NOW IF CAN. ONLY

GET THROUGH

C. E. DAVIS ON TRIAL

Jurors Not Questioned on Attitude

Toward Death Penalty,

ENGLISH FORECASTS HIS PLAN

Action Indicates He Will Not Demand

the Capital Punishment.

ALL DAY AND JURY NOT COMPLETE

State Has Two and Defense Four

Peremptory Challenges Left.

MRS. RUSTIN NOT IN COURT ROOM

Wife of Physician Whom Davis is

Charged with Killing by Agree-

ment Will Be Among

First Witnesses.

Charged with the murder of Dr. Frederic

Charles E. Davis was placed on trial before

Judge Sears in the criminal court, Monday

to the examination of jurors. The exami-

nation was continued in the afternoon and

will probably require most of the day,

The question of jurors by County Attor-

ney English developed that he is not going

to ask that the death penalty be inflicted

n case the hirors return a verdict of guilty.

He did not ask the jurors whether or not

they were opposed to capital punishment

and during the recess announced he would

During the day forty-nine jurors were

examined and twenty-one of these were

not demand extreme penulty.

norning. The entire forenoon was devoted

Rustin as the result of a suicide compact

Council Chamber Scene of ely Democratic Row.

DAVIS HURLS CHARTER AT

Lee Bridges.

Tackle Bellicose Alderman and Hold

for "Down."

CONNELL GETS VOTE OF THANKS

Health Physician Emerges Unscathed Physically and with Endorsement of All Councilmen Save Two.

The Davis-Connell bomb burst yesterday afternoon in the city council chamber. Bearding the lion in his den and being compelled to dodge city charters, heavy ordinances and important and bulky official documents sent flying through the air in his direction by Dr. J. C. Davis, democratic councilman from the Eighth ward, Dr. R. W. Connell, the democratic health physician, emerged from the council chamber yesterday afternoon, not only unharmed and unscathed, but with a nice little resolution of recommendation from the council tucked away.

The Eighth ward councilman last Tuesday night challenged the health commissioner to combat and the democratic the Chicago show is proving to be larger health commissioner accepted the chal- than ever before. longe, the fray being scheduled for the Monday afternoon meeting of the com- being made to oust Judge Wallace from mittee of the whole. Dr. Davis' lengthy the criminal court of Kansas City. report, showing the number of charity cases cared for in private hospitals and paid for by the city, was referred to this upheld an order of the railway commisto defend it, and the health commissioner fares in that state. to defend himself. The councilman entered into a lengthy dissertation in which lyn failed to open its doors yesterday. he contended that the city should not pay for indigent persons iil or injured, hospital or at least within three days, over the state. and that the health commissioner should be restricted in his powers. He closed his trust was formed as a simple and offecaddress by saying that the health com- tive method of holding the property. missioner was "off" when he accused the councilman of enmity.

Here They Come. Then the trouble began.

a d-n tool, that's all.

The words were barely out of his mouth when Dr. Davis grabbed a bound volume hurled it at Dr. Connell.

The health rommissioner dodged and the big book hit Councilman Bridges, who was sitting behind, on the nose. Then Dr. Davis threw a handful of official documents and was just starting to climb

Chairman Bedford raised his hands in a the motion of a benediction and said: There, there, this won't do, gentlemen." Dr. Connell stood firm and resolute with his arms folded on his manly breast, and

a dead calm settled over the compatants and the non-combatants.

Then Connell Talks. Then Dr. Connell gave his side of the

to the treatment of the eight leading Omaha. cases picked out by Dr. Davis (as publisted in The Bee last Thursday) and folhas spent less in caring for indigent persons than his predecessors in office. cording to these official figures, during the fourteen years from 1892 to 1996, \$15,982. or \$1.141 per year, was spent for the care of sick and injured in private hospitals From June 1, 1906, to June 1, 1908, \$1,966. or 2500 a year, was spent by Dr. Connell private hospitals. The present city physician has spent \$161 a year less, therefore, than his predecessors.

