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THE OMAHA DAILY BEE

THE WEATHER
Showers

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JURY IN ROOSEVELT LIBEL CASE OUT FOR NUMBER OF HOURS

Deliberations Begun After 3 and at 5 One of Twelve Asks Repe-
tition of Part of Charge.

COURT ADJOURNS FOR THE DAY

Portion Given Again that Saying Politics Must Not Be Considered.

COLONEL SITS MOTIONLESS

BULLETIN.
SYRACUSE, N. Y., May 20.—When the jury was brought in at 5 o'clock, juror No. 3 requested the judge to repeat that part of his charge in which he stated that the political opinion of any of the jurors should not enter into their decision. The judge granted the request, informed the jury court would be adjourned until 1 o'clock tomorrow and then excused it. Court was then adjourned.

SYRACUSE, N. Y., May 19.—The legal issue between William Barnes and Theodore Roosevelt went to the jury this afternoon after Justice Andrews presiding in the supreme court here at the trial of the suit for libel the former chairman of the state republican committee brought against the former president, had delivered his charge. The case was given to the jury at 2:11 o'clock.

At the opening of the afternoon session Justice Andrews delivered his charge to the jury. He said in part:

"To publish falsely any article that holds a man up to ridicule and to injure his character is libel. The intention or object of the libel must not be taken into consideration. Because a man is in public life he is not an outlaw and he can be libeled just the same as any other citizen. No question of privilege enters into this case. When charges are made against a man if they are true, that is sufficient defense. Anyone has a right to publish anything about any other man if it is true. The whole law concerning libel is woven around the question of whether the charge made is the truth or not."

Burden is on Defendant.
Justice Andrews then explained the points of libel law in detail. In this connection he said:

"The burden of proof is on the defendant. He must show by a preponderance of truth that the charge made is true. He may justify his charge in whole or in part."

Explaining the legal details of "punitive damages" the court said "punitive damages" may be awarded when malice and wanton disregard of the plaintiff's rights is shown. Such damages, he added, as in the nature of a fine to prevent the repetition of the offense rather than compensation to the plaintiff for damages sustained, if any.

As for the article complained of, I have held it to be libelous per se in two regards. It charges a corrupt political alliance between Mr. Barnes and Mr. Murphy in regard to the government of the state. Secondly, it charges that Mr. Barnes has worked through a corrupt alliance between crooked business and crooked politics. Nothing else in the article is libelous.

Must Consider Politics.

The court went on to say that if both charges were true, then the publication of the article was justified. If they were not true, then the plaintiff is entitled to damages. If one of the charges is untrue he is still entitled to punitive damages. Justice Andrews then told the jury it would not be doing its duty if it considered politics or anything except the proper evidence.

In reply to a question from one of the

(Continued on Page Two, Column Five.)

Foreigners Cannot Collect Debts from Enemies in U. S.

NEW YORK, May 20.—Federal Judge Veedor, dissolving a suit brought by an English firm against an Austrian company to collect \$45,000 admitted due, ruled today that the United States courts cannot be used by foreigners to collect debts from their enemies where payment of such debts has been prevented because of the European war.

The plaintiff in the suit, Watts & Watts of London, delivered to the Austro-American Navigation company here \$45,000 worth of coal last June and July, to be paid for in London in sixty days. Before the period elapsed England and Austria were at war and the debt was not paid.

When the defendant's steamer Martha Washington reached New York later it was libeled and action brought to collect the \$45,000. The defendant admitting the claim, pleaded that it was not paid because Emperor Francis Joseph of Austria had forbidden his subjects to have business dealings with the British. This contention was upheld by Judge Veedor, who advised the plaintiffs that they would have to wait till the war ended to collect their claim.

The Weather

Forecast till 7 p. m. Friday:
For Omaha, Council Bluffs and vicinity
Showers; not much change in temperature.

