

St. Paul Man to Succeed Justice Day

Pierce Butler Nominated by President to Fill Vacancy in United States Supreme Court.

Recommended by Taft

Washington, Nov. 23.—(By A. P.)—The nomination of Pierce Butler of Minnesota to be associate justice of the supreme court of the United States to succeed William R. Day of Ohio, resigned, was sent by President Harding today to the senate.

Mr. Butler was admitted to practice before the supreme court on May 28, 1894, and since then frequently has appeared before that bench in the argument of important cases.

The appointment will restore to the bench the political equation which existed when Justice Clarke resigned. He, a democrat, was succeeded by Justice Sutherland, a republican, but by selecting a democrat to succeed Justice Day, republican, the court will again stand six republicans and three democrats.

Won Railway Case. Chief Justice Taft and Associate Justice Van Devanter are more intimately acquainted with the new associate justice than are their colleagues.

Mr. Butler won his contention as counsel for Canada, Mr. Taft dissenting. In the senate the nomination was referred to the judiciary committee, where it will be considered next Monday.

The nomination will place upon the bench of the highest tribunal another man who has not won the empyrean by previous service upon the bench. Like Justices Holmes and Brandeis, the new justice never served in congress nor occupied a cabinet or other important federal office.

Justice Sutherland, the second member of the court appointed by President Harding, was, like several of his associates, at one time in congress, having been a senator from Utah, but Mr. Butler won his distinction strictly by his legal prominence and not by any discharge of federal duties.

Recommended by Taft. It was stated today in court circles that Chief Justice Taft gave the president an unqualified recommendation of Mr. Butler's qualifications when the chief executive advised him that Mr. Butler was being considered for the vacancy.

Senator Kellogg, republican, Minnesota, as well as others prominent in northwestern affairs, also gave the president the name of Mr. Butler as a lawyer.

Owing to the continued illness of Justice Pitney, who returned to Washington Wednesday from his home at Morristown, N. J., it is expected that the president will, in the near future, make his fourth appointment to the supreme bench.

Democrats Consider New Leader in Senate

Washington, Nov. 23.—(By A. P.)—Consideration by senate democrats of the selection of a leader to succeed Senator Underwood of Alabama in the next session was begun at several private conferences from which it appeared that a choice probably would be between Senator Simmons, North Carolina, and Senator Robinson of Arkansas.

Senator Underwood, who returned here today, announced recently that because of ill health he would not be a candidate for the leadership when the sixty-sixth congress assembled and would retire March 3.

Senator Harrison, Mississippi, who has been mentioned in connection with the party leadership today definitely estimated himself as a candidate.

Guno Now in Saddle. Berlin, Nov. 23.—(By A. P.)—Chancellor Guno has taken over the reins of government, despite the fact that this was a religious and legal holiday, and devoted the day to installing himself in the chancellor's palace and conducting informal conferences with his ministers.

No reply has been received from Herr von Rosenberg, named for the foreign portfolio, who is on his way to Berlin from Copenhagen.

Princess Dagnar Married. Copenhagen, Nov. 23.—(By A. P.)—The marriage of Princess Dagnar, youngest sister of King Christian X, and Lieutenant Joergensen, was celebrated today. The ceremony was performed in the church at the castle.

Royalist Issue Bobs Up. Budapest, Nov. 23.—(By A. P.)—The royalist issue in Hungary gives promise of flaring up again because of the decision of President Bethlen to move soon for the passage of the act prohibiting, under severe penalty, propaganda for King Otto.

Prepares for Execution. Fort Madison, Ia., Nov. 23.—(By A. P.)—The arrival today of W. E. Bubb, Polk county prisoner, for execution, has been the subject of much talk.

State Sheriff's Daughter Awarded Political Plum

Frank B. Honza of Omaha Is Appointed Deputy State Auditor.

Frank B. Honza of Omaha has been appointed deputy state auditor, according to announcement yesterday by George Marsh, state auditor.

Honza was city comptroller under the administration of W. G. Ure as commissioner of finance. He has held several other offices and is widely known.

Honza will receive \$2,625 a year salary. Howard E. Crandall of Lexington was named county treasurer examiner to succeed C. D. Robinson, state treasurer-elect. His salary will be \$2,500 a year.

