

# THE NORFOLK WEEKLY NEWS-JOURNAL.

NORFOLK, NEBRASKA, FRIDAY, NOVEMBER 17, 1911.

## JOHN SHOOK IS ON TRIAL

### HERRICK TOWN MARSHAL BEING TRIED FOR MURDER.

### HE SHOT HENRY OUSLEY DEAD

An Extra Panel of Sixty Jurors is Drawn and Summoned to Attend Circuit Court at Fairfax, in This Case—Stevens and Wiley Hearing.

Fairfax, S. D., Nov. 16.—Special to The News: The case of John Shook of Herrick, charged with the killing of Henry Ousley there about six weeks ago, comes up today. An extra panel of sixty jurors has been drawn and summoned to attend.

Elmer E. (Pat) Stevens, found guilty of jail breaking, and Wiley of grand larceny, will be sentenced next Tuesday.

## RODGERS SAYS ETHER KILLS THE AVIATORS

### LURKS IN UPPER AIR AND LULLS FLYER TO SLEEP.

Pasadena, Cal., Nov. 16.—"Ether, asphyxiating, inducing a semi-pathetic condition," is what C. P. Rodgers, transcontinental aviator, declares attacked him when he fell near Compton, Cal. last Sunday on the last flight of his cross-country trip. Furthermore, Rodgers asserts this is what has caused the deaths of dozens of other aviators.

"It lurks in the pockets of the upper air strata," he said. "It creeps irresistibly on the senses of the aviator, lulling him into unconsciousness. I believe this same thing to have caused the death of Arch Hoxsey, Ralph Johnstone, Eugene Ely and a number of others who have fallen to their death from great altitudes, after having lost control of their craft."

"It was in my case that the rarified air that overcame me. I have experienced hydro-lacking air a dozen times, and it never affected me."

## UNI BOYS SING TOO MUCH

### Chancellor Avery Serves Notice Upon Them to Cut It Out.

Lincoln, Nov. 16.—As a result of continued complaints against the actions of university boys in singing the old time college favorite, "Hail, Hail, the Gang's All Here," etc., Chancellor Samuel Avery issued an order warning undergraduates that they would be made liable for expulsion for participating in such disturbances.

The trouble arose over the actions of the university boys at a recent show, when the gallery of college men introduced a trifle too much college element. The management of the theater complained to the chancellor. He said he did not care how much the boys yelled and sang songs as long as they eliminated the words, "What The Hell Do We Care?"

## RICH SALOONKEEPER KILLED

### Wealthy New Yorker Shot at Door of His Saloon by a Drunk.

New York, Nov. 16.—Peter Lenane, a wealthy saloonkeeper, was shot to death early today on the threshold of his place of business. The police arrested Robert Harris, whom they found beating Lenane over the head with the butt of a revolver. Three witnesses say that Harris fired the fatal shots.

Harris, these witnesses say, was ejected from the saloon shortly before on account of his conduct. Lenane was about to close his doors when a shot was fired through the window. Lenane ran out of the saloon and fell on the sidewalk, with three bullets in his head and neck.

At the station house Harris insisted that "it was all a put up job." He was locked up on a charge of homicide.

## LITTLE BOY MAY RECOVER

### Neligh Lad's Case One of Strangest Physicians Have Seen.

Neligh, Neb., Nov. 16.—Special to The News: According to the attending physicians who were called to examine the condition of little Fred Henry after he had taken a fall through a haymow, it is one of the most remarkable cases that ever came before their attention. A few hours after he had sustained his fall Tuesday night he became unconscious, and indications of every nature were that life could be prolonged but a short time, he even going into convulsions. At midnight he rallied, and at 7 o'clock the next morning he was sitting up and inquiring for his breakfast.

The young fellow is getting along nicely, and the physicians are at a loss to know how it happened, it being pronounced that he had sustained an injury at the base of the brain and that the same was in all probability fatal.

## CONDITION OF THE WEATHER

### Temperature for Twenty-four Hours. Forecast for Nebraska.

Maximum ..... 39  
Minimum ..... 18  
Average ..... 28

Barometer ..... 29.60

Chicago, Nov. 16.—The bulletin issued by the Chicago station of the United States weather bureau gives the forecast for Nebraska as follows: Snow tonight or Friday; much colder Friday and west and central portions tonight.

