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THE OMAHA DAILY BEE

THE WEATHER. Fair

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CIRCUIT COURT OF APPEALS REFUSES TO ACT IN KANSAS CASE

It Holds that Court of Equity Has No Jurisdiction to Enjoin State Election Officers.

BILL IS ORDERED DISMISSED

Printing Ballots is Duty Imposed by State Laws.

WILSON WILL VISIT BRYAN

Democratic Candidate to Spend Sunday, October 6, at Fairview.

NEBRASKAN PLANS A TOUR

He Will Spend Three Days in Home State and Return in Time to Preside Over the Wilson Meeting.

DENVER, Sept. 16.—The United States circuit court of appeals here today handed down a decision in the Kansas presidential election case upholding the decision of Judge Sanborn in the United States district court here that a court of equity has no jurisdiction to enjoin a state election officer from performing his statutory duty of printing an election ballot. The case was remanded to the United States district court with directions to dismiss the bill.

Taft Likes Lewis' Nomination.

BEVERLY, Mass., Sept. 16.—President Taft learned with pleasure today of the selection by Ohio republicans of Thomas Lewis, former president of the United Mine Workers, as the party's candidate for secretary of state. Word came from Ohio leaders that the entire state ticket is made up of regular republicans. The addition of Lewis, the president was told, adds great strength to the republican lineup.

Wilson to Be Bryan's Guest.

LINCOLN, Sept. 16.—Announcement was made here this morning that Governor Wilson will be the guest of W. J. Bryan over Sunday, October 6, following his address here on the preceding day. This will be the first opportunity for a conference between the democratic nominee and Mr. Bryan since the Baltimore convention.

It was also stated that Mr. Bryan will return from his western speaking trip on October 1 and will spend three days campaigning in Nebraska or some adjoining state, returning to Lincoln in time to welcome Governor Wilson and join the Wilson campaign. Mr. Bryan will act as chairman of Governor Wilson's Lincoln meeting, it is announced.

Marshall in Kansas City.

KANSAS CITY, Sept. 16.—That the remedy for the so-called trust evil lies with the separate states rather than with the federal government is the view held by Governor Thomas R. Marshall of Indiana, the democratic vice presidential candidate who began a tour of campaign speeches in Kansas City, Kan., today. Governor Marshall arrived here on an early train and because of the early hour no reception committee was at the Union station to meet him. They arrived later at the Hotel Baltimore and took him to the Kansas side, where the governor made his first scheduled speech this afternoon.

In his speech in Kansas City, Kan., this afternoon, Governor Marshall made a bid for the Kansas Taft vote and attacked both the republican and progressive parties. He paid particular attention to the latter and accused its leaders of insincerity.

Wilson's Train Is Late.

URBANA, O., Sept. 16.—"No more private cars for me unless better arrangements can be made," said Governor Woodrow Wilson today. The private car, according to railroad rules, could not be attached to fast trains and as a result Governor Wilson was forced to spend all day on the train when he might have been in Chicago.

To add to the nominee's discomfort, the private car went through a series of maneuvers in the railroad yards at Columbus that were far from pleasant. It was shoved around in short, quick jerks which played havoc with the breakfast table where the nominee was seated. The governor made up his mind that unless the railroads could attach the private car to faster trains he would take the ordinary reservations on sleeping cars.

Governor Wilson's train was two hours late when leaving Columbus and indications were that the nominee would have more difficulty in Chicago, where his itinerary called for only an hour's layover in making connections with the train that was to take him to Sioux City, Ia., tonight.

The governor spent the day reading and dictating to his stenographer. A crowd greeted the governor here and he shook hands, leaning over the rail of his car.

Johnson Speaks at Keokuk. KEOKUK, Ia., Sept. 16.—Another attack on the sixteen Iowa delegates who voted to seat the two Taft delegates from California in the republican national convention marked the final appearance of Governor Hiram Johnson in this state here today.

"They told me that this part of the state is very conservative," he said. "They say there are those who still justify the"

(Continued on Second Page.)

