

ORAL ARGUMENT ON REFERENDUM

Supreme Court Preserves Critical Attitude in Listening to Statements of Opponents.

IS ALLEGED UNCONSTITUTIONAL White Demands Proof of Assertions Made by Attorney.

GUARANTY STATES INVOLVED Justices Must Define Republican Form of Government.

LEGALITY OF TAXES QUESTIONED Lawyers Argue that System Carries with It Violation of "Equal Protection of the Laws" Clause.

WASHINGTON, Nov. 3.—The critical manner in which the supreme court of the United States today listened to arguments that the initiative and referendum method of legislation in this country is unconstitutional brought encouragement to the friends of the system. Oral arguments on both sides of the question were completed before the court adjourned for the day.

E. S. Pillsbury of San Francisco, and R. E. Dunaway of Portland, Ore., were heard in opposition to the method in two Oregon cases. When Mr. Pillsbury remarked that there could not, with due regard for the federal constitution, be two legislative powers in a state, namely, the legislature and the people, Justice Burton interrupted him:

"What is a state constitution but an organized act of legislation by the people?" inquired the justice.

"That is expressly what I understand it to be," responded Mr. Pillsbury. "Then there is legislative power in the people."

"To make a constitution, yes," Mr. Pillsbury suggested that the people might put into their state constitution anything not in conflict with the restrictions of the federal constitution.

White Asks for Proof. "What are the restrictions which you claim are violated in this particular case?" inquired Chief Justice White. "The provision for a legislature."

"The chief justice asked him to read it. 'I cannot read it; it is implied in a dozen places,'" said the attorney. "And, also, the constitution has been construed by this court to imply that there must be a legislature."

The chief justice asked for the cases in which the point had been in issue, but the attorney did not give them. It was further argued that taxes imposed under the initiative method were not by "due process of law" and violated "the equal protection of the laws" so long as some persons were taxed under initiative laws and others under legislative enactments.

Attorney General Crawford of Oregon declared that the question of whether the method violated the guaranty of the United States in the federal constitution of a "republican form of government to every state" was a political question for congress to decide and not a judicial one for the courts to pass upon. He inquired how the court would enforce its decision if congress and Oregon were opposed to it.

States Alone Interested. George Fred Williams of Boston argued that only a party to the "guaranty" to states could ask the United States to make good its promise that every state should have a republican form of government. A corporation, he said, could not do so, because the guaranty was to the states.

"I have heard no state objecting to the Oregon form of government," said Mr. Williams.

Chief Justice White suggested that the word "form" in the constitution lent support to Mr. Williams' interpretation of the word "guaranty."

Jackson H. Ralston of this city contended that the opponents of the method were wrong in arguing that the word "republican" was used in the constitution as a synonym for "representative." He argued it was used in contract to "monarchical."

Justice Holmes suggested this interpretation would be in conformity with a rule of logic.

German Spy Sent to British Prison. BEXTER, England, Nov. 3.—Lieutenant Philip M. Schultz of the Thirtieth Hussars, stationed at Frankfurt-on-the-Main, was convicted at the Devonshire assizes today on the charge of spying and sentenced to twenty-one months' imprisonment.

MEXICAN REBELS ARE DEFEATED BY FEDERALISTS. PUERTO CORTEZ, Honduras, Nov. 2.—(Delayed in transmission.)—Government troops defeated 500 revolutionists under the leadership of Ocho Velisquez, a member of the cabinet of Honduras, in a desperate battle Sunday. The rebels' losses are said to be heavy. Velisquez escaped into Salvador.

The Weather. For Nebraska—Generally fair; warmer. For Iowa—Unsettled weather, with light local rain or snow; rising temperature. Temperature at Omaha Yesterday.

Table with 2 columns: Hours, Deg. (Temperature forecast)

Deer Hunters Kill Forty-Seven Men So Far This Season

WASHINGTON, Nov. 3.—The so-called "list of immortals" of the United States biological survey—a roster kept by that bureau of all hunting fatalities in this country—already this year has had added to it forty-seven names. From this information the bureau hopes after a few years to be able to deduce general principles which will be of value in framing "life saving" federal and state game laws.

Kansas City Man Had Never Heard of the Hyde Case

KANSAS CITY, Mo., Nov. 3.—Prospects for obtaining a jury to try the Dr. B. Clarke Hyde murder case before the end of next week appear poor. The trial centered upon its eleventh day today with only twenty of the forty-seven temporary jurors who must be obtained in the box. The work of qualifying men is moving slower now than it has at any stage of the proceedings, only one talemans being obtained yesterday.

