VOL. XXXVIII-NO. 25.

OMAHA, SUNDAY MORNING, DECEMBER 6, 1908. - SEVEN SECTIONS-FIFTY PAGES.

SINGLE COPY FIVE CENTS.

Irish Industries Likely to Be Injured by This Measure.

COUNTRY WORKERS TO SLUMS

Legislate for Ireland Shown.

War Office Seeks to Make Irish Boards Recruiting Agencies.

TAKE ADVANTAGE OF DEPRESSION

Most of Councils Resent Move and Declare Not More Militarism,

but Reviva. of Industries is Needed.

DUBLIN, Dec. 4 - (Special.)-How absurd it is for an English Parliament to legislate for Ireland is shown by the situation which has just ariser in consequence of the proposal to apply the provisions of the "antisweating bill" now before Parliament, to Ireland, bill absolutely prohibits what is known as "home work" and the prohibition is, no doubt, an excellent one for England, where home work in the slums of the English cities is simply an excuse for sweating.

Very different conditions prevail, however, in Ireland, and particularly in the northwest countles, where the principal industries are threatened with total disorganization if the bill becomes a law in its present form. It is estimated that in the city and county of Derry and the neighboring countles of Tyrone and Donegal there are from 30,000 to 30,000 women and girls engaged as "out-workers" in the shirt and underclothing trade and in "sprigging" handkerchiefs. These women are chiefly farmers' wives and daughters and they work in the country under the most healthful conditions. They receive fairly good prices for their work, and they are not wholly dependent upon it, but the money which they earn is a welcome addition to gether at home and sending the daughters tribute the patronage out to serve or to work in the town factories.

Women Take Big Risk.

If this bill passes these women and girls will either have to emigrate or will be is receding, but the property damage forced into the factories and exposed to will be high. all the dangers and degradations of slum The manufacturers who have built reorganise their work from top to bottom slums. and the public will probably have to pay The Hatlen army was received it the more for its goods, while the workers will capital, Port au Prince, with great acreally be worse off than they were before, claim. Ireland has passed resolutions denouncing parade of warships off the coast of the bill, but no notice is taken, of course, Venezuela purtakes of the nature of a by the English legislators who know noth- blockade. ing and care less about the conditions in

try and secure Irish recruits for the British army. During the last week or two, the town councils and other local authorities have received copies of a circutar from the war office asking them to send unemployed men who apply to the public authorities for work or relief to the nearest recruiting station. Most of the councils have promptly resented this attempt to turn them into recruiting agencies, and some of them have passed a model resolution drawn up by the Cork City council to the effect that what is needed is an industrial revival and not an increase of militarism. Incidentally it is mentioned that extensive repairs at the Cork barracks were carried out recently by soldiers themselves instead of by civilian labor, as has always been the custom before. Thus the British army authorities are depriving men of work in order that they may be forced

to enlist. Irish Ghost Appears.

The ghost of an Irish giant, nine feet high has been vexing the inhabitants of Glanville, a little village near Galway, and the people of Galway city have been trying to lay it. A few nights ago a couple of oung men were returning to their home n Galway from a party at Newcastle, at which it is said there were "spirits" of different kind, when they saw the form of a man about nine feet tall advancing owards them along the railway line. They shouted and the apparition vanished, but reappeared a few minutes later about forty yards down the line, and they last saw it making off in the direction of Lough

The young men brought the story into Golway and the r at night a strong party, armed with shot-guns and revolvers, and otherwise fortified, started for Glanville They had not been long in waiting when the ghost appeared and one of the party raised a revilver to fire at it. He never fired the shot, however, for the revolver fell from his hand and he fell unconscious the arms of his companions. The ghost, the others declare, laughed loudly and started for Lough Corrib again. There was so more ghost hunting that night. The young man who tried to shoot it was carried into Galway to a medical man who worked over him for more than an hour before restoring him to consciousness. The man then said that something seemed to paralyse his arm as he was about to fire. Other parties have gone out nightly, but failed to meet the ghost again.