The Weather

FOR NEBRASKA—Fair and slightly warmer.

FOR IOWA—Generally fair; warmer in northwest portion.

Temperature at Omaha Yesterday. Hours, Deg. 5 a. m. 46, 6 a. m. 46, 7 a. m. 46, 8 a. m. 46, 9 a. m. 46, 10 a. m. 46, 11 a. m. 46, 12 m. 46, 1 p. m. 46, 2 p. m. 46, 3 p. m. 46, 4 p. m. 46, 5 p. m. 46, 6 p. m. 46, 7 p. m. 46, 8 p. m. 46, 9 p. m. 46, 10 p. m. 46, 11 p. m. 46, 12 m. 46.

Cases of Harrowitz and Rosenzweig Postponed Two Days

NEW YORK, Sept. 16.—Harry Harrowitz, alias "Gyp the Blood," and "Lefty Louie" Rosenzweig, preparing for their arraignment today on indictments charging them with the murder of Herman Rosenthal, the gambler, evinced no more disposition to give information or make any admissions than they did yesterday when Assistant District Attorney Moss questioned them for three hours.

Forty or more letters and post cards found in the rooms of the two men may furnish important information to the state's attorney. Detectives ransacked the apartments and beneath the boards of the floor and tucked under carpets correspondence was found which Deputy Police Commissioner Dougherty says is of importance to the prosecution.

When arraigned, at the request of counsel for Harrowitz and Rosenzweig, pleading was adjourned until September 18. The wives of the prisoners and Max Kahn, the alleged pickpocket arrested in the \$2,000 ball each as material witnesses.

Four Drowned and Two Are Missing at Syracuse, N. Y.

SYRACUSE, N. Y., Sept. 16.—No trace has been found of Mr. and Mrs. O. H. Mallon of Syracuse, who were canoeing on Seneca river yesterday afternoon about the time the hurricane swept over Onondaga lake and the town of Salina, killing four persons and damaging property to the extent of about \$500,000. It is feared Mr. and Mrs. Madison were drowned.

Samuel Smith of Syracuse was fatally hurt by a trolley car as he was walking to the city from a lake resort after the storm. He was found near the track early today with his skull fractured and his right arm severed at the shoulder.

The tornado's duration was but a minute. Trolley service between this city and Oswego and between South Bay and Syracuse was paralyzed by the storm.

Without any warning of its approach, the black funnel-shaped cloud first appeared near Long Beach, a pleasure resort ten miles from the city. About 400 persons were there and panic followed when buildings after building toppled over and two interurban trolley cars were hurled into a ditch.

Peace Pact Between Turkey and Italy is Nearly Completed

PARIS, Sept. 16.—The terms for peace between Italy and Turkey have been practically arranged with the exception of a proposed loan to Turkey of between 500,000,000 and 600,000,000 francs, concerning which Italy is now communicating with French, English and Belgian financiers, according to a telegram received today by the Paris Temps from Rene Fuaux, one of its creditors, at Geneva.

President Seaman Comes to Wesleyan

MITCHELL, S. D., Sept. 16.—(Special.)—Next Wednesday morning the opening exercises for the fall term of Dakota Wesleyan university will take place. Dr. Walter O. Seaman, the new president of the institution, arrived in the city today ready to step into his new position, to which he was elected a few weeks ago. The college starts out under better prospects this year than for several years past, the result of a thorough campaign throughout the state for new students, and the number will be gratifying to the management for the opening day. Much has been done in the way of improvements around the buildings and campus this summer, and the new science hall, which was dedicated last June at commencement time, was given its finishing touches for the beginning of its real use.

Seven Men Escape from an Ohio Jail

CHILLICOTHE, O., Sept. 16.—Seven prisoners sawed the bars of Ross county jail during the night and escaped. They were not missed until this morning. Mrs. Anna Wolfe, wife of one of the escaped prisoners, who visited the jail twice yesterday and who is believed to have aided the men in getting away, was arrested and put in jail.

JONES TELLS OF SALE TO HARVESTER TRUST

Witnesses of Piano Company Testimony in Federal Suit.

