

## CHALLENGE FOR FIRST TALESMAN

### Defense in Trial of James B. McNamara Asks that Nelson Be Dismissed for Cause.

### APPROVED FOR HIS HESITATION

### Admits that He Has Already Formed Opinion in Case.

### STATE WITHDRAWS OBJECTION

### District Attorney Allows Query to Be Answered.

### ASKED ABOUT LABOR UNIONS

### Attorneys Announce that Defendant Is Member of Organized Labor and Questions Foreman as to His Attitude.

LOS ANGELES, Cal., Oct. 12.—After hours of persistent questioning, the defense in the murder trial of James B. McNamara challenged for cause Foreman Z. T. Nelson, near the end of the morning session.

Nelson was the first witness examined in the trial of the first of the cases resulting from the explosion which wrecked the Los Angeles Times building a year ago.

From the start, Nelson's extreme hesitation in answering questions put by Attorney Le Compe Davis for the defense was generally noticed, and it finally brought an admonition from Judge Borswell.

"Have you any opinion that would require evidence to remove?" was the question finally hit upon that drew a direct answer.

"I think I have," said Nelson, and later amplified this to include "an opinion as to the guilt or innocence of the defendant."

Assistant District Attorney G. Ray Hornum, for the state, examined Nelson briefly, eliciting a reiteration of the assertion that he would need evidence to remove his opinion, with the supplementary declaration that he thought he could give a fair trial.

Examination of Foreman Z. T. Nelson of Pasadena, was the first proceeding set before Judge E. Walter Borswell in the superior court today in the murder trial of James B. McNamara. Questioning of the foreman, frequently regarded as a dismal proceeding, furnished in this case intense interest to spectators and partisans, because it was expected to define, in advance of the opening arguments, some of the essential issues of the trial, which is designed to show whether the defendant is responsible for the death of Charles J. Hagerty, who with twenty others was killed in the Los Angeles Times explosion over a year ago.

Foreman Nelson, who is held on indictments, but the state has elected to go to trial on Hagerty's case.

The witness had a little automobile ride early today. They came into court with bristling beards, it having developed that none of them was accustomed to shave himself. Various types of razors were sent up to their rooms and rejected. They thereupon decided to request the appointment of a barber who should be allowed to shave them under the supervision of a deputy sheriff.

The prisoner, accompanied by Sheriff Hammel, sauntered into court, nodding to several friends. He took an inconspicuous boat against the rail and chatted for a minute with Clarence S. Darrow, his chief counsel.

It was 10:40 o'clock when court convened.

H. S. Poppenbush was selected to fill the vacancy in the panel. District Attorney E. F. Edwards informed the court that he would like to withdraw his objection to the unanswered question directed to Z. T. Nelson on Wednesday. The question was:

"With reference to the officers and men who direct the management of the affairs of labor unions, do you believe that the great majority of them are lawless men?"

Le Compe Davis immediately asked the question of Mr. Nelson, who replied:

"I don't believe I can answer that question. I don't know anything about the officers."

"Well, what is your belief about them?"

"I don't know anything about them."

"You seem to hesitate before answering. Have you any doubt?"

"I can't say."

"You realize that the defendant is on trial for a matter that concerns labor organizations, and you have an opinion about the majority of the officers being lawless men?"

"A great many are and a great many not."

"About half and half, then?"

"I couldn't say."

"If you thought a great many you would say so?"

"If my mind was made up."

"Don't you know, Mr. Nelson, that you are prejudiced against officers of labor unions?"

"No, I should not say so."

The prosecution objected to that line of questioning as assuming that the witness knew that the defendant was a member of organized labor and that he had evidence or proof to that effect had been introduced.

"Do you deny the defendant is?" asked Mr. Darrow.

"We are not giving testimony," answered the witness.

