

Nebraska—Generally fair; not much change in temperature.

CITY EDITOR

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OMAHA, WEDNESDAY, MARCH 4, 1925.

TWO CENTS

In Omaha and Council Bluffs, Five Cents Elsewhere.

Genius is developed in solitude, character in the stress of life.—Goethe.

BYRNE-HAMMER AWARDED M. E. SMITH CO.

Mitchell to Lose Job in Air Service

Nomination of Coolidge Will Conform With Recommendation of Weeks as Assistant Aviation Chief.

Resumes Rank of Colonel

Washington, March 3.—Brig. Gen. William Mitchell, about whom the air power controversy has revolved for some time, will not be continued as assistant chief of the army air service with his present appointment expires March 26.

It was learned authoritatively today that the next assistant army chief will be selected from a brief list of names now before Secretary Weeks and that this list does not include General Mitchell, who has been an ardent advocate of unification of the government air services, despite administration opposition.

It was made known today that the nomination for the place would be sent by President Coolidge to a special session of the senate which is called for noon tomorrow and that it would conform to any recommendation Secretary Weeks might make. Failure of General Mitchell to receive the appointment, which carries the rank of brigadier general, will return him automatically to the rank of colonel.

List Is Brief. The brief list now before Secretary Weeks includes eligibles recommended by Major General Patrick, chief of the army air service; Maj. Gen. John L. Hines, chief of staff, and others whose advice Weeks has sought in his efforts to find a man whose qualifications for the assignment cannot be questioned.

The secretary, who discussed the appointment with President Coolidge today, will confer with the executive again before formally submitting his recommendation to the White House. The nomination is expected to reach the senate Thursday, where Senator Wadsworth, chairman of the military committee to which it will be referred, is expected to seek early confirmation of the officer named.

Report Is Deferred.

The house aircraft committee, before which General Mitchell gave testimony that aroused the air power controversy, received permission from the house late today to defer a report on its investigation until the next congress meets.

FOCH AND AIDES ASKED FOR PLAN

Paris, March 3.—The ambassadors' council today, after hearing briefly outlined the allied war committee's report of the military control mission to Germany, requested Marshal Foch and his colleagues to make suggestions as to how the Germans may be forced to comply with the disarmament clauses of the treaty of Versailles.

The promissiveness with which the ambassadors arrived at this partial conclusion from the military experts' report, has confirmed the impression in diplomatic circles that the mission was furnished evidence on which the allies are bound to act energetically. Now that the report is officially before the ambassadors' council, it has been decided that it will be published in full. It remains to be determined when the document will be given out, the date most likely being immediately after the allied war committee has furnished the suggested by the ambassadors and answered certain questions regarding the detail of the report.

Senate Refuses Measure on Public Construction

Washington, March 3.—The senate late today refused to accept the action of the house, attaching a \$150,000,000 public buildings measure to the second deficiency bill.

The bill was returned to conference for further consideration after several democratic senators declared it could not be enacted if the house insisted upon the rider which was sponsored in the house by Chairman Madden of the appropriations committee.

We Have With Us Today

John W. Bird, who is chairman of the creditors' protective committee of the M. E. Smith company, has been looking after the affairs of the creditors in the sale of the Smith company. He also represents Emory Bird Thayer company.

Bird was in conference here with the two bidders for the company and stated that the creditors were well protected in both bids.

Year in Pen Penalty for Futile Effort to End Life

Kearney, Neb., March 3.—Jack Norton of Chicago came to Kearney about a month ago on a hunt for his wife, who had disappeared. Norton was "liquored up" and poked a shooting iron into the ribs of a taxi driver whom he ordered to drive "like hell" to the home of his father-in-law.

The presumption is that Norton planned to shoot his wife and then commit suicide. He failed to find his spouse, but endeavored to carry out his program, in part at least, by shooting himself. The bullet entered his chest, too high.

He recovered, and Judge Hostetter gave him a year in the penitentiary for carrying concealed weapons and disturbing the peace and tranquility of this community.

McClintock Case. Probe Continued Despite Protest

Judge Olson Accuses Shephard of Slaying Wealthy Ward; Makes Charge in Vitriolic Manner.

Chicago, March 3.—The McClintock inquest was continued today until March 23.

Chief Justice Harry Olson, friend of young McClintock, who initiated the investigation, charged that William D. Shephard, the lad's foster father, was responsible for his death. It was the first time the charge had been directly and openly made. Judge Olson was vitriolic.