Eleventh Talemans Accepted for Cause in McNamara Case

LOS ANGELES, Cal., Nov. 3.—With one more juror accepted as to cause by both sides soon after court opened today in the McNamara trial, prospects for a full jury box before the close of court appeared excellent. Byron Lisk, a Pasadena mill owner, was the eleventh man chosen.

H. V. Blenkiron, a real estate dealer, the only other talemans in the jury box not yet accepted, was then examined. Talemans W. H. Andrews remained outside the box, and it was expected that if neither Andrews nor Blenkiron was accepted, court proceedings might be suspended until more talemans could be secured. Blenkiron was accepted by the defense after less than five minutes' examination by Attorney Clarence S. Darrow, chief of counsel for the defense.

Both sides came into court prepared to exercise peremptory challenges against those accepted as to cause who they believe would not make fair jurors.

It was expected that not more than three or four jurors at the outside would be left at the conclusion of this process.

Two talemans, George McKee and F. D. Green, were ill and received medical treatment last night, but were reported recovered today.

Denver Wants Both National Conventions

DENVER, Colo., Nov. 3.—A concerted movement on the part of the Denver citizens to raise funds for the purpose of securing both the republican and democratic national conventions for this city started today in definite form. A. L. Mohler of Omaha, president of the Union Pacific, said he would head a contribution list with \$2,500 and others have expressed willingness to contribute toward the fund necessary to send delegations to call upon the republican and democratic national committees. Announcement of the proposal of President Mohler was made to the Denver Convention league today by Gerrit Fort, general passenger traffic manager of the Union Pacific here.

Woman Burned by Explosion of Gas. CASPER, Wyo., Nov. 3.—(Special.)—Mrs. M. Taylor, cook at one of the main camps of the Franco-American Oil company, was seriously burned yesterday by the explosion of natural gas that leaked from the pipes supplying the kitchen stove.

SHANGHAI IS IN HANDS OF REBELS

Native City and Arsenal Are Taken Over by Revolutionists Without Opposition.

WARSHIPS LAND MARSHALL ISLANDS They Will Protect Consulates and Foreign Concessions.

ATTACK ON WU SUNG EXPECTED Nanking and Ching Kiang Probably Will Fall in Few Hours.

WORK ON NEW CONSTITUTION National Assembly Drafting Basis of Fundamental Law Which is Expected to Save the Dynasty.

BULLETIN. WASHINGTON, Nov. 3.—Yuan Shi Kia has resigned the office of premier of China. His reasons for so doing are not made public. The throne has issued an edict proclaiming a new constitution demanded by the national assembly on the lines of the English governmental system, according to advices received here.

SHANGHAI, Nov. 3.—The arsenal and the native city of Shanghai were taken over by the revolutionists late this afternoon. No resistance was offered by the authorities or such that remain loyal.

It is expected that Wu Sung, at the mouth of the Wu-Sung, and ten miles north of Shanghai, and the up-river forts will fall tonight. It is confidently believed that Nanking and Ching Kiang will be captured by the rebels tomorrow.

Some of the foreign warships landed marines in this city before the rebels took possession. Foreign volunteers were called out and have taken every precaution to protect the concessions. It is reported that the rebels at Kieuh-King have seized the British tug boat sampson.

Revolutionary Flag Raised. It became evident early in the afternoon that the rebels proposed to assume control of affairs therein in a short time, although it was not thought they would occupy the arsenal before night. As the day progressed the revolutionary flag was hoisted over all the buildings in the vicinity of the arsenal, and thousands wearing on their arms the white band, insignia of the constitutionalists, gathered in the street.

The police and native soldiers made no attempt to interfere, fraternizing with the insurgents. The postal realizing the inevitable caused notices to be posted stating that the native city might be taken over by the revolutionists tonight and expressed the hope that the public would not be thrown into a panic and that the shops selling food should not be closed except at the usual hour.

At 5:30 o'clock all telephones and telegraph communication with the arsenal was cut off. The rebel triumph led to greater proportions and in the natural excitement a number of shots were fired by the government forces in the direction of the mob, but these were without effect and it was plain the Chinese soldiers, the police and the native volunteers were all in sympathy with the revolutionists.

At this point the Taotai fled and the arsenal and native city quietly capitulated. The revolutionary leaders here have telegraphed General Li Yuen Heng, the head of the rebel movement, advising him to cease hostilities pending developments in Peking. Their message is being forwarded to General Li from Wu-Hu by a special dispatch boat.