State Treasurer-Elect Robinson has appointed John W. Rheinhardt, former deputy auditor, as deputy state treasurer. His salary will be \$2,625.

Mrs. Bertha Haber of Lyman, daughter of State Sheriff Gus Hyers, has been named appropriation bookkeeper at \$1,500 a year, and James Davy, assistant Lancaster county treasurer, head bookkeeper at \$1,800.

Margaret Robinson, of no relation to the state treasurer-elect, has been named bond and securities clerk at \$1,500, and Alvin Linch of Lincoln chief clerk at \$1,500.

Jury Takes Seven Minutes to Decide Cline Not Guilty

Jurors Proceed to Sign Ballot Upon Reaching Jury Room, to Free Grader of Murder Charge.

It took a jury in District Judge Fitzgerald's courtroom yesterday just seven minutes to return a verdict of not guilty against William Cline, grader, charged with the murder of "Cy-clone" Miller, chicken king, at his "mummy's chicken shack" on the West Dodge road last September.

According to the foreman, the jury did not deliberate. It took the jurors seven minutes to sign the ballot. So eager were they to return a verdict quickly that no time was taken to elect a foreman.

One juror placed his name in the space required for foreman, with the approval of the others. "We will now have our big Thanksgiving feast," were the first words said by Mrs. Cline to her husband when he walked towards her and kissed her and all of his nine children.

A new story of the shooting was introduced in court just before the jury took the case, when the defense produced John Troy of the Park hotel as their last witness.

Troy was driving a truck for Bauer & Johnson. He said he had gone to bed in his tent, 50 feet south of the back road and possibly 100 yards from the chicken shack, the scene of the tragedy, when he heard two shots, followed by a man's voice saying, "Shoot again and I'll kill you."

Heard Woman's Scream. He got up and looked out, but saw nothing, according to his testimony. A little later he heard more shots and then a woman's scream. A car suddenly drove up and stopped in front of his tent, he testified.

Two men and two women alight and walk in front of the headlights. One woman, according to Troy, said: "Now, Earl, see what you done. You shot that man."

"I don't care," Troy heard the man retort. "You take the woman to town. I'm going back."

But the others persuaded the man to get back in the car and the party drove towards Omaha. Troy did not go over to the shack in investigate, but told his story to the officers later in the evening, he said.

Both sides rested their case at this point. Justice Denies Motion to Drop Murder Charge. White Plains, N. Y., Nov. 23.—(By A. P.)—The supreme court justice's motion made last Tuesday by Isaac N. Mills for dismissal of the indictment against Walter S. Ward, wealthy baker's son, for murder in the first degree in connection with the death of Clarence Peters, the decision provided that the motion might be renewed at any time of this court, which, it was expected Mills would do next month.

No opinion was included in the justice's decision. Princess Dagnar Married. Copenhagen, Nov. 23.—(By A. P.)—The marriage of Princess Dagnar, youngest sister of King Christian X, and Lieutenant Joergensen, was celebrated today.

The ceremony was performed in the church at the castle. The bride wore a gown of the summer season, the color of the Danish kings.

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84 Killed in Coal Mine Explosion

Blast Felled Roofing of Skip, Killing Wildcat Trapped.

Sixty Persons Are Injured

Birmingham, Ala., Nov. 23.—Eighty-four lives were lost and 60 persons were injured as a result of an accident and explosion yesterday in Locale No. 2 coal mine of the Woodward Iron company, according to a statement issued at noon today by Frank H. Chick, president of the company. Of the 84 killed, 35 were removed to their homes, 25 were in hospitals. Work of identification has not been completed, but it was believed there were 38 white dead and 29 white injured.

The accident and blast came almost simultaneously, like two flashes of lightning, entrapping 47 men. Twenty had passed before 323 of these workers had escaped by means of two manways into adjoining mines and by the main entry.

According to company officials, the explosion occurred simultaneously with the crash of three "skip" cars, which ran "wild" down the slope to the mine "yards," approximately 1,100 feet from the entrance. These cars, breaking the cable, while they were being hauled up the slope to the entrance, started downward, severing an electric circuit. This caused a spark and as the cars crashed into the "yards," which were in the interior of the mine, where loaded coal cars were assembled before being hauled to the surface, the explosion occurred.

