

Fraud Claim Halts Work on Capitol

Secretary Johnson Attacks Action of Architect Goodhouse—Says Recommendation Cost State \$115,000.

Omaha Firm Is Named

By A. C. POWELL, Staff Correspondent (The Omaha Bee, Lincoln, Feb. 23.—Special.)—All work on outer walls of Nebraska's new \$6,000,000 state house halted at 2 this afternoon upon order of the state capital commission, following filing of charges by George E. Johnson, secretary of the commission, that the state was paying \$115,000 more for stone than was justifiable considering quality of stone used.

Will Test Stone

No further work will be done until Prof. J. H. Mickey of the state university tests samples of stone in the outer wall and representatives of the Struble Cut Stone company, Bedford, Ind., and the contractor laying the stone, and Architect Goodhouse meet again with the commission, probably within 20 days, when the entire affair will be threshed out and future action decided upon by the commission. Work on other sections of the state house will continue. Payments on stone delivered, amounting to \$250,000, were ordered withheld by the commission.

Johnson, in his statement, pointed out to the commission that at the time the contract for stone was let, July 20, No. 1 buff Oolitic Indiana limestone was selected and the price was set at 75 cents per cubic foot. Another bid for stone at 65 cents per cubic foot on select buff Indiana limestone shipped from the Consolidated Stone company's quarries at Bedford was rejected.

Lowest Bid Rejected

"We rejected this latter bid," Johnson said, "because the architect's representatives were very emphatic in their statements that the architect would not approve of the stone from the Consolidated quarries, as they could not furnish the color of stone wanted, and if a Bedford stone were used, the only quarry that was in a position to furnish acceptable stone was the Indiana Quarries company."

"After the stone began to arrive we made an investigation and found that we were getting what the architect had approved. It appeared to me that we should be getting this stone cheaper than 75 cents per cubic foot, and it is not a select grade."

"I secured the services of Professor Mickey and we went to Bedford, where we consulted the state geologist and examined several buildings that have been constructed with different grades of stone from different quarries."

"We found that each quarry could furnish the same kind of stone and that often buff stone from two or more quarries was used in the same wall of a building without anyone being able to tell what quarry the individual pieces of stone came from."

Can Buy Cheaper

"Last but not least, we found that we could purchase the same stone we are paying 75 cents per cubic foot for at 35 cents per cubic foot. This means that if we continue paying our present price the state will pay \$115,000 more for stone than it is worth."

Then Johnson dwelt on the \$25,000 contract awarded Sunderland Brothers, Omaha. He said: "At the last meeting of the capital commission the architect was instructed to make up a list of individuals or companies in a position to take care of such work as necessary in order to get competitive prices. Instead of following these instructions, the architect sends us a letter on February 19, saying he has let the contract to Sunderland Brothers, Omaha, for \$25,000."

Missing Youth Sought

Nebraska City, Neb., Feb. 23.—(Special.)—Merrit Learned, 16, son of a Nebraska City merchant, left his home here Saturday and no trace of him has been found. He is described as being five feet 10 inches tall and of slender build. When he left his home he was wearing a brown overcoat, suit and hat.

Foreign Language Law Is Argued in Supreme Court

Nebraska Measure Deprives People of Rights Guaranteed by Constitution, Is Contention of Counsel for Church and Citizen—Protection Against Anti-Americanism, Declare Attorneys for State

Washington, Feb. 23.—Nebraska's foreign language law, which prohibits the teaching of any language except English in all schools below the eighth grade was orally argued in the supreme court today in two cases, one brought by Robert T. Meyer, and the other by the Nebraska District Evangelical Synod of Missouri.

The law was attacked as invalid in that it deprived the people of certain rights and liberties guaranteed by the federal constitution and interfered with religious freedom. It was defended as a police regulation within the discretion of the state, it being pointed out that many men drafted during the war who had been born in this country could not speak nor understand English.

