

GERMAN OFFICERS HELD BLAMELESS FOR ZABERN ACTS

Courts-Martial Acquit Them of Charges of Breach of Law in Alsace.

THEIR WORD IS EVIDENCE

Accepted Against Sworn Testimony of the Citizens.

STATE MUST PAY THE COSTS

Conduct of Army Men Declared to Have Been Justifiable.

ACTION TAKEN UNDER OLD LAW

Act of 1820 Intended to Preserve Divine Rights of Kings Gives Military Permission to Displace Civil Authority.

STRASSBURG, Jan. 10.—Courts-martial today acquitted all the German officers charged with breaches of the law in connection with the recent violent incidents between the military and civilians of Zabern. The military judges in all cases accepted the word of the officers against the sworn testimony of the civilian witnesses.

Colonel Von Reuter, commander of the Ninety-ninth Infantry, was charged with wrongful imprisonment, but the court found his acts justifiable.

Leutnant-Schad, accused of striking a prisoner, was released by the same court on the ground that the charge had not been proved.

Leutnant Baron Von Forstner won his appeal before a second court-martial against the sentence of forty-three days' imprisonment imposed on him in December 19 for sabering a lame shoemaker.

The justification of Colonel Von Reuter's acts was based by the court on a decree issued by the king of Prussia in 1830, which gave the right to the military to intervene without waiting for a request from the civil authorities in case the latter were powerless to suppress disorders. This decree was inserted in the most recently issued army service instructions and is valid at the present date in Alsace, although subsequent law does not authorize military action with a request from the civilian authorities.

The decree was issued at the time of the holy alliance which existed from 1815 to 1830 between the European sovereigns and was intended to perpetuate the reigning dynasties and prevent revolutions.

Colonel Von Reuter's detention of the civilian prisoners over night, although recognized by the court as illegal in itself, was considered justified because the transfer of the prisoners at night might have caused most serious disorders.

The president of the court-martial in explaining the verdict of acquittal said it had been established by the evidence that the officers of the Ninety-ninth Infantry regiment had been constantly insulted and stoned by civilians in Zabern and on one occasion shots had been fired.

The court, he said, was convinced that the civil authorities of the town had failed to act with the necessary energy in suppressing the outbreaks and in the opinion of the court the military officers were undoubtedly justified in arresting the people who had insulted them.

The court ordered that the costs of the suit should be paid by the state.

Crown Prince Prepares for War. BERLIN, Jan. 10.—Not only are all the reasons for the outbreak of the German war from Danzig to Berlin denied by his imperial highness in the course of an interview published in the Zeitung Am Mittag today, but the crown prince makes the startling statement "because his majesty believed no more time should be lost in preparing his eldest son for the higher command which he would have to assume in case of war."

The transfer of the crown prince to the general staff was to have taken place last autumn, but he requested a year's extension of his stay at Danzig. The crown prince said to the interviewer:

"This extension was at first granted, but was withdrawn in December. I was detailed to the general staff because his majesty considered that I should immediately study how to conduct large bodies of troops. I should naturally, in a certain contingency, command more than a regiment."

The newspaper says the crown prince will probably visit Africa in the course of this year.

Millionaire Dies Intestate. KANSAS CITY, Mo., Jan. 10.—Bernard G. Heller, who owned the Metropolitan Street Railway company of this city, who died last Tuesday and whose estate is valued at \$1,500,000, will not, according to an announcement today, under the law the widow will receive one-third of the estate, the remainder will be divided equally among fourteen children.

The Weather

For Omaha, Council Bluffs and Vicinity—Sunday fair; not much change in temperature.

Temperature at Omaha Yesterday:

Table with 2 columns: Hour, Deg. (8 a.m. to 10 p.m.)

Comparative Local Record: 1914, 1913, 1912, 1911

Highest yesterday: 15; 34; -1; 58; Lowest yesterday: 15; 14; -4; 3; Mean temperature: 11; 24; 4; 23; Precipitation: 0; 0; 0; 0.