"Three Pronged Hooks." "Shephard did not intend to confess, but he had the guilty knowledge," Judge Olson shouted. "We have three pronged hooks, not in his mouth or his gills, but in his very vitals. He has opened his mouth so wide he will never get off alive. We have shown moral guilt by material facts. That is the evidence we have against William D. Shephard."

Judge Olson's outburst was in protest against the plea of Edward Hedrick, counsel for Shephard, that the inquest be continued. He wanted time to present evidence in rebuttal to that presented by Judge Olson.

Judge Olson had offered evidence that Young McClintock died of typhoid or some strange malady and that Shephard had studied typhoid germs for months before McClintock was taken ill and died.

TURKISH CABINET QUILTS UNDER FIRE

Constantinople, March 3.—The cabinet of Premier Fevzi Bey resigned today after a stormy debate, during the course of which the extremists criticized the government's policy and demanded the general repression of all reactionary tendencies.

The premier, in defending his policies, insisted that the situation was not sufficiently grave to warrant a general extension of severe measures. President Kemal Pasha himself intervened in the debate.

New Jersey Mayor Faces Serious Indictments

Hackensack, N. J., March 3.—Mayor N. D. Campbell was arraigned on indictments charging him with embezzlement, perjury and falsification of records in connection with the \$284,000 shortage in the account of the Industrial Building and Loan association, of which he was secretary and counsel. He pleaded not guilty.

Treaties With Britain Transmitted to Senate

Washington, March 3.—President Coolidge transmitted today to the senate, treaties with Great Britain, in which this country recognizes the British mandate over East Africa, Cameroons and Togoland, former German possessions. The convention provides equal rights for American and British citizens.

Frank Moore Colby Dies.

New York, March 3.—Frank Moore Colby, 60, editor, author and educator, died.

City Joins in Tribute to Buckingham

Thousands Stand With Bowed Heads Outside Church to Pay Last Respects to Beloved Citizen.

Come From Many Cities

Omaha paused in its workaday routine for several hours Tuesday afternoon to bestow a final tribute to the memory of Everett Buckingham, whose death last Friday night was a profound shock to the community.

The funeral rites were made the occasion of a notable public demonstration—the sincere expression of sorrow of men and women from all walks of life. It is believed that it was the most representative gathering of Omaha's citizenry ever observed at a funeral.

Ben Stanley, organist at Trinity cathedral, where the public services were held, stated that during his 20 years of service at this church he never witnessed such a profusion of flowers at a funeral. Floral messengers of brotherly love and esteem were sent by every civic organization of Omaha and from railroad, packing house, and stockyard executives of Chicago, Kansas City, St. Louis, Denver, Cleveland and other cities. To convey the flowers to the grave in Forest Lawn cemetery an automobile truck was used to supplement the funeral limousines.

All Walks of Life There.

Before the funeral party arrived from the Burket chapel at Thirty-fourth and Farnam streets, Trinity was seated to capacity and hundreds occupied the sidewalk space on Eighteenth street and on Capitol avenue. In the throng which obtained admittance and sought entrance were men who represented a vast cross-section of Omaha's commercial, religious, educational and social life. A delegation from the American Legion and of the legion auxiliary was observed, also of various branches of the Masonic fraternity, Benevolent and Protective Order of Elks, Knights of Ak-Sar-Ben, Chamber of Commerce, city and county officials, representatives of the postoffice, the Seventh corps area of the army, Union Pacific railroad, led by Carl Gray, president of Chicago, Milwaukee & St. Paul railroad, represented by Lee Spratlan, assistant to the president; executives of packing houses and stockyards of the middle west, and many from the business life of South Omaha, where Mr. Buckingham had spent several decades in the development of this city as one of the leading packing, house and stockyard centers of the world.

Private Services First.

The body was borne into the cathedral in simple black casket, hundreds on the outside standing silently with uncovered heads. Dean Stephen McGinley read the regular Episcopal funeral service. Bishop E. V. Shayler, in vestments stood beside the dean during the brief service which included no singing. The dean referred to Buckingham in St. Paul, Minn., where he was born, and to his home in Chicago, Ill., where he died. Mr. Stanley, organist, played "Abide With Me," "Lead Kindly Light," "Son of My Soul," and "Rock of Ages," softly during the reading of the service, and as the body was being carried out of the church, he played Mr. Buckingham's favorite tune, "Swing Low Sweet Chariot."