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## The Weather

For Nebraska—Fair.  
For Iowa—Generally fair, cooler.  
Temperature at Omaha Yesterday:

5 a. m.	50
6 a. m.	50
7 a. m.	50
8 a. m.	50
9 a. m.	50
10 a. m.	50
11 a. m.	50
12 m.	50
1 p. m.	50
2 p. m.	50
3 p. m.	50
4 p. m.	50
5 p. m.	50
6 p. m.	50
7 p. m.	50
8 p. m.	50
9 p. m.	50
10 p. m.	50
11 p. m.	50
12 m.	50

## Government Wins Civil Suit Against the Bathtub Trust

BALTIMORE, Oct. 13.—In the United States circuit court here today Judge John C. Rose rendered a decision in favor of the government in its dissolution suit against the Standard Sanitary Manufacturing company and others, the so-called "bathtub trust." Judge Pritchard concurred with Judge Rose, while Judge Goff dissented, the decision is the most sweeping in its character. Edwin P. Grosvenor, special assistant to the United States attorney, and United States District Attorney Phillip Hill of Baltimore, who conducted the case for the government, stated today that the decision supports the government's contention on every point.

The action was brought under the Sherman anti-trust law in case of an appeal it will go direct to the United States supreme court.

While this decision is in a separate case from the criminal action against the alleged trust at Detroit, the proceedings concern the same subject matter and are against the same defendants. Under the court's ruling, Edwin L. Wayman, patentee of an enamel dredge, who issued licenses of the patent to the defendant concerns, is held as much subject to the laws governing monopoly as any other man, and while he still has the right to exclude all others from making use of his patent, he cannot have the right to sell indulgences in violation of the anti-trust act. It was on the patent holdings of Wayman that the first defendants in the case upheld the right of their action in the combine and the government maintains that this was but a subterfuge.

Judge Goff's opinion in dissent was brief. He held that the facts established by the testimony considered in the light of the law applicable thereto compel me to conclude that the allegations of the petition have not been sustained.

DETROIT, Oct. 13.—The criminal cases against more than a score of firms and individuals alleged to be in the "bathtub trust" probably will come up at the November term of the federal court here. All the defendants have pleaded not guilty.

## Unconfirmed Rumor of Bloody Battle Near Tripoli

FRANKFURT-ON-THE-MAIN, Oct. 13.—The Frankfurter Zeitung's correspondent at Constantinople forwards a dispatch dated Tripoli, saying:

"A fierce engagement occurred between the Turks and Italians on a hill in the neighborhood of the city. The Italians lost 1,000 killed and wounded. The Turks casualties were slight."

There is no confirmation of the dispatch, which is at variance with recent Tripolitan news reaching here through other channels.

CONSTANTINOPLE, Oct. 12.—The government today ordered the expulsion within twenty-four hours of all Italian correspondents in Constantinople.

A society has been organized to wage an economic war against Italy. All Ottomans are asked to sign a declaration to cease all dealings with Italy. The newspapers endorsing this campaign advise Ottomans to influence the young to incur hatred of Italy.

ST. PETERSBURG, Oct. 12.—The text of the Russian note to Turkey regarding the free export of Russian corn was made public today. In reply to a verbal reminder from Turkey has said that it intended to act upon the declaration of Lugden of 1908.

As this was considered unsatisfactory to Russia, the government presented a written demand wherein it was pointed out that Russia considered that cargoes of corn were subject neither to arrest nor confiscation when addressed to Russian ports in the Black sea or to Italian ports so long as the cargoes were not destined for the Italian field forces of Italian official consignees.

Turkey has not replied. ROME (Via Reuters), Oct. 13.—Although the government considers that the present expedition of 60,000 men will be sufficient for the complete occupation of Tripoli, the ministry of war has prepared for an additional expedition in case of need.

Four aeroplanes have arrived from France. They will be sent to Tripoli, where they will be piloted by Italian officers, who will undertake to drop bombs into the enemy's encampment.