Temperature and precipitation departures from the normal: Normal temperature: 29; Excess for the day: 1; Total excess since March 1: 193; Deficiency since March 1: -29.6 inches; Total rainfall since March 1: 23.76 inches; Deficiency since March 1: 3.44 inches; Deficiency since March 1: 4.47 inches; Deficiency for cor. period, 1912-11: 32 inches; 2 indicates trace of precipitation; - indicates below zero.

NEW HAVEN SURRENDERS

Reaches Agreement with Government for Reorganization.

TO DISPOSE OF MANY HOLDINGS

Will Let Go of Stock in Boston & Maine, Give Up Trolley Systems and Several Steamship Lines.

WASHINGTON, Jan. 10.—The New York, New Haven and Hartford railroad and the Department of Justice tonight announced a preliminary agreement designed to effect a reorganization of the New Haven and to prevent a suit for its dissolution under the Sherman law.

In compliance with department demands the New Haven will dispose of its holdings in the Boston and Maine railroad, cancel its joint agreement controlling the Boston and Albany, give up its trolley lines and several of its steamship lines. The question of its retention of the so-called sound lines of steamships will be left for the present at least to the Interstate Commerce commission. Under the Panama canal act, the road is required to give up all steamship holdings by July 1, unless the commission finds that their continued operation by the railroad is to the commercial advantage of the people and not in restraint of competition.

It was conceded tonight that the Department of Justice gained practically every point it demanded. Announcement of the agreement was made in the following statement from Chairman Howard Elliott and President Arthur T. Hadley of Yale, a member of the New Haven board:

"An agreement has been reached between the Department of Justice and the New Haven railroad. The New Haven, in addition to the cancellation of the Boston and Albany agreement which becomes effective February 1, will dispose of its holdings in the Boston & Maine railroad and its interests in the merchant and miners transportation company, the eastern steamship corporation and the eastern trolley system. The details of which will be worked out as promptly as possible with representatives of the Department of Justice by Chairman Howard Elliott and Messrs. Moorfield Storey of Boston and Walker D. Hines of New York, special counsel for the Board of Directors.

Concerning other steamship lines, application has been made, under the Panama canal act, to the Interstate Commerce commission, and their disposition will be determined by that body. Until the plans are worked out and put into effect, the management and operation of the properties will be continued as at present. The conference between the attorney general and special assistant to the Attorney General T. W. Gregory, as (Continued on Page Four.)

Expect Superior Bank Will Be Able to Reorganize

SUPERIOR, Neb., Jan. 10.—(Special Telegram.)—Reorganization of the affairs of the closed First National bank of Superior is expected by the bankers who are here investigating the conditions which necessitated the institution's closing.

The fact that the directors themselves called upon the comptroller of the currency to take charge lends support to the belief that the bank is not in a serious condition.

By noon today the State Savings bank, which is in the same building as the First National, had been examined by State Examiner Van Horn and was opened for business, being found in first class condition.

National Bank Examiner Floyd Seybolt is in charge of the closed bank, but he will not as yet make any statement of its condition. Those who are interested declare the bank will be open for business in a week.

Walter Gleason, a banker of Benson, is here, together with Cashier Moore of the City National bank of Omaha, both of whom are interested as holders of some of the Superior bank's paper. Cashier Moore declared he saw no reason why the depositors should not be paid in full.

Several out-of-town stockholders are here, among them being Hugh Hunter and Henry Wiehman of Guide Rock State bank, one of the strongest institutions in Webster county. Bloom Bros. of Stockwich are also interested in the outcome.

The Citizens State bank, which received a charter last year, whose stockholders are composed mostly of Kansas investors, have secured floor space in Gray's grocery store and expect to be open for business before the month is over. They found it impossible to secure an empty store building on Main street or Central avenue.

Dealers Fined for Misbranding Eggs

NEW YORK, Jan. 10.—A fine of \$600 was imposed on the James Van Dyk company, egg dealers, on their plea of guilty to selling cold storage eggs as fresh. It is the first conviction of its kind in this state. The action was brought by the state department of health, which has been conducting a crusade against the practice of misrepresenting cold storage products.