The celebration of all kinds of ceremonies in a humble spirit, according to the spiritual doctrine of Christ.

Pershing Ill in Hotel at Havana

Havana, March 3.—The American embassy in a statement issued today, announced that Gen. John J. Pershing is ill in his hotel here. All his engagements for tonight and tomorrow have been canceled.

Longworth Opposes Plan for Special Congress Meet

Washington, March 3.—Opposition to suggestions that there should be a special session of congress before December was expressed today by Representative Longworth, the republican leader, who will be speaker of the next house.

Married in Council Bluffs.

The following persons obtained marriage licenses in Council Bluffs yesterday:

Rumanians Drop Action.

Bucharest, March 3.—The Rumanian government has decided to drop its threatened economic action against Germany.

Brayton Legion Post to Hold Indoor Carnival

Atlantic, Ia., March 3.—Brayton, Ia., post of the American Legion will hold an indoor carnival March 8. Proceeds derived from the affair will be used to provide a fund for expense incurred in connection with an elaborate Memorial day observance.

Grandfather Who Sacrificed Life for Children Is Lauded in Funeral Sermon

"A Greater Love Hath No Man Than This That He Give Up His Life for a Friend" Is Text of Minister at Rites; Largest Affair in History of Falls City; Second Tragic Death in Family.

Special Dispatch to The Omaha Bee. Falls City, Neb., March 3.—"A greater love hath no man than he who lays down his life for his friend."

That was the quotation which closed the funeral services for Orville Elder, 15; his grandfather, Frank Elder, 67, and Marie Elder, 13, for whom the first two had died, here today.

The quotation referred to the heroism of the two, the grandfather and the grandson. They had lost their lives in an effort to save the life of Marie.

Rev. M. A. Ritzel of Williams-ville, who conducted the services, recalled the occasion Sunday night when the two victims had turned, after saving Marguerite and May Elder from the which threatened and eventually destroyed the home of Fortner, to rescue Marie, the third sister and granddaughter, who lay trapped in the flames and cremated.

Nugent Cleared in Stokes Trial

Judge Declares No Evidence Has Been Presented to Involve New York Lawyer.

Chicago, March 3.—The Stokes conspiracy case "is going to end today so far as Daniel P. Nugent is concerned," Judge W. N. Gemmill declared today.

Berlin Is Draped With Black Crepe

Ebert Funeral Procession Will Pass Through Avenues of Mourning Today.

Berlin, March 3.—Wilhelmstrasse has been turned into an avenue of mourning in preparation for the funeral of President Ebert tomorrow.

Split Widens in Mexican Church

Chihuahua City, Mexico, March 3.—Priests of the Roman Catholic church here are earnestly preaching against a division of the faith, but the separatist movement seems to gain headway, according to government officials watching the situation.

War Volunteer Gets Fortune

San Francisco, March 3.—Thomas Carroll Spencer answered his country's call in 1917 without waiting to be drafted, and his cousin, John Mulhorn, a soldier in the same regiment, liked this so well that Spencer was left \$75,000 in Mulhorn's will, which was probated today.

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Four Lose Lives in Tenement Fire

New York, March 3.—Four were killed, three more were reported in a dying condition and a dozen were injured in a tenement house fire in Brooklyn today.

Fight Waged Against Cottonseed Legislation

Little Rock, Ark., March 3.—Governor Terrill today telegraphed the Arkansas delegation in congress to exert their influence with congressional delegations from states considering legislation considered detrimental to the cottonseed oil industry to have such legislation defeated.

Wisconsin Kills Wet Bill.

Madison, Wis., March 3.—A bill which provided for a referendum of the people as to their desire for a change in the Volstead act, was killed without a record vote in the state senate.

Cotton Standard Probed.

Washington, March 3.—Secretary Gore announced he would appoint a committee to investigate complaints that cotton held in New York warehouses for delivery on future contracts is below standard.

Farms Bill Is Rejected by Senate

Howell of Nebraska Fails in Eleventh Hour Effort to Put Across Relief Legislation.

No Hopes Held Out Now

Washington, March 3.—The modified McNary-Haugen bill to create a grain export corporation was rejected today by the senate.

By a vote of 69 to 17, the bill was turned down as an amendment to the naval omnibus bill offered by Senator Howell, republican, Nebraska.