Temperature at Omaha—
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

ITALY'S PREPARATION FOR WAR—Generals Di Mayo and Peruchetti near the north



HUMPHREY CHOSEN AS G. A. R. LEADER

Grand Island Man Elected to Be Department Commander at Minden Encampment.

APOMATTOX MEDALS APPROVED

MINDEN, Neb., May 2.—(Special Telegram.)—At the Grand Army of the Republic meeting this afternoon, the following officers were elected: Department commander, George C. Humphrey of Grand Island; senior vice commander, W. H. Stewart of Geneva; junior vice commander, Levi M. Copeland of Minden; medical director, S. K. Spalding of Omaha; chaplain, J. E. Ripplor of Juanita. Lexington was chosen as the next meeting place for the encampment.

Approve Apomattox Medal.
A resolution introduced by Victor Rosewater at the Apomattox meeting at Omaha, April 19, 1915, was unanimously and enthusiastically adopted. It follows: "Looking back over the half century that has elapsed since Apomattox, that crucial event marking the re-establishment of peace for a reunited nation, long now in the history perspective larger and more momentous than even the most far-reaching actors in it realized. In no similar period of time and in no other country on earth do the achievements of the American people, made possible by the preservation of the union, find a counterpart. The blessings of peace as contrasted with the horrors of war are so peculiarly signified in the celebration of this unique anniversary, that we believe it would be fittingly commemorated by the striking of an appropriate medal. We therefore memorialize congress to make provision for carrying out this suggestion and for the proper distribution of the medals, to all who should be entitled to receive them."

Palmer to Take Matter Up.
Commander-in-Chief D. J. Palmer was so pleased at the above resolution that he had several copies made and will present the matter to all Grand Army of the Republic jurisdictions he visits. The Women's Relief Corps elected the following officers: Department president, Joseph C. Burnell, Harvard; senior vice president, Jennie Traylor, Omaha; junior vice president, Mrs. Ella Willrout, Juniata; treasurer, Mrs. Jennie Rogers, Gibbon; chaplain, Mrs. Jennie D. Graham, Neligh; delegate at large, Kate Remington, Omaha.

Ladies of G. A. R. Officers.
The ladies of the Grand Army of the Republic elected the following officers: Department president, Mrs. M. Richmond, Minden; senior vice president, Mrs. Flora Rowell, Ord; junior vice president, Mrs. Nellie East, Lincoln; chaplain, Mrs. Ada Kline, Aurora; treasurer, Alice Cull, Ord; delegate-at-large, Mrs. Ada Klein, Aurora; first delegate, Mrs. Myrtle Dion, Omaha.

The youngest member of the Ladies of the Grand Army of the Republic is Miss Myrtle Fowler of Omaha, just past 19 years of age. The Lincoln members won the silk flag for having taken in the most members.

GERMANS LOSE SEVENTEEN SUBMARINES TO DATE

LONDON, May 20.—The Evening News has received a dispatch from its Copenhagen correspondent saying the report is current in German naval circles that seventeen German submarines have been lost since February 15, the date of the commencement of the submarine blockade of England.

M'CLURE CORPORATION BUYS NEW YORK MAIL

NEW YORK, May 20.—The New York Evening Mail will in a few days be sold to the M'Clure Newspaper corporation, being formed here, according to an announcement issued by S. S. McClure, who will be president of the new corporation. The McClure corporation, it was stated, has \$1,500,000 of issued stock.

Stevenson Heads General Assembly of Presbyterians

ROCHESTER, N. Y., May 20.—Rev. Dr. J. Ross Stevenson of Princeton Theological seminary was elected moderator of the general assembly of the Presbyterian church of the United States on the second ballot late today. He received 502 of the 535 votes cast.

Free Coupon For the Best Movies

By special arrangement with eight of the leading moving picture theaters THE BEE is enabled to give its readers a combination coupon good for a free admission to any one of them on days specified.