Girl Found Guilty of Manslaughter

CONCORDIA, Kan., Jan. 10.—Beesie Moore, who shot and killed her sweet heart, Joseph Kelly, October 16, last, was found guilty of manslaughter in the third degree here today. Miss Moore, who is 19 years old, alleged that Kelly wronged her.

INDEPENDENT STEEL PLANTS WILL WORK FULL TIME

PITTSBURGH, Pa., Jan. 10.—Orders were posted in a number of independent steel mills placing the plants in full operation next Monday, due to the appearance of the last few days of specifications calling for approximately 200,000 tons of finished steel for immediate delivery. Operating officials expressed the opinion that the depression which for four months has affected the industry was passing. The orders affect some 4,000 men who have been idle or working one-fourth

TWELVE KILLED BY A MINE EXPLOSION

Over Two Hundred Mined South of Birmingham Blast Occurs.

FIVE WHITE MEN ARE VICTIMS

Other Seven Laborers Meeting Death Are Negroes.

NONE OF BODIES RECOVERED

Little for Rescue Squads to Do When They Arrive.

FOREMAN ONE OF DOZEN DEAD

Had Gone in Just Five Minutes Before to Set Up Some Brattices—Dust Igniting Believed to Be Cause.

BIRMINGHAM, Ala., Jan. 10.—Twelve men, five whites and seven negroes, were killed in an explosion in the Rock Castle mine of the Davis Creek Coal company, thirty-five miles south of Birmingham, in Tuscaloosa county, early today. More than 200 men were at work in the mine when the explosion occurred. All but twelve got out of the workings before the after-damp affected them seriously.

The dead: W. W. QUARLES, foreman. FRANK TILLEY, blastman. JOE BOSNIER, miner. PHIL MALNER, miner. JOHN HEADLEY, miner. SEVEN NEGROES.

Mine Foreman Quarles had gone into the mine only five minutes before the explosion to set up some brattices. Rescue squads were rushed from Birmingham as soon as news of the explosion reached here, but there was little for them to do when they reached the mine.

The explosion is believed to have been of gas origin, igniting dust in the mine. The bodies have not been brought out.

Attempt to Block Fourth Trial of Dr. Clarke Hyde

KANSAS CITY, Mo., Jan. 10.—Another attempt to block the fourth trial of Dr. Clarke Hyde, charged with the murder of Colonel Thomas H. Swope, was thwarted today when attorneys representing Theodore C. Pelster and George E. Bowling, taxpayers of Jackson county, filed a petition in the circuit court asking an order restraining the county court from paying any money toward the expenses of further prosecution.

In the petition Pelster and Bowling declared that such "use of their money without their approval constitutes a misappropriation of public funds." The petitioners not only asked that the county court be enjoined from spending further money on the prosecution, but demand that \$3,000 spent on the last trial be returned to the county treasury.

The petition for injunction is a result of the action of the court promising the county prosecutor that the court would pay the expenses of a fourth trial of the accused physician up to \$15,000. Floyd Jacobs, county prosecutor, announced he was ready to proceed with the trial on the date fixed, Monday, January 12.

FIVE MILLION HARDWARE CORPORATION FAILS

NORWICH, N. Y., Jan. 10.—The Pierce, Butler & Pierce Manufacturing company, a \$5,000,000 hardware corporation, one of the oldest in New York state, was today placed in the hands of a federal receiver. Creditors filed a petition asking to have the company adjudged bankrupt and alleging its inability to pay its debt. Assets were placed at \$2,200,000 and liabilities at \$1,500,000. The business was founded in 1839 by Sylvester E. Pierce, father of William K. Pierce, who recently withdrew as president of the concern.

Going to Church—Then and Now



Drawn for The Bee by Powell.

OMAHA JOBBERS GET MANY EARLY ORDERS

Are Filling Up Stocks of Country Merchants Which Have Run Low.

GREAT OUTLOOK FOR CROPS

Railroad Men All Report the Best Outlook for Some Years All Over the State for Big Crop Yields.