Complaints reached this city today that the rebels holding the forts below Kieuh-Kiang have been firing indiscriminately at steamers passing that city in the night time. The latest advices from Hankow give assurance that the foreign concessions are safe, and have not been seriously disturbed by the rioting in the native city.

Yun-Nan Declares Independence. The province of Yun-Nan, on the south.

THE CHECK BOOK MAN

The Bee is in receipt of two letters written for Dan V. Stephens, democratic nominee for congress in the Third district.

One carries a signature of P. E. McKillip and the other of Ed Latta. Although the former resides in Humphrey, Neb., and the latter in Tekamah, both letters bear Omaha postmarks and both are written on the same paper and by the same typewriter.

The letter of Latta asserts that the sums spent by Stephens in the Latta campaigns are not as large as reported—how much less is not stated.

The letter which McKillip has been induced to sign is intended to be insulting, but in substance admits that the \$20,000 checked out of his bank account during his campaign of Iowa was in reality spent for political purposes.

Mr. Stephens is entitled to the benefit of these denials, except that wherein McKillip says the checks had no connection with Mr. Stephens, because, according to reliable information, the McKillip checks indicate checks drawn to the name of Dan V. Stephens aggregating \$2,100.

"Jimmy, Where Are You?"



From the Cleveland Plain Dealer.

FRANCE WINS IN MOROCCO

Germany Agrees to Recognize French Protectorate.

GETS COMPENSATION IN CONGO Terms of Treaty Produce Dissatisfaction at Berlin and Concession of the Colonies Resigns.

PARIS, Nov. 3.—The contents of the Franco-German accord, officially given out today, show that Germany recognizes the right of France to establish a protectorate in Morocco and both nations engage to obtain the adhesion to this accord of the other signatories to the Algiers agreement.

France, as compensation for German recognition of its protectorate in Morocco, cedes to Germany about 200,000 square kilometers in northern French Congo, touching the German Kamerun.

The territory ceded is inhabited by about 1,000,000 negroes and has a commerce valued at \$2,000,000 annually. In reference to Morocco, France agrees to safeguard the economic quality and commercial liberty for which provision is made in existing treaties.

The only reference to commercial rights in the ceded territory is the mutual agreement to take over the rights and obligations in connection with the companies holding concessions there.

Dissatisfaction in Germany. BERLIN, Nov. 3.—Revelations of dissonance in the government on the eve of the Morocco debate in the Reichstag has greatly weakened the positions of Chancellor von Bethman-Holweg and the foreign secretary, Herr von Kiderlin Waechter. The secretary of state for the colonies, Dr. Lindquist, today renewed his request that his resignation tendered last summer be accepted.

COLOGNE, Germany, Nov. 3.—A dispatch to the Cologne Gazette from Berlin says that the resignation of the councillor of the colonial office, Herr von Dancelmann, accompanying the "indiscretions" of the press, discloses most unjustifiable conditions. The "indiscretions" assert that the colonial office is not willing to accept responsibility for the treaty and apparently the dispatch says this is correct.

Child Welfare Exhibit Opens in Kansas City

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KANSAS CITY, Nov. 3.—With the purpose of presenting the case of the child vs. disease and crime so graphically that it cannot be misunderstood, the third child welfare exhibit ever held in the United States began here today to continue for eight days.

The exhibits consist of motion pictures, statistics, clinics and other things that present every angle from which the life and condition of the child may be improved. Special attention was given to the welfare of children in the congested districts of the large cities.

Ventilation, sanitation, pure food and public playgrounds were among the subjects considered. Leading dentists of the city gave mothers practical lessons in the care of their children's teeth, and oculists showed how children's eyes should be cared for.

A feature of the scheduled program is a three-day pantomime in which 120 children will give the history of Kansas City, including the battle at Westport and the burning and rebuilding of Convention hall, where the exhibit is held.

Dr. Anna Louise Strong of Seattle, who was active in the child welfare in New York and Chicago, is in charge of the exhibit. Among those who have accepted invitations to deliver addresses are Governor Hadley of Missouri, Thomas J. Riley, director of the St. Louis School of Social Economy; Dr. Francis H. Mills of New York; Rodgers W. Baldwin, St. Louis; A. W. Guthrie, St. Paul, and Raymond Robbins, Chicago.

