

Franklin Automobiles

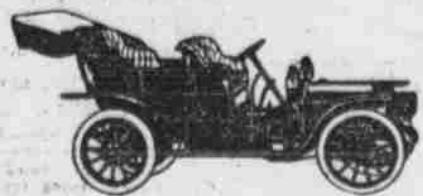
Weight

You never saw the necessity for great weight in a horse-drawn carriage. It would be a load on the horse and would serve no practical purpose. Excessive weight in a carriage is just as sensible as in an automobile.

An automobile is necessarily heavier than a carriage, but only enough heavier to take care of the fact that it and the power plant are self-contained. The lighter an automobile is the better it will stand up and the easier it handles. Excessive weight is a weakness. It racks the vehicle, and makes unreasonable operating and repair expense.

Franklin Model H seven-passenger touring-car weighs 2750 pounds; Model D five-passenger touring-car, 2200 pounds. Weigh other automobiles and ride in them. Then weigh a Franklin and ride in it over the same road.

There is a Franklin for every use—four- and six-cylinder touring-cars, runabouts, closed cars and commercial vehicles.



Model D, \$2800.
1. o. b. Syracuse, N. Y.
(Top extra.)

GUY L. SMITH,

310-312 South 19th St.,

OMAHA, NEBR.

STIMSON WRITES TO JEROME

District Attorney Told to Go Ahead with Prosecution of World.

FEDERAL INQUIRY TO CONTINUE

Employer of Paper Who Refused to Testify in Washington Cited to Explain Action to Justice.

NEW YORK, Feb. 1.—United States District Attorney Henry L. Stimson made public tonight a letter in reply to one written by District Attorney Jerome on the subject of beginning an action for criminal libel in the state courts, against the publishers of the New York World because of published charges regarding the Panama canal purchase. Mr. Stimson tells Mr. Jerome to go ahead and assure him that such action on your part will in no wise be regarded as an interference, but, on the contrary, we shall regard it as our duty to cooperate with you in all proper and lawful ways.

Mr. Jerome had asked if action in the state courts on behalf of Douglas Robinson, the president's brother-in-law, would be an unjust interference with the actions begun under federal jurisdiction.

Mr. Stimson answers this question negatively, but he does not state that the federal inquiries or prosecutions will cease if Mr. Jerome begins an action.

Shaw Cited to Court

WASHINGTON, Jan. 31.—An important step in the Panama canal libel proceedings before the District of Columbia court will be taken tomorrow when District Attorney Baker will ask Justice Ashley M. Gould, presiding in criminal court No. 1, to compel J. Angus Shaw, secretary-treasurer of the Press Publishing company, publishers of the New York World, to answer certain questions pertinent to this inquiry.

This phase of the case has given rise to considerable interest. If the usual procedure is followed, when court convenes the court will consult the witness privately and if the information sought would tend to incriminate him, the witness' request probably would be granted. Mr. Shaw, however, will be required to explain to the court how the questions he refused to answer fall under the privilege guaranteed by the constitution.

Dumort Clark, president of the American Exchange National bank of New York and trustee of the Press Publishing company, and three or four other witnesses from New York, will appear as witnesses before the grand jury tomorrow.

Athletes vs. Society

IOWA CITY, Ia., Feb. 1.—With eight athletes in apparent in the student body of the University of Iowa, the question of the use of the gymnasium. So many dancing parties have been held in the gymnasium the last three weeks that the students have been rendered slippery. Three students have sprained ankles and a half-dozen

KENNEDY IS NOT WITH TURK

Denies He is Mahmout's Manager or Crowded Westgaard Out.

SAYS JESS WON'T WRESTLE TURK

Gillan Returns from Chicago, Where He Went to Match These Two Giants for Friday at the Auditorium.

George Kennedy, the wrestling promoter, has addressed a letter to the sporting editor of The Bee, in which he says he is not Mahmout's manager. He says Joe Coffey, president and matchmaker for the Empire Athletic club of Chicago is the Turk's manager and that all engagements for the Turk must be made through Coffey. He said the present engagement, the match of Friday night, was made by Manager Gillan of the Auditorium, with Coffey in Chicago offering "three-fourths" of a day was spent in the negotiations.