GETS SUMMONS FROM GARY Appears in New York and Meets George W. Perkins.

TAKES STOCK IN NEW FIRM Voting Power of Shares Held by Three Trustees.

CLARENSE FUNK ON THE STAND Asserts Trust Owns All Stock in Four Companies and Buys Products of Other Plants at Fixed Prices.

CHICAGO, Sept. 16.—William H. Jones of Foster, Cal., one of the vice presidents of the International Harvester company, testified today in the government's suit for the dissolution of that corporation under the Sherman anti-trust law, that in July, 1902, he went to New York in response to a telegram from President Elbert H. Gary of the steel corporation, and in consequence of that visit the Piano Manufacturing company was sold to the harvester company.

That was the year in which, the government charges, the harvester company formed a trust in restraint of trade. Mr. Jones was president of the Piano company, capitalized at \$500,000. His testimony was taken before Special Examiner Robert S. Taylor, with Edwin P. Grosvenor, a special assistant to the attorney general, appearing for the government.

"When I received Mr. Gary's telegram," said Mr. Jones, "I went to New York. He took me to the office of J. P. Morgan & Co., where he introduced me to George W. Perkins. Mr. Perkins asked me whether I wanted to sell out. I told him I would on a fair basis. I didn't then know to whom he wished me to sell, but at the end of the month, after seeing Mr. Perkins about fifteen times, I was told to whom, and I agreed to accept stock in the new company for the Piano company. I knew Mr. Perkins was trying to get other companies. He said he already had an option on a Milwaukee plant."

"Why did you sell to one Lane instead of to the new company?" asked Mr. Grosvenor.

"That was a matter the lawyers arranged."

"Did you ever attend any of the stockholders' meetings of the Harvester company?"

"My stock was held for ten years by Mr. Perkins, Charles Deering and Cyrus H. McCormick, the voting trustees."

Clarence Funk Testifies. Clarence S. Funk, general manager of the Harvester company, testified the company owned all the stock in the following companies:

International Flax Twine company, St. Paul. Wisconsin Steel company, of which H. P. Perkins is president. The Harvester company, of which H. P. Perkins is president. Illinois railroad company, of which M. F. Montgomery, the president, is head of the traffic department of the Harvester company.

Mr. Funk declared the Harvester company bought the product of plants of companies other than those in which it held stock. He said he often was called upon to act as umpire to determine the prices at which the International Harvester company of America, the selling company, was to pay for the products of the International Harvester company of New Jersey, the producing company.

"It is true that the New Jersey company sells to the American company at prices at which the American company"

West Virginia Coal Operators Reject Arbitration Plan

CHARLESTON, W. Va., Sept. 16.—Coal operators in the Kanawha field, under martial law as a result of a strike, refused to submit their differences to arbitration, as proposed by Governor Glascock last Saturday. The miners accepted the governor's plan.

After the answers of both sides were received Governor Glascock announced that he would later today issue a call for a general mass meeting of miners, coal operators and business organizations to be held September 21 to discuss the situation.

Knox Says Farewell to Emperor of Japan

TOKIO, Sept. 16.—Emperor Yoshihito today received Philander C. Knox, the special representative of President Taft at the funeral of the late Emperor Mutsuhito, in farewell audience and the American secretary of state was the guest of his majesty at luncheon.

Mr. Knox will leave Tokio tonight for Monoyama, the imperial estate near Kyoto, where he will visit the grave of the late Japanese ruler.

In the center of Monoyama is a wooded hill, about 300 feet high, which is regarded as the abode of the gods. The monstrous fir trees growing on it are centuries old. The top of the hill, where the permanent imperial tomb will be constructed, commands a view of the surrounding beautiful scenery.

Tempus Fugit



From the St. Louis Times.

BRITONS REPEL INVADERS Mimic War Game Imitates Fight with Army from Germany.

MANEUVERS ARE ELABORATE Two Armies Contain About 50,000 Men and Each is Equipped with Aeroplane Corps—Kaiser Reviews Fleet.