## YUAN SHI KAI ACCEPTS PLACE

### PUBLISHES THANKS TO THRONE FOR THE PREMIERSHIP.

### IS REGARDED AS ACCEPTANCE

### A Hong Kong Cable States That the Rebels Have Captured Nanking. Commander-in-Chief Said to Have Sent for Troops to Attack Peking.

Peking, Nov. 16.—1:35 a. m.—Yuan Shi Kai has accepted the premiership and will assume office probably today, Thursday.

Yesterday's official gazette contained an expression of thanks from a Shi Kai to the throne for his appointment, but the truth is he did not take the task without receiving a free hand in conducting affairs, while he retained his official position. The new premier yesterday received several foreign ministers, including the United States Minister to China, William J. Calhoun, who only recently returned here. In conversation with a foreigner Yuan Shi Kai said he intended to form a cabinet immediately and endeavor to carry on the government by gaining the support of as many provinces as possible, allowing the remainder to retain their independence for the time being. It would be his endeavor also gradually to win back their allegiance to the throne.

### Royal Family May Leave.

That arrangements are being made for the possible retirement of the royal family to Hsiao is believed, following the publishing of an imperial edict simultaneously ordering Pu Ting, the Tartar general of Peking, the emperor's summer residence, to vacate in favor of Hsi Kiang, formerly viceroy of Manchuria, a trusted counselor to the throne. This step will be taken as a last resort, however, as it is generally felt that should the court leave Peking the throne would be lost forever to the Manchus.

The provisional assembly of Nehi Li today adopted a memorial to the throne, favoring the establishment of a republic with Yuan Shi Kai as president. The assembly has been accused of inaction, and it is possible the move is only a pretense at doing something.

### Disorder in Interior.

Amoy, China, Nov. 16.—Practically the entire southern half of Fo Kien province has gone over to the revolutionaries, and there is disorder in the interior. At Changchow rival factions are fighting for the control of the local government.

Foo Chow reports the provisional government there is making strenuous efforts to restore order. People who had fled are returning to the city and the shops are being opened.

Hing-Hwa, a coast city about fifty miles south of Foo Chow, has accepted the new government quietly and many of the old officials remain at their posts.

In this city the radical element is organizing the republican government. The moderates who wished to declare Amoy independent without committing it to the revolutionary cause, are not being consulted.

### Costly Fire at Ogden.

Ogden, Utah, Nov. 16.—A fire resulting in a loss of about \$750,000 and resulting in the fatal injury of two firemen, wrecked the Eccles building here. The fire started in the basement and rapidly spread through the six-story stone structure. Harbert Anderson and George Wardlow were injured by the falling of plate glass.

### Behold All Queerless Chinks.

Shanghai, Nov. 16.—A veritable reign of terror prevails at Nanking, according to late dispatches from that city under the dominance of Gen. Chang Jen Shen, the viceroy, who has cast restraint to the winds. A systematic search is being made for Chinese who have discarded their queues, and all found are beheaded. The revolutionaries in Shanghai are making vigorous preparations to attack Nanking, and at a meeting volunteers were called upon to undertake the assassination of Chang. Dr. Gilbert Reid, a prominent missionary, visited Viceroy Chang and endeavored to induce the general to agree to an armistice. Gen. Chang refused to entertain the idea and declared he must be loyal to the emperor. He said he intended to lead his troops in the capture of Ching Kiang in Foo Chow and Shanghai for the throne. Dr. Reid says Chang's blood is up, that he is fired by his successes and the number.

(Continued on eighth page.)

## VICTIM OF TAR IN COURTROOM

### MISS CHAMBERLAIN SUFFERED TERRIBLE TORTURE.

### WAS BETRAYED BY A BARBER

### The Man Who Induced Her to Take a Drive and Then Handed Her to Mob of Farmers With Hot Tar Ready to Pour Upon Her Body, Pleads Guilty.

Lincoln Center, Kan., Nov. 16.—A flood of affidavits was let loose in the circuit court here today at the beginning of the hearing of an application by Everett G. Clark, wealthy miller and foremost citizen of Shady Bend, for a change of venue in the case in which he, with eight other men, is charged with "assault and battery" in connection with the tarring of Miss Mary Chamberlain last August. Miss Chamberlain was in court, accompanied by her mother and brother, Manville O. Chamberlain. She has appeared on the street once since she arrived yesterday morning, and went into a long conference with the state's attorneys.