No Magistrate in Rooskey. Rooskey, County Roscommon, Oliver Goldsmith's "Deserted Village," has been brought to the attention of Parliament by Mr. James O'Kelly, M. P., who asked Mr. Birrell if he knew that there was no magistrate in the district and that persons who require the services of a magistrate have to travel seven miles from the court stitute a petty sessional court. Mr. Birrell Cabello to La Guaisra, as a naval demon

for Rooskey. pent, to which I referred some weeks ago, notified to the powers before being under has at tast been captured and is on ex- taken. They said no such notification ye huge conger cel about seven feet long and tice been given to Parliament of any protwo feet in circumference at the thickent posed warlike action part. It was captured by William Davidson, a fisherman, after it had nearly destroyed his nets, and it is said to be the largest specimen of the cel family ever captured in the north of Ireland

An interesting question regarding the

ANTI-SWEATING BILL SUMMARY OF THE BEE PLANS OF BIG HUNT

Saturday, December 5, 1908.

1908 ~DECEMBER~ 1908 SUN MON TOP WED THE PER SE - - 1 2 3 405 Absurdity of Allowing Englishmen to 6 2 8 9 10 11 12 18 14 15 16 17 18 19 WOMEN AND GIRLS ARE AFFECTED 20 21 22 28 24 25 26 27 28 29 30 31 = =

> THE WEATHER. FOR OMAHA, COUNCIL BLUFFS AND COLOR NEBRASKA-Show and colder For IOWA-Warmer with snow Sunday. Temperature at Omaha yesterday:



DOMESTIC.

der of Elks of the United States.

I, Page 1 seum Four people were killed in a brutal Mombaso will be reached in April next message to the Mining congress, empha- 1910. The official statement follows: sizing the importance of their work.

taken off the rock by wreckers.

A conference of New York republicans ington. at the Chloago show.

POREIGN. The new anti-sweating law in Ireland. to thousands of people will be forced to women and factory workers into the caravan. I. Page 1

I. Page 1 Nearly every public board in the north of The Dutch government denies that the

MEBRASKA. With its usual genius for doing the decided that Judge Vinsonhaler is onwrong thing, the British War office is titled to fees for performing marriage made by the expedition to gather general

> Convention of supervisors and county clerks meets in Hastings this week I, Page 3

As a result of Building Inspector in violating the law, E. W. Dixon will erect a brick building. tests as \$48,000 diamond. Business man in Abo, Finland, writing the Commercial club to "Write and touch oughly trained naturalist, whose special me any time."

favors the sale of present poor farm | Heller is about 20 years of age. His former property as proposed by the grand jury experience, when associated with Mr. D. G.

leged murder of Dr. Rustin, reaches crox of his case in the submission of his slibi. Mr. Roosevelt will visit will be a valuable

Progress of the Corn show. Doings of Omaha society folks during Work of the women in club and charity. Gossip of plays, players and II, Page 6 Latest news among the local and other II, Page 7 musicians.

Latest news among the II. Page 7 Activities of the builders and real es-VI. Page 6 COMMERCIAL AND INDUSTRIAL VI, Page 9 Live stock markets. Grain markets. VI. Page 9

Stocks and bonds. COMIC SECTION. Buster Brown in costume of Ajax defies his uncle. Page of reading for the little folks. Activities of women in the various walks of life. Fluffy Ruffles sends a burglar on his way minus his booty.

Four Pages HALF-TONE SECTION. Personnel of commission to investigate ountry life which is to visit Omaha. New religious cuit is born in New York. Negro question a live one among the of small mammals in the three months up-to-date jewelry for Christmas. Stories Germany, Switzerland and Belgium. Four Pages told of prominent people.

MOVEMENTS OF OCEAN STEAMSHIPS. fiver of the medical corps of the army. Arrived. Hesperian Romantic Sailed Prebatten. VANCOUVER ...

MERELY A PRACTICE CRUISE Intention Yet to Blockade

Venezuelan Coast. THE HAGUE, Dec. L-The government house to the nearest justice of the peace, of the Netherlands has declined to dignify Mr. O'Kelly also stated that cases in the the procession of three Dutch warships, district had been undisposed of for months the battleehip Jacob Van Heemskerk, and because there was no magistrate who, the crusers Gelderfund and Friesland, with the resident magistrate, would con- along the coast of Venezuela, from Puerto replied that the lord chancellor was con- stration. It asserts that this maneuver sidering the appointment of a magistrate was only an ordinary exercise cruise. Officials today pointed out that anything is The Donaghadee (County Down) sea ser- the nature of a blockade must be duly hildsion at Belfasi. It turns out to be a had been sent, nor has the necessary no-

> The government has received no official advices confirming the statement that four American warships are expected at Curacao the beginning of January, but it is thought here that now the presidential may lend Holland more effective assistance than the moral support already promised building was demolished.