MANAGER OF FARMERS' ELEVATOR IS ARRESTED

ABERDEEN, S. D., Oct. 13.—(Special)—The financial difficulties in which the South Dakota Farmers' Elevator company found itself, involved a week ago, when the suspicions of the directors was first aroused, culminated yesterday in the arrest of W. B. Roby of Verdon, general manager of the seven elevators owned by the company, on an embezzlement charge. Roby was arraigned in circuit court today and his bond was fixed at \$5,000, which he was unable to furnish and was lodged in the Brown county jail. C. J. Tollefson has been placed in charge of the company's affairs, temporarily, as manager, and the elevators, which have been closed for the last week, will open again. Several partly finished letters were found in the elevator safe at Verdon in Roby's handwriting, which hinted at suicide. It is believed Roby first became involved through losses in speculation and that he steadily got in deeper as he plunged more heavily in an attempt to retrieve his losses. Mrs. Roby, his wife, and Charles Roby, a brother, are here doing everything in their power to aid the prisoner.

PARK SAYS ALL ILLINOIS CENTRAL TRAINS ON TIME

CHICAGO, Oct. 13.—Vice President and General Manager W. L. Park of the Illinois Central railroad, accompanied by Chief Engineer A. S. Baldwin, left today for a ten days' tour of inspection of the line.

Mr. Park said that trains were running on every division without interruption.

F. M. Kilne, president of the Illinois Central, left today for Washington to confer with Samuel Gompers, president of the American Federation of Labor.

## REVOLT SPREADS TO THE CAPITAL

### Garrison of Peking is Honeycombed with Republican Sentiment and City is Threatened.

### TROOPS ARE ORDERED TO CITY

### Army that Had Been Ordered to Maneuvers is Recalled.

### RUMOR REPUBLIC PROCLAIMED

### Head of Insurgent Army is Declared President.

### DR. SEN IN THE UNITED STATES

### Man First Suggested for Head of New Government is Here on Lecture Tour and is Native of Hawaii.

BULLETIN. SAN FRANCISCO, Oct. 13.—Advice was received here today by the Chung Hai Yat, the Chinese Daily World, that the revolutionists in China have declared a republic, electing Li Yuan Hung lieutenant commander of the imperial new army, president.

PEKING, Oct. 13.—China today faces an unprecedented crisis. With the spread of revolutionary activity the opinion is gaining ground that the fate of the ruling dynasty hangs in the balance.

The revolution is no longer confined to the central provinces, a thousand miles away from the capital. Peking itself is threatened.

Members of the cabinet admitted today that the garrison here is known to be honeycombed with the revolutionary sentiment. The same condition exists in the two great military posts which guard the capital, Fao Ting Fu and Tien Tsin.

There are still official attempts to minimize the gravity of the situation, but the reports reaching the capital give little basis for hope. Today's news included reports that Chung King was in danger, that Li-Chang had been taken, that To Chow had fallen and that communication between Hankow and Chang Sa, the capital of Hunan Province, was interrupted.

An edict published here today offers pardon to all revolution members "who were coerced into joining the rebellion."

The pardon is conditional, however, on their expressing suitable repentance for their defection.

### Troops Ordered to Peking.

The government today followed up its act of yesterday cashiering the viceroy of Wu Chang by extending the same treatment to General Chang Piao, the commander of the troops in the Wu Chang district where this week's outbreak began.

Every effort of the authorities for the present will be centered in an attempt to provide adequate defense for the capital of the empire. The program for the autumn maneuvers in Kai Fong, 600 miles south of Peking, where 30,000 troops were to have participated in extensive drills, was cancelled today and the sixth division of the army was ordered to entrain this afternoon for Fong Tai, a suburb of this city.

The government in its report on the situation is inclined to convey the impression that revolutionists are without trained leaders or adequate organization. But the revolutionists have a reliable chief, well versed in military affairs in General Li Quan Hong. Secret advice received here indicates, moreover, that Mr. Shih Yat Sen, whom the revolutionists hope to elect president of a Chinese republic, was at Shanghai last week and may be now on the scene of operations at Wu Chang or Hankow.