Since Miss Chamberlain was decoyed to a lonely spot on a country road, seized by a band of more than a dozen men, her clothes torn off and her body coated with tar, Aug. 7, she has remained in close retirement in her home in the little Shady Bend community where she taught school and where it is said her popularity with the men caused jealous wives and sweethearts to urge husbands and lovers to inflict upon her the frightful torture which created a storm of indignation throughout the state.

At the opening of court today County Attorney McCanness stated he had more than 300 affidavits to offer to the court to prove that there is no reason why a fair trial should not be given all of the accused men, in this county.

Counsel for the defense began an attempt to prove by affidavits that Clark cannot hope for a fair trial in Lincoln county because of exaggerated newspaper reports of the "tar party" and local gossip.

Motor cars loaded with state's attorneys (Continued on third page.)

## PURSUED BY COYOTES

### This Story from Kansas Reads Like Old-Time Stage Coach Yarn.

Mead, Kan., Nov. 16.—A band of coyotes, ordinarily afraid of man, chased F. A. Norris and two women relatives for several hours across the prairies near here. The party was driving home from here in a buggy. A large amount of fresh meat was carried in the vehicle, and it is supposed this attracted the animals. All the coyotes did not begin to follow the party at one time. At first there were only a few in the pack. Then several larger animals joined the band, and soon some of the bolder and hungrier ones dashed at the horses. Norris was driving. He leaped from the buggy and struck some of the animals with a whip. To his surprise they turned on him and showed fight.

Being unarmed, Norris was badly frightened. He managed to return to the buggy seat unharmed, and then lashed his horses into a gallop in an effort to escape the hungry pack. The coyotes proved good runners, however. As a last resort several chunks of fresh meat were thrown out to the animals, and this checked the attack until the party reached a town.

## BEEF SUGAR MEN MEET.

### Will Fight Any Attempt to Remove Duty on Sugar.

Chicago, Nov. 16.—Having reached the opening day of their convention here, the most important object of which was to fight any attempt to remove the duty on sugar, the sugar beet refiners prepared today to put themselves in a position where they could assure any one interested in the enterprise that this tax would continue.

According to C. C. Hamlin, the chairman, the production of beet sugar is now about one-third of what it would be were it not for the fear on the part of the men who would otherwise invest their money that this tariff would be removed. The meeting scheduled for today, according to Mr. Hamlin, is to be one of great importance to the future of the industry.

## HORSE HOLDS HIS OWN.

### At Least, He's Still a Valuable Adjunct to Society at Horse Show.

New York, Nov. 16.—The number of exhibitors and entries for the annual horse show, which opens here Saturday, shows that as an adjunct to society, at least, the horse still holds his own. Nearly 2,000 animals will be shown by 312 exhibitors. The number breaks all records since the exhibition was established here twenty-seven years ago.

The international military feature, which is one of the show's chief attractions, was announced today. Soldiers of the United States, Great Britain, Belgium, Holland and Canada will compete in many classes. There are twenty-five military entries for the broad water jump Tuesday night for a \$100 silver cup and a cash prize of \$150.

## "SAVE THE BABY"



The Infant Welfare Association Meets in Chicago.

## BITTER LEGAL FIGHT BEGINS

### ONE OF THE HARDEST FOUGHT BATTLES YET RECORDED.

### SHERMAN LAW IS AT STAKE

### The Constitutionality of the Sherman Anti-Trust Law's Criminal Provisions is Attacked in Argument Presented by Beef Barons.

Chicago, Nov. 16.—What gives promise of being one of the bitterest and most important legal battles ever fought out in the federal courts began today before United States Circuit Judge Kohlsaat. At 10 o'clock counsel for the government and the so-called beef trust had arranged to be on hand for an argument on nine indicted meat packers in which they attacked the constitutionality of the criminal provisions of the Sherman anti-trust law.

All possibility of the packers being brought to trial Monday before District Judge Carpenter has ended, according to attorneys for the packers. They say the case cannot be heard because the district court has lost jurisdiction, inasmuch as Judge Kohlsaat, of the United States circuit court, has released the men on bonds. The release of the defendants on circuit court bonds "lifted" the case out of the district court, it was added.