Religious Teaching.

Counsel for those bringing the appeal insisted that the law would prohibit religious instruction below the eighth grade except after dark or on Sunday. While admitting that the state had the right to enforce compulsory education and prescribe the course of studies in private and parochial as well as in public schools, those attacking the law insisted that the state could not legally prevent parents from employing private teachers to instruct their children in religious teaching.

Jury Exonerates Officer of Death of Marty Maher

How Alleged Bandit Was Slain Is Mystery to Beal—Curtis Admits Firing at Man.

Who shot Marty Maher? "His own pals," declares Henry Beal, county attorney. A coroner's jury yesterday probed the shooting of the young gangster in a battle in the Great Western railroad yards Wednesday morning, but failed to fix responsibility. "Samuel C. Curtis, the railroad watchman who engaged the gang of alleged boxcar thieves in battle, specifically stated he did not fire at anyone on top of a boxcar," Beal said. "One of the car tops was gory; a man who was shot like Maher was wounded could not have climbed up there as no proof that any other man was shot; and in my opinion Maher's own companions became confused in the battle and fired at him as he climbed to the top of the car in a run for safety or a strategic firing point."

Beal and Doctor Disagree.

Medical opinion does not agree with Beal, however, on the point that Maher could not have climbed to the roof of the car. "It would depend upon the vitality of the subject," said Dr. M. E. Grier, police surgeon, who examined Maher. "Perhaps Maher had much of it, and in that case he could have made his way up to the roof. No one can say just how far he could have stood upon the shock and loss of blood."

Detective Perplexed.

Why that man, with an open path and a waiting motor car ahead of him, should have started away but turned back to climb to the car roof is a question detectives are trying to answer. Six men and one woman have been quizzed by Charles H. Van Deusen, chief of detectives, concerning the shooting. All of the tricks of shrewd investigators have failed, so far as it is known, to bring out a single fact regarding the identity of other members of the alleged robber gang.

Direction of Bullet Mysterious.

Even the direction of the bullet that killed Maher is shrouded in mystery. "The doctors examined the body. One believes the bullet entered his left leg from the left, the other; the other is equally confident it entered from the right. Embalmers say they are unable to tell. If from the right, investigators believe he could have been the man shot by Curtis. If from the left, he probably was not the man."

Maher's Body Will Be Moved.

Maher's body will be removed to his home at 2875 Capitol avenue. Funeral services will be held Monday morning. The aged mother of the slain man did not attend the inquest. Bill Maher, brother, testified he did not work and had no occupation.

Curtis Stated That He Has Given His 32-Caliber Revolver to His Wife because hereafter he will use only 45-caliber weapons, holding one in each hand.

Minneapolis Police Chief Is Arrested

Minneapolis, Feb. 23.—A warrant for the arrest of A. C. Jensen, superintendent of the police, based on four indictments, returned recently by the county grand jury was served today by Sheriff Earle Brown. Chief Jensen, who is charged with "willful neglect of duty" in failing to close up gambling and disorderly houses, has been relieved of duty at his own request pending disposition of the charges.

13 Perish in Rooming House Fire

Victims Trapped in Halls When Flames Sweep Two-Story Building in Kansas City, Kans.

Little Warning Given

Kansas City, Kan., Feb. 23.—(AP)—Thirteen persons, trapped in a rooming house, were burned to death early today in a fire which destroyed a two-story frame building at 613 337 Kansas avenue, in the Armourdale district here. All of the bodies had not been identified tonight.

Cause Mystery.

Thomas C. Hattley, owner of the garage, was sleeping in the garage office when the fire broke out. "I haven't the least idea what could have caused the fire. I am sure there was no explosion," he said.

Held 34 Persons.

The rooming house destroyed today contained 18 rooms and housed 34 persons.

There were but two stairways, both through the interior of the building, and it was said the halls on the second floor were so arranged that they were difficult to find in darkness. The positions of the bodies in the ruins indicated that many of those killed were in the halls. Fire department officials estimated the damage at \$35,000.