Mrs. Champ Clark Registers as a Servant's Wife

KANSAS CITY, Nov. 3.—Visiting the manual training high school in this city today, Mrs. Champ Clark, wife of the speaker of the national house of representatives, was asked to sign the visitors' register. Mrs. Clark wrote her name and residence. Then came the blank marked "occupation."

"She wrote: 'A servant's wife.'" When asked by Principal E. D. Phillips of the high school to explain she said: "Mr. Clark is a servant of the people. I am his wife."

Mrs. Clark later addressed the high school students on "The Self-Reliance of the American Boy and Girl."

Speaker Clark arrived here today preparatory to beginning his campaign in the interest of the candidacy of Joseph J. Taggart, democratic candidate for congress in the Second Kansas district.

National City Bank Selling Its Holdings in Other Institution

NEW YORK, Nov. 3.—It was stated today in well-informed quarters that interests connected with the National City bank are proceeding to dispose of their holdings of shares in other financial institutions throughout the country. These holdings are believed to aggregate from 50,000 to 60,000 shares and probably include several foreign banks as well as a number of domestic institutions. The value of these shares runs into millions of dollars.

No Action Against Wheat Ring Apparent

CHICAGO, Nov. 3.—No evidence of any action against the so-called wheat ring was apparent at today's meeting of the United States grand jury. It is learned that two investigators direct from the Department of Justice at Washington spent two weeks in Chicago recently and conducted an investigation without any reference to the developments here.

YOUNG PEOPLE'S RELIGIOUS SOCIETIES ARE MERGED

CHICAGO, Nov. 3.—A plan to merge all the young people's church societies in the United States and Canada as a force to fight the liquor traffic, the social evil and dishonesty in public life was effected at today's meeting of an organization known as America's Young People, now in session here.

BROWNE'S FRIENDS PAY BILL

Illinois Minority Leader Says Money Was Contributed for Defense.

MEMORY HAZY ON MANY POINTS He Says He Heard Rumors of the So-Called Fourteen Club of Hopkins Democrats—Contradicts Myers.

CHICAGO, Nov. 3.—Lee O'Neil Browne of Ottawa, Ill., former minority leader of the Illinois legislature, admitted today before the committee on United States senators investigating the Lorimer election that the expense of his defense in his bribery trials was borne by friends.

"This has been a high priced matter from the start and it has been long," said Browne, "and personally I could not have afforded to pay my lawyers and take care of other expenses incidental to the various trials."

"Who were these friends, personal or political?" asked Senator Fletcher. "Both personal and political," replied Browne.

"Do you remember the amount of the largest contribution to your defense fund?" asked Senator Kern. "No I can't recall that," replied Browne.

Browne said Shurtleff's election as speaker had been considered a matter of course because of sectionalism among the republicans. He admitted having heard rumors of a so-called fourteen club of Hopkins democrats.

Sullivan Blocked Efforts. The witness said that Roger Sullivan had blocked his efforts for democratic harmony in the legislature. He denied that he knew anything of the action of Congressman Coyle of Aurora, who telephoned Sullivan to go to Springfield and head off a movement of democrats to support Hopkins.

Attorney Marble: "Did you ever tell Hugh Mitchell, manager of one of Colonel Copeley's gas plants, that you expected Hopkins to be elected?"

"I have a hazy recollection of talking politics with Mitchell and I may have said that I hoped Hopkins would be elected as a means of breaking the deadlock. But I did not tell anyone that I expected Hopkins to be elected."

Browne said Shurtleff had asked him what he thought of Lorimer and how many democrats would vote for Lorimer. "I asked Shurtleff why he did not run himself," said Browne. "He said he didn't believe he could get the votes, and I said I agreed with him."

Browne said he advised former Representative George W. Meyers of Paris not to vote for Lorimer. Meyers testified yesterday that Browne urged him to vote for Lorimer.

Browne denied advising with Len Small of Kankakee regarding the matter.

Judge Petit Refuses to Hear Lindstrom Embezzlement Case

CHICAGO, Nov. 3.—When the case of Erick A. Lindstrom, former cashier accused of embezzling \$6,000 from the Booth Fisheries company, was called for trial in the criminal court today Judge M. J. Petit declined to hear it, saying he feared he could not be a fair and impartial judge.

Judge Petit's action was construed by some persons as an expression of disapproval of the course of the state's attorney of Cook county in asking only for a fine when W. Vernon Booth and F. B. Robins of the Booth company were accused of obtaining fraudulently \$20,000 from the Continental National bank. Booth was fined \$2,000 and Robins was discharged, while the accusation against Lindstrom carries with it a jail sentence on conviction.