Scenes of Pathos. Scenes of pathos about the mine mouth, during the night and early morning hours, continued as relatives and families of miners known to have been in the mine when the blast occurred, waited expectantly for news of their loved ones.

Many of them, it was believed, had reached the surface safely through the runway connecting the mine with mine No. 2, and had reentered the workings to help in rescue work without communication with company officials or relatives.

Johnson announced several months ago that he would resign January 1, but his plans for the future were not known by the public until today, although his appointment as permanent secretary of the commission was made December 21, 1921, at a meeting of the commission held at the office of E. F. Goodhue, architect, New York city.

For months Johnson has acted as secretary of the commission without pay. Now that the building of the statehouse is under way, full time of one man to supervise the work is needed.

Johnson was appointed state engineer by Governor Murchison. At that time there were not more than half a dozen employees in the state engineer's office. Then the legislature voted to build good roads in Nebraska, and Johnson has been in charge of road building ever since.

He has withstood two grueling investigations ordered by the legislature. The motion to appoint Johnson was made by W. H. Thompson, democratic member of the board. All other members voted in favor of his appointment.

Confessed Murderer Says Woman Plotted Crime. Burlington, Ia., Nov. 23.—George Leroy Spees, confessed murderer of J. V. Shurtz, a farmer living near Middletown, Ia., took the defense stand in district court at the trial of Mrs. Katherine Shurtz, jointly indicted with him for the murder, and told how they had plotted her husband's death.

He charged that Mrs. Shurtz engineered the scheme, after several other plans had been discarded as too hazardous. He talked freely of his part in the murder and described his actions as the result of the crime in detail.

A grilling cross-examination failed to shake his story. Improvement Reported in Freight Car Shortage. Washington, Nov. 23.—Freight car shortage reported in all sections of the country during recent weeks is now abating, according to reports compiled by the car service division of the American Railway association, while general movement of railroad traffic is continuing in abnormally high volume.

On November 8, shipper had orders in to railroad for 174,428 cars more than could be immediately supplied but this was 4,741 less than the number ordered and not available on October 31.

Importer Kills Self. Chicago, Nov. 23.—William J. Sheehy, an importer and president of the W. J. Sheehy company, shot and killed himself today while seated in his automobile on his farm at Middleburg, just outside of Chicago. He is thought to have been despondent over ill health.

Habeas Refused Childers. Dublin, Nov. 23.—(By A. P.)—A writ of habeas corpus was refused for Eusebio Childers, lieutenant of Eamon de Valera, by the master of the ship today.

Seattle Woman Freed by Russ. Higo, Nov. 23.—(By A. P.)—Mrs. Adelaide Parker Bonnett, formerly a school teacher in Seattle, Wash., has been released from prison in Russia, according to word reaching Higo, after being arrested by agents of the Cheka and detained three days.

Mrs. Bonnett was taken from her hotel room at 2 o'clock in the morning, but the police again refused to say who she was arrested. She was later questioned by political investigators.

Mrs. Bonnett has been in Russia since a year with her husband, a hydraulic engineer in the employ of the soviet government and admittedly a member of the communist party. She has taken much interest in educational affairs and frequently conferred with the wives of Premier Lenin and War Minister Trotsky regarding school work.

Trying to Sell a Hard Prospect



Supervision of New Capitol Is Given Johnson

State Engineer Named Secretary of Commission at \$5,000 a Year—Has Served for Months.

Lincoln, Nov. 23.—(Special Telegram)—George E. Johnson, state engineer, will become secretary of the state capitol commission at a salary of \$5,000 a year, January 1, 1923. His resignation as state engineer will become effective December 31, 1922.

Unless Governor McKelvie makes some other disposition, George Leonard, assistant state engineer, will be in charge of the state department until Governor-elect Bryan and the legislature thresh out appointments.

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Irish Irregular Leader in Upton District Seized

Tom Hales, Who Accepted Responsibility for Death of Michael Collins, Arrested in Dublin.

Dublin, Nov. 23.—(By A. P.)—Tom Hales, chief irregular leader in the Upton district of Cork, was arrested Wednesday. His capture is regarded as important, as he is said to have been the commandant in the district where Michael Collins was assassinated last August.