Mr. Gillan, who returned Monday from Chicago, confirmed this statement. As to Jess Westgaard having been crowded out, Kennedy says: "Westgaard was offered the match, but declined it because he didn't feel any too well at the time. I will make you a proposition of \$200 if you can get Westgaard in the ring with Mahmout."

Kennedy insists that the Frenchman and the Turk are two of the best men in the world and that the winner of Friday night's match will try for a contest with Gotch.

Referring to Mahmout's challenge of the winner of the Westgaard-de Rouen match in Omaha announced at the ring, Kennedy says: "The man Mahmout, has two managers and one of them asked me to ask the winner of the Westgaard-de Rouen match to meet Mahmout and I did so, and when one manager told the other what he had asked me to do the reply he got was all business through manager A, so this is the telegram that was sent."

Westgaard is not "nothing" as he is now, but Mr. Gillan confirms what Kennedy says as to Jess not wanting to meet the Turk for a while.

Jess Says Burns is Better. Westgaard made the remark after his match with the Frenchman that he believed Farmer Burns, in his best trim, could beat either de Raoul or Mahmout, though he did not try to say that both these giants were not good men. Their tremendous weight and strength give them an advantage which is hard for a man like Burns to overcome. Burns weighs 170, while the Turk weighs 198 and the Frenchman 240.

Conceding that the Farmer probably knows more about the game than either de Raoul or Mahmout, Kennedy says: "But Burns would place him at a great disadvantage against either one. Yet all these things considered, the popular feeling in Omaha is that the old man would dispose of de Raoul without serious difficulty, and beat Mahmout after a hard struggle."

But Burns doesn't want to do such heavy work for a while. He said some weeks ago, though with no reference specially to either of these fellows, that while he still felt good for several years of hard work, he preferred to let the weight chips alone, for even though not as good wrestlers as some lighter men, working against them was wearing and tearing on him and he did not want to undertake it unless necessary.

Kennedy's views to the contrary notwithstanding, there is still ample belief in Omaha that Jess Westgaard is a better wrestler than the Frenchman and would have beaten him in their match had it gone to the finish.

From indications it appears that a large crowd will turn out Friday night to see the two big fellows go it. Manager Gillan says the seat sale is going on rapidly already. There is no reason why these men should not put up one of the best matches ever seen at the Auditorium.

HIGH SCHOOLS AT BASKET BALL

Omaha and South Omaha Teams Meet at Y. M. C. A. Saturday.

The old rivals, Omaha and South Omaha High schools, will clash in a basket ball game Saturday night. The contest will be played at the Y. M. C. A. The Young Men's Christian association and will start promptly at 8 o'clock. Both teams have made the game a very close margin and the latter team is determined to make good the loss.

The local team has been greatly strengthened by the return of Nagel, who was captured last year by the Indians and played on the team. McWhinney at center is improving rapidly and will soon be as valuable a man as any in the league.

Rival Target Shots Get Ready. Ten of the crack target rifle shots of Omaha are organizing to swoop down upon the cracks of Council Bluffs Thursday night. The contest is a rivalry between the marksmen and they will decide which is the better Thursday night.

Babies Strangled. By croup, coughs or colds are instantly relieved and quickly cured with Dr. King's New Discovery. 50c and \$1.00. For sale by Beaton Drug Co.

Oratorical Honors for Corey. IOWA CITY, Ia., Feb. 1.—(Special.)—Chester A. Corey of Iowa City won the Northern Oratorical league preliminary contest here and will represent the University of Iowa at the Northern Oratorical league contest, which will be held at Urbana, Ill., in May. His subject was "A Living Issue."

Iowa Team Badly Bruised. IOWA CITY, Ia., Feb. 1.—(Special.)—Iowa's basket ball team was badly bruised in the eastern trip in a battered condition for the game scheduled tomorrow evening with Maurice Kent's Indiana team.