### An Appeal is Certain.

Although Judge Kohlsaat's action on the writ will be awaited with keen interest, it was the general opinion today that whatever the ruling of the court may be the whole affair will be delayed for a long time. If the decision favors the packers District Attorney James H. Wilkerson will appeal to the supreme court of the United States, and if it is against the packers counsel for the indicted men will carry their cases to the higher court. In either case the so-called beef trust case is for the present out of the jurisdiction of the United States district court, where Judge Carpenter had set the trial of the packers for next Monday.

Speaking of the case, Judge Kohlsaat said: "This is one method of getting the law question alone before the supreme court without its being mixed with a question of fact. It is done, as I understand it, for the purpose of getting a construction of the Sherman anti-trust law as it affects the question involved in this case. Interpretation of the criminal prosecution section of the anti-trust law should be secured as soon as possible to make the situation clear to the business interests of the country."

### Notice Was Not Necessary.

Judge Kohlsaat said he would not regard these proceedings as a review of Judge Carpenter's rulings. He said his understanding was that Judge Carpenter had not passed on the questions involved in the application for a writ.

Judge Kohlsaat also said that it was not necessary that the government attorneys be given notice by opposing counsel in cases of this kind. "The move obviously is for delay," said Mr. Wilkerson. "The defense should have given notice and certainly should not have waited until the venire was called. It would seem that if any attempt of the kind were to be made it should have been made at last six weeks ago. Witnesses have been summoned and the government has gone to enormous expense to present the case for trial. The mere fact that the defendants have filed a petition and obtained a preliminary

## HERMAN BOCHE RETURNS HOME

### PAROLED PRISONER REJOICES WIFE AND FAMILY.

### THINNER AND NOT SO TANNED

### After Having Served Three and a Half Years in Prison for Killing Frank Jarmer, Herman Boche is Glad to Get Back to His Farm.

Thinner than he used to be and with the tan of the field erased by prison atmosphere and a pale complexion put in its place, Herman Boche, overjoyed to get home, reached Norfolk last night from the Nebraska penitentiary where he had served three and a half years of the ten-year term provided for killing Frank Jarmer, a local saloonkeeper, May 1, 1907. Boche was paroled last Saturday.

The paroled man went immediately to his farm southeast of town to rejoin his wife and children. He is said to be feeling pretty well.

### TAFT AT FREDERICK.

### Is Biggest Day There Since Barbara Fritchie Waved Her Flag.

Frederick, Md., Nov. 16.—President Taft came over into the Frederick valley to advocate his arbitration treaties in the Associated Board of Trades of Maryland and to lay a wreath at the tomb of Francis Scott Key, author of the Star Spangled Banner. It was the biggest day this little town has had since Barbara Fritchie waved her flag at Stonewall Jackson's men and drew a poem from Whittier. Hundreds of twentieth century Barbaras waved flags at the president yesterday and drew nods of recognition from him.

Washington, Nov. 16.—President Taft and his party returned last night from Frederick, Md., where the president addressed the Maryland Associated Board of Trades.

## FATHER MURPHY WAS RICH

### Leaves Estate Valued at \$30,000 to Housekeeper of Many Years.

Seward, Neb., Nov. 16.—The will of the late Rev. Father William Murphy, who was killed a week ago in an automobile accident, was filed for probate. The bulk of the estate, which is valued at slightly in excess of \$50,000, is bequeathed to Miss Mary Barrett, for thirty years housekeeper of Father Murphy. Bequests are made to the Catholic churches of Tecumseh, Seward and Ulysses where Father Murphy was at different times parish priest, but these bequests are to be paid only after the death of Miss Barrett, who exercises full control of the entire fortune during her life. The estate consists principally of farming lands in Lancaster county near Lincoln.

### Order Barnes to Jail.

Albany, N. Y., Nov. 16.—An order of Supreme Court Justice Joseph A. Kellogg of Glens Falls, directing William Barnes, jr., chairman of the republican state committee, to answer certain questions asked by the senate committee investigating conditions in Albany city and county, was served on Mr. Barnes. The order directs his commitment to the Albany jail until he complies with the mandate, but it is provided that the warrant shall not issue until eight days after the service. Mr. Barnes has announced that an appeal will be taken.

