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ADAMSON EIGHT-HOUR RAIL LAW DECLARED VOID

United States District Judge Hook Hands Down Decision in Case at Kansas City.

TO CONSOLIDATE SUITS
Railroads and Department of Justice Will Press Appeal to Supreme Court.

FINAL DECISION HAD SOON

Kansas City, Mo., Nov. 22.—The Adamson eight-hour law was held unconstitutional here today by Judge William C. Hook in United States district court.

Judge Hook directed the receivers of the Missouri, Oklahoma & Gulf railroad, who brought the original action in this case to enjoin the law from going into effect, to assist the government in expediting the case to the supreme court of the United States for final decision and instructed them through their attorneys to invite the representatives of every railroad in this country to participate in the hearings before the highest court in the land. This was requested in the government's motion to dismiss the injunction petition of the railroad, the government desiring to avoid "prolonged, unnecessary and scattered litigation" through the hearing of countless similar suits filed by every rail system in every federal district in the United States through which their lines run.

It is expected the decision as to whether the law will go into effect January 1 will be handed down before that time. A transcript of the present case will be filed at the supreme court before it reconvenes December 4.

Text of Decree.
The text of Judge Hook's decree follows:

"This is an independent suit to enjoin the enforcement of a recent act of congress, commonly called the Adamson law, upon the ground that it is contrary to the constitution. In the character of the averments, the plaintiff's bill of complaint is stated to be typical of a number recently filed by railroad companies in various district courts of the United States. A motion to dismiss has been presented on behalf of the defendant United States attorney. The sole question raised by it is of the constitutionality of the law. The court is informed that the other cases stand on application for temporary injunction.

"An appeal from an order granting or refusing a temporary injunction goes to the circuit court of appeals and not further by ordinary procedure, while an appeal from a final order or decree in such a case would go direct to the supreme court of the United States. In the former, a decision would be inconclusive; in the latter a decision would definitely settle the question for the whole country. The motion to dismiss the case here, however it is decided, will promptly result in a final decree from which an appeal will be taken to the supreme court.

"The assistance of this court has been invoked to facilitate a final and authoritative determination of the constitutional question. The case was presented yesterday, and a decision is expected today. It is far from being agreeable duty for a judge to record a judicial conclusion without the care and deliberation essential to a conviction that he would stand in every circumstance. Upon the merits of a case the government neither asks nor receives from a court greater consideration than is required by the essential rules and presumptions of law, but a request by the Department of Justice to aid the progress of a case consistent with the rights of every one cannot be declined, certainly not for personal consideration.

Decree for Plaintiff.
"Upon a consideration of the Adamson law and of what is said of its practical effect and what was intended to be accomplished by it, the judge

The Weather

For Nebraska—Fair. Temperatures at Omaha Yesterday.

Hour	Deg.
5 a. m.	21
6 a. m.	22
7 a. m.	22
8 a. m.	22
9 a. m.	23
10 a. m.	23
11 a. m.	23
12 m.	23
1 p. m.	23
2 p. m.	23
3 p. m.	23
4 p. m.	23
5 p. m.	23
6 p. m.	23
7 p. m.	23
8 p. m.	23

Comparative Local Record.

	1916	1915	1914	1913
Highest yesterday	31	44	45	52
Lowest yesterday	21	31	32	40
Mean temperature	32	42	40	46
Precipitation	0.44	0.00	0.00	0.00

Temperature and precipitation departures from the normal.

	Normal	Departure
Normal temperature	32	0
Deficiency for the day	32	0
Total excess since March 1	205	205
Normal precipitation	93	0
Excess for the day	0	0
Total rainfall since March 1	12.11	12.11
Deficiency since March 1	12.11	0
Deficiency for six months	1.44	1.44
Deficiency for year	1.44	1.44

Reports from Stations at 7 P. M.

Station and State	Temp.	High.	Low.	Wind.	Rain.
Cheyanne, clear	28	40	22	40	0.00
Lincoln, clear	32	42	22	44	0.00
Omaha, clear	32	42	22	44	0.00
Sioux Falls, clear	34	44	24	40	0.00
Yankton, clear	34	44	24	40	0.00
St. Louis, Mo., clear	34	44	24	40	0.00
St. Paul, Minn., clear	34	44	24	40	0.00
Chicago, Ill., clear	34	44	24	40	0.00
St. Louis, Mo., clear	34	44	24	40	0.00
St. Paul, Minn., clear	34	44	24	40	0.00
Chicago, Ill., clear	34	44	24	40	0.00

The Aged Emperor Francis Joseph, Ruler of Austria-Hungary, is At Last Dead After His Long Reign of Nearly Seventy Years

ARCHDUKE CHARLES FRANCIS AND WIFE—Royal pair raised to throne by death of Emperor Francis Joseph.



Charles Francis Joseph and his Consort

Head of Dual Monarchy Taken Suddenly Worse and Expires at 9 O'clock Monday Evening.

TOOK COLD TEN DAYS AGO
Pneumonia Develops, but Condition Not Regarded Serious Until Yesterday.