POWER TO MAKE WAR GRANTED TO ITALIAN CABINET

Chamber of Deputies Confers Full Authority Upon Government by Vote of 407 to 74.

ENTHUSIASM MARKS PASSAGE

Berlin Regards Outbreak of Hostilities as Certain and Makes Ready.

ROME IS PREPARED TO STRIKE

ROME (Via Paris), May 20.—The chamber of deputies have adopted the bill conferring full powers on the government. The vote was 407 against 74. One member abstained from voting. The bill passed amid great enthusiasm.

War Regarded as Certain.

BERLIN (Via London), May 20.—No definite information is available here regarding the Italian situation. An outbreak of hostilities is regarded as absolutely certain, but whether Italian government intends to take a decisive step and declare war today or will postpone the delivery of its ultimatum for a few days is unknown, even at the foreign office, although there is still uninterrupted telegraphic communication between Berlin and Prince von Buelow, the German ambassador in Rome.

Call of Envoys.

The call of the Austro-German ambassadors on Baron Sonnino, the Italian foreign minister, yesterday had to do with arrangements for the protection of German and Austrian nationals who may be in Italy at the time that war is declared. It is believed here that events undoubtedly will develop with lightning like rapidity once hostilities begin. It is thought the Italians probably will lay great value to a sudden stroke to gain an initial victory. There is reason to believe that the Austro-Germans are not behind the Italians in their preparations.

Scene in Parliament.

PARIS, May 20.—The Temps publishes a telegram from Rome, dispatched at 3 o'clock, in which the correspondent says: "All the galleries in the Chamber of Deputies were crowded at 1 o'clock, some time before Parliament reassembled. There were 400 deputies in their seats. Only one incident marked the opening of the session—that was when Gabriele d'Annunzio entered the gallery. All the deputies stood up and shouted: 'Viva d'Annunzio! Viva Italia!' (D'Annunzio is known for his very radical stand in favor of war.)

"Two or three socialist deputies protested against this ovation to d'Annunzio, but their voices were lost in the cheering. All stood up.

"Signor Marcora, president of the Chamber, took his place at 3 o'clock. All the members of the house and everybody in the galleries stood up to acclaim the former follower of Garibaldi.

"Then Premier Salandra, followed by all the members of the cabinet, entered. It was a solemn moment. Then a delirium of cries broke out. 'Viva Calandra!' were the words and the cheering lasted for five minutes. Premier Salandra appeared to be much moved by the demonstration. "After the formalities of the opening

(Continued on Page Two, Column Two.)

Fruit Land Men Plead Guilty to Lottery Charge

KANSAS CITY, Mo., May 20.—Plea of guilty were entered in the federal court here today by three officials of the Florida Fruit Farm company to the charge of conspiracy to defraud the government in the conduct of a lottery in connection with the sale of Florida lands. The men and fines assessed against them were F. E. Bevard, Lincoln, Neb., \$500; W. S. Fuller and Albert D. Hart of Kansas City, \$1,000 each.

Holland is Buying War Supplies in the United States

LOS ANGELES, Cal., May 20.—With the arrival of H. ter Poorten, aviator lieutenant of the Dutch army, it became known today that Holland had contracted for the construction here of two hydro-aeroplanes to be finished not later than July 15. Each ship will have a forty-five foot wing spread and a carrying capacity of 1,500 pounds.

Swedish Steamers Suspend Traffic to London and Hull

LONDON, May 20.—Swedish steamship companies whose boats ply between Stockholm, Norrington, London and Hull have decided to suspend their services, owing to the constant interruption of traffic caused by German warships in the Baltic sea, which have resulted in serious delays and made trade impracticable.

Trawler Crysolite Sunk by Submarine

PETERHEAD, Scotland, May 20.—The British trawler Crysolite was sunk by a German submarine at a point thirty miles off Kinnaird Head, in the North Sea, yesterday.