Day's Activities in Washington

Senator Underwood of Alabama Concluded His Service as Democratic Floor Leader, Leaving for a European Visit.

The house, by a vote of 399 to 11, passed the administration bill providing the return of certain estates of former enemy aliens held by the alien property custodian.

Chief of Dublin Rebels Caught by Free Staters

Sean Fitzpatrick and 4 Others Captured at Drumcondra; De Valera's Capture Is Rumored.

Dublin, Feb. 23.—(AP)—Five Irish irregulars, the most important of whom was Sean Fitzpatrick, have been captured by British troops in a raid at Drumcondra, a suburb of Dublin, today. The house agriculture committee tabled a resolution by Representative Voigt, republican, Wisconsin, calling for a federal trade commission inquiry into the proposed consolidation of the Armour and Morris packing firms.

De Valera's Capture Rumored.

Belief, Feb. 23.—A Dublin dispatch describing the capture of Sean Fitzpatrick says the man taken with him were his adjutant and three officers. The criminal investigation department has received reports that Eamon de Valera had been arrested in the raid, but there was no confirmation.

Resolution for Inquiry on Packer Merger Tabled

Washington, Feb. 23.—A resolution by Representative Voigt, republican, Wisconsin, calling for a federal trade commission inquiry into the proposed consolidation of the Armour and Morris packing firms was tabled today by the house agriculture committee.

Two Convicted of Robbing Pay Car at Langley Field

Newport News, Va., Feb. 23.—James Harvey and James Wood were convicted by military court at Fort Monmouth today on charges of kidnapping the Langley field finance officer and four enlisted guards and robbing the post's pay car of \$43,000 on January 29. They were sentenced to 10 years at hard labor in a prison to be designated by the War department and were dishonorably discharged from the military service.

Fire Threatens Whole Town; Church Destroyed

Norfolk, Neb., Feb. 23.—Fire which threatened for a time to get beyond control of the firemen and sweep out a large part of the town of Stanton, destroyed the Methodist church there last night with a loss of \$12,000, partly covered by insurance. At one time five residences near the church were on fire and the situation looked so serious that Sheriff Earle Brown was summoned at midnight. By the time the Norfolk firemen arrived, the flames were under control.

Acquitted of Murder.

Richmond, Va., Feb. 23.—(Thomas Pollard, real estate broker, was found not guilty by a jury tonight of the murder of his former stenographer, Mrs. Theima Hain Richardson, who was shot to death in front of his Pollard home on December 11.

Instead of Squeezing the Common People



Two Bandits Rob Express Company of \$890 Payroll

Unmasked Men Force Paymaster of Omaha Merchant's Firm and Two Others to Witness Robbery.

New York, Feb. 23.—Gene Tunney of New York regained his title of American light-heavyweight champion by gaining the decision over Harry Greb of Pittsburgh in a 15-round fight here tonight. Greb won the title from Tunney last May.

French Declare Martial Law in City of Bochum

Drastic Step Taken After Clash During Which German Civilian Is Shot and Slain.

Essen, Feb. 23.—(AP)—The French have decided to replace the German customs officials by French throughout the Ruhr.

Underwood Quits as Senate Demo Leader

Washington, Feb. 23.—Senator Oscar W. Underwood of Alabama, has closed his service as democratic floor leader of the senate. Accompanied by Mrs. Underwood, he has left here for a four month's European tour, following the completion of all the regular appropriation bills of the session and assurance from President Harding that there would be no early call, at least, for an extra session of the new congress.