HEIR TO ASSUME THRONE

London, Nov. 22.—The death of Emperor Francis Joseph has caused notable emotion in Vienna, says the Exchange Telegraph company's Amsterdam correspondent. The general public was not aware of the serious nature of his illness, according to these advices, because of the non-alarming character of the bulletins issued. The emperor, the dispatch adds, was feverish yesterday afternoon, being unable to eat his evening meal and retiring at 7 o'clock, assisted to his bed chamber by his daughter, Archduchess Valerie. He found himself unable to sleep and asked that his physicians be summoned, complaining of pains in the throat.

At 9 o'clock the emperor appeared to be in a more restful state. A few moments later, according to the details received, the doctors saw him and he made a gesture, pointing to his throat. A second afterward he was dead.

The members of the imperial family were immediately summoned, as were the officials of state, who prepared an announcement of the death.

Emperor William was immediately informed of the passing of his ally, the message being sent over the telephone which links the headquarters of the German army with Schoenbrunn palace.

Nothing has as yet been decided, it is said, with regard to the emperor's accession.

First News of Illness.

The first intimation received here that Emperor Francis Joseph's health was again the subject of solicitation was contained in a dispatch, dated November 12, emanating from a Vienna newspaper agency, which reported that the emperor had been suffering for some days from a slight catarrhal affection. Subsequent reports from various sources, more or less conflicting, represented that his condition was becoming worse, but none of them indicated that his illness threatened to reach a critical stage and from Vienna came assurances that he was still able to give audiences to one or more ministers daily.

Heir to Assume Power.

What gave some credence to the suspicion that his condition was much graver than the official bulletins indicated, was the report, which still lacks official confirmation, that it had been decided to associate the heir to the throne, Archduke Charles Francis in the government of the country and that he was to assume the position

(Continued on Page Two, Column One.)

HOSPITAL SHIP BRITANNIC IS SUNK

Former Big White Star Liner Victim of Mine or Torpedo—Fifty Lives Lost.

ELEVEN HUNDRED - SAVED

BULLETIN.

Athens, Nov. 22.—(Via London).—The White Star Line steamship Britannic, serving as a hospital ship for wounded soldiers of the entente allies, has been torpedoed and sunk, according to an official announcement made here today.

London, Nov. 22.—The British hospital ship Britannic has been sunk with the loss of about fifty lives, says a British official announcement today. The Britannic was sunk by a mine or a torpedo yesterday morning in the Aegean sea, according to the official statement. There were 1,106 survivors, of whom twenty-eight were injured. Full particulars of the disaster, it is announced, will be published as soon as they are received.

It was reported in a special dispatch from London on December 6 last that the 47,500 ton White Star liner Britannic, then recently completed, would be used as a hospital ship by the British government, making it the largest hospital ship in commission with an equipment of 6,000 beds. Last June, however, it was reported in a news dispatch from Liverpool that the vessel had been returned to the White Star line for restoration into a passenger steamer.

The Britannic was nearing completion at the outbreak of the war, when it was requisitioned by the government and converted into a hospital ship. In company with the Mauretania and the Olympic it was engaged in bringing thousands of wounded men from the Gallipoli peninsula, soon after the evacuation of the peninsula by the allies.

Admiralty officials have little to add to the official announcement except to state that the Britannic was sunk in the day time. Whether it was torpedoed or mined has not yet been determined. The admiralty has been advised.

(Continued on Page Two, Column Five.)

NEBRASKA FARMERS TO MEET HERE NEXT

Date Is to Be Determined by the Officers Later, But Likely November.

OLD OFFICERS RE-ELECTED

Omaha again gets the convention of the Nebraska Farmers' Co-operative Grain and Live Stock association in 1917.

This was decided at the afternoon session of the convention yesterday. The time has not yet been fixed, as this is a matter to be decided later by the directors. It was the general opinion, however, of the delegates that the meeting should be held again in November.

The old officers of the association were re-elected. They are: J. S. Canaday, Minden, president; Guy Briggs, Coleridge, vice president; J. W. Shorthill, York, secretary and treasurer.

The two directors elected, who with the officers constitute the board, are W. J. Lee, Spalding, and E. P. Hubbard, Juniata.

J. B. Swearingen, former president, and W. J. Holmquist, vice president of the Omaha Grain Exchange, spoke in the afternoon.

A banquet was tendered in the evening by the Omaha Grain Exchange, at the Hotel Rome.

Work in Sections.

Yesterday morning the association divided into two sections, one composed of directors and the other of managers.

Few set speeches were scheduled, but volunteers were called for on such trade subjects as times of meeting for the managers, the hedging of grain, the auditing of the books, the company's service to the community, and the policy toward the managers.

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Requiescat in Pace



WOMAN SAW MEN NIGHT OF MURDER

Mrs. Alice Willard Testifies at Red Oak About Mysterious Meeting.

BEFORE MOORE KILLING

Red Oak, Ia., Nov. 22.—(Special Telegram).—The Wilkerson \$60,000 damage suit was continued this morning with the cross-examination of Mrs