Roosevelt Makes First Official Announcement of African Trip.

EMINENT SCIENTISTS TO

Smithsonian Institute Will Outfit the

Expedition.

TO SECURE RARE COLLECTIONS Son Kermit Will Be Official Pho-

tographer of Party.

STARTS SOON AFTER HE RETIRES

Large Vanishing African Animals Killed Will Be Prepared and Shipped to Smithsonian Institution.

WASHINGTON, Dec. 5.-President Rooserelt today in a statement prepared by Becretary Walcott of the Smithsonian Institute made his first official announcement regarding the hunting trip to Africa, on which he will start within two weeks after he retires from the presidency. The expedition is to be outfitted by the Smith-J. U. Sammis of Sloux City is a randi- sonian Institute, the president defraying date for grand exalted ruler of the Or- his own expenses, and will gather natural history materials for the new national mu-

manner near Trinidad, Colo. 1, Page 1 year, but no detailed itinerary beyond that The bureau of ordnance of the govern- place has been made except the general ment has reported the purchase of air- route to Lake Victoria Nianza and then ships and wireless telephones. L. Page 1 down the Nile to Khartoum, where it is President-elect Taft yesterday sent a expected the party will arrive about April.

"In March, 1909, Mr. Theodore Roosevell I, Page 1 will head a scientific expedition to Africa. The cruiser Yankee, which was impaled outfitted by the Smithsonian institution on Spindle Rock, sunk as soon as it was and starting from New York City. This expedition will gather natural history ma-I, Page 2 terials for the government collections to be Rear Admiral Coghlan died suddenly deposited by the Smithsonian institution in yesterday at New Rochelle I, Page 1 the new United States museum at Wash-

was held yesterday, at which it was de- "Besides the president and his son, Kerthe family income and often means the cided to push Secretary Root for the mit Roosevelt, the personnel of the party difference between keeping the family to- senatorship and let T. L. Woodruff dis- on leaving New York will consist of three I, Page 2 representatives of the Smithsonian institu-Ames wins the first and Nebraska the tion, Major Edgar A. Means, medical corps second prize at the dairy judging exhibit United States army, retired; Mr. Edmund I, Page 1 Heller and Mr. J. Alden Loring. On ar-The Arkansas river at Pine Bluff, Ark., riving in Africa the party will be enlarged I, Page 1 who is now in Africa preparing the president's outfit. He will have charge of a number of native porters, who, with neces- Popular Officer of Navy Passes Away up vast businesses which give employment passed by the English, throws the poor sary animals, will be formed into a small

Will Kill the Big Game.

"The national collections are very de-The Nebraska supreme court yesterday ficient in natural history materials from the Dark Continent, and an effort will be taking advantage of the trade depression operations while he was county judge.

I Page 3 ply some of its deficiencies, but the main New Ro effort will be to collect the large and van-

> Witnell's refusal to issue a permit for a as guide and manager of the caravan. Mr. Charles Chamberlain, a former New York and she died alone. She was eccentric. frame structure and thus join the council Cuninghame is also an experienced col- newspaper man, in Sutton Manor, the Though she had hosts of friends and ac- sion has notified the millers of the state I, Page 4 made collections for the British museum in while waiting for his new home in in the big, gloomy house alone and unat-W. Abern, a friend of Mayor Dahl- Norway and Africa. He is an English field that city to be made ready for his occu- tended. On October 31 this house, so Mrs. man, finds' stone in a gravel pit at Den- man who has guided many expeditions in

> > Field Naturalist in Party.

st, whose training comprises service in the biological survey of the Department of Agriculture and in the Bronx zoological thorities. park, New York City, as well as on numerous collection trips through British America, Mexico and the United States. He is about 38 years old, of ardent temperament and intensely energetic. In August, September and October, 1888, he made the highest record for a traveling collector, having sent in to the United tSates Natural museum 800 well prepared specimens whites of South Africa. Suggestions of Journey from London through Sweden.