The measure is the first major farm bill voted on by the senate at this session. It was not in line with the recommendations of President Coolidge's agricultural conference. A bill to carry out these recommendations offered by Senator Capper, republican, Kansas, and approved by the agricultural committee, remains on the calendar with leaders holding out practically no hope for action.

Those who voted for the McNary-Haugen rider were: Republicans—Brookhart, Capper, Franer, Gooding, Howell, Johnson of California, Ladd, McNary, Norbeck, Norris, Sterling and Willis, Total, 12. Democrats—Ashurst, Copeland and Wheeler, Total, 3.

CHICAGO SCHOOLS TO HEAR COOLIDGE

Chicago, March 3.—Chicago will have its ear to the radio tomorrow. The inauguration of President Coolidge will be "on the air." Chicago expects to hear the president take oath of his high office, hear him deliver his inaugural address.

More than 12,000 school children will be "listening in."

"This will be the first time that the schools have been able to listen in on such an important event and it marks a new era in education," said E. J. Hobin, county superintendent of education.

Two Destroyers Crash in Smoke

Destroyer Base, San Diego, Cal., March 3.—The destroyers Percival and Chase, operating in the defensive screen in the Black fleet in maneuvers off the coast here, collided today in a slight brush, but both craft were able to resume operations with the fleet.

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Aged Millionaire Dies.

West Palm Beach, Fla., March 3.—Abert Selgel, 76, a reputed millionaire from Niagara Falls, N. Y., was found dead in bed of natural causes.

STOCK MARKET BULLISH AGAIN

New York, March 3.—Speculators for the advance staged another bullish demonstration in today's stock market in expectation that President Coolidge's inaugural message tomorrow will outline a program that, so far as the financial community is concerned, will be constructive in character. Many leading issues were bid up 1 to 3 points with a few spectacular gains of over 10 points, both the rail and industrial averages establishing new record highs for all time. Total sales fell slightly short of 2,000,000 shares.

Defeat of Child Labor Measure in Senate Forecast

Republican and Democratic Leaders Agree Amendment to Constitution Cannot Pass.

By P. C. POWELL, Staff Correspondent The Omaha Bee.

Lincoln, March 3.—Ratification of the federal child labor amendment by the Nebraska state senate tomorrow is lost, according to forecasts made today based on statements by Perry Reed, republican leader, and Emerson Purcell, democratic leader.

"The amendment is lost because of the large number of farm organizations of all character who have gone on record against it," Senator Purcell said.

"It will fail for no other reason than there are not sufficient votes in the senate to pass it," Senator Reed said.

"The amendment is scheduled for consideration at 10:30 tomorrow afternoon."

Representative Axtell of North Platte and others are determined to put all house members on record later in the session as to their attitude toward the child labor amendment.

"We want 'em on record," is their cry. While Reed, who is usually credited with being the republican leader in the senate, did not waste any words on describing reasons for his belief in failure of the child labor amendment, he did describe the plight in which he believes the house has placed the senate.

"There isn't a bill of any consequence that the house hasn't passed to the senate," Reed said with some bitterness. "In other words, the house has passed the buck to the senate on every proposition."

From the gossip heard outside of the regular routine, Reed's statement is almost true. The repeal of the intangible tax proposition has been passed to the senate. The governor's appropriation bill, with hardly a figure changed, has been presented to the senate; the important decision as to whether or not the university and normal schools are to have a straight levy for building programs in the next 10 years is also before the senate, the body often described as the "safety valve" of Nebraska politics.

Another house measure that must be settled definitely by the senate is the blue sky repeal bill, introduced and passed in the lower house by Kuppinger and Pollock of Omaha.

Today the senate was in session for a short time. Transaction of routine matters occupied an hour and committee meetings followed. It was announced from the governor's office that the last official act of Governor Adam McMullen, before leaving for Washington, was to instruct C. E. Stine, state purchasing agent, to order a carload of coal from the new coal mine at Ruby, Neb., in an effort to do all possible to foster Nebraska's baby industry.

At the same time the governor instructed the purchasing agent to discontinue charging various department 20 per cent additional on printing and supplies. This was done during the Bryan administration, the proceeds going to pay the salaries of the purchasing agent and his assistants.