CAMBRIDGE, England, Sept. 16.—Having received word that the Blue army, under command of Lieutenant General Sir Douglas Haig, which in the grand maneuvers begun today represents an invading force from the North sea, has started to march toward London, the defending army set out at daylight this morning to intercept it.

The maneuvers are being conducted on the most elaborate scale held in England for some years. The general scheme provides for the repulse of an invading army from the direction of Germany, the scene of operations adjoining the eastern coast line of England.

The maneuvers in the early stages will be confined to Norfolk and Cambridge, though later they will cover an area including Norfolk, Suffolk, Essex, Hertford, Huntingdon and Bedford. The mimic war will continue for five days.

The defending army, which spent last week in carrying out divisional maneuvers, is composed of 25,000 men, 900 horses, ninety-six guns, sixty-eight machine guns and 1,500 cyclists. The invading force has 2,000 more men. Each army has the use of one airship and eight aeroplanes, the latter fleet having been considerably reduced by the order prohibiting the use of monoplanes on account of the accidents resulting in the death of four lieutenants of the army flying corps.

It is expected that the Red and Blue armies will clash tomorrow. By that time King George will have reached the scene of operations and all the military attaches, including the American officers, will have taken the field.

Kaiser Reviews Big Fleet. HELIGOLAND, North Sea, Sept. 16.—The German imperial fleet, composed of twenty-two battleships, six large and eleven smaller flotillas of torpedo boats and torpedo boat destroyers and a number of auxiliary vessels, was reviewed off this island today by the German emperor.

At the conclusion of the review his majesty accompanied the fleet to sea, where maneuvers occupying four days will be held.

Sixteen passengers on board the Zepplin dirigible balloon Hansa were among the spectators.

The imperial fleet carrying out the maneuvers includes four battleships of the Ostfriesland type, four Nassau, nine Deutschland, the dreadnought cruisers Goeben, Moltke and Von Der Tann and several other vessels of older styles unequal to modern requirements.

The tonnage of the maneuvering armada, exclusive of small craft, aggregates 468,600 and the fleet is armed with forty-eight twelve-inch guns, eighty-four eleven-inch guns and twenty 8.4-inch guns.

Allen and Edwards Arrive at Roanoke

ROANOKE, Va., Sept. 16.—Maude Fowler did not betray her sweetheart, Wesley Edwards, and Sidna Allen, the Hillsville gunmen arrested Saturday in Des Moines, according to Detective Baldwin, who arrived here today with the prisoners. The girl had no knowledge that she was being "shadowed" says Baldwin.

Business in Roanoke was all but stopped by the arrival of the party from the west. There was no demonstration, but a big crowd greeted the prisoners, who were locked in the jail.

Fire in Glenwood Store. GLENWOOD, Ia., Sept. 16.—(Special.)—The Johnson-Harding jewelry store was damaged to the extent of \$1,000 last evening during a hard rainstorm by fire resulting from the ignition of gas from a leaking pipe between the basement and first floor. The damage to fixtures, glass and stock is fully covered by insurance.

Will of Count Nogi Leaves His Body to a Medical College

TOKIO, Sept. 16.—The will of General Count Marneuko Nogi, who with his wife, committed suicide the moment the body of the late emperor started on its journey to the tomb, was published today. In it he suggests that his body be given to a medical college, requesting that only his teeth, hair and nails be buried in the grave.

The will says that the general follows the emperor because his services are no longer required in this world. He had often sought to die, he adds, and chooses as the occasion for his departure from this life the present national calamity.

The document bears the date of the night of September 12, twenty-four hours previous to the taking of his life, and it indicates that the death of the countess had not been decided upon when the instrument was prepared.

It says that while his wife lives the house of Nogi may be maintained, but that after her death the line will be extinct. His wife is also maintained as a legatee of the property. Donations to friends and several public institutions are named.

Mrs. John Dietz and Three Children Are Given Their Release

EAU CLAIRE, Wis., Sept. 16.—The wife and three children of John Dietz, now in prison for the killing of a deputy sheriff during a raid on the home of the defender of Cameron dam, were freed today from the charge of assault with attempt to kill John Rogich in July, 1906.