Convict Finishing Term in Kansas to Be Rearrested

Lincoln, Feb. 23.—(Special.)—When John Baker is released from the Kansas state penitentiary at Lansing on Sunday, he will walk into the arms of a Lancaster county deputy sheriff, who will return Baker to Lincoln to face a burglary charge. Baker, whose real name is said to be Shimel, was arrested at Sioux City, Ia., a year ago for the alleged theft of \$7,000 from the Lincoln National Bank and Trust company. He was taken to the Kansas prison to finish an unexpired term for violation of his parole. Now he is to be prosecuted on the Lincoln charge.

Osterman Wants Information on Cost of Road Materials

Lincoln, Feb. 23.—(Special.)—Representative Theodore Osterman made a statement today to the effect that his bill, House roll 293, is not an effort to force county boards to discontinue purchasing their own road supplies.

Tunney Regains Title in Fight With Greb

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Cronkrite Case in High Court

Move Made to Get Final Decision as to Jurisdiction of U. S. Courts.

Washington, Feb. 23.—Proceedings were instituted today in the supreme court in an effort to obtain a final decision as to the jurisdiction of the federal courts to try the alleged murderer of Maj. Alexander P. Cronkrite, who died of a gun shot wound received at Camp Lewis, Wash., in 1918.

The court was asked to grant a petition for habeas corpus to bring before it the decision of Judge Brown of the United States district court for Rhode Island, which held Robert D. Pothier without bail on his alleged confession of having fired the shot which killed Major Cronkrite. Judge Brown, deciding that the shooting took place on a government reservation over which the federal courts had jurisdiction, refused to release Pothier on bail. Since that decision, the United States commissioner in New York and the War and Justice departments have held that the federal government was without jurisdiction to try Pothier, because the reservation had not passed into full control of the government at the time of the shooting.

David G. Arnold, an attorney of Providence, R. I., acting as counsel for Pothier, began today's proceedings. Pothier is without funds. Arnold said in an application to the court to consider the case under rules which would relieve Pothier from certain filing and other court charges, and to direct the release of his client on bail.

Legion Pays Expenses.

In orally presenting to the court his motion, Mr. Arnold said he had been retained by the American Legion, which was paying all expenses incident to bringing the case up to the supreme court. Special Assistant Attorney General James A. Fowler told the court that the Department of Justice had no objection to the filing of the habeas corpus petition in the matter, but that on the contrary it was highly desirable to have the jurisdiction of the federal courts in the matter passed upon by the supreme court.

Chief Justice Taft stated that the court would permit Mr. Arnold to file his petition and would at a later date announce its decision as to whether it would pass upon the question whether the federal courts have jurisdiction.

Burlington Employee Hurt

Norfolk City, Neb., Feb. 23.—(Special.)—Fred Hoffmann, Burlington fireman, was seriously injured here when the engine on which he was working backed into a string of cars on a sidetrack with such force as to strike his head on the engine cab.

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Essen, Feb. 23.—(AP)—The French have decided to replace the German customs officials by French throughout the Ruhr.

Berlin, Feb. 23.—Martial law has been declared in Bochum, says a dispatch to the Central News, in consequence of yesterday's disturbance in which French soldiers fired on a crowd with fatal results.

Dusseldorf, Feb. 23.—Blood has again been shed in the Ruhr in the course of a French "digging in" process. One German civilian was killed and two others seriously wounded at Bochum yesterday when two French soldiers fired upon a crowd that had gathered to watch the occupation of the law courts building. Observers said that the shooting was done by police who were obviously irritated by the jeers of the bystanders.

The decision of Premier Poincare and Thoms to operate the railroads through an allied civil administration is seen here as a move to improve transportation conditions.

Country to Pass Judgment.

Some suggestions were heard that the administration would withdraw the bill, but Senator Jones showed no such indications nor was any such course conceded as a probability at the White House. The only comment that came directly from the White House during the day was a declaration by a spokesman for the president that as to the filibuster, the executive would let the country pass judgment.

