

NEGRO EDUCATOR LOSES IN COURT

Ulrich Acquitted of Charge of Assault Preferred by Booker T. Washington.

CONFLICTING STORIES RELATED

White Man Says Tuskegee Sage Was Peeping in Keyhole.

WOMAN ASSERTS WAS ACCOSTED

One Justice Dissents from the Majority Verdict.

DOCTOR REPEATS FIRST STORY

Asserts that He Was Searching Directory in Effort to Find Family with Whom Friend Was Staying.

NEW YORK, Nov. 6.—Booker T. Washington, the noted negro educator, failed to obtain satisfaction at law today for the beating which he received at the hands of Henry A. Ulrich, a white man, on Sunday evening, March 13 last.

Ulrich was acquitted in the court of special sessions this afternoon of the charge of assault which Dr. Washington had preferred against him.

After the fight, which started in the vestibule of an apartment house where Ulrich lived at 115 East Sixty-third street, Dr. Washington was laid up at the hospital for several days with his right ear torn, his scalp cut and his face badly bruised. Prosecutions which the defense attempted to show today were based mainly on the testimony of Ulrich, who declared he found Dr. Washington peeping into the keyhole of his apartment and also the one opposite, and that Dr. Washington struck the first blow.

Mrs. Laura Alvarez, with whom Ulrich boarded, swore that when she passed Dr. Washington he said to her: "Hello, sweetheart."

Education Looking for Friend. Dr. Washington's story on the stand today was the same explanation he offered at the time of the altercation. He swore that he was not peeping into any keyholes, that he was only searching the tenants' directory in an effort to find a family with which he understood a friend was staying and denied positively that he had spoken to Mrs. Alvarez or any other woman.

The acquittal of Ulrich was not unanimous. Justice O'Keefe dissented from the opinion of Justices Moss and Zeller. After Ulrich left the court he was arrested again, charged with being a fugitive from New Jersey, where an indictment has been found charging him with deserting his wife, who lives in Orange.

Dr. Washington, when asked if he had any comment to make on the outcome of his case, replied: "No, not a word."

Both Ulrich and Dr. Washington told their stories on the stand today.

"I first saw Mr. Washington peeping through the keyhole of my door," Ulrich said. "He saw me and left and walked toward Eighth avenue. I saw him walking up and down the street, and after ten minutes he came back, walked by Mr. Revette's apartment window and stopped to look beneath the shade.

"I opened the vestibule door and burst in upon him and shouted: 'What are you doing here?' He struck me in the face and then we fought. He asked me to let it drop.

"Dr. Washington said: 'I know I have done wrong; let me go.' While we were fighting he struck his head against a fire hydrant."

"Did you have any stick or any other weapon with which you hit Dr. Washington?"

"No, sir, I used no stick."

Twenty-Two Greek Sailors Drowned

LONDON, Nov. 6.—The Greek steamer Lordos Byron, from Theodosia for Antwerp, foundered in the English channel in the gale last night. Twenty-two of the crew were lost. The three saved were picked up by the Dutch steamer Grotius.

FEDERAL BUCKET SHOP LAW IS HELD VALID

WASHINGTON, Nov. 6.—Holding the recent enactment of congress relating to bucketting and the contest of bucketshops in the District of Columbia to be constitutional, the district court of appeals today in an opinion by Justice Robb reversed the decision of Justice Wright of the district supreme court and remanded for trial the case of Louis and Eugene Celio, of St. Louis, Samuel W. Adler of New York and others, charged with conspiring to conduct a bucketshop in the district. The case grew out of a wholesale raid on bucketshops in seven cities April 2, 1909.

WIDOW MURDERED AND BOARDER IS WOUNDED

HANCOCK, Mich., Nov. 6.—Mrs. Ida Carr, a widow of St. Mary's, a village near here, was shot and instantly killed and Adam Henriksen, a boarder at her home, was seriously wounded last night by a man who is believed to have been a suitor for the woman's affections. The assassin escaped.

The Weather

For Nebraska—Fair; cooler extreme east part. For Iowa—Generally fair.