The cases were dismissed on motion of District Attorney Williams of Sawyer county on the ground that Rogich is now in Australia and that the state's other leading witness is a professional detective. Beside, said the district attorney, the Sawyer county board considered the imprisonment of Dietz sufficient satisfaction for the law.

There are still pending in Sawyer county prosecutions against John and Clarence Dietz arising from the affray with Bert Horrel several years ago.

Fierce Sectarian Riots at Belfast

BELFAST, Ireland, Sept. 16.—Queen's Island ship yard was the scene today of another fierce outbreak of sectarianism. Several artisans were badly mauled, one of them so severely that he was carried out of the yard unconscious.

Excitement at both of the big ship yards, which are the largest employers of labor in Belfast, has risen to fever pitch. Many men refused to go to work today at Harland and Wolff's plant and only a very few Catholics are working at the other yard, as the manager last week advised against their return to work on account of the feeling shown by the Protestants against them.

The military, which has been confined to barracks since Saturday's disturbances when sixty persons were seriously injured in a fierce fight waged on the Celtic park foot ball grounds, was ordered today to keep the peace.

Pittsburgh Has Many Cases of Smallpox

PITTSBURGH, Pa., Sept. 16.—The condition of Dr. E. R. Walters, director of public health, who contracted smallpox while fighting the disease here, is critical today. His temperature is 102½. Six additional cases were reported today, making a total of seventy-nine since August 2. Of this number eighty have died. Over 25,000 points of vaccine have been purchased since August 5, while 50,000 points are stored in local warehouses.

Twenty-four physicians employed by the city are making a house-to-house canvass vaccinating all persons, while thousands of others have been vaccinated by their own doctors.

WELL KNOWN TEACHER DIES Mrs. Sudborough, for Twenty-Four Years in Omaha Schools, Dead.

RETIRED ON PENSION IN 1911 Came to Omaha in 1887 and Taught Eight Years in High School—Head of the Teachers' Training School.

Mrs. Grace B. Sudborough, wife of T. K. Sudborough, and a teacher in the Omaha schools from 1887 to 1911, died at the Uintah apartments at 7:30 o'clock Sunday night of apoplexy.

Mrs. Sudborough came to this city in 1887 from the University of Missouri where she was head of the normal faculty for several years. Prior to that she was teacher of Latin in the St. Louis Normal school. After going to the University of Missouri she was soon promoted to dean of the normal faculty.

Mrs. Sudborough left the University of Missouri to accept a position as head of the teacher's training class of Omaha, then being conducted in the Mason school as a separate branch of the school system.

She was a teacher of physiology in the high school in 1889 and held the position for eight years. She taught in the Omaha schools for twenty-four years and was retired in 1911 on pension. She was head of the teacher's training school during its separate existence.

As principal of the training school Mrs. Sudborough graduated many of the teachers who now hold high positions in the city schools.

Funeral services will be held at the Jackson undertaking parlors this morning at 10 o'clock and interment will be made in Forest Lawn cemetery.

An Unusual Woman. Mrs. Sudborough was one of the most unusual women in educational work in the city. She enjoyed her school work and was one of the best beloved school teachers during her twenty-four years of service.

Although 66 years old at her death she had kept an active interest in teaching up to the very day of her death.

In her training of the teachers she displayed a skill that wrought wonders with those who graduated from her department. Graduates of the training class during the period in which she was in charge of it have upheld the reputation won by the first class she graduated.

The majority of them have been teaching successfully and continuously since their graduation.

Mrs. Sudborough was so lenient with her pupils that her methods at first were the occasion for doubt as to her success, but before she had been long a member of the teaching staff these doubts vanished, for with all her leniency she held complete control over the pupils.

Murderer Dies in the Electric Chair

AUBURN, N. Y., Sept. 16.—James Williams, a negro murderer, died in the electric chair early today at the state prison here, delivering a rambling valedictory. "Gentlemen, don't kill me," he pleaded as he entered the chamber at 6 o'clock, the priests and guards gently urging him. He wore his old working clothes and a soft hat.