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In Sunday's Bee

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President Visits Birthplaces of Washington and Lee

WASHINGTON, May 20.—The yacht Mayflower, returning from New York with President Wilson and his party, docked at the navy yard here at 6:30 a. m. today. The president later motored to the White House for breakfast.

The yacht remained anchored throughout the night in the Potomac in order to give the president another night on the water before returning to work. The president and his party stopped on their way up the river to get ashore at Waldorf, Va., at Stratford, Va., to visit the birthplaces of George Washington and Robert E. Lee. The house in which Lee was born still stands, but only a monument marks the birthplace of Washington. Folk in that secluded section of Virginia were amazed and overjoyed at the visit of the presidential party.

The president, with Miss Margaret Wilson, Mrs. Howland's sister, Mrs. Anne Colbran, his niece, Dr. Grayson and Captain Luckett went ashore in a flatboat, because the launches of the Mayflower were unable to make the landing. The pilot undertook to guide the party to the Lee homestead.

The route led for more than a mile through a dense wood over a narrow path. The party had landed unharmed and no natives were encountered until finally the presidential party emerged into a clearing, where nestled the one-story English brick house in which Robert E. Lee was born. It is now occupied by Dr. and Mrs. Stewart and their son, Mrs. Stewart greeted the president and his party warmly.

"My husband's ear itched this morning and I knew something was going to happen," she said. "Now the president of the United States has come."

It was the first time Mrs. Stewart had seen the president. The president visited the room where General Lee was born and inspected many pieces of colonial furniture. He expressed his deep interest in the place and thanked the Stewarts for their hospitality.

On the return to the Mayflower, the president visited the monument marking the birthplace of Washington. Congress makes an annual appropriation for its upkeep.

GARRISON TALKS OF NATIONAL DEFENSE

Secretary of War Tells Arbitration Conference Stronger Army and Navy are Necessary.

ISOLATION GEOGRAPHICAL ONLY

MOHONK LAKE, N. Y., May 20.—The problem of armaments, which has evoked more discussion than any other question before the Lake Mohonk conference on international arbitration, was brought to the front again today by an address of Secretary of War Garrison. The secretary's topic was "The Problem of National Defense."

To deliver the address he made a hasty trip from Washington, using train, automobile and buckboard to reach this retreat in the Shawangunk mountains. He departed immediately after speaking, so that he might reach Washington in time for the cabinet meeting tomorrow.

Mr. Garrison's address was not as prolonged as that delivered yesterday by President Hibben of Princeton, under somewhat similar lines, but he left no doubt of the fact that he favored strengthening the national defenses and making the United States ready to protect itself from any and all aggression.

"I am not a pacifist," he declared, "with the idea that we should neglect or postpone consideration of what is now the existing condition, because of a hope or a belief or even conviction that it may be altered, even radically, in the future.

"Our isolation," he continued, "is geographical only. Modern conditions have caused the interests of nations to be so correlated as those of families who have intermarried. The interests of many of the large nations today are inextricably interwoven with those of some or all of the others.

"Self-respect requires that we should be prepared to protect that which we cherish, which not only includes our material possessions, but that intangible something which makes us a distinctive nation in the eyes of the world.

Settlement by Force Usually Unjust.
"The roots of war," were discussed in a paper by Oscar S. Straus of New York, formerly minister to Turkey. Mr. Straus was unexpectedly called home yesterday, but his paper was read by the secretary.

"One of the great curses of war," he said, "is that it settles by force, and what is settled by force is seldom, if ever, settled justly. And because such a settlement is not just it leaves behind it the dragon teeth of future conflict."

Other speakers were Hamilton Holt of New York, editor of the Independent, and John B. Clark, professor of political economy in Columbia university. They talked about the feasibility of a league peace.

FRIENDS PAY TRIBUTE TO DRUMMOND'S MEMORY

PLATTSBORO, Neb., May 20.—(Special.)—The body of the Rev. W. Drummond arrived today from Lincoln and was taken to the St. Luke's Episcopal church, where on account of the illness of the pastor, Rev. W. S. Leet, Dr. T. P. Livingston read the burial service. Interment was in a grave beside that of his son.