Jury in McRee Case Fails to Agree

PEPELOUBAR, La., Nov. 3.—Mistrial was recorded in the case of Mrs. Zee Burns McRee, accused of the murder of Allan Garland, the young Tulane student. The jury, which had been out since noon yesterday, reported this morning it could not agree. Mrs. McRee had expected a speedy acquittal on her declaration that she shot young Garland "in defense of her honor." According to Foreman Hildego, the jury stood eight to four for conviction of manslaughter.

TAFT WILL VOTE IN HIS HOME CITY

President Will Appear in Cincinnati Monday and Make Necessary Affidavit.

BREAKFASTS WITH HIS FAMILY Finds Long Absence Not Conducive to Good Golf.

GETS DATA FOR HIS MESSAGE Document to Deal with Tariff, Trusts and Postage.

SPECIAL MESSAGE ON PEACE Actual Start on Important Work May Be Made Monday and Final Draft Will Be Made in Washington.

HOT SPRINGS, Va., Nov. 3.—President Taft will get a vote at the Cincinnati and Hamilton county elections after all. For two weeks there has been doubt as to whether he would have opportunity to cast a ballot in his home city next Tuesday.

The president sent his registration papers to Cincinnati too late and the election board decided he could not vote unless he appeared in person next Monday and swore that he was a qualified elector. Mr. Taft had intended leaving Hot Springs Monday night, arriving in Cincinnati early election day, but today he changed his plans. As a result he will leave here Sunday night, make the necessary affidavit before the election board that day and be prepared on Tuesday to register his preference, not as the titular head of the republican party, but as a citizen of Ohio.

President Joins Family. Mr. Taft arrived at Hot Springs early today. Mrs. Taft and Miss Helen Taft, who arrived here five days ago, met him at the station and he had breakfast with them, for the first time in ten weeks.

With the arrival in Hot Springs, probably tomorrow, of Secretary Hiller, Mr. Taft will have data which he expects to use in his third annual message to congress. Mr. Hiller left the president at Washington last night, intending to secure information from the departments for incorporation in the message, which friends of Mr. Taft believe will be the most important he has had to write. An actual start upon it may be made at Cincinnati Monday, but the final draft will be made, of course, in Washington, after Mr. Taft's return, November 12.

According to persons close to the president, some of the important questions to which he will call the attention of congress are the tariff, the trusts, the second-class postage rates, stock watering and overcapitalization, conservation, currency reform and navy reorganization. The peace treaties, for which the president has spoken often on the trip west, will not be referred to in the message. It was said today, since they are now before the senate. A special message to that body alone is believed to be in prospect later.

Will Discuss Trusts. His Pittsburgh speech showed that the president was opposed to amendment of the Sherman anti-trust law and indicated also that he did not believe it should be repealed and it is understood the message will discuss the "trust" question at length. It was said the president again would prefer to congress his federal incorporation bill drawn up by Attorney General Wickereham and offered to congress two years ago, but since untouched and practically unrefereed to.

The report of the commission investigating second class postage rates, of which Supreme Justice Hughes is chairman, and that of the railroad securities commission investigating stock watering and overcapitalization, of which President Hadley of Yale is chairman, will be at the president's disposal within a few days and it is practically certain that he will pass on to congress such recommendations as these commissions may make.

The president lost little time in getting out on the golf links today. Mrs. Taft, who had been taking long walks since her arrival here, went around with him and watched the play. Forty-seven days on the road, it today quickly apparent, had not improved the president's play.

COLORADO COMPELLED TO IMPORT MANY POTATOES

DENVER, Nov. 3.—For the first time in ten years Colorado is importing potatoes from Wisconsin, Minnesota and Illinois. Prices have advanced from \$9 per hundredweight to \$12 and a further advance of 50 cents is predicted. This condition is due to partial failure of the Greeley crop, and, commission men say, to the fact that speculators have secured control of the Idaho and western slope crop.

MAN HANGS HIMSELF IN BARN AT LOWDEN, IA.

LOWDEN, Ia., Nov. 3.—David G. Wintore, a farmer living near Lowden, Ia., hanged himself in a barn at the home of his son-in-law, Ed Shoestell, at 11 o'clock this morning, and the body was found at noon. His health is said to have been the cause.

Tickets to American Theater.

Boxes of O'Brien's Candy. Dalzell's Ice Cream Bricks. All are given away free to those who find their names in the want ads. Read the want ads every day, you 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 page—there you will find nearly every business house in the city represented.