'Major Edward A. Mearns, a retired ofabout 51 years of age, will be the physician of the party. He has had twenty-five years' experience as an army doctor, and also well known as a naturalist and ollector of natural history specimens.

1909. No detailed itinerary has been decided pon, but the general route will be up he Uganda rallway to Nairod and Lake Victoria Nyanza, a distance of about 650 miels by rall ,thence crossing into Uganda. and finally passing down the Nile to Cairo. Much of the hunting will be done in British East Africa, where the Uganda railroad can be used as a base of supplies and means of ready transporttaion. At least

MAYNARD. Mass., Dec. 5.-The coining ing to such negotiations and that it was the trip. mill of the American Powder company's improbable that snything of the kind would The nature of Senator Hansbrough's illelection is over, the United States possibly plant in this city blew up just before 12:20 occur, at least in the near future, as Ger- ness has not been made public. His atp. m. today and two men were killed. The many had no intention of submitting a pro-tending physician is an eye and car spe-



1907.

occurred early today.

From the New York World.

Followed by Service in War

with Spain and Later at

Apoplexy was the cause of Rear Admiral

Coghlan's death. Only a short time before

sician reached the house he had collapsed.

Admiral Popular Officer.

WASHINGTON, Dec. L.-Sincere regret

was expressed on every hand today when

and those outside the service.

the fleet was in the Philippines.

It was Admiral Coghlan's popularity and

capacity as a good story teller that in-

volved him in the incident of which much

was made at the time when the admiral

which somewhat ruffled the German su-

International Incident.

the admiral attended and it was not in-

tended that the fact of the recital should

become public. However, it appeared in

newspapers and as if occurred after the

return from Manila, where there had been

some friction with the German authorities,

the affair was treated with more signifi-

cance than, perhaps, the circumstances

otherwise would have warranted. The Navy

department called on the admiral for an

explanation. The admiral replied that no

German emperor, and with this statement

Admiral Coghlan was a native of Ken-

ucky, where he was born in 1844. In the

1902, to April, 1904, and more recently com-

Agreement Over China With-

ont Foundation.

BERLIN, Dec. L-The report that Ger-

mandant of the New York navy yard.

29 Park avenue, New Rochelle.

the matter was allowed to drop.

The incident occurred at a dinner which

recited the poem "Hoch der Kalser,

New York. . .

"Mr. Roosevelt and his son will kill the WITH DEWEY AT MANILA BAY masterpiece valued at \$15,000, Paris gowns, WHAT big game, the skins and skeletons of which will be prepared and shipped to the United States by other members of the party. Mr. Kermit Roosevelt is to be the official pho-I. Page 1 tographer of the expedition.

ishing African animals.

"Mr. R. J. Cuninghame, who is now engaged in assembling the materials for Mr. entirely unexpected. He, ver which he says a Chicago jeweler Africa and was chief hunter for the Field streets of New Rochelle yesterday and ap-I, Page 4 Columbian exposition.

"Mr. Edmund Heller, a graduate of Stano Omaha for information on mills, tells ford university, class of 1991, is a thor-Kennard and Brunning oppose and Ure tion of specimens of large animals. Mr. in the region of his heart and when a phy-II, Page 10 Ellot and Mr. Ackley of the Field Colum-Charles E. Davis, on trial for the al- bian museum, in collecting big game antmals in the same portions of Africa which I, Page 1 asset to the expedition. Mr. Heller has kindly and a good story teller, he had II. Page 9 had large experiences in animal collecting hosts of warm friends both among officers in Alaska, British Columbia, United States, II. Page 2 Mexico, Central America and South America. In the year 1898 he made a collecting II, Page 3 trip of eleven months to Gallopagos islands. starting from San Francisco. He is a born and enthusiastic collector as well as a well equipped naturalist. He is also the author of scientific papers on mammals, birds, reptiles and fishes. At present he is assistant curator of the Museum of Vertebrate Zoology of the University of Cali-

"Mr. J. Alden Loring is a field natural-

The party will reach Mombassa in April. one great moutain, possibly Mount Kenia,

will be visited. "Khartum will be reached, if all goes Report Two Nations Have Reached well, about April, 1916. The expedition may be expected to spend about one year on