New Commanders Are Appointed in Mexico

Chihuahua City, Mex., March 3.—General Marcelo Caraveo, a cavalry commander, who distinguished himself during the recent revolution, Tuesday took over command of the fifth military zone of Mexico, comprising the states of Durango and Chihuahua. General Caraveo succeeds General Arnulfo Gomez, who is to become commander in the state of Jalisco, with headquarters in Guadalajara. General Caraveo is well known in northern Mexico, has originally been a member of Orozco's revolutionary band 14 years ago.

Summary of the Day in Washington

The new incoming cabinet members all reported ready for duty. President Coolidge remained at work throughout inauguration eve. Brigadier General Mitchell will fall of reappointment as assistant army air chief. Vice President-elect Davies spent a busy day visiting and receiving friends.

Another contest over the seat of Senator Smith W. Brookhart of Iowa was filed. Well-developed signs of senate filibuster appeared to trouble dying hours of congress. The senate rejected the modified McNary-Haugen grain export corporation bill.

The house expressed its "earnest desire" for American participation in the World court. Washington Gardner, dean of government bureau chiefs, resigned as commissioner of pensions. Secretary Mellon denied wholesale irregularities had occurred in issues of government securities.

The senate refused to attach house public buildings bill rider to second deficiency bill and sent it back to conference. A special house investigating committee reported that part of funds raised by the national disabled soldiers league had been used improperly.

Bids \$5,000 More Than L. F. Crofoot

Great Dry Goods House Goes to Competitor Despite Protest of Agent for Creditors.

Winning Bid \$1,830,000

The great M. E. Smith Dry Goods company was put on the auction block Tuesday and was sold to the highest bidder.

Its assets are now the property of the Byrne-Hammer Dry Goods company. Mr. T. C. Byrne, speaking for his company, announced that practically all employees will be retained and the business continued in the present quarters, "at least temporarily."

The awarding of the assets to the Byrne-Hammer company brought an end, at least so far as the referee in bankruptcy is concerned, to the efforts of L. F. Crofoot, A. W. Gordon and a group of Omaha business men to keep the business intact as a going concern.

At the end there was but \$5,000 difference between the bids. A committee representing 97 per cent of the creditors urged Referee Dunham to accept the Crofoot bid. An attorney representing the holders of M. E. Smith & Co. notes urged that the Crofoot bid be accepted.

Dunham Decides Against Crofoot. Referee Dunham decided otherwise. If the M. E. Smith concern is saved for Omaha it will be only as the result of a determined stand upon the part of leading business men of the city.

The final bid, the price at which M. E. Smith & Co. was sold, was \$1,820,000. The Crofoot bid, at the end, was \$1,825,000. In the face of the plea of the creditors committee and representative of the note holders, this paltry difference stood between Omaha and the closing down of the big dry goods house, Omaha lost.

As the referee issued the order someone in the audience murmured, "For a mess of pottage."

The Assets. Here is what the purchasers get for \$1,820,000:

Cash in bank \$1,750,484.56
To offset liabilities \$2,277.69
Post-dated checks 44,455.91
Notes receivable 125,439.50
Accounts receivable 857,539.44
Notes payable from officers and employees 12,851.67
Merchandise 1,241,925.37
Furniture and equipment 41,532.64

Total \$2,768,484.56
To offset liabilities \$2,768,484.56
As the referee issued the order obligations are assumed under the bid, chiefly obligations growing out of the M. E. Smith leases. Thus the difference between the bid and the estimate of values will not be net. On the other hand, it is understood the estimate of values is most conservative.

Late yesterday afternoon this business drama finished its two-day run. "I bid \$1,830,000." It was M. A. Hall, attorney for T. C. Byrne, and at that sentence he intoned the requiem of a once great dry goods house.

A few seconds before L. H. Crofoot, representing a group of men pledged to continue the company, had said:

"I have consulted with my associates by telephone. They have assured (Turn to Page Twelve, Column One.)"

Fate of Slayer of Illinois Man in Hands of Jury Soon

Honolulu, March 3.—Arguments to the jury were made today in the trial of John Emmeluth, local taxicab driver, for the murder of Jimmy Durbin, Decatur (Ill.) baseball player. The prosecution argument was completed this morning, and there was every indication that the jury would receive the case tonight.

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The Weather

For 24 hours ending 7 p. m. March 2—Precipitation, inches and hundredths: General Total, since January 1, 14.1; deficiency, 0.87.

Monthly Temperatures.