Assistant General Freight Agent Jones of the Northwestern is back from a trip over the company's lines in the western part of Nebraska, where he found conditions with business men and farmers the best in many years. Generally, business is good in the towns and merchants are in a most optimistic mood, laying in large stocks and preparing for an enormous trade during the coming spring and summer.

The winter has been an open one and stock is coming through in the best of shape and with little feed. The result has been that farmers and ranchers have wintered their cattle at the minimum expense and that when the animals are sold next summer, whatever is received for them will practically all be profit.

All through the western portion of the state, according to Mr. Jones, the outlook for the crop next season was never better. From Gordon west to the state line the entire country is covered with a blanket of snow, ranging from three to six inches in depth, insuring an ample supply of moisture in the event the precipitation from now on should be light.

Other railroad men, those of the Union (Continued on Page Two.)

Superior Resort Proprietors Pay For Protection

Attorney General of Missouri Makes Sensational Speech in Court.

MAKES CHARGE OF FAVORITISM

Jurist is Told that He Cannot Continue to Police State in Interest of the Railroad Companies.

KANSAS CITY, Kan., Jan. 10.—A spirited attack on the acts of Judge Smith McPherson of the federal district court in the Missouri railroad rate cases was made by John T. Barker, attorney general of Missouri, today at a hearing conducted by Judge McPherson preparatory to entering a final decree dismissing the cases in accordance with a recent decision of the United States supreme court, holding the state rate laws constitutional.

Attorney General Barker demanded that Judge McPherson dismiss the injunctions dissolved by the United States supreme court decision at once, "without further argument or delay," and announced that if the judge did not do this the state would go to the United States supreme court and obtain an order he would obey.

"You cannot continue to police this state for the railroads," shouted Mr. Barker. "You cannot always act to save them from hurt."

The attorney general's attack followed the filing of a supplemental bill in the case by the railroad lawyers, asking Judge McPherson to enjoin the attorney general from prosecuting suits brought in state courts against the railroads to collect millions of dollars in excess charges made while the rate laws were in litigation.

"When a judge dissolves an injunction I always supposed the injunction was dissolved," the attorney general said, "but, maybe, I am not so familiar with federal court practice as some railroad lawyers here."

"Why are the railroads afraid of the state courts? Why do they always seek this court when they are in trouble? I want to know the reason. The people of Missouri want to know."

"It seems to me that all there is to this case is for you to enter the decrees you have already written and which the United States supreme court directed you to enter."

Judge McPherson sat silent through Mr. Barker's speech. When the attorney general had finished the court said:

"Your outside remarks are not persuasive with me."

A supplemental bill filed, Judge McPherson to grant a perpetual injunction restraining the attorney general from prosecuting suits filed in the state courts to collect alleged overcharges made by the railroads was filed today by Frank German, attorney for the railroads.

The attorney general has filed suits against thirteen railroads. An attorney representing stockmen of this city asked permission of the court to file an injunction petition in which a claim against six railroads for alleged overcharges was set forth.

The rate law remained in this report was collected prior to the shooting at Seeberville, the shooting at Paineville, the Calumet strike and the strike on Christmas eve and the deportation of Charles H. Moyer, and does not include any reports on the minimum wage rate would be \$3 and the hours of labor eight and three-quarters.

The date mentioned in this report was collected prior to the shooting at Seeberville, the shooting at Paineville, the Calumet strike and the strike on Christmas eve and the deportation of Charles H. Moyer, and does not include any reports on the minimum wage rate would be \$3 and the hours of labor eight and three-quarters.

"Before the strike began J. A. Cruise, sheriff of Houston county, had sworn in about 60 deputy sheriffs at the request of the mining companies, nearly all of them employees of the companies. That number was increased after the strike began until it numbered about 1,700 on November 1. The companies also imported from other states a large number of armed guards supplied by the Waddell-Mahoney agency of New York and other agencies. A number of minor riots occurred during the first two days of the strike, but it is not shown that any firearms or any other dangerous weapons were used by the strikers at that time. A number of strikers have been killed and others injured by the use of guns, in the possession of the Waddell men.

