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THE OCCUPATION TAX CASE ON TRIAL IN JUSTICE COURT

Suit Against Richard Cofield, Charged With Violating City Ordinance Hotly Contested by Defendant Who Won Out.

From Saturday's Daily.

The civil suit commenced against Richard Cofield, the man who was arrested for selling earthen ware and pottery in the city without obtaining a license or paying an occupation tax, was tried yesterday and by the court taken under advisement until 10 o'clock this morning, and by the court decided adversely to the city.

In addition to bringing the civil suit the plaintiff had an attachment issued and garnished the First National bank, which held a \$200 cash deposit to protect the signer of a bond required by Mr. Cofield in order that he could have a continuance of the hearing on the misdemeanor charge.

The civil suit was hotly contested, as was the criminal prosecution, Mr. Gering appearing for the defendant and Judge Ramsey for the city and A. L. Tidd for the Commercial club.

The contention of the defendant was that he was engaged in interstate commerce, and as the occupation tax ordinance especially exempts interstate commerce business from the operation of the ordinance, he could not be held to pay a tax, and asked for a discharge of the attachment. Defendant also contended that if the court should take the view that he

was not engaged in interstate business, that the ordinance was illegal which assessed a peddler's tax at \$10 per day, for the reason that the only object of the ordinance is to raise revenue, and that a \$10 a day rate was so high that no one could afford to do business, and that the object of raising a revenue would be defeated, by the prohibitive rate to his business.

Judge Archer viewed the case as having the issues in favor of the defendant and dismissed the case and discharged the attachment.

The plaintiff city has ten days in which to appeal the case, and the city attorney hopes the council will authorize an appeal.

The Commercial club executive committee held a meeting last evening and discussed the appeal, as well as the ordinance, and it was decided to ask the council to amend the ordinance to the extent that the rates be not made prohibitive, and get the ordinance in shape to stand the scrutiny of the supreme court. Mr. Tidd was appointed to consult with Mr. Dwyer, chairman of the Judiciary committee of the council, and to cooperate with him in drafting an amendment to the ordinance to present to the next meeting of the council.

NEWLY WEDDED WERE "BELLED" THURSDAY NIGHT

Our esteemed friend, J. W. Sutton, and his bride, who were married last Tuesday, were given an enthusiastic reception on the evening of their arrival at their home in Liberty precinct. The news of their coming had already been noised around the vicinity and every fellow got his cowbell in good trim for the charivari which was planned for Thursday night. J. W. knew the custom of the neighborhood, for he had frequently joined in similar festivities in the

community himself and he provided himself with some good cigars for the anticipated serenade. The pans and bells were not allowed to jingle long before the crowd was liberally supplied with cigars and cider. The boys were treated handsomely and the best of feeling prevailed and the crowd dispersed wishing Mr. and Mrs. Sutton a prosperous and joyous journey through life.

George Berger and wife of Elmwood, Harry Waltz, Charles Quinn of the same city, and James Forbes of Weeping Water were in the city today attending a trial in the district court in which Mr. Berger is plaintiff.

EXCLUSIVE QUALITY SUITS

FOR SPRING 1911

When your fancy turns to new Spring clothes, think of this store—the store that has never disappointed. In our 30 years experience we have never been able to offer you such snappy, bright, faultlessly tailored clothing as at the present time.

Our purchases combine the cream of the leading makers of fine clothing in America, and you will find in our Quality Line from \$20 to \$35, such exclusive features and patterns as the best merchant tailor could give you, but at a saving of \$5 to \$20. If you want a really good suit, such as distinguishes the well dressed man in any crowd, buy one of our Quality suits—they're the last word in style and quality.

C. E. Wescott's Sons

THE HOME OF SATISFACTION

GENERAL CARTER AT SAN ANTONIO

Special Trains Carrying Troops Arrive at Texas Post.

GENERAL WOOD TO GO SOUTH

Chief of Staff Will Make Trip of Inspection in April—Navy Carrying Out Its Part of Operations—Warships on Way to Guantanamo.

Washington, March 11.—Major General William H. Carter, commander of the division which is concentrating at San Antonio, arrived at the Texas post today. Reports to the war department indicate that nearly all the troops which will form the division have reported.

A city of tents has sprung up during the day. The camp is on a gentle slope of the prairie, offering perfect drainage. Colonel Clem, quartermaster general of the department of Texas, has been ordered to secure provisions for four months for 10,000 men.

Major General Leonard Wood it was announced at the war department, probably will go to the border in April. The purpose of his trip will be to inspect the camp and commands along the frontier.