Hours. Deg. 5 a. m. 43 6 a. m. 43 7 a. m. 43 8 a. m. 43 9 a. m. 43 10 a. m. 43 11 a. m. 43 12 m. 43 1 p. m. 43 2 p. m. 43 3 p. m. 43 4 p. m. 43 5 p. m. 43 6 p. m. 43 7 p. m. 43 8 p. m. 43 9 p. m. 43 10 p. m. 43 11 p. m. 43

Baby Dies Every Ten Seconds from Some Preventable Cause

KANSAS CITY, Mo., Nov. 6.—"Watch the light flash. Every flash a baby died from a preventable disease in the civilized world." This was the grim wording of a placard which attracted wide attention at the Child's Welfare exhibit in this city today. The exhibit opened last Thursday and has attracted thousands of visitors from other cities. Infant mortality was the question to which especial attention was given today.

Police to Arrest Society Women Who Play Poker

CHICAGO, Nov. 6.—A test of strength between women residents and W. W. Cudmore, police captain commanding a station in the fashionable north side residential district over the invasions of preventable diseases among Kansas City children were shown. Of 19,362 children in the schools examined last year by the health board it was shown that 9,694 were recommended for treatment. The records also showed in that number 2,454 suffering from adenoids, in many cases entirely unknown to the parents.

"I intend to break up these games. In some of them the limit has been so steep that husbands have been seriously embarrassed in making good their wives' losses."

Chicago Police Arrest Seven Women in Pool Room

CHICAGO, Nov. 6.—Assistant Chief Schuetler's new gambling squad today broke down the doors of a flat in the West Side residential district and then stopped abashed. Instead of the usual assortment of men they expected to find were seven women clustered about the paraphernalia of a pool room.

Seven women were arrested, one as the keeper of a handbook and the others as inmates of a gambling house. One of the youngest was 23 years of age and the others ranged over 50 years.

They were given a continuance until November 16.

Former Congressman Coudrey is Charged With Misusing Mails

ST. LOUIS, Mo., Nov. 6.—Harry M. Coudrey, former congressman from the Twelfth Missouri district, who was arrested in New York Saturday, arrived here today in custody of special agents of the Department of Justice. He is charged with having used the mails to defraud in connection with the promotion of insurance companies. He gave bond of \$5,000.

State Employs New Experts for Hyde Case

KANSAS CITY, Mo., Nov. 6. With twenty-five technicians in the jury room and forty new volunteers ready for examination, the third week of the Dr. B. Clark Hyde murder trial began today. Attorneys believe the panel of forty-seven temporary jurors will be completed this week. Two days are allowed for exercising preemptory challenges, so it is possible that the first evidence will be heard next week.

A possibility of George A. Smith, a salesman, having to be released, developed last night, when he was taken severely ill with acute indigestion. He had been suffering for several days, but his case was not declared to be serious until last night. A physician was called to attend him.

It developed today that new scientists will enter the case in behalf of the state. At the last trial the defense made a determined attack on the state experts, declaring they were frequently witnesses in big murder trials. The state has refused thus far to make known the name of more than one new expert. He is Ralph W. Webster of the University of Chicago. He is a co-worker of Dr. Walter S. Haines, who testified for the state in the first trial.

Inter Ocean Plant Will Be Appraised

CHICAGO, Nov. 6.—Counsel for the estate of Charles T. Yerkes in the probate court today declared the bid of \$250,000 by George Wheeler Haman, publisher of the Inter Ocean, for the claim held by the Yerkes estate against the Inter Ocean company included assets not heretofore brought to the attention of the court. The additional assets were \$50,000 worth of traction bonds put up by Mr. Yerkes as security for a loan of the Inter Ocean.

Attorney Meyer for the estate asked Judge Cutting to appoint an expert to examine the Inter Ocean affairs, so they could get the real worth of the concern for prospective buyers.

Attorney John Barton Payne said he represented eastern capitalists interested in purchasing the Inter Ocean plant and also asked an appraisal of the property. An examiner will be appointed.

ARRANGE LEASE OF IOWA CENTRAL

Two Committees at Joint Meeting Agree on Terms Subject to Approval of Directors.

SECURITIES TO BE DISTRIBUTED Minneapolis & St. Louis Rail Takes Over System.

PROPERTY SUBJECT TO DEBTS Two Millions Added to Money for Corporation Use.

PREFERRED STOCK TO BE CUT New Common Stock Will Be Increased to Fifteen Millions According to Arrangements in New York.

NEW YORK, Nov. 6.—The terms of the proposed lease of the Iowa Central Railway company to the Minneapolis and St. Louis Railroad company were agreed to today at a joint meeting of the committee acting for the two properties, subject to the approval of the directors and stockholders at meetings to be held in the center.

The Iowa Central is to convey its property subject only to its funded and other debt, but with \$2,500,000 additional money provided for corporation purposes.