Not Informed of Strike. "The first strikebreakers were brought in by the Quincy Mining company. They were engaged by the Austro-American Labor agency, 5 First street, New York City. The statement of labor contract furnished each showed that he was engaged to work underground at \$3.50 per day of nine hours and was to pay the cost of his transportation from New York \$24.50 out of his earnings during the first six months. The items on the contract were printed in seven different languages, but the blanks were filled out in German, most of them in typewriting, but the word 'strike' was written in English." (Continued on Page Two.)

STRIKE BREAKERS TAKEN TO MINES AT POINT OF PISTOLS

Sensational Charges Made Against Copper Mine Managers in Report of Federal Officials.

SITUATION IS MISREPRESENTED

Men Not Informed that Strike Was in Progress.

PROFIT OF COMPANY IS LARGE

Calumet and Hecla Pays Enormous Dividend on Capital.

WILSON GIVES OUT THE REPORT

Secretary of Labor Estimates that It May Be Made the Basis of a Proposed Investigation by Congress.

WASHINGTON, Jan. 10.—Report of the Department of Labor's investigation of the Michigan copper strike, made public here today, declares that strike breakers were imported into the copper region by misrepresentation; that some were taken to the mines at the point of pistols; that strikers were wounded by firearms in the hands of armed guards, but that evidence was found of officers being injured by the strikers.

It was pointed out that while many of the smaller copper mining companies in the region were operating at a loss, the Calumet and Hecla companies, which employ more than 50 per cent of the men in the region, had "made extremely large profits." With an authorized capital of \$2,600,000, of which \$1,300,000 was paid in, the report declares that since 1891 the company has paid \$12,500,000 in dividends and reinvested \$75,000,000 in its property. It pays wages for a ten to eleven-hour day ranging from \$2.50 to \$3.50 and with day wages of the other companies is \$7.74. The report also points out the welfare work the company conducts for its employees, such as hospitals, a pension fund and the like. The report was made on the investigations of Walter B. Palmer, a special agent of the Department of Labor, John A. Moffitt and John B. Denness, solicitor for the department, who were sent out to the copper region as conciliators.

Secretary Wilson, making public a summary of the report today, declined to say what his next step would be, but intimated that the findings of his investigators might be made the basis of a proposed congressional investigation.

Twenty-six Phases Covered. A summary of the investigation, made public today, details the work of Mr. Palmer and also that of John B. Denness, solicitor for the Department of Labor, and Special Agent John A. Moffitt, who were later sent as mediators. Investigation covered twenty-six phases of the strike situation, beginning with the causes, wages, hours of labor and including the Western Federation of Miners, violence, the militia and armed guards, injunctions against picketing and ending with the earnings of the company.

Secretary Wilson today declined to say what the next step in the department's participation in the situation would be, although he intimated that the reports of the investigators might become the basis of a proposed congressional investigation.

What Report Shows. "In connection with the efforts of the department at mediation, the reports of John A. Moffitt and John B. Denness, who acted as commissioners of conciliation, suggested that the representatives of the companies meet the representatives of the miners on a basis of settlement, but were rejected by the representatives of the companies on the ground that they would not deal with the Western Federation of Miners or have any of their members in their employ. The companies on December 7 posted notices to the effect that thereafter the minimum wage rate would be \$3 and the hours of labor eight and three-quarters.

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LABORERS WRECK TOOL HOUSE IN FIGHT FOR JOBS

PORTLAND, Ore., Jan. 10.—Several laborers were painfully bruised and cut today while fighting for hammers with which to break rock for the city at the recently established rock plant. In the scramble the tool house was wrecked.

The trouble was the result of the eagerness of the men for employment and the limited number of tools available.

The men fought with their fists, knocking one another down. Men who obtained hammers were attacked.

Public School Roll of Honor CHILDREN RECEIVING THE HIGHEST MARK IN MORE THAN HALF THEIR SUBJECTS LAST WEEK

Table listing names of children and their scores in various subjects across different schools.

ROLL OF HONOR WILL BE CONTINUED IN TOMORROW'S EVENING EDITION.