The health commissioner said his instructions to all hospitals in all cases were collect if possible from the patients, their relatives or friends or their employers, and he read a letter from Dr. B. N. Torrey, superintendent of the Omaha General hospital, substantiating this, the superintendent stating that from 25 to 30 per cent of all city patients paid for their

As to Chariff Cases. During 1907, 621 charity cases were cared for in St. Joseph's hospital, the total number of days' care being 23594, or an average of forty-four and a half days each. During 1908, 558 charity cases have been cared at St. Joseph's, the total number of days' care being 23.925, or an average of two-thirds of these charity cases came from the city of Omaha, cases which the rightfully should take care of, the health commissioner said, but cases for which the hospital authorities received no pay for care, treatment, board or clothes. In return for all this the city of Omaha St. Josaph's hospital but \$1.181 since Dr. Conneil has been health commissioner, of \$255.50 per year. Dr. Cornell closed by characterizing Dr.

Davis' resolution to limit the care of indigent persons in private hospitals to three days when they must be removed to the the time in which it will be possible to ffle cunty bespital, if they are residents of the county, or somewhere else if they being Friday next; when some witnesses who lows; are not, as a "disgrace to the man who are not allowed much time to address the introduced the resolution and a disgrace committee will be heard again. The chairo the party be claims to represent Commissioner Commended.

Councilman Bridges then made a motion to place Dr. Davis' resolution and the dispelling any impression that all witnesses lengthy document accompanying it on file will not be given a equal opportunity to be and to commend Dr. Connell for his action. The motion was adopted. Dr. Davis and Councilman Brucker from the Fifth, casting the only negative votes.

But little other business was transacted by the council in its committee meeting Councilman Elrasser brought up the cit. abstracter's report of city property which occupied by private parties and tried to pass a resolution requiring for the appraisement of all city property. This was lost and upon motion of Councilman Mc-Govern the report was placed on file. Councilmen Bridges then made a motion. which was carried, instructing the city legal department to enter into contracts on the part of the city with the occupants all city land, the contracts requiring the payment of rent for the occupancy.

The demand of the S. D. Mercer com-(Continued on Second Page.)

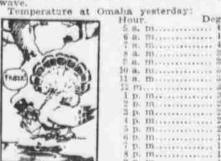
MISSILE SUMMARY OF THE BEE WATERING STANDARD OIL

Tuesday, December 1, 1908.

1908 ~DECEMBER~ 1908 SUN MON TOE WED THE PRI SAT - - 1 2 3 4 5 Volume Misses Br. Connell and 6 7 8 9 10 11 12 18 14 15 36 17 18 19 ZIMMAN AND JOHNSON END FRA 30 21 22 23 24 25 26 27 28 29 30 31 ---

THE WEATHER.

FOR OMAHA, COUNCIL BLUFFS AND VICINITY-Fair Tuesday, with a cold FOR NEBRASKA-Fair Tuesday; colder, FOR IOWA-Fair Tuesday, with a cold



DOMESTIC. The Marianna mines continue to yield up bodies of men killed in the explosion.

Page 1 Counterfeiters at Chicago gave themselves up to secret service men rather than to be hunted longer. Page 2 Exhibition of horses and live stock at An effort through legal proceedings is

The United States supreme court has ommittee, and the councilman was there sion of Virginia enforcing 2-cent railroad take over the properties of the Acme Oil com-

John D. Archbold says Standard Oil disposition of these plants.

Dr. Connell. "I just accuse you of being pounds between distributing office and then taken. patrons.

against the Nord Alexis government.

Chee Foo and 700 persons drowned.

for a down, though he struggled for a Omaha, W. B. Rose of Lincoin, Jesse L. The vice president of the Standard said time.

Root of Plattsmouth and J. J. Sullivan that the trustees of the Standard Oil trust Columbus. LOCAL.

Retail clerk sends thanks to The Bee

for the early shopping crusade. 1. R. Clore, champion winner of corn show prizes, arrives in Omaha for the National Corn show.