The present capitalization of the Iowa Central is \$3,474,299 preferred and \$3,535,622 common stock, while the Minneapolis & St. Louis is capitalized at \$4,000,000 preferred and \$5,000,000 common.

The preferred shares of the two companies will be cut from \$5,740,000 to a little more than half that sum, while the new common stock will be increased from \$4,425,322 to \$15,250,000. The new company also will be provided with \$2,500,000 for corporate purposes.

MRS. VERMIYA IN JAIL

Inquiry Held in Woman's Room and Hearing Set for November 28.

ANOTHER BODY TO BE EXHUMED Coroner Says Preliminary Examination of Liver of Richard Smith Indicates Presence of Poison.

CHICAGO, Nov. 6.—Mrs. Louise Vermilya, charged with the murder of Pooleman Arthur Bissonette, was formally placed under arrest today. She remained quiet on her bed during a preliminary hearing in her home. The hearing was set for November 28 and a mittimus issued ordering her committed to the county jail hospital.

The hearing was held in Mrs. Vermilya's home owing to her illness. Municipal Judge Walker and the court attaches crowding into the little bedroom. She manifested little interest in the proceedings, languidly answering questions.

Poison is expected to be found in the viscera of Richard L. Smith, who died at the home of Mrs. Vermilya, according to Coroner Hoffman, who returned last night from North Henderson, where Smith's body had been exhumed.

"I don't want to be unfair," he said, "but I will be greatly surprised if the chemical tests do not reveal arsenic. The color of the liver is wrong; it is the same color that was found in Bissonette's liver. In fact, the conditions are almost identical, and I am sure the dark green color we found means arsenic."

So convinced is Coroner Hoffman that Smith's liver will show arsenic that he said he would begin operations at once for the exhumation of the body of Frank Brinkamp, son of Mrs. Vermilya and her first husband, Frank Brinkamp.

Coroner Hoffman went to Waldheim's cemetery here today to exhumate the body of Frank Brinkamp, another of the supposed poison victims, who suddenly died while living at Mrs. Vermilya's home.

Testimony from a new source was given the coroner today. Miss Elizabeth Nolan, who was Frank Brinkamp's sweetheart, said that Brinkamp had feared he was being poisoned, that he thought his father, Charles Brinkamp, had been poisoned and wanted to investigate his death.

Her testimony resulted in an announcement from Coroner Hoffman that he would exhumate Frank Brinkamp's body at once.

Miss Nolan also brought the name of C. C. Boyesen, an undertaker, into her story.

A life insurance policy for \$2,000 on Frank Brinkamp's life, she said, had been put into Boyesen's hands to collect. "Mrs. Vermilya wanted to marry Boyesen, but she wouldn't marry her," said Miss Nolan.

Miss Nolan said Undertaker Boyesen had an insurance policy on Mrs. Vermilya's life and on the life of Charles Brinkamp. She said Mrs. Vermilya told her Boyesen paid the premiums on both policies, which were made out to himself.

"Did Boyesen call on Mrs. Vermilya often?" she was asked.

"Yes, he took all his meals there from March until December, when he sailed for Europe. He finally broke away from her."

Where to Vote Today

POLLS OPEN FROM 8 A. M. TILL 6 P. M. OMAHA. Sixth Ward. 1-2419 North 24th. 2-1064 North 24th. 3-2044 North 24th. 4-1522 North 24th. 5-1211 North 24th. 6-1211 North 24th. 7-1211 North 24th. 8-1211 North 24th. 9-1211 North 24th. 10-1211 North 24th. 11-1211 North 24th. 12-1211 North 24th.

The New Campaign Orator



From the Cleveland Plain Dealer.

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The Reason Why

December 27, 1901—Thomas Denton filed suit against the Omaha Daily News Publishing company for \$25,000 damages for libel in district court.

April 15, 1907—Case of Thomas Denton against the Omaha Daily News Publishing company goes to trial before Judge Lee B. Estelle.

May 2, 1907—Jury returns verdict for Thomas Denton and against the Omaha Daily News Publishing company for \$2,500. Judge Estelle enters judgment in accordance with the verdict.

Champ Clark's Speech Not Taken Seriously by British Premier

LONDON, Nov. 6.—"I gather that the speech was not intended seriously," was the comment of the under secretary for foreign affairs when questioned in the House of Commons today regarding the remarks of Speaker Champ Clark, concerning Canadian annexation. He declined to instruct Ambassador Bryce to report fully on the incident.