### Declaration in Hankow.

HANKOW, China, Oct. 13.—This city was a scene of isolation today. All night long incendiary fires burned throughout the native quarters and it was a night of terror for the populace. There was a massacre of Manchus and dead and to add to the danger all the prisons were opened and the inmates released to wander about the town.

The revolutionary organization is making every effort to restore order and it is announced that wherever caught will be severely dealt with.

The revolutionary army is strongly entrenched in Wu Chang and Hang Yang, with guns mounted in commanding positions. Since the capture of the Hang Yang arsenal there has been no solitude regarding the supply of ammunition and the leaders declare that

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## More Circumstantial Evidence

**3<sup>RD</sup> WARD RETURNS AUG 2<sup>ND</sup> FRI PRIMARY FOR SUPREME JUDGE**

ALBERT.....	0
DEAN.....	0
EVERSON.....	0
OLDMAN.....	66
STARKE.....	0
WEST.....	0

THAT'S THE WAY TO DO IT FOR THE BALLOT BOX WE WANT TO STAND BY WITH THEM

**3<sup>RD</sup> WARD RETURNS AUG 2<sup>ND</sup> FRI PRIMARY FOR COUNTY JUDGE**

BREHMAN.....	0
LYNCH.....	0
NEBLE, JR.....	66
SHOEMAKER.....	0

THE DANES SHOULD HAVE HAD A PLACE ON THE TICKET BUT THEN YOU WOULD GET THAT AND COULDN'T HELP IT THE LUNCH CROWD NERBLE OUT

**3<sup>RD</sup> WARD RETURNS AUG 2<sup>ND</sup> FRI PRIMARY FOR POLICE JUDGE**

ANHEUSER.....	7
GORDON.....	5
MAHONEY.....	110
QUINN.....	1
SCHWEIDER.....	1

WONDER IF MAHONEY CAN HOLD HIS POLICE POSITION HE CAN HOLD HIS BARE REFRESHMENT GATE ACROSS

## CASH FROM OMAHA STOLEN

### Registered Package from Sheridan Coal Co. Taken from Postoffice. CONTAINED MORE THAN \$5,000

### Money Was Intended for Payment of Four Hundred Nine Employees at Mulberry on Saturday.

PITTSBURG, Kan., Oct. 13.—Robbers who entered the postoffice at Mulberry, fifteen miles east of Pittsburg, early today, escaped with several packages of registered mail. One package is said to have contained \$10,000, being sent to the Sheridan Coal company to pay its miners. Neither the officials of the company nor the postmaster will talk about the loss.

### Money from Omaha.

KANSAS CITY, Mo., Oct. 13.—At the office of the Sheridan Coal company in this city it was admitted today that a package containing between \$5,000 and \$10,000, addressed to the company's office at Pittsburg, Kan., had disappeared to

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**TOMORROW**  
The Best  
**Colored Comics**  
with The  
**Sunday Bee**

## Wilson Will Talk to Brewers Wednesday

### WASHINGTON, Oct. 13.—Any doubt as to Secretary Wilson's purpose to address the National Brewers' congress at Chicago was dispelled today when Mr. Wilson stated he would speak before the congress Wednesday. It is understood his address would be an honorary president will be short. Many letters criticizing the secretary for accepting the honorary presidency of the brewers' congress have been received at the department. Most of them have been personally answered by Secretary Wilson.

## Another Big Jump in Coffee Market

NEW YORK, Oct. 13.—There was another big jump in the coffee market this morning, with contracts for future delivery selling from 2 1/2 to 4 1/2 points above the closing quotations of last Wednesday at the opening. The price of December contracts advanced from 14.20 to 14.40.