Among those here from out of the city were the daughters of Mr. Drummond and Frank E. White and wife from Omaha.

Twenty-five years ago few men were better known in this state than W. W. Drummond. He was one of the foremost educators in Nebraska, for years the brilliant head of the Plattsborough schools, and later in Fremont, and at one time a formidable aspirant for state superintendent of public instruction.

LATE NEWS FROM EASTERN FRONT CHEERS BRITONS

Wave of Depression Checked by Advances of the Russian Advance Near Shavli in Province of Courland.

TEUTONS CROSS THE RIVER SAN

Dispatch from Berlin Says Circle Around Przemysl is Being Drawn Closer.

ALLIES CAPTURE KILID BAH

The Day's War News

AUSTRIA'S FINAL PROPOSALS have been rejected unanimously by the Italian council of ministers and the two nations are a step nearer war. The Italian Parliament assemblies today and a declaration of the government's policy is expected.

RUSSIAN FORTIFIED LINE along the River San, running across central Galicia, on which great reliance was placed to check the Austro-German advance, has been definitely broken. Statements of the Teutonic allies that they had crossed the river are confirmed in an official announcement from Petrograd.

RUSSIAN CLAIM SUCCESS in the north in operations against the German forces which invaded the Baltic provinces. It is said the Germans have been expelled from Shavli.

LONDON DISPATCHES say the re-organization of a cabinet will be thoroughgoing. A large number of resignations is expected and the cabinet will be reconstituted with the sole idea of carrying on the war.

ANTON KUEPFERLE, who claimed American citizenship when placed on trial in London on the charge of having sent military information to enemies of Great Britain, committed suicide last night in prison.

LONDON, May 20.—The wave of depression which has been sweeping England for the last few days following the receipt of war news regarded as unfavorable, was checked today by the definite announcement of the decision of the government to form a coalition cabinet, together with better news from the eastern front.

It is believed that the Russian advance near Shavli, in Courland, where the line of the forces of Emperor Nicholas have been straightened out, will do much to counteract the effect of the Austro-German advance in the vicinity of Przemysl, across the San river.

The military writers in the morning newspapers claim that only one out of fourteen Russian armies has been in deadly danger, and that Grand Duke Nicholas, commander-in-chief of the Russian forces in the field, is playing his usual strategic game of drawing the enemy away from his base. Petrograd maintains that forty Austrian and German army corps have been used during the fighting of the last fortnight against the center of the Russian line along a front measuring 100 miles.

Atlix Tack Kiliid Bahr. Reports from Athens set forth that the allies have occupied the Turkish position of Kiliid Bahr, on the European side of the straits and opposite Chanak.

On the western front the only indication of activity is the continuance of artillery duels.

The Italian Parliament meets today. It is generally felt that the momentous decision of war or peace can hardly be postponed beyond this sitting.

The German press, while admitting that war with Italy can hardly be prevented, views the prospect calmly.

TEUTONS CROSS RIVER SAN

BERLIN (Via London), May 20.—The correspondent of the Lokal Anzeiger at Austrian field headquarters has sent in a dispatch reading:

"The Austrians have assembled reinforcements behind the river San and have made preparations for a stand. We must therefore anticipate a big battle in the near future. The Teutonic allies already have gained several strong footholds."

THE WANT-AD WAY



"We're getting awfully busy," said the man who ran the store. "I think we need another clerk to help us on the floor."

Now the boss was very careful. So when he got the warning "We need a little Want-Ad Way" and the clerk came in the morning, Managers of department stores and proprietors of business establishments of every kind should never overlook the Want-Ad Way of finding reliable help. When you need employees, call office, store or factory, telephone Tyles 1000 and

PUT IT IN THE OMAHA BEE.