The players are badly bruised from the three hard games against a strong trio in the conference—Chicago, Indiana and Purdue. The showing of the team is considered satisfactory though three defeats were registered. The team has had little experience in hard games and not a single contest had been played by the team off the home floor before the eastern trip.

Coach Griffith will start immediately toward getting the men in shape for the Minnesota trip the last of this month when two games will be played with the Gophers and one with Wisconsin.

The feature of the trip was the contest between Page of Chicago and Stewart of Iowa in the final game. The showing of the Hawkeyes against Maroon Star was most favorable.

Bigger, Better, Buzzer—That's what advertising is. The Bee does for your business.

AUCTION SALE

At

The Mawhinney & Ryan Jewelry Store

15th and Douglas Sts.

Will continue during the coming week with two sessions daily, 10:30 a. m. and 2:30 p. m.

Special Night Sales--

Monday and Saturday at 7:30

An Unusual Event in the Business History of Omaha

This immense stock, by far the largest and finest in Omaha, is being offered at auction daily to the highest bidder without reserve.

Diamonds, Watches, Gold Jewelry, Sterling Silver, Cut Glass, Fancy China and Pottery, Imported Bronzes and Brasses, all to go!

Bear This Auction Sale in Mind

Visit our store any day while it is in progress. We know you will be pleased with the manner in which it is conducted.

Mr. James L. Hand, our auctioneer, sells without misrepresentation. We guarantee the quality of each article sold to be as he represents it.

You may select any article from the most expensive diamond to the smallest bit of china and it will be put up and sold. Comfortable chairs are provided for ladies. Expensive souvenirs are given at each sale. Visit our store tomorrow, Tuesday, whether you intend purchasing or not.

We want you to witness the best conducted auction sale ever held in Omaha.

Mawhinney & Ryan Co.

CONNELL WRITES TO SEARS

Another Shot in the Epistolary Duel Over Wetmore.

DUTY OF COURT AND COUNSEL

Conduct During the Pendency of the Case Analyzed by the Attorney Who Successfully Defended the Accused.

OMAHA, Feb. 1.—To the Editor of The Bee: The letter of Judge Sears in his attempted defense of Lawyer Daniel, Canon Bell and Dean Beecher, demonstrates what I knew at the outset, that in the trial of the Wetmore case I was up against a pretty hard combination. If on that trial in addressing Judge Sears, I had only employed the words once addressed to the fair Portia during her brief career as a trial judge and had exclaimed "A Daniel come to judgment. Yea, a Daniel! O wise judge, how I do honor thee!" and had lauded the preachers to the skies in place of criticizing their efforts to outdo Sherlock Holmes, I would have been a good citizen and a worthy member of the legal profession in place of a target for abuse and denunciation.

But, what would have become of my client? He probably, by this time, regardless of his guilt or innocence would have been on his way to Lincoln. I had a duty to perform as well as the court and that was to use all honorable means at my command in the defense of my client. This I did and nothing more. My criticism of Wetmore was justified, by the record they made. My objections to the course taken by Judge Sears had justice and liberty for their basis.

And, right here it is to be found the irritating sand-burr that caused Judge Sears to come down from the judicial bench and recklessly rush into public print as the self constituted defender of his former confederates. It was shown on the cross-examination of Canon Bell that secret conferences with Judge Sears had been had, the South Omaha team was indicted and conviction of Wetmore and that Judge Sears who later on was to hold the scales of justice between the state and the defendant had advised both Canon Bell and Dean Beecher that the alleged confession of Wetmore in the Gardner Memorial Parish house was proper to be revealed.

What of the Defendant.

Under these conditions what show had the defendant for his liberty? Even the question of the admissibility of testimony had been determined in advance of the trial and the attorneys for the defendant were foreclosed before their objections could be made. Like the horse that was beaten in the race before he started, they could not possibly win. It certainly was bad enough for the preachers to abandon their sacred calling and in the interest of pretended reform become sleuths in the Third ward. In their case, however, the defendant justly demands to justify his course as a witness at a trial judge who becomes both accuser and prosecutor and commits himself in advance to the decision of questions which must ultimately arise upon the trial?