Hales is a brother of Sean Hales, a member of the dail parliament, who is a supporter of the Anglo-Irish treaty and a brigadier general in the national army in Cork.

A dispatch from Cork after the assassination of Collins declared that Tom Hales accepted the responsibility for the ambush in which Collins was killed. Hales had been a bitter opponent of the treaty and he and his sister were alleged to have set fire to the platform at Brandon last St. Patrick's day, while a demonstration in favor of the treaty was being held.

Children Denied Freedom. Eusebio Childers, one of Eamon de Valera's chief lieutenants in the warfare of the republicans against the authority of the free state government, and eight other men, who have been tried by court martial, charged with acts subversive to law and order, cannot obtain relief through habeas corpus procedure.

This decision was rendered by the master of the rolls, who has been listening for several days to arguments by counsel for Childers for a stay in the execution of the verdict of the military court which tried Childers. The court ruled that he had no jurisdiction. He added that a state of war had existed for months and that it plainly was the duty of the government, whether provisional or finally constitutional, to save the country from destruction.

Opinion Upheld. The king's bench today, on a habeas corpus motion on behalf of two women prisoners, took the same view as the master of the rolls and, although an appeal has been made from the latter's ruling in the Childers' case to the court of appeals, the general belief is the this court will not reverse today's decision.

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Farmers Endorse Norris Bill to Form Big Corporation

Members of Co-Operative Grain and Livestock Association in Convention Here Approve Proposal.

The bill introduced in the senate by Senator George W. Norris of Nebraska for the formulation of a large government corporation to buy and sell farm products, was approved yesterday afternoon by members of the Nebraska Farmers' Co-operative Grain and Livestock association in convention at Hotel Rome.

The consensus of opinion among the members of the association was that the bill, if passed, would aid farmers in the marketing of their crops.

Discuss Soil Content. The gluten content of wheat, the effect of soil conditions on quantity and quality of gluten, the organic content of soil, and similar topics were discussed at the morning session.

Prof. W. W. Burr, agronomist of the College of Agriculture, Lincoln, stated that roots of winter wheat go to a depth of seven feet in western Nebraska, and three to four feet in eastern Nebraska, this variability being caused by moisture conditions.

Gives Demonstration. H. M. Balner, director of the Southwestern Wheat Improvement association, spoke on "Possibilities of Wheat Improvement." Chauncey Abbott, Jr., of the Omaha Flour Mills company, gave a demonstration and address on "Gluten Content of Wheat." Mr. Abbott displayed loaves of bread made from various grades of Nebraska wheat, these grades being reflected in the size of the loaves.

F. C. Smith of the Department of Agriculture, Washington, addressed the devotees of wheat at the convention yesterday afternoon. John W. Gamble (Turn to Page Two, Column Three.)

Husband of Woman Serving Life Term Granted Divorce

Denver, Nov. 23.—Richard Pete of Denver obtained a divorce here yesterday from Mrs. Louise Pete, who is serving a life sentence in San Quentin penitentiary for the murder of Jacob Charles Denton, wealthy mining man, in his Los Angeles home in September, 1920.

The divorce was obtained on the grounds of mental cruelty and the fact that Mrs. Pete had been convicted of a crime was not mentioned in the complaint.

To Resume Oil Probe. Washington, Nov. 23.—Preparations for resumption of the senate committee investigation into the petroleum industry features committee hearings in oil prices were begun today with the arrival of Gilbert E. Rose, attorney for the committee. Hearings, however, members of the committee said, probably will not begin until after Thanksgiving.

The Weather

Forecast. Friday fair, not much change in temperature. Hourly Temperatures. 8 a. m. 41, 9 a. m. 42, 10 a. m. 43, 11 a. m. 44, 12 m. 45, 1 p. m. 46, 2 p. m. 47, 3 p. m. 48, 4 p. m. 49, 5 p. m. 50, 6 p. m. 51, 7 p. m. 52, 8 p. m. 53, 9 p. m. 54, 10 p. m. 55, 11 p. m. 56, 12 m. 57.

House Fight on Shipping Bill Opens

Administration Subsidy Measure Both Commended and Condemned During Five Hours of Debate.

