacturing 60 percent of all leasing machines; the McKay Shoe Machinery company, manufacturing 20 percent of all leasing machines and 80 percent of all metal fastening machines, and of the Goodyear Shoe Machinery company, manufacturing 80 percent of all the well-sewing and outsole-stitching machines.

The government claimed this put about 80 percent of the shoe machinery business into one concern, and that that being an "undue proportion" of the trade was a violation of the law. It did not claim that there had been unfair competition, as in the Standard Oil and Tobacco cases.

The shoe machinery officials declared the supreme court could not review the action of the Massachusetts courts because the criminal appeals act was repealed by not being included in the judicial code of 1912, and also claimed that the organization of the corporation was a normal trade development. They further urged that the groups consolidated into the corporation were noncompeting and that the leasing system was justified by the patent laws.

CRAZED MAN JUMPS FROM WINDOW AND IS KILLED

CEDAR RAPIDS, Ia., Feb. 3.—Crazed by an injection of a drug, giving possession to an operation on his eyes, Jerry Retolind, aged 22 years, jumped from a window in a local hospital and was instantly killed.

THE SENATE. Convened at noon.

Senator O'Horman introduced amendment to transfer the land office from the department of the interior to the department of the interior. The amendment was referred to the committee on interior.

THE HOUSE. Convened at noon.

Representative Gardner introduced resolution relating to the general office of the state board of health. The resolution was referred to the committee on health.

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STIMMS TO STOP COUNTY OFFICERS WHO LOBBY FOR RAISE IN SALARY

Mike Lee Introduces Bill that Would Head Off Efforts to Boost Stipends.

FORFEITURE OF JOB AT STAKE Returns from Sunday Visit Home with the Measure.

HOSPITAL AT MEDICAL SCHOOL Chase County Member Seeks to Provide the Means.

NO JOY RIDING FOR ANDERSON Douglas County Representative Seeks to Provide that All Publicly Owned Autos Be Used for Public Service.

(From a Staff Correspondent.) LINCOLN, Feb. 3.—(Special Telegram.)—Mike Lee went to Omaha for Sunday and evidently got no rest from county officers demanding increase in salaries. He came back today and introduced a bill in the house making it unlawful for any municipal or county officer to lobby with a legislator for an increase. The penalty is a fine and forfeiture of office. Both the house and senate will still two days in which to introduce bills, get busy and filled their hoppers. The house with sixty-six measures and the senate with thirty-six.

Votes of Douglas introduced a measure to provide for a supreme court commission of nine members, to be paid \$12,000 a year each, and an appropriate \$4,500 to pay for the commission and stenographers. The supreme court is to do the appointing.

Medical College Hospital. Hoffmeister of Chase introduced a bill to provide a general hospital at the Omaha Medical college and Lawey of Dodge a measure to appropriate \$23,000 to pay for it. Brain wants the county commissioners of Douglas county to devote their entire time to their duties and increase their pay to \$5,000 per year. So introduced a bill to that effect. Brain and Olney also introduced a bill to create a minimum wage board.

Anderson of Douglas wants no joy riding in an automobile bought by the taxpayers of any city or county, so he has a bill to prohibit that. Another measure was introduced in the house to create a state board of architecture, with the governor as its chairman. This board is to appoint a board of five secretaries to examine and license architects.

Ballou has a measure to exempt 10 percent of wages from attachment.

For Increased Salaries. Bartling of Otter introduced a measure in the senate to amend the constitution and pay the following salaries to state officers: Governor, \$7,500; auditor, attorney general and treasurer, \$4,500; others, \$2,500 each.

Saunders had a measure to have all property put on the tax rolls listed at its full value, though assessed as now at one-fifth of its value.

Some house and senate members are not going on record in the university removal fight if they can get their constituents to settle for them. In both branches today resolutions were introduced to leave this to the voters under the referendum law. No action will be taken on the resolutions until tomorrow.

To Create Insurance Board. The bill to reorganize the insurance department of the state and to change in many particulars the insurance laws will be introduced in the house by the committee which passed on the revised code. The new measure will create an insurance board, consisting of the governor, attorney general and auditor, who are authorized to select a secretary who will do the detail work of the department. This will take the insurance department from under the jurisdiction of the state auditor.

The changes in the present insurance laws will be along lines suggested by the committee of the National Association of Insurance Commissioners, but it is said will not affect the present fraternal laws.

RAISE CAPITAL STOCK.

Under the new bill the capital stock of companies will be raised as follows: Fidelity credit and title companies, \$25,000; life, fire, burglary, animal and miscellaneous, \$10,000; academies, \$50,000; boiler, plate glass, arching, \$50,000. There will be no more companies organized with a capital stock as low as \$10,000 under the bill. The new measure will prohibit companies from taking a note before the expiration of the policy, a yearly accounting must be made to every policyholder showing the amount due him under a participating policy. Insurance companies are required to adjust themselves to the new law by July 1, 1915.

FAMILIAR FIGURE MISSING.

Old-timers here miss a familiar figure around the legislative halls. For many years an elderly woman, dressed in gray and wearing a gray cap, and who walked on crutches, was a constant attendant at the deliberations of the legislators. She was very vigorously opposed to capital punishment, and for two or more seasons her special hobby was Colonel Tom Major, whom she delighted in "roasting" every day, or whenever she got an opportunity to get his ear. She lives in Lancaster county, but so far has not shown up this year, and those who knew her well in other years are of the opinion she is too feeble now to get out.

MOVE FOR PEOPLE TO VOTE.

SENATE WILL CONSIDER RESOLUTION ON University Removal. (From a Staff Correspondent.) LINCOLN, Feb. 3.—(Special.)—The first bill to reach the senate from the house outside of the appropriation bills came in this afternoon, being house bill No. 1, removing the location of the legislature. She was proposed by the committee.

Whereas, There is general discussion and much diversity of opinion as to the removal of the legislature from its present location to some other place in this state, and whereas, the committee on education, literature and general affairs, created by the legislature at its special session in 1911, reported the following resolution:

(Continued on Page Ten)

The Weather

For Omaha, Council Bluffs and Vicinity. Unsettled, with probably snow flurries; slightly colder.

Temperature at Omaha Yesterday:

5 a. m.	38
6 a. m.	35
7 a. m.	32
8 a. m.	28
9 a. m.	25
10 a. m.	22
11 a. m.	19
12 m.	16
1 p. m.	13
2 p. m.	10
3 p. m.	7
4 p. m.	4
5 p. m.	1
6 p. m.	-2
7 p. m.	-5
8 p. m.	-8
9 p. m.	-11
10 p. m.	-14
11 p. m.	-17
Midnight	-20