Many exhibits for the National Corn lowed with statistics to show that he of placing them will commence in short with competition in the oil markets in

COMMERCIAL AND INDUSTRIAL.

| Live stock markets. | Page 7 |
|---|--|
| | Page 7 |
| Stocks and bonds. | Page 7 |
| MOVEMENTS OF OCEAL Port Arrived. NEW YORK New York. QUEENSTOWN Celtic. MOVILLE Columbia. SOUTHAMPTON. Philadelphia. EQUTHAMPTON. LIVERPOOL Canadian. LIVER POOL Coreioan. | Eailed. Lucania Prinz Fred. With Kalser Aug. Vic. Winifredian. Mongolian. |

TIME FOR HEARING

Demand General for Farther Apportuity to Appear Before Committee.

forty-three and one-third days each. Fully Representative Sereno El Payne, chairman of the committee, will find it impossible row. to resist the requests for an extension of posed revision of the tariff. If is claimed that not sufficient notice was given by the chairman to permit those interested to gather pertinent facts in regard to the schedules in which they desire changes. This was emphasized more especially in the hearings and at the hearings last week. Hadley, governor-elect of Missouri, Brand nearly all of which required sessions until midnight.

briefs, the date originally set as the limit tonight. Mr. Hadley spoke in part as folman of the committee and those whose sincerity with regard to the revision of the tariff has been questioned are desirous of heard.

COST OF RUSSIAN REVOLUTION Fifteen Thousand People Lose Lives in Recent Uprising in

Country. CHICAGO, Nov. 28.-That in the years 1905 and 1906 50,000 revolutionists were killed along which our sister states must travel, by soldiers of the czar and 250,000 were sent to Siberia, was asserted by Longer SEVEN Gerus, a member of the second Duma. when he took the witness stand today to Two testify in behalf of Christian Rudowicz, whom the Russian government is seeking to extradite on a charge of murder. He declared that 7,000 of the government's forces were killed during the same period, steamships collided off this port today, the Currency Murray today issued a call the country. It is expected that before the 5,000 spics were "executed" by revolution. Details of the accident are lacking, but on national banks for a statement of the week is ended the attendance will prove

John D. Archbold Tells How Process Was Achieved in Big Corporation.

REASON FOR FORMING TRUST

He Asserts that It Was Done as Simple and Effective Form

of Holding the Property.

NEW YORK, Nov. 30 .- Resuming his testimony today in the government's suit to dissolve the Standard Oil company, John D. Archbold, vice president of the company, told of the trust agreement of 1881, and said that all the shareholders of the Standard and the beneficiaries of the Vilas, Keitn and Chester agreement signed the agreement. Mr. Archbold said that twenty trust certificates were issued for each single share of Standard Oil company stock, "The capital stock of the Standard was \$3.500,000." said Mr. Archbold, "but the plants and property were valued at \$70,000,-

Mr. Archbold described in detail the inventory of the Standard's plants, property and all assets at the time of the agreement. All plants, generally speaking, after 1875, said Mr. Archbold, were acquired for each. He then gave the reason for the formation of the Standard Oil trust, saying:

"It was done as a simple and effective form of holding the property. We were advised by counsel that neither the Standard Oil company of Ohio nor any other corporation could effectually or safely, perhaps, hold the property, which was widespread in many states whose laws were restrictive of the rights of corporations. The trusteeship was suggested as a simple method of bringing together the property and form a token of ownership which would have a market value and enable the owners to have a more effective adminis-

Properties in the Trust. Mr. Archbold testified that the Acme Oil

company of Pennsylvania was organized to Page 1 pany of New York. The Pennsylvania com-The Lafayette Trust company of Brook- pany was later liquidated when the plants in Titusville were destroyed by fire. The Page 2 vice president of the Standard told in detail Flood damage in Oklahoma is large and like organization and purpose of many subthat they should be taken to the county the waters have not begun to subside all sidiary companies, which were parties to Page 1 | the 1883 agreement, and of the subsequent

The various properties of the Standard Oil company of Ohio that were turned into Page 1 the trust were enumerated by Mr. Arch-Fourth Assistant Postmaster General bold. Other minor companies, whose stock P. V. DeGraw recommends increased use- was controlled by Standard interests and fulness of rural free delivery service by were parties to the agreement of 1882, were "I don't accuse you of enmity," replied delivery of packages not to exceed eleven described by Mr. Archbold. Recess was

Page 2 Mr. Archivold said that the trustees of The situation in Hayti becomes critical tion formed the Standard Oil companies of the city charter and ordinances and and the rebels are making progress of New York and New Jersey to hold properties which had previously been held Page 2 by Standard interests. The witness said Two Japanese vessels collided near the Standard company of New York and New Jersey were still the same companies Page 1 as those formed in 1882. The capital stock Four new supreme court judges were Jersey was \$1,000,000 in 1882, but frereased over life desk to get to the heath com-missioner when Councilman Zimi an and appointed yesterday by Governor George in 1892 to \$10,000,000 and in 1892 to \$10,000,000 and in 1899 to \$110,000. Councilman Johnson tackled and held him L. Sheldon, being Jacob Fawestt of 000, of which \$10,000,000 was preferred.

with money obtained from the trust. Some of the companies mentioned were the Solar Refining company, the Standard Oil com-Page 10 panies of Kansas and Indiana, and the Union Tank line.