### PAROLES FOR TWO MORE BANKERS IN LEAVENWORTH

LEAVENWORTH, Kan., Oct. 13.—Paroles have been ordered for two more bankers in the federal prison here. They are H. T. Wells, a former Kenosha, Wis., bank clerk, and H. G. Gell, who was connected with the Bigelow bank in Milwaukee.

Thirteen orders for parole have been received here as a result of that meeting. None of these is for John R. Walsh. It is said that only four bankers, F. H. Phillips of Auburn, Ind., and J. H. Phillips of Terre Haute, whose fate became known yesterday, and the two Wisconsin men have been ordered paroled thus far.

With the passing of Phillips, Walsh loses his roommate, who also was the roommate of Frank G. Bigelow before he left the prison.

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## SPECIAL DAYS AT LAND SHOW

### Ten States and Many Societies Are to Be Represented.

### EXPOSITION OPENS ON MONDAY

Opening has been designated Tuesday night, on which Governor Aldrich will be present to deliver an address.

So numerous have been the requests of different organizations and societies of Omaha for the reservation of a certain day at the Omaha land show, which opens Monday evening, that the management has had to increase its office force to answer letters and fix dates.

The first night, Monday, October 16, will be tri-city night. Governor Aldrich and the mayors of Omaha, South Omaha and Council Bluffs will speak.

Tuesday afternoon will be Idaho and Utah state day and the Ladies' Concordia society day. The governors of the two states will speak on this day. The evening will be devoted to the Commercial club and the newspaper men.

Wednesday afternoon will be University of Omaha day. The girls will put on a minstrel show, and the boys a comic foot ball sketch, and the domestic science class will have on display exhibits of their work. The evening will be letter carriers and good road movement night.

### Nebraska State Day.

Owing to the fact that Governor Aldrich cannot attend Wednesday, October 18, Nebraska state day has been changed to Friday. The program for this day is in charge of W. H. Mallor of Lincoln, Dr. C. A. Condra, Prof. C. W. Pusey, George Coupland, Charles Coffey and E. Van Torrel.

Wednesday, October 18, will be California day and Thursday afternoon will be given over to the Woodmen of the World. The evening will be society night.

The special attraction of the first week will be Captain Trebor's trained seal circus. Trebor's great Italian band has been secured for the second week.

## JOHN H. SMITH, PROMINENT MORMON, DIES SUDDENLY

SALT LAKE CITY, Utah, Oct. 13.—John Henry Smith, a member of the first presidency of the Mormon church, being second counsel to the president, Joseph F. Smith, died here early today, aged 65 years. He retired in the usual health last night, and about midnight was seized with a hemorrhage of the lungs, dying thirty minutes later.

John Henry Smith was born in what is now Council Bluffs, Ia., and when a small boy crossed the plains to Utah. He was one of the most prominent men interested in the development of the west and is well known throughout the country. He was president of Utah's constitutional convention, and in 1862 president of the Transmississippi Commercial congress.

Two wives, fifteen children and eighteen grandchildren survive Mr. Smith. His death occurred at the home of his second wife, Josephine G. Smith. His first wife, Sarah Parr Smith, is now in Chicago visiting relatives.

## MEXICO GRANTED PERMIT TO MOVE TROOPS

SACRAMENTO, Cal., Oct. 13.—While on the platform at the state capitol here today President Taft telegraphed the State department at Washington, directing the department to grant permission to the Mexican government to transport troops through American territory from Juarez to a point opposite Nogales in Arizona.

The president said that there was sufficient precedent for granting such permission and replied in the affirmative immediately upon the receipt of the request from Mexico City.