Pending final disposition of the bill, its opponents continued the filibuster and refused to allow any other business to be transacted, but the reception of reports from committees, Senator Freinruysen, republican, New Jersey, soon after the senate convened, spoke in behalf of the legislation and then the filibusters resumed their campaign of talk. Senator Brookhart, republican, Iowa, made a further attack on the railroads. Senator Stanley, democrat, Kentucky, discussed phases of the prohibition question, and Senator Ladd, republican, North Dakota, spoke for three and a half hours on financial matters.

Tekamah City Officials Inspect Fremont Paving

Fremont, Neb., Feb. 23.—(Special.)—Mayor Lukens and members of the city council of Tekamah were in conference with Fremont officials inspecting paving work in this city, preparatory to extensive paving plans in Tekamah. The contracts in Burt county are to be let Monday.

Pawnee City Editor Sees Signs of Spring in Flocks

Pawnee City, Neb., Feb. 23.—(Special.)—Harry D. Flory, editor of the Pawnee Republican, declares that spring is here to stay. When starting for the office, he heard a robin in his yard, and upon investigating, he counted 19 robins in one maple tree.

Subsidy Bill Drops Into Coma State

Death of Shipping Measure But Question of Hours—May Possibly Hold Out Until Monday.

Friends Give Up Fight

Washington, Feb. 23.—(AP)—The administration shipping bill tonight had passed into the state of coma that precedes death.

Worn by the filibuster and attacks of its enemies in the senate, the legislation for which President Harding called congress in special session and which the leader of the executive branch has urged by all means, to-night hangs by a single thread—the motion pending in the senate to take it up for consideration.

Most of the measure's friends gave up the fight during the day. Senator Jones, republican, Washington, who as chairman of the commerce committee has fathered the bill in the senate, refused for the first time to say that he was hopeful, although declaring that he would fight on.

End May Come Today.

The end may come Saturday or it may be delayed until Monday, and will be brought about either by a motion to send the measure back to the committee or to displace it with another piece of legislation. Some suggestions were heard about the senate that it might be left pending with the adjournment of congress.

Indications of the end developed rapidly today in the senate, although definitely forecast Thursday. Senator Curtis of Kansas, the assistant republican leader, early in the day went to the White House and informed the president that the cause in behalf of the bill was hopeless. The president was understood merely to have asked that every effort be made in behalf of the legislation.

Agree to Adjourn.

Returning to the capital just before the senate met, Senator Curtis conferred with Senator Jones and other republican leaders. Then in an executive session, the republican leaders proposed a unanimous consent agreement that the senate adjourn at 6 until 11 Saturday morning, after which bills in the calendar would be considered for two hours. The republican leaders proposed a unanimous consent agreement that the senate adjourn at 6 until 11 Saturday morning, after which bills in the calendar would be considered for two hours. The republican leaders proposed a unanimous consent agreement that the senate adjourn at 6 until 11 Saturday morning, after which bills in the calendar would be considered for two hours.

Conferences continued throughout the day among the ship bill's opponents. When the senate adjourned, the plan of action had not been agreed upon, except that a test vote very probably would come Saturday. There were some who urged recommitment, others advocated displacement of the measure in favor of other legislation, and a third group wanted an arrangement whereby the measure would continue as the "unfinished business" of the senate until adjournment.

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Nebraskan Elected Head of Fraternal Association

Chicago, Feb. 23.—C. J. Carlow of Columbus, Neb., was elected president of the Fraternal Society Law association at the close of its 14th annual convention here today.

The Weather

Forecast.
Saturday possibly snow; warmer.

Hourly Temperatures.	
5 a. m.	22
6 a. m.	20
7 a. m.	19
8 a. m.	19
9 a. m.	19
10 a. m.	21
11 a. m.	24
12 noon	24
1 p. m.	25
2 p. m.	25
3 p. m.	25
4 p. m.	25
5 p. m.	25
6 p. m.	25
7 p. m.	25
8 p. m.	25
9 p. m.	25
10 p. m.	25
11 p. m.	25
12 noon	25