Through the National Transit company the Standard interests constructed the G. W. Covert is successor to O. L. Buckeye, Cumberland and other pipe line Dickinson as assistant superintendent of companies. Statements showing the com-He gave the council the same facts as transportation of the Burlington lines in panies owned and controlled by the Stand-Page 5 and in 1839 were submitted in evidence. Standard Has Competition.

exposition are already arriving and work Mr. Archbold sald the Standard met Page 5 the world and submitted in evidence a Bank clearings for November show an statement showing the names of competiimmense increase as compared with one tors outside the United States. There were Page 5 400 companies competing with the Standard for the world's market, said Mr. Archhold and of these the capital of 253 companies was not known. The total capitalization of 147 foreign companies was \$274,915,185. Of the total amount of illuminating oil refined in 1906 by the Standard, Mr. Archbold said that 63 per cent was sold abroad and 37 per cent at home. Mr. Archbold told refined oils abroad. There was much competition from oil interests of the Dutch maintaining the business in the orient was caping into the mine the drill struck very difficult. "Our state department has helped us plosion followed.

nuch," said Mr. Archbold, "In fact, we have been better treated with reference to our foreign business than with our business at home."

There is hardly a port of the world, said Mr. Archbold, that the Standard Oil does who have followed closely the tariff hear- to reach the consumer direct in the orient. ing before the ways and means committee There are 13 independent competitive reof the house, there is an impression that finers of oil in the country, he declared. An adjournment was taken until tomor-

time for witnesses to be heard on the pro- GOVERNOR HADLEY SPEAKS Many Notable Men Attend Regular Dinner of Knife and Fork Club

at Kansas City. KANSAS CITY. Nov. 30.-Herbert S. Whitlock, mayor of Toledo, O., and Judge

Selden P. Spencer of St. Louis, were the Mr. Payne also has been asked to extend principal speakers at the regular dinner of the Knife and Fork club in this city "The Missourian has been the ploneer the west. The two great highways of west ern commerce and travel in pioneer days began where we are tonight-one ending

in the northwest on the shores of the Pa-

cific, the other in the southwest in the

land of the Mexican and the Spaniard. 'And in the great moral awakening that something of a pioneer. And in the work which has become the labor of the hour. Missouri should again blaze the pathway

DROWNED HUNDRED Japanese Steamboats Collide Off Cheefoo and Great Loss

of Life Results. CHEFOO, China, Nov. 30 .- Two Japanese ists and that in all it cost the cast 15,000 it is reported that a total of 700 persons condition at the close of business Novemlives in recking to suppress the uprising. have been drowned.

The "game" will soon be going fast and furious. The wise shopper Avoi ds the "rush."

Why Not "Tackle" It Now?

SURE COING

AT IT BIRLY

Men Penetrate Nearly All Workings of Marianna Mine.

From the Atlanta Journal.

DEATH LIST NOT FULLY KNOWN

ented-Pitiful Scenes at the Shaft.

PITTSBURG, Nov. 30 .- Marianna mines are yielding up their toll of dead. At 1 o'clock today 110 bodies had been recovered and of these 100 were removed to the temporary morgue. More than sixty have been identified.

John H. Jones, president of the Pittsburg-Buffalo company, said that all the corpses found thus far would be hoisted from the shaft before night. The list of victims, he declares, will not exceed his first estimate of 130. A number of bodies land office at Rapid City and Gene Adams cett; three years, Rose and Root. The salare buried under the fallen workings and of Centerville, Ia., to the same position at will not be recoverer for several days. Others have been blown to fragments and are being picked up in piecemeal.