COINING MILL BLOWS Two Men Killed and Buildings of American Powder Mill Demol-

ished in Massachusetta.

by the addition of Mr. R. J. Cuninghame. REARADMIRAL COGHLANDEAD VALUABLE PROPERTY STOLEN PROPOSAL TO RAILE RATES House of Wealthy Philadelphia Wo-

man Without Heirs Looted After Her Death. Unexpectedly. PHILADELPHIA, Dec. 5.-Jewelry val-

ued at \$75,000, furs, a copy of an old hats and opera cloaks are included in the inventory of valuables reported missing Distinguished Career in Civil War, from the residence of the late Mrs. George Wood, who was found dead on October 11 at her home at 1239 North Broad street,

WHAT'S WRONG?

where she lived sione. Mrs. Wood was the widow of George Wood, American manager of the Royal In-NEW YORK, Dec. 5.-Rear Admiral Jo- surance company. She had been dead poscollections in zoology and botany to sup- seph B. Cighlan is dead at his home in sibly twelve hours when the body was chelle, N. J. He was in command found by an employe of the American Dis- Pacific, Burlington, Northwestern and Mis- the night of the murder be saw a woman of the New York navy yard from 1904 to trict Telegraph company. Several hours sourt Pacific railroads have united in an Rear Admiral Coghlan's death was death due to vavular heart disease. There sion for permission to equalize the rates and Farnam streets. This was at 1:10 with Mrs is no record of a post-mortem examination on flour, wheat, corn and feed stuff. The Roosevelt's use, has been engaged to act Coghian, was living at the home of having been held. Mrs. Wood lived alone hearing on the application has been set lector of natural history specimens, having residence section of New Rochelle, quaintances, she spent her days and nights of the application and the hearing. pancy. The admiral was seen about the Woods' friends say, was the scene of conpeared to be as well as usual. His death

taken away. The mystery of the missing valuables may never be cleared away unless action II. Page 10 work will be the preparation and preserva- his death he complained of severe pains is taken by the city, which falls heir to part of the estate, the Catholic church or Berks the various charitles mentioned as bene. Pleasantdale ficiaries in the will. There is no person Rul near enough allied to the dead woman to; fight for her belongings; to none did she leave a large bequest.

the news of the death of Rear Admiral Joseph B. Coghlan became known. Fearless. It was a peculiarity of Mrs. Wood that her things were kept in great confusion Since her death valuable ornaments have been found hidden away in trunks, tucked Admiral Dewey expressed himself as behind furniture and poked in out-of-theshocked at the news. Coghlan was with way corners. The police are firm in their Dewey at the battle of Manila bay, in combelief that the alleged missing articles were mand of the cruler Raleigh, and he was not carried away by professional thieves promoted later for his work in that battle. They further declare that Mrs. Wood's He enjoyed the admiral's confidence to a wealth was largely imaginary and that she him on various important missions while was in debt when she died. marked degree and was dispatched by

PRIESTS ACCUSED IN COURT Mrs. Elizabeth Rodgers Says They Worked Against Her Election in Catholic Foresters.

CHICAGO, Dec. 5 .- An information in the nature of quo warranto was filed in the superior court here today by Attorney Francis A. McDonnell on behalf of Mrs. Elizabeth Rodgers seeking to compel Mrs. Rose Rittman to show by what authority she holds the office of high chief ranger of the Women's Catholic Order of For- no attention whatever, even from our keep-

Mrs. Rodgers alleges that she was defeated by Mrs. Rittman for re-election as ing slughead reports of the production of high chief ranger by one vote at the De- gold, sliver, copper, lead and zinc in Montruit convention as a result of influence tana and Arizona; something wonderful, it exerted by persons who she ciaims were is intimated. Montana leads all the states nation. disrespect was meant by him toward the not entitled to attend the meeting.