In a speech at Fremont, Neb., last Thursday Speaker Clark said that nine-tenths of the people of the United States favored the annexation of Canada, and added that if he could run for the presidency on an annexation platform against President Taft on a platform opposing annexation he would carry every state in the union.

Armour Company Announces Details of Pension Plans

CHICAGO, Nov. 6.—A pension for the 1,500 employes of Armour & Co., based on a gift of \$1,000,000 from J. Ogden Armour, president of the packing company, was announced today. The pension system became operative November 1.

The plan provides for the employes depositing 3 per cent of their annual incomes into the fund. On retirement employes will receive 2 per cent of the salary paid at the time of retirement for each year of service.

By the provision of the plan employes who have served twenty years may be pensioned on application after reaching 57 years of age. Women may retire at 50 years of age.

Order Reducing Fare to Council Bluffs is Held Up on Appeal

WASHINGTON, Nov. 6.—The Interstate Commerce commission's order reducing the fare on the Omaha and Council Bluffs Railway and Bridge company and the Omaha and Council Bluffs Street Railway company from Council Bluffs, Ia., to Omaha, Neb., from 15 cents to 10 cents, was today held in suspension by the supreme court of the United States during litigation. The companies were required, however, to file a \$10,000 bond to compensate passengers in the event that the companies ultimately lose their case.

Madero Inaugurated President of Mexico

MEXICO CITY, Nov. 6.—Francisco I. Madero was today inaugurated president of Mexico, succeeding President De La Barrera, who filled in the gap after the executives now sworn in had ended the rule of Porfirio Diaz. The ceremony took place before the members of congress in the chamber of deputies. The inauguration of Vice President Jose M. Pino Suarez has been postponed to a date not announced.

LODGING HOUSE AFFIDAVITS ARE HELD TO BE ILLEGAL

CHICAGO, Nov. 6.—Steps to prevent illegal voting in a judicial election tomorrow were taken by County Judge John E. Owens today, when he ruled that 1,700 lodging house affidavits, under which the keepers had registered the names of their supposed guests, were illegally drawn.

TAFT WILL VOTE TOMORROW

President Appears Before Election Board in Cincinnati. GIVEN PERMIT TO REGISTER He Certifies that it Was Impossible for Him to Be in the City During the Month of October.

CINCINNATI, O., Nov. 6.—President Taft took the first step today toward giving his right to vote tomorrow in a Cincinnati municipal election. The president appeared personally before the election board and obtained a certificate allowing him to register in Ward No. 2, precinct M. He will appear before the proper authorities in that precinct and will then be ready to cast his vote.

Mr. Taft came into the room of the election board in the city hall almost like any other citizen except for the presence of a detail of police.

"It is hardly necessary to ask you if you have been in the city during October," said one of the board to the president.

"No," said Mr. Taft, smiling. "I have not. It has been quite impossible for me to get here owing to the engagements I have made."

"Under the circumstances, then," said the chairman, "I guess we'll give you a certificate."

The police then closed in about Mr. Taft and he marched out.

Tomorrow Mr. Taft will cast his vote at 218 Madison road. His last place of residence in Cincinnati was at 1566 Madison road. Today he had forgotten the number, but he was able to describe it so that others knew what was meant.

After obtaining his certificate the president was driven to the office of his brother, C. F. Taft, and later was driven to Mr. Taft's home, where he will stop during his stay here.

The plans for his trip were slightly changed again today. Instead of leaving Cincinnati tomorrow night the president will leave early Wednesday morning and will stop on the way to Frankfort, Ky., at Paris, Ky., for half an hour.

Cruiser Chester is Ordered to Tripoli

MALTA, Nov. 6.—A wireless message received by the commander, Benton C. Becker, today orders the American cruiser Chester to proceed to Tripoli forthwith.

Wheat Market Breaks Two Cents

CHICAGO, Nov. 6.—A break of more than 2 cents a bushel in the price of wheat resulted today from unfounded rumors that the Armour Grain company had been made the subject of a federal indictment.

The market had been advancing steadily when selling began on a huge scale. Hence the ensuing break could be checked many stop loss orders had been executed and the market was in a state of semi-collapse.

It developed that the United States grand jury was not even in session, much less returning any indictments. The extreme drop in prices was from 94 cents for December to 92 cents.

Plague in Italy is Decreasing

CHIASO, Switzerland, Nov. 6.—The bulletin issued by the Italian government shows a further decrease in the number of cholera cases in that country for the period from October 22 to October 23.