Many women and children gathered at the temporary morgue in the village during the day and their lamentations at times could be heard several squares distant. While the officials at the mine assert that they do not know what caused the

explosion, many of the rescuers who had been at work on another shift in the mine of the difficulties in the introduction of profess to have reached a satisfactory conclusion. They assert that while the hydraulic drill was at work it opened a Indies, said Mr. Archbold, and the task of pocket of gas and while the gas was espiece of rock, caused a spark and the ex-Fred Ellinger, 29 years old, the only man who escaped alive, is rapidly recovering

from his injuries. He was able today to talk a little and narrate his experiences. The work of rescue continued throughout not reach with its products. He said that party to bring the bodies to the surface re- and many passengers shaken up when WASHINGTON. Nov. 30.-Among those the Standard was putting in every effort mained in the mine all night working in train No. 5, known as the Chicago limited, as a result of falls of slate and coal.

All danger from further explosion is past, it was said today, and the work of bringing the thirty additional bodies which had been located will proceed at once.

Coroner W. H. Sipe of Washington county remained at work all night with his assistants. He said that no time had broken. been set for an inquest, but the jury in an effort to secure data would descend into the mine shortly that the jurors might be Chicago Junetica, left familiar with the conditions. John H. Jones, president of the Pitts-

burg-Buffalo Coal company, today stated that the company representatives had checked of the names of 130 miners whom they knew were in the mine at the time of the explosion and he does not believe the list of dead will exceed that number. One hundred and twelve bodies have been located and Mr. Jones believes the number will total between 115 and 110.

The work of identifying the victims is going on steadily. Between 150 and 200 weeping men, women and children were has swept across the country, creating an lined up in front of the morgue this mornncreased interest in the duties of citi- ing awaiting their turns to claim their zenship, causing patriotism to be placed dead. A force of twenty-two undertakers above partisanship. Missouri has been also is preparing the bodies as fast as they are brought to the surface.

> Investigate Corporal Punishment. TRENTON, N. J., Nov. 33-The state ommission for the investigation of crime and dependency appointed by Governor Fort met at the state house today to investigate charges that corporal punishment

WASHINGTON, Nov. 30 .- Comptroller of

the Standard Oil trust after its organizate WORK OF RESCUE CONTINUES NORRIS GIVEN A TRANSFER FOUR NEW SUPREME JUDGES avenue; R. D. Duncan, 2628 Davenport Goes from Philippine Service to

Department of Justlee. (From a Staff Correspondent.)

WASHINGTON, D. C., Nov. 30 .- (Special Telegram.)-Judge W. F. Norris, who was SULLIVAN DEMOCRATIC MEMBER onnected with the Philippine government. has been transferred to the Department of Justice, and is now in Washington.

The First National bank of McIntosh S. D. has been authorized to begin bus ness with \$25,000 capital. W. Harris 1: president; Nells Jacobs, vice-president, and J. E. Davies, cushier,

Guy B. Butts has been appointed regu lar and Harold Stevenson, substitute rural carrier, for route I at Britt, Ia.

Iowa postmasters appointed: Linn Junetion, Linn county., Lewis C. O'Kelley, vice C. A. Bailey, resigned; Struble, Plymouth county, J. A. Sayer, vice C. E. Perdue, resigned.

Ernest F. Norman of Rapid City, S. D., has been appointed stenographer at the be as follows; One year, Sullivan and Faw-Pierre, S. D.

Raymond B. Morgan of Greeley, Neb. secretary to Senator Burkett, with his wife, returned to Washington today. Senator Burkett will introduce at the oming session of the senate, the bill ap. matter. At this time Judge Barnes is

propriating \$15,000 for the purchase of additional land for an extension of the postoffice at Beatrice, Neb. Mr. Burkett at the last session, secured an appropriation of \$59,000 for an addition to the present postoffice. It is now found additional ground will have to be obtained to construct the necessary extension.

LONG FREIGHT TRAIN BREAKS war in the Sixteenth Wisconsin. One Killed and Several Injured on Branch of Baltimore & Ohio Railroad.