In connection with the case a number of leader for copper production. For 1907, last affidavits alleging that undue influence figures available as yet. Montana's total was used by priests were filed. Among production of metals is given a value of them was one by Mrs. Henry McCabe of \$57,750,000. Arizona's production of metals course of his distinguished career be had Chicago, who declared that not only did the same year went to a total value of Mi. seen active service in the civil war, in the certain priests use their influence against 511,566. Spanish war, as second in command of the Mrs. Rodgers in their individual capacity, North Atlantic squadron on board the but in the capacity of their holy offices, the figures of the alfalfs, tame grasses flagships Brooklyn and Olympia from June. Delegates, it is alleged, were inreatened and wild hay raised in Nebraska in 1908. that if Mrs. Bodgers were elected the sup- and to set them over against the value of port of the church to the order would be gold, silver, copper, lead and sine put out Rear Admiral Coghlan's death occurred withdrawn, and one priest is alleged to to the world by the two metallurgical at 7.30 o'clock this morning at his home, have called down the curse of heaven on splurgers mentioned above. Alfalfa, \$14.the supporters of Mrs. Rodgers.

SENATOR HANSBROUGH SICK GERMAN - JAP ALLIANCE North Dakota Member of Upper House of Congress Taken Ill at Minneapolts.

MINNEAPOLIS, Dec. L-United States Senator Hansbrough of North Dakota is ill many and Japan purpose to conclude an in Minneapolis. For two days he has been agreement concerning China similar in attended by a physician and nurse, but his terms to the American-Japanese under- condition is not thought to be serious. He standing, is without foundation, it was came here en route to Washington to atsaid at the Foreign office today that tend the coming session of congress. He neither country had taken any steps look- was not feeling well when he undertook worked. And of course these grass crops

Roads Desire to Increase the Toll on Products of the Mills.

NEBRASKA PRODUCES

Farm Crops Compared with Output of Precious Metals in Great Mining States of the Western

Country.

(From a Staff Correspondent.) LINCOLN, Dec. 5 .- (Special)- The Union later the coroner's physician reported application to the State Railway commis- Rice standing on the corner of Fortieth for December 17 at 2 o'clock. The commis-

The radicoads say the rate on wheat and corn is more than on the finished product which is more valuable, and therefore to

rooms and valuables were piled up and product should be increased. Pollowing is a comparison of the rates on flour and wheat, per cent, on the Bur-

lington from various towns to Omaha; Seatrice to Central City. Seatrice to Hastings..... Blue Springs to Hastings

Pacific-Crete to Omaha: Flour. 每; wheat, A.G. nion Pacific and Northwestern-Albion Omaha: Corn, 16.6; mili stuff, 8.5. Omaha: Corn, 10.61; mili stuff, 8.5 mphrey to Omaha: Mill stuff, 8.67

Some Nebraska Products

"Many rich things have become so much railing of the porch. a matter of course in Nebraska," says Labor Commissioner Ryder, "that they attract est editors. For instance, in all the daily papers we find the Associated press carry- Rustin, he said, spoke to him. in silver production, and Arizona is the

"Now I just want to direct attention to 772,654; tame hay, \$15,909,896; wild hay, \$34. 298.442; total, \$50.082.081. Just slightly behind Montana's total for precious metals of all kinds, and quite a long lap ahead of Arizona's total

employed, no fault can be found with the merit of these Nebruska crops, either Hay, and especially alfalfa, of good quality, is as staple in the western and eastern markets as any of the metals produced in Montana or Arizona. Our capacity as an alfalfa and hay state has not been reached by a long ways, whereas the mines of the states farther west are losing, probably, in productiveness with every year they are are not our main reliance, but secondary in a way. Yet they do cut a large figure in the feeding and the putting on the mar-

(Continued on Second Page.)

DAVIS ALIBI IS

Main Point of the Defense Submitted in Rustin Murder Trial.

HINGES ON CLERK'S TESTIMONY

Frank Graham Thinks Davis Was in Room When Tragedy Occurred.

DEFENSE'S MOTION IS OVERRULED

Refuses to Order Verdict Not Guilty for Insufficient Evidence.

ENGLISH SCORES DAVIS' BROTHERS

County Attorney Behnkes Fred H. and Latham Davis for Laughing at Questions He Puts to One Witness.

Charles E. Davis, at the end of a week's trial on the charge of murder in the first degree for the alleged killing of Dr. Frederick Rustin September 2, came to the crux of the case yesterday in the district court when his attorneys submitted their alibi testimeny and at noon adjournment was taken to Monday morning.

This alibi hinges chiefly on the statement of Frank Graham, a clerk in the Omaha National bank, who rooms at the Chatham, where Davis roomed at the time of the tragedy.