### Whitlock Spent Not a Red.

Toledo, O., Nov. 16.—Brand Whitlock, who was elected mayor of Toledo for the fourth time Nov. 7, filed with the board of elections a certified statement that he did not spend a cent for expenses during the campaign just ended. W. E. Ries, socialist candidate for mayor, declared he spent \$1,100 expounding the cause of socialism but had no personal expenses.

## PARCELS POST STARTS A ROW

### TRANS-MISSISSIPPI COMMERCIAL CONGRESS IS SPLIT.

### CALLED NATION OF "CHUMPS"

### Parcels Post Advocates, Having Lost in Committee Where They Expected Victory, Carry Fight Onto Floor and the Fight is Bitter.

Kansas City, Mo., Nov. 16.—Staid bankers and dignified business men, together with their less formal brothers, and farmers, today swept aside the banner of peace that has hung over the trans-Mississippi Commercial congress and plunged into a bitter struggle over the parcels post and the questions of states' rights. Defeated in the committee where they had expected victory, supporters of parcels post rallied their forces and when the convention opened not a delegate was missing. George J. Kindel of Denver, known throughout the country because of his fights upon railroad interests of Colorado, fired the opening gun for the parcels post adherents which in a speech was remarkable for its bitterness against what he termed the domination of the government "by the robber express companies," who were getting the benefit of the failure to have a parcels post. He declared "that only a nation of 'chumps' would stand for such damnable treatment and statesmanship."

"I predict that in ten years," he continued, "there will be no express company in the interstate or competitive business with our postoffice. If section 9 of the act of congress of March 3, 1845, (forbidding competition by a private corporation for carrying mail or packages in cities where there are postoffices) had been enforced, as it should have been, there would be no postoffice deficits and there would be no robber express companies to take the very life's blood out of us."

### Rates Here Are High.

Mr. Kindel said mail rates in the United States for parcels post packages were out of all proportion to those of other countries and quoted figures showing that on the basis of an 11-pound package, the United States rates were \$1.76, compared to 16 cents in the highest European country. Mr. Kindel pointed out that while it cost an American \$1.76 to send an 11-pound parcels post package into the next county from his home, he could send the same package to Europe for \$1.32.

"We should have a rural parcels post," said Mr. Kindel, "at the postmaster general's proposed rates, 5 cents for the first pound and 2 cents for every additional pound up to the limit of 11 pounds. That would make the postage on a rural package of 11 pounds 25 cents."

"No mail order house could interfere with the country merchant's business because the mail order house would be subjected to the general parcels post rate of 8 cents per pound or 88 cents, instead of 25 cents on an 11-pound package on the country dealer's rural route."

### No Handicap to Small Merchant.

"Any country merchant who would fall to prosper under a 6-cent protective tariff on an 11-pound shipment has no business to inflict himself on the community."

"A general parcels post of 8 cents per pound and 11-pound limit and the enforcement of the laws on the statute books against all express, would soon give a 1-cent letter postage and insure our postoffice department gains against deficits."

Addresses by Congressman William P. Borland on "Waterways" and by Gov. John Burke of North Dakota on "Improvement of Inland Waterways for Navigation," as well as an address by Darwin P. Kingsley of New York City on "Life Insurance and Justice," occupied the rest of the convention's time.

### Would Conserve Water.

To prevent the disastrous floods in the valley of the Missouri river Gov. Burke advocated the building of great reservoirs in the mountains of Montana, where the stream could be dammed and the water from the melting snow which causes the famous "June floods" could be held.

"From these reservoirs," continued the governor, "the semi-arid districts of the west can be irrigated while the falls from the great dams will furnish water power for factory and mill."

Kansas City, Mo., Nov. 15.—United States Senator Robert L. Owen, of Oklahoma, created a sensation at today's session of the trans-Mississippi Commercial congress when he declared he had every reason to believe that the people who fought Dr. Harvey Wiley, chief of the bureau of chemistry, were now furnishing money to oppose the movement looking to the establishment of a national department of health.

Senator Owen had delivered a set speech strongly urging the necessity for the new department. Finally he departed from his written address to assert that vast sums of money were being spent by those antagonistic to the idea.

"I have every reason to believe," he said, "that this money is being supplied by the same people who have

(Continued on eighth page.)