"After taking his seat he said: 'Gentlemen, don't kill me. I want to warn you about the women. Keep away from the women. That's what got me here.' Williams killed an aged farmer, James Duffy, with a club near Honoye, N. Y., in 1911, and later attempted to assault his victim's granddaughter."

W. D. HAYWOOD PLEADS NOT GUILTY TO CHARGE

LAWRENCE, Mass., Sept. 16.—William D. Haywood, general organizer of the Industrial Workers of the World, pleaded not guilty before Judge John F. Quinn in the superior court here today to two indictments charging him with conspiracy in connection with last winter's textile strike in this city. He was held for trial under \$1,000 bonds. No date for the trial was set.

MORRISEY FILES HIS OBJECTION TO BULL MOOSE ON TICKET

Democratic Candidate Takes First Step to Bring Legal Test of Third Party's Rights.

CHALLENGES THE CERTIFICATES

Says Parties Who Signed Did Not Attend the Meeting.

NO LAW FOR THE PROCEEDING Political Nominating Conventions Are Prohibited by Law.

PRIMARY IS PLACE AVAILABLE

Secretary of State Has No Authority to Issue the Names of the Bull Moose Nominees on the Regular Ticket.

LINCOLN, Sept. 16.—(Special.)—A. M. Morrisey, democratic candidate for attorney general, was at the state house this morning and filed with the secretary of state this afternoon a protest against the appearance of the progressive party candidates on the election ballot. The protest goes farther than that and denies the legal formation of the party.

For the first cause of objection to the admission of the bull moose candidates to places on the ticket, the relator sets up that no convention such as alleged was ever held; that the signatures on the certificate were obtained at the state fair grounds, on the streets of Lincoln, at the hospital for the insane and at the penitentiary, and at other points remote from the place where the alleged mass convention is said to have taken place; also, that many of the signatures appended thereto are of persons who did not in fact attend the alleged convention and have no personal knowledge that any such gathering was ever held. That C. O. Van Meter, who makes affidavit to the certificate, did not see the signers whose names are attached, and does not know if they signed the certificate. That the names of many persons signed to the certificate are those of state employees, who signed under duress for fear of losing their jobs if they refused.

No Law for the Convention. For a second cause of objection, Morrisey sets up that the regular primary election for candidates was held in April and that since then no primary has been held, and that the alleged progressive party had no candidates on the primary ballot at the regular primary election in April.

Third—That there is no provision of law that will permit of the nomination of candidates by a political convention, or by a mass convention, nor is there any provision of law that will permit the nomination of candidates in the manner as proposed by the certificate filed by the bull mooseers.

Secretary of State Powerless. The objector further sets up that the secretary of state has no power under the law to put the names of the bull moose candidates on the ballot; that the laws of the state give no legal power to hold a nominating convention to any political party, old or new; that political parties are prohibited from holding nominating conventions; that the pretended did not represent any political party; that those who took part in it are affiliated with the old political parties, and participated in the primaries in April; that the convention was called for the purpose of defeating as abrogating the result of that primary; that the convention was not a mass convention, open to all persons, but was made up of the selected representatives of a faction selected by a few individuals.

WILL KEEP WITNESS ON STAND FOR MONTH

CAMBRIDGE, Mass., Sept. 16.—Attorneys for the Daniel Russell estate expected, they said today, when the will hearing was resumed, to keep "Dakota Dan" Russell on the stand for at least a month. When the case was first heard in the probate court his cross-examination lasted twenty-one days.

At that time the case was decided against the Dakota claimant, and the present hearing is a result of his appeal to the supreme court.

Questions regarding the boyhood of Daniel Blake Russell were put to the witness today. He was also asked as to his mental condition and declared that he always had been of sound mind, so far as he knew.

Farm House Burns

HEBRON, Neb., Sept. 16.—(Special.)—The farm residence of E. E. Williams north of the city was destroyed by fire this morning.

A Good Cook

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