Meeting Time Advanced

Washington, Nov. 23.—(By A. P.)—Brought up in the house, the administration shipping bill was commended and condemned during five hours' debate, in which leaders on both sides of the battle took part.

All told, five speeches—three for and two against the measure—were made. Two full days of debate remain before the bill will be laid before the house for amendment, and to satisfy all eager to speak, the meeting time Friday was advanced an hour.

Chairman Greene of the merchant marine committee, which framed it, and Representative Edmunds, Pennsylvania, ranking republican member, made the principal arguments for the bill. Representative John M. Nelson, republican, Wisconsin, was selected by democrats in charge of the opposition to go to last first to urge its defeat.

Representative Bankhead of Alabama, democrat, member of the merchant marine committee, attacked the bill at length, and Representative Watson, republican, Pennsylvania, defended it briefly.

Greene Opens Fight. The good which he believed would come to the country through operation of an adequate merchant marine was emphasized by Chairman Greene in opening the fight. He contended it would give employment to thousands, retain in the United States \$300,000,000 annually in freight payments, prevent the necessity of the country facing another wartime tonnage crisis and right the injustice done the American merchant marine over a long period of years.

Hitting squarely at the opposition, Mr. Greene told how the government had aided farmers and railroads, how it had built highways, and how it declared its faith in the flag at its proper standard on the sea.

Edmunds Defends Bill. In giving a detailed explanation of the bill, inviting questions and meeting all attacks, Mr. Edmunds expressed belief that most shipping people wanted it passed, although he declared they had displayed slight interest in its framing and had not attempted to dominate or direct the committee.

Mr. Edmunds said he was firmly convinced that the compensation provided was sufficiently large to make up for the loss of operation under the Act of 1917 and guarantee an adequate fleet.

"Great Britain started with a big subsidy," he said. "Today it is a small subvention. Japan, after 20 years of high subsidy, is reducing it and still is able to keep her ships on the water doing sea to sea trade."

Declaring that the government was proposing to rob Peter to pay Paul, Mr. Bankhead told the house the issues involved and the contemplated expenditures were so great that it was the duty of the bill's proponents to show there was no other remedy for shipping conditions.

Characterized it as "monstrosity." Mr. Nelson said he was firmly convinced that the compensation provided was sufficiently large to make up for the loss of operation under the Act of 1917 and guarantee an adequate fleet.

"Under this measure," he said, "the Standard Oil company, owning its own tankers to move its own oil for its benefit, is to be handed out of the treasury four or five million dollars annually, just for the privilege of hauling its own stuff to its own tankers. It is a bold and naked raid on the treasury. The steel corporation is similarly benefited, while the United Fruit company, operating its own fleet of ships to Central America, can go to the board at the end of the year, say we have traveled so many miles and demand a million dollars or two as a Christmas present."

In his opening attack, Mr. Nelson warned opposing leaders that if they "would hold the party together they must go to the masses and not to the ship profiteers." He insisted the bill assured a return of 12 1/2 per cent annually and over that to ship owners and operators.

There was never a large attendance on the floor, but the debate was followed with unusual interest.

Tells Benefits of Marine Bill

Washington, Nov. 23.—Representative Greene of Massachusetts, chairman of the house merchant marine committee, told the house today that the administration shipping bill would create an adequate merchant marine, increase America's foreign trade, retain in the country \$300,000,000 annually in freight money, give work to thousands of men and guarantee the nation against the necessity of building a war time merchant marine.

"It is because American shipping in the foreign trade, alone of all our industries has not been aided in the past, that it has gone down," Mr. Greene asserted. "In this bill we are seeking to remedy long years of discrimination and injustice."

Dividend Declared

New York, Nov. 23.—The board of directors of the Federal Sugar Refining company declared a 10 per cent stock dividend on the basis of common stock. The present capitalization of the company totals \$100,000,000 of common stock. The company has a surplus of \$75,000,000 according to its last statement, and has been paying dividends of 2 per cent.

David G. Wills Dies. New York, Nov. 23.—The Rev. David G. Wills, president of the Presbyterian board of American and pastor of a church in Astoria, died at a Long Island city hospital last night of incipient pneumonia when he was struck by a lightning bolt. He was 52 years old.