There were no cases in the cities of Naples and Genoa or in the provinces of Caserta and Campobasso.

REBEL TROOPS OCCUPY PEKING

Unconfirmed Report of Fall of Chinese Capital is Printed in San Francisco.

FIGHT LASTS TWELVE HOURS Native Soldiers, with Exception of Manchus, Join Revolt.

REPORT IS NOT CREDITED Belief that Dispatch is Intended to Describe Another Battle.

REPUBLIC IN SHANG TUNG New Government Proclaimed in Province Adjoining Capital—Amoy and Chang Chow Go Over to Rebels.

SAN FRANCISCO, Nov. 6.—A cablegram to the Chinese Daily paper, a newspaper published here, received early today says that Peking fell after twelve hours' fighting, all imperial troops except the Manchurians going over to the rebel side. The report and the emperor were said to have escaped to the Hot river, the rest of the royal household committing suicide except Prince Ching, who was captured.

A dispatch also was received by the Chinese Free Press announcing that the fall of Peking had been reported in Shanghai, but had not been verified. The dispatch stated further that all the officials of the city including a number of high officials of the Manchu dynasty, had fled in the night. The rebels are said to be in peaceful possession after a spirited fight late yesterday. No further details are given.

Further dispatches from Shanghai to the Chinese Free Press, published here, say that Peking fell after twelve hours' fighting, all imperial troops except the Manchurians going over to the rebel side. The report and the emperor were said to have escaped to the Hot river, the rest of the royal household committing suicide except Prince Ching, who was captured.

Chinatown is celebrating the reported revolutionary victory with parades and fireworks. The streets are being flooded with extra editions of Chinese newspapers and crowds are waving the red flag of the republic and shouting and singing.

The Chinese dispatches received at San Francisco probably confuse the situation at Peking with rebel successes elsewhere. Direct dispatches received by the Associated Press from Peking today make no mention of any outbreak at the capital.

Republic Declared in Shang Tung. BEIJING, Nov. 6.—A news dispatch to the German cablegram company from Shang Tung says that republics have been declared at Chu Pui, Kowai and Kiao Chao, in Shang Tung province. Shang Tung adjoins Chi Li province, in which Peking is situated, on the northeast.

The message adds that foreigners are not in danger, but that leading Chinese are fleeing to Tsing-Tao.

The German cruiser Goltzow was today ordered to Shanghai. The gunboat Tiger will replace the Goltzow at Nanjing and will maintain wireless contact and the communication between Hankow and the German protectorate, Kiao-Chau in Shang Tung.

Admiral Sak in Hiding. SHANGHAI, China, Nov. 6.—Three Chinese gunboats, forming a part of Admiral Sak Ching Ping's fleet, which put in here yesterday for provisions went over to the rebels this morning.

The Chinese telegraph operators here went on strike today. The cables have not been isolated. Foreign mariners are guarding the cable huts. It is believed that Admiral Sak is in hiding in this city.

Ching Kiang, in the province of Kiang-Su, fell at 3 o'clock this afternoon. All is quiet there. The city is a treaty port; second in importance only to Shanghai. The population is about 150,000.

Chang Chow, capital of the province of Chi-Kiang, was taken by the rebels yesterday after a brief but spirited resistance.

Shao Shing, in the province of Che Kiang, famous for its mines; Quinsan and Kassing, in the same province, surrendered peacefully to the rebels today.

With the exception of Wush all important points on the railroad from Shanghai to Ching Kiang are now in the hands of the revolutionists.

KAI-PING, China, Nov. 6.—The imperialists have recaptured Tung-Kwan, near the eastern border of Shan-Su province. The rebels lost heavily and retreated toward Shan-Fu.

HONG KONG, Nov. 6.—Six companies of English troops are in readiness to proceed to Tien Tsin. There was an extraordinary outburst of joy here today on the receipt from Shanghai of a report that the rebels had captured the native city of Peking. Rebel flags appeared everywhere.

Insurgents Take Amoy. WASHINGTON, Nov. 6.—The important treaty port of Amoy, in the province of Fukien, a southeastern China, has fallen into the hands of the insurgents and is in a state of anarchy.

PEKING, Nov. 6.—An imperial edict issued today appoints General Chang Shao-Tsen, the commander of the imperial troops at Lanchow, as imperial envoy to proceed to the Yang-Tse-Kiang provinces and conciliate the people. If successful he is to memorialize the throne for rewards.

In response to a memorial from the 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, 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.

Tickets to American Theater. Boxes of O'Brien's Candy.