PITTSBURG, Nov. 30 .- One man was last night. Miners forming the rescue killed, five others were seriously injured nine cast for a place on the bench. four-hour shifts to facilitate the work. on the Pittsburg & Western branch of the court commissioner by Governor Sheldon. All the headings, with the exception of two Baltimore & Ohio railroad, crashed into a He served in the last senate as the head left headings, were penetrated, and it is "buckled" freight train near Valencia, Pa., of the finance committee and has been one cused because he was over the legal age said that little difficulty was experienced about twenty miles north of here early today. The dead:

G. E. SPIDELL, fireman of passenger The injured:

O. B. Stewart of Chicago, left arm broken, scelp and other wounds. P. C. Eastman, Unfortown, Pa., left hip J. Anderson, Philadelphia, out about nead. W. Williams, engineer of passenger train Pitisburg, cut about head.

The injured were taken to the Butler County General hospital at Butler, Pa. The wreck was due to the breaking of a ong freight train on the grade near the scene of the accident. One of the cars on the end of the rear part of the disconnected freight lurched out over the north bound tracks just as the limited cum

CLASSY HORSES AND STOCK at Chicago Proves One of the Largest and Best Ever

Held.

CHICAGO, Nov. 30.-Steers weighing 2,500 pounds each, and horses which have paraded before King Edward, were some of the arrivals at the International Live Stoc. exposition at the stock yards today. On of the fattest animals at the show is a bull weighing #650 pounds. The horses include five Shires, almost all of which is being inflicted at the state home for have been admired by English royalty. With the arrival today of almost every exhibit entered, the exposition was at its zenith. Crowds of farmers, stock breed ers and spectators came from all parts of be greater than at any previous ex-

excused, either because they had formed an

Jacob Fawcett of Omaha as One.

Plattsmouth and William B. Rose

of Lincoln, Making Seven

in Court.

(From a Staff Correspondent.)

pointed supreme judges by Governor Shel-

W. B. Rose, the only one of the four

who has had no experience on the bench,

has for eight years, been in the office

of the attorney general as assistant or

deputy. Previous to that time, he was

employed in the supreme court as reporter

for a number of years. He is recognized

as one of the best law students in the

state, and he has been intrusted with

some of the most important litigation in

he republican state committee.

appropriation

Stenographers may be appointed, but they

annuot be paid until the legislature makes

Amendments Declared Adopted.

Burton Shakes Plum Tree.

(Continued on Second Page.)

Previous to naming the judges, Gov-

rpor Sheldon issued a proclamation de-

ary is \$4,500 a year.

chile! justice.

adviacra.

opinion which would conflict with their duties as jurymen, or because they were over age. When court adjourned, sixteen peremptory challenges had been used, twelve by the defense and four by the state. The state still has two and the defense four. It is hoped the jury will be secured before noon today. The twelve men who were in the box

when court adjourned last night, are, M. Hettrick, Forty-second and L street, South Omaha, W. H. Hall, 1116 South Eighth street; M. Campbell, 2316 Hickory street; Fred Kunz, 2702 South Twenty-first street; John A. Noble, 2215 Seward street; F. C. Jepson, 938 North Twenty-fifth street; J. M. Krug, 2504 South Twenty-fourth atreet; Thomas Meldrum, 2817 Decatur street; George Byrnes, 3621 U street, South Omaha; C. I. Porter, 2508 Ames avenue; G. W. Barber, 2542 North Twenty-eighth

The sixteen excused on peremptory challenges were: R. Fisher, E. G. Carter, Governor Sheldon May Name Judge John Konvalon, G. A. Meyer, L. Hoagland, John Keegan, sr., John Linghan, Eu. gene Rutherford, Martin L. Sugarman, Otto Stuben, J. W. Ballard, T. L. Gaynor, Fred Hoye, C. Lindquest, M. W. Doty,

August Prochnow. Two Others Are Jesse L. Root of One of the men called to the jury box was C. Lindquest, fireman at the First National bank, of which Fred Davis, brother, of the defendant, is vice-president, C. T. Kountze and Luther Kountze, his nephews, president and cashier, respectively. Lindquest declared, in spite of his LINCOLN, Nov. 20 .- (Special.)-John J. connection with the bank, he could de-Sullivan of Columbus, Jacob Fawcett of termine the case on its merits. County Omaha, W. B. Rose of Lincoln and Jesse Attorney English failed to have him ex-Root of Plattsmouth have been apcused and he was peremptorily challenged.