Graham's story is that he went into the tollet at the Chatham about 2:45 the morning of the Rustin tragedy and saw evidences that someone had vomited there and the next day he learned that similar evidences had been discovered in the room of Davis, and, though he did not see Davis, nor ascertain whether he was in his room at that hour in the morning or not, he concluded Davis was the one who did the vomiting and therefore could not have shot Dr. Rustin, who is supposed to have been shot about that hour.

Many other roomers of the Chatham were placed on the witness stand and testified that they had not done any vomiting that night or morning.

The theory of the defense indicates Davis

was in his room a few minutes before the shooting took place. Harry B. Zimman, councilman from the aird ward, also gave testimony for the defense when he testified he had seen Dr. Rustin at Fourteenth and Farnam streets at 1:30, o'clock the morning he was shot.

Recess Until Monday. When court adjourned at noon Saturday Judge Sears announced no afternoon session would be held and witnesses were excused until Monday morning, Mr. Woodrough said the defense will had fifteen witnesses to examine and the state has summoned a number in rebuttal. It is believed it will take most of the day Monday to hear the rest of the evidence and it is probable the case will not go to the jury

until some time Tuesday. Frank E. Selyards, a night watchman on West Farnam street was the first witness. He had previously testified for the state. Salyards said as he was going home o'clock, when Mrs. Rice says she was at

the Gleason rooming house. County Attorney English subjected him to a close cross-examination, during which the county attorney "called down" Latham Davis and Fred H. Davis, brothers of the accused, whom he charged with laughing during the examination of witnesses.

"There seems to be a good deal of hilarity here," said Mr. English to the court. don't think men should be allowed to sit here in the presence of the jury and indulge in laughter at the questions propounded.

Points to Davis Brothers,

While he said this he pointed to the Davis brothers, who were sitting near the defendant. Judge Sears said he did not see what had happened. "I just wanted to call it to the attention

of the court," said Mr. English, and he went on with the examination. Salyards also said he had talked to Benfamin A. Pease, another night watchman and he had told him he saw no one walk-

ing down Farnam street that morning. William McCaulley, motorman on the car taken by Salyards at the time he testified 11.79 he saw the woman, said he talked with the conductor the next day and they de-10.20 coded they had seen a woman walking 9.25 south on Fortieth street, between Farnam south on Fortleth street, between Farnam

Officer Van Dusen also testified Watchman Pease had told him he had seen no one that night. He also described a flower bed which surrounds the Rustin porch. He gald he had seen no foot prints on the Northwestern—Cakdale to Omaha: Flour.

Northwestern—Cakdale to Omaha: Flour.

St. wheat, 12.75; mill stuff, 10.2; corn.

Pleare to Omaha: Flour, 10.2; wheat, ever shot Dr. Rustin could not have escaped the gaze of the witnesses who were

Councilman Zimman testified he was standing at the corner of Fourteenth and Parnam streets at 1:30 when Dr. Rustin came along going west on Farnam. Dr.

Puts Zimman on Rack. County Attorney English went after the councilman rough shod in the cross-exami-

the preliminary hearing, 'Are you certain you saw Dr. Rustin that night,' and did you not answer. "I am almost certain?" " Mr. Zimman admitted he had unswered the question in that way. He said he was more positive now since he had seen the man he was with that night.

"Who was the party you were with?" "I won't state his name. "Why won't you state his name." "I promised not to give his name."

Leading up to the supposed alibi H. L. Plumb manager of the Chatham, described he location of the rooms and gave the names of the tenants in the south apartment, in which Davis roomed. The princical syldence to confirm the allbi was given by Frank Graham. Graham said he went to his room about Hall o'clock, went to the toilet and then back to his room. He iii his pipe intending to smoke, but went to sleep. He awoke and looked at his watch to see how long he had been sleeping and found it was In minutes before 3 o'clock. He went to the tollet and found some one had womited on the floor. Just as he was getting into bed he heard a

clock strike three o'clock He was followed by Nina Carter, a chambermaid at the Chatham, who testified the only room in the apartment in which she found evidences of vomitting was

Charles Davis' room. J. A. Rine, J. M. S. Wilson, B. W. Tandy