When this was shown by the cross-examination of Canon Bell and Dean Beecher to justify his action by a statement to this I objected on the ground that the defendant was not present at these conferences and that if the judge was to give his version of the affair it should be by sworn testimony upon the witness stand, with the right for their purpose the indictment. The judge then announced he would make his statement in some other way at some other time. This episode in the trial was one of the irritating sandburs to disturbing to judicial equanimity.

Judge Sears in his letter says he adds his word to the interest of good citizenship because the mouths of the witnesses are closed. Who closed them? Why are they closed? They certainly were not closed when trying to send Wetmore into the penitentiary. The idea that Lawyer Daniel's mouth is closed, so that he cannot make defense for himself? Why, even Dean Beecher has his pupil, and as those

who have read the newspapers know, he already has used it in his own vindication.

No, the letter of Judge Sears was not written in the interest of these witnesses. It was written because he, as accuser, prosecutor and trial judge, was not spared on the Wetmore trial any more than Canon Bell. He first scored the jury. He then jumps on me. But, in doing this, he forgets that he no longer occupies the protected position of judge, who, like the king, "can do no wrong." By rushing into print he becomes plain Mr. Sears from Tokamah. In repelling his assaults I do not even have to refer to him as "Your honor." This is certainly a relief. When in his court I will endeavor, as I always have, to show for him the respect his judicial position entitles him to receive. But, when off the bench, I will treat him as he deserves. If he wants to go into a recital or comparison of records, I will gladly accommodate him.

Power of the Court.

One thing, however, I wish to say at this time, and that is with his reference to removing me from the Wetmore case or any other case strikes no terror to my soul. I recognize that a judge on the bench for the time being has power equal to that of the czar of Russia and that such power can be as arbitrarily exercised as by that despot. But, Judge Sears should know that he has no legal right to remove or displace any attorney in the trial of any case. It may be such in his idea under the law in Burlington, but it is not the law as unanimously declared by the highest courts of the land. A defendant, under the constitution, has the right to a jury trial and to make defense by counsel of his own choice. The right of an attorney to appear in the trial of any case is a property right that cannot be taken from him except upon proper charges and a regular trial. If Judge Sears can catch me for contempt he is welcome to do so. When I am in his court, however, I will try and subject to the reach of the grapping hooks.

Some years ago a distinguished attorney, while making his argument, was harshly called down by an arbitrary trial judge with the query, "Are you trying, Mr. Choate, to show contempt for the court?" "No, your honor," replied that distinguished barrister, "I am doing the best I can to conceal my contempt for the court."

This precedent, when necessity requires, I will always try and follow. I am thankful, however, that the occasion for doing so is rare. For more than twenty-five years I have been engaged in the trial of cases. Never but once have I been charged with contempt and even this charge was held insufficient by the supreme court. As a rule, the Douglas county bar has been greatly favored with able and reasonable judges. In the list headed by Judge Lake, followed by such eminent lawyers as Wakefield, Doane and Savage, can include the present incumbents, Kennedy, Redick, Estelle, Day and Troup. One other thing I am also thankful for and that is neither Judge Sears or any one else has ever charged me with incompetency or disloyalty to my client. W. J. CONNELL.

Boys Killed by Mountain Lion

Mother Finds Beast Devouring Body When She Returns to Family Camp Near Balboa, Cal.

BALBOA, Cal., Feb. 1.—Her 2-year-old boy killed and his body terribly mutilated by a monster mountain lion, and the fierce beast devouring one of the legs which it had torn from its socket, was the sight that Mrs. Chris Brown beheld when she entered the family tent four miles from the Hotel Delmar after a short walk yesterday evening. When the mother realized what had taken place she screamed and almost threw herself on the lion, which growled savagely and backed slowly out of the rear of the tent, carrying a mouthful of the human flesh in its teeth, and disappeared. The Browns arrived from Delaware two weeks ago.

PRESIDENT WRITES GILLET

Suggestions of Executive Will Be Embodied in Californian Alien Land Bill.

SACRAMENTO, Cal., Feb. 1.—Governor Gillet made public tonight the text of a letter received today from President Roosevelt with regard to anti-Japanese legislation now pending in the California legislature. President Roosevelt quotes from a letter from former Secretary of State Root to Governor Gillet, and from a memorandum, pointing out that Mr. Root saw no objection to a law which treated all aliens alike, but that to avoid conflict with the constitution and statute should contain an express provision exempting from its operations any rights secured by treaty between the United States and foreign nations. Mr. Roosevelt says that this view has his cordial endorsement.

RUPTURE POSITIVELY CURED

I have a treatment for the cure of Rupture which is safe and without pain. It is convenient to take, and do this part of the country in unless a cure is made, and it returns only a few days to complete a cure.

for the measure, asserts that not more than five senators will vote against it.

A. M. Drew's anti-alien land bill, as amended by him to conform to the wishes of President Roosevelt, will be favorably reported by the committee on judiciary, and action may be taken on it Tuesday, for which time it probably will be made a special order of business. This bill is almost an exact duplicate of the Oklahoma law. It does not provide that aliens must become citizens of the United States in order to retain land or to purchase land.

The bills introduced by Grove L. Johnson early in the session, to prohibit aliens from being members of boards of directors and segregating Japanese in public schools, and segregating all undesirable aliens in residential districts, will be taken up as a special order of business on Wednesday.

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I have a treatment for the cure of Rupture which is safe and without pain. It is convenient to take, and do this part of the country in unless a cure is made, and it returns only a few days to complete a cure.



I HAVE NO MEDICINE OR TRUSSES FOR SALE AS THEY WILL NOT CURE AND ARE GENERALLY USELESS.

My specialty is the CURING of Rupture. There is no method that can be used at home that will cure. When making my treatment all patients must come to my office and if they live out of the city they can return home the same day and follow their usual avocations.

My Claims to Your Confidence. I am a graduate and licensed physician and permanently established in this city. And have the first class professional and business reputation in this part of the country. I have the successful cure of Rupture without a surgical operation, and have cured hundreds of people in Western Iowa and Nebraska.

I Guarantee a Cure. I will cure all persons afflicted with a Rupture that I consider curable after an examination has been made, before accepting their money, and furthermore, I will make my charges reasonable. Call at my office for free examination, or write and I will send literature, and will particularly as to my responsibility, and respectfully ask you to send me the successful cure of Rupture without a surgical operation, and have cured hundreds of people in Western Iowa and Nebraska.

Frank H. Wray, M. D., Room 208 West Bldg., Omaha.

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Since 1857 has a rich distinctive flavor that is the mark of a perfectly pure whiskey scientifically distilled from only the choicest grain aged and matured in government bonded warehouses, then bottled under Gov't supervision, with all of its goodness and purity protected by the little green stamp. It is true hospitality to offer your guests such a fine whiskey. It is good judgment to have it always in the house in case of fatigue or sickness.

My dear dealer can supply you, write us for name of one who can.

A. Guckenheimer & Bros., Distillers, Pittsburg.

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Established in Omaha for 25 years. The many thousands of cases cured by us make us the most experienced Specialists in the West, in all diseases and ailments of men. We know just what will cure you—and cure you quickly.

We Cure You, Then You Pay Us Our Fee.

We make no misleading or false statements, or offer you cheap, worthless treatment. Our reputation and name are too favorably known; every case we treat our reputation is at stake. Your health, life and happiness is too serious a matter to place in the hands of a "FAMOUS DOCTOR." Honest doctors of ability use their OWN NAMES IN THEIR BUSINESS. Nervous Debility, Blood Poison, Skin Diseases, Kidney and Bladder Diseases, all Special Diseases and Ailments of Men. Examination and consultation. Write for FREE Symptom Blank for home treatment.

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