Davis There Ahead of Time. don. The appointments were made late Charles E. Davis, the defendant, showed this afternoon, though all day it was genup bright and early at the court house erally supposed around the state house alone. The case was set for 9:30 c'clock. these would be the men. The terms will but Davis was in a seat in the court room at 8:30 waiting for the court officials to arrive. When he found the trial would not begin until 9:30, he left the court room The new judges will meet with the old and returned later. His brother Fred 14 court tomorrow morning and take part in Davis, vice president of the First National the proceedings. Just whether a reorganbank, was with him and occupied a sest ization of the court will follow has not been decided, as the law is not plain in the near him during the examination of the turors. Charles Davis listened intently to the questions of the attorneys, but did not With the exception of Judge Rose all of take any part in the consultations. He sat the appointers of the governor have had immediately behind his three lawyers, W. F. Gurley, J. W. Woodrough and J. W. experience on the bench. Judge Fawcett

of Omaha was for eight years a district Parish. Mrs. Rustin, widow of Dr. Rustin was judge; in 1994 he served from April to January as a supreme court commissioner and not in court. None of the witnesses was summoned to appear before Tuesday mornin 1907 he was again appointed a commissioner. He came to Omaha from Illinois ing. Mrs. Rustin, however, will be one of the first witnesses to be called after the in 1887. He served as a soldier in the civil jury is secured. J. A. Gillegole, 940 North Twenty-seventh John J. Sullivan served a term as su-

preme judge, for two years of which time avenue, was the first man called into the jury box. When the box was filled the he was chief justice. He was defeated by jurors all took the usual oath except Aaron Judge Barnes for re-election five years Chadwick, 2854 Capitol avenue, a prominent He received eighty-eight votes from member of the Christian Scientist church. the State Bar association out of ninety-He declined to take the oath, but took an affirmation that he would tell the truth Jesse L. Root has been a district judge and last spring was appointed a supreme after the other jurors had been sworn. In the examination of jurors J. A. Gilles-

ple was passed by the state, but was exof Governor Sheldon's closest friends and of sixty, T. P. Palm, 14% North Twentysecond, ran the gauntlet of County Attorney English's questions, but admitted when Mr. Gurley examined him he had formed an opinion which might sway his judgment He had some difficulty in understanding the questions put to him by the lawyers and finally Mr.Gurley challenged him. Want an Intelligent Jury.

"We want an intelligent jury," he said. "They don't necessarily have to be colege graduates," sold Mr. English. Judge Sears sustained the challenge and excused Paim.

which the state has been a party. In the matter of the enforcement of laws enacted F. B. Holbrook, 2610 Emmet street, city by the last legislature, Mr. Rose has been salesman for the United States Supply prominent, doing a great deal of the work company, was excused because he had of the legal department. While he was "formed an opinion"

not endorsed by the bar association, and The first man examined who had never ne never appeared as a candidate, a heard of the case was Marlow Campbell, great many lawyers spoke a good word for a teamster who lives at 2362 Hickory street. him. Two years ago he was chairman of Campbell said he had heard some one speak about the killing of Dr. Rustin, but he had read no papers and did not know For a time, at least, the new judges will be seriously handlenpped, as there that a murder charge had been filed against s no provision in the judicial amendment anyone. He said he was too busy to read the newspapers. County Attorney English for payment of salaries of stenographers.

excused him for cause, Victor B. Caldwell, vice president of the United States National bank, was called to the jury box, but he said he had formed an opinion which would influence his verdict and he was excused for cause. Reinhold Fisher, 1621 Z sirect. South Omaha, laring the adoption of the amendments to a carpenter employed on the John Deere he constitution creating the additional building, was accepted by the county atudges and the one enlarging the scope of torner, as he had no abiding opinion. H. nyestments for the permanent school L. Tucker, 25 North Twenty-sixth street, South Omaha, employed by Armour & Co., said he had formed an opinion from resid-Silas R. Barton, state auditor-elect, has ing the papers, but it would not affect his shaken the plum tree and as a result verdict. He lives next door the place where

thereof many were made happy. Mr. Bar- James Chengult was murdered about a ton came to Lincoln today and announced week ago. Knows Little of Case, the following appointments: John Shehan Martin Hedrick, Forty-second and L

streets, South Omaha, was another juror