## TREATIES WILL BENEFIT TRADE

### President Taft Upholds Agreements Made with Honduras and Republic of Nicaragua.

### POLICY FOR GOOD OF COUNTRY

### Will Result in Upbuilding of Small Nations.

### IMPORTANT TO UNITED STATES

### Designation "Dollar Diplomacy" the Word of Muckrakers.

### SETTLE DEBTS ON JUST BASIS

### Brings Stability Where Greatly Needed and Result Will Add to Commerce of Government Undertaking Task.

SACRAMENTO, Cal., Oct. 12.—President Taft's first complete speech in California was delivered here today from the steps of the state capitol building. The president spoke in behalf of proposed treaties with Nicaragua and Honduras and vigorously defended the policy of the administration, which he said muckraking journals have labeled "dollar diplomacy." Broadly speaking, President Taft said the proposed treaties with these countries before the senate would secure for them a financial agent in the United States who would settle their existing debts on a just basis and who would point the road to peace and prosperity to two republics rich in natural resources, but torn by strife and revolution.

The president pointed out the efficacy of a similar arrangement with Santo Domingo, where the government collected the customs and fees that foreign debts are paid, according to a beneficent supervision that Mr. Taft said has accrued to the upbuilding of Santo Domingo. Objection to the treaties in the United States senate, the president said, was based largely upon the proposition that they would make entangling alliances with republics in this hemisphere for the promotion of a banking contract, since the money for the payment of the debts of the two republics would be furnished by American interests. Another subject discussed by the president was that the Monroe doctrine was sufficient bond between the United States and Latin American countries.

"It is objected that this is 'dollar diplomacy,'" said the president, "and that we ought to have none of it. Give a dog a bad name and you know what follows. To call a piece of state craft 'dollar diplomacy' is to invoke the condemnation of the muckraking journals, whose chief capital is in the use of phrases of a lurid character. The United States did not enter into this treaty for the promotion of its own banking business or that of any of its citizens. It was thought advisable to favor a contract with American bankers rather than with foreign bankers, because such a contract would tend to keep trade with America. This is the correct aim and purpose of diplomatic negotiation."

### Address of the President.

The president said: In the opening remarks the president told of the presentation to the senate for ratification of the treaties that had been negotiated to secure loans for the republics of Honduras and Nicaragua, and of the progress of the desire of peace generally among nations. The condition that prevail in the smaller republics on the American continent were sketched, and the importance of their having stable government shown. Santo Domingo was cited as an illustration. Since the plan of President Roosevelt for control of the finances of that country has been effective, its debt is being rapidly discharged, its revenues are greater than ever, its people are busy and capital is being employed and enterprise extended. The continual menace to peace of the turbulent governments in the smaller countries of our continent, and the desirability of having them on a peaceful basis was pointed out, and the president went on, referring to the main topic:

"There is a very decided objection in the senate to the approval of these treaties. I doubt if I can fairly state the objections. This is due perhaps to the depth of my conviction that the treaties ought to be ratified because they are of the utmost importance in the promotion of peace on this hemisphere, in a region where there has been no peace. The general argument seems to be that we ought not to involve ourselves in entangling alliances with republics in this hemisphere, or to engage in what seems to be mere banking and capital investment of a banking contract. It is objected that this is 'dollar diplomacy,' and that we ought to have none of it. Give a dog a bad name and you know what follows. To call a particular piece of statescraft 'dollar diplomacy' is to invoke the condemnation of muckraking journals, whose chief capital is in the use of phrases of a lurid character. The United States did not enter into this treaty for the promotion of its own banking business or that of any of its citizens. It was thought advisable to favor a contract with American bankers rather than with foreign bankers, because such a contract

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## Boxes of O'Brien's Candy.

### Dazeli's Ice Cream Bricks

### Tickets to the American Theater.

All are given away free to those who find their names in the want ads.

Read the want ads every day, your name will appear sometime, maybe more than once.

No puzzles to solve nor subscriptions to get—just read the want ads.

Turn to the want ad pages—there you will find nearly every business house in the city represented.

## Preparing for the Land Show



LARGE FORCES OF WORKMEN ARE BUSY INSIDE AND OUT AT THE DEN, WHERE THE SHOW OPENS MONDAY.