The navy is carrying out its part of the operations just as if the sudden and extensive preparation of war vessels for active duty was a part of everyday life. Three ships of the Fifth division of the Atlantic fleet are now en route to Guantanamo, Cuba.

The armored cruiser Washington, the remaining unit of the division which is undergoing repairs at the Portsmouth (N. H.) navy yard, will be ready for duty on March 15, when it will be sent to join its division.

The admissions in administration circles that the military activity is inspired by conditions in Mexico were read with deep interest by officers of the army and navy, a majority of whom had accepted the earlier explanation that the operations were merely technical exercise and drills in the art of warfare.

JAPAN NOT AFTER NAVAL BASE

Baron Uchida Denies Report of Secret Treaty With Mexico.

Washington, March 11.—Japan has never made the slightest effort to obtain from Mexico any concession for a coaling station for naval uses at Magdalena bay, or All Saints' bay, or on any point of the Pacific coast.

This was the emphatic declaration of Baron Uchida, Japanese ambassador to Washington, when his attention was called to published statements that through secret treaties or other arrangements with President Diaz' government Japan either had acquired or was about to acquire a coaling station or naval base on this side.

Alluding to the fact that a new line of Japanese steamers was to ply between some Mexican ports on the north and Peru on the south, the ambassador said that if this company has made any arrangements for taking on coal for its vessels in Mexican territory, which naturally would be necessary, of course, such an arrangement was on a purely business basis and was such as is entered into by all commercial lines of maritime nations.

GRAVENS IS IDENTIFIED

Escaped Murderer Is Doing Time for Grand Larceny in Missouri.

Leavenworth, Kan., March 11.—That Ben Gravens, a notorious desperado of Oklahoma and Kansas, who escaped from the Kansas state prison Nov. 14, 1900, is serving a sentence for grand larceny in the Missouri penitentiary at Jefferson City under the name of Charles Moss, was the positive statement of William Duckett, Bertillon clerk in the Kansas penitentiary. Duckett, who had just returned from Jefferson City, identified Gravens by numerous peculiar scars on his body.

Standing rewards offered for Gravens' arrest aggregate \$10,000, of which \$5,000 was offered by the Oklahoma Anti-Horsethief association.

Gravens had just begun to serve a twenty-year sentence for murder in Oklahoma, when with two other prisoners he escaped from the Kansas prison. Gravens and his companions had made dummy revolvers with which they surprised their guards. They were pursued by a posse that killed one of the three fugitives. Gravens escaped.

The clue of Gravens' whereabouts was given to the Kansas prison officials through an anonymous letter from an Illinois town. It is believed the letter was written by a man who had served a sentence in the Missouri prison.

James R. Wade Commits Suicide.

St. Louis, March 11.—James R. Wade, president of the National Vacuum Steam Heating company, was found dead with a bullet wound in his head in his office. A brother, Festus J. Wade, president of the Mercantile National bank, said that his brother undoubtedly committed suicide.

Roosevelt for Commission Plan.

Birmingham, Ala., March 11.—Approval of the commission form of government in municipal affairs characterized Colonel Roosevelt's address to the citizens of Birmingham.

Z. T. BROWN UNDERWENT OPERATION YESTERDAY

From Saturday's Daily.

Mr. Z. T. Brown, residing on South Seventh street, who has been in bad health for over a year, underwent a surgical operation at his home yesterday morning by which means his physicians hope to restore him to health. In the operation a large puss sack was removed from the patient's side and the half of one rib. The operation was a very delicate one and was performed by Doctors Livingston and Cook. Mr. Brown was on the operating table for two hours before the operation was completed, but came from under the influence of the anesthetic, and last evening felt fine. This morning the patient, although quite sore, was feeling as well as anyone could after going through such an operation. His physicians feel quite encouraged over his condition.

Mr. Brown took a trip of two weeks for his health last fall, hoping to recover his usual strength, and during the summer his work was shifted and he was sent to Alliance for a time and later to Denver, but the change did not seem to benefit him. He returned to his home and laid off for a while and apparently grew better and in January returned to work at the shops. His strength was not sufficient for the exertion and within a couple of weeks after going to work Mr. Brown was forced to lay off again. Three days ago he grew very much worse and his physicians decided on the operation, which was performed yesterday morning. Mr. Brown's numerous friends in the city hope for his permanent recovery and expect to see him out again in

HIGHLY ENTERTAINED AT HOME OF MISS FERN LONG

The DtscheGesellschaft, which is composed of the junior and senior German class of the High school, held a most enjoyable meeting at the home of Miss Fern Long on High school hill last evening. The principal amusements were of the German variety, one of the pleasing features of the evening's entertainment being a program in which Rev. Steger gave a fine address upon the German man and his manners, which proved very interesting, as well as instructive. Following the program they participated in German games and songs and this very pleasant evening was concluded with light refreshments.

ANOTHER PRESIDENT FOR MISSOURI PACIFIC

J. W. Kendrick, vice president of the Santa Fe, in charge of operation on the entire system, with headquarters in Chicago, is authoritatively mentioned in St. Louis, New York and Chicago as the probable successor to George J. Gould as president of the Missouri Pacific and the St. Louis, Iron Mountain & Southern railroad. It is generally understood here the office has been tendered to Mr. Kendrick and he has signified a disposition to accept it. Mr. Kendrick is now in Europe.

Mr. Kendrick was born in Worcester, Mass., October 14, 1853, and was graduated from the Worcester Polytechnic institute in 1873. He entered the railroad service in 1879 with the Northern Pacific, being employed as levelman on the Yellowstone division. Next he was in the engineering department on the Missouri division.

Mr. Kendrick was put in charge of construction on the Missouri and Yellowstone division in 1880, and in 1883 he was appointed chief engineer of the St. Paul & Northern Pacific. He was promoted to chief engineer of the Northern Pacific in 1888. When the road went into receivership in 1893 he was made general manager and proceeded to reorganize the property. He was made second vice president of the Northern Pacific in 1899, and in 1901 he went to the Santa Fe as third vice president. He has been second vice president of the Santa Fe since October 4, 1905.

Read the Daily Journal.

NOTICE OF ADMINISTRATOR'S SALE.

IN THE MATTER OF THE ESTATE OF JOHN H. WALLINGER, DECEASED.

Notice is hereby given that in pursuance of an order of Hon. Harvey D. Travis, judge of the district court of the county of Cass, state of Nebraska, made on the 7th day of March, A. D. 1911, for the sale of the real estate hereinafter described, there will be sold at the south front door of the county court house in the city of Plattsmouth, on the 2nd day of April, 1911, at the hour of 11 o'clock a. m., at public vendue to the highest bidder for cash, the following described real estate to-wit: Lots eight (8) and nine (9), in block three (3), in the village of Cedar Creek, county of Cass, state of Nebraska. Said sale will remain open one hour.

Dated this 7th day of March, A. D. 1911.

CHARLES W. STOEHL, Administrator of estate of John H. Wallinger, deceased.

BASIL S. RAMSEY and WILLIAM C. RAMSEY, Attorneys for Administrator.

MEXICO'S SPOKESMEN.

Enrique C. Greel (Above)
And Minister of Finance
Jose Y. Limantour (Below).



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WILLIAMS' BODY TO BE EXHUMED

Further Inquiry to Be Made into Death of Shenandoah Man.

Shenandoah, Ia., March 13.—At the request of the heirs of the late T. J. Williams and their attorney, Frederick Fischer, the body of the deceased will be exhumed and analysis made of the stomach. The cause for this action has not been made public by the heirs, but it is presumed that the rather sudden death of Mr. Williams has led them to take this action. Mr. Williams was in his usual health until the day preceding his death, which occurred Jan. 17. That morning he arose as usual, ate some buckwheat cakes for breakfast and soon after was taken seriously ill with acute indigestion, from the effects of which he died during the night. Experts will be brought here to make the examination.

TEACHERS END MEETING

Northwestern Pedagogues to Lobby for Four Normal Schools.

Sioux City, Ia., March 13.—The Northwestern Iowa Teachers' association closed its convention here with a stormy session, precipitated because the nominating committee recommended for election men who were absent from the business meeting. The resolutions recommend four new normal schools in Iowa and the association named a committee to lobby in Des Moines to get the additional schools.

The following were elected officers: J. J. Rae of Hawarden, president; J. E. Fitzgerald of Sioux City, vice president; Emma R. Kellar of Rockwell City, secretary; J. G. Hobson of Sioux City, treasurer.

Trial of Mrs. Kreiter Postponed.

Aberdeen, S. D., March 13.—At the request of the prosecution, Judge McNulty postponed the trial of Mrs. Eva May Kreiter for the alleged murder of her husband, Philip Kreiter, near Hecla, three weeks ago, until the fall term of the state circuit court. The attorneys for the defense protested against the delay and professed themselves ready for trial, but the court took into consideration the state attorney's plea that he needed more time to secure evidence and consented to the postponement.

Bad Landslide in Vesuvius.

Naples, March 13.—A severe earthquake, accompanied by strong detonations from Mount Vesuvius, occurred. Investigations showed that a great landslide had dropped from the upper part of the crater. It is estimated that it measured 1,000 by 250 feet and when it fell it caused enormous clouds of smoke. The Funicular railway was badly damaged.

Rules on Iowa Convention.

Des Moines, March 13.—Attorney General Cosson ruled that a successor to Congressman Walter I. Smith of the Ninth Iowa district must be nominated at a convention and that the delegates must be selected at caucuses. The delegates selected at the last primary cannot be reconvened, the attorney general holds.

CONVICTS SAW OUT OF PRISON

Jesse Smith, Slayer, and Three Comrades Escape.

KITCHEN GANG CUTS BARS.

Make Their Way Out of Penitentiary Window in Early Morning—Police Are on Lookout for Four Fugitives, Murderer Serving Ten Years.

Lincoln, March 13.—Jesse Smith, a murderer from Omaha, serving a term of ten years in the state penitentiary, and three fellow convicts escaped at 4 a. m.

Those who escaped with Smith are: Joseph Bushnell, serving a four-year term for burglary; John Hayes, three years, robbery; Charles Peabody, forty-five years.

The men were in the prison kitchen. At 4 o'clock they were released from their cells to help prepare breakfast. When the cook arrived the men were gone. Four iron bars sawed from the kitchen window explained the method of their escape. Notification has been sent broadcast.

Omaha, March 13.—Jesse Smith was convicted of murder here for the killing of a piano player at Divis' saloon. Smith came to Omaha from Montana. In the course of a drunken quarrel with the piano player Smith went out and purchased a gun. He returned and, entering the saloon by a rear door, shot his victim to death on the spot.

DOUBLE TRACK ACROSS STATE

Extensive Betterments on Union Pacific Are Announced.

Omaha, March 13.—Double tracking of the Union Pacific main line in Nebraska will be finished this summer. An order calling for the completion of the double track in this state was sent out by President Lovett of the Harriman system.

The order specifically calls for the immediate double tracking of the Union Pacific line from Julesburg, Colo., to Pine Bluffs, Wyo., a distance of 100 miles. Pine Bluffs is just over the Wyoming side of the line.

This will make the first complete double track line across the state of Nebraska. The Union Pacific, the first line to build across Nebraska, is also the first line to have a double track across the state. In connection with the Northwestern line by traffic arrangements, the Union Pacific now has the use of a double track line from Chicago to the Rocky mountains.

PLATTE POWER PROJECT

Construction of Canal for Hydro-Electric Company Started.

Omaha, March 13.—Work on a Platte river power plant project for the development of 20,000 horse power to be delivered in electrical energy to eastern Nebraska consumers has been started. This plant will be constructed across the river from South Bend. The head of water is to be delivered by a canal leading from a dam in the Platte. Two storage reservoirs with a surface area of 600 acres will be constructed.

The dam across the Platte will be 2,000 feet long. It will only be used for the purpose of diverting the water into the canal. The canal will be carried across the Elkhorn river in a concrete flume.

A head of seventy-five feet of water will be attained at the power house. With this headway, there will be developed about 20,000 horse power twenty-four hour per day.

Settle North Platte Postoffice Fight

North Platte, Neb., March 13.—According to a telegram received from Congressman Kinkaid, E. S. Davis has been appointed postmaster of this city and the president has signed his commission. This ends a controversy of more than a year's duration. There was a three-cornered fight, in which the present incumbent, W. T. Thompson, who has held the office for the last two terms; E. S. Davis and Ira L. Dare were opposing candidates.

Wolves Annoy Omaha Suburb.

Omaha, March 13.—Wolves that find hiding places in the rough country north and west of Florence, a suburb of Omaha, have been doing much damage to poultry yards inside the limits of the town as well as on adjacent farms this winter. With the aim of exterminating the pests, a wolf drive has been arranged for March 19.

Professor John Z. Schell Dead.

Endicott, Neb., March 13.—Professor John Z. Schell died at his home a mile south of Endicott as a result of grip, which developed other complications. Professor Schell was one of the prominent public school teachers of the state, having spent almost thirty years in that profession in Nebraska.

Goulds Will Not Attend Meeting.

New York, March 13.—It is understood here that neither George B. Gould, the retiring president, nor his brother, Frank J. Gould, who has allied himself with the "Independents," will attend the annual meeting of the Missouri Pacific stockholders in St. Louis tomorrow. Four representatives of the Independents, among them J. Williams, a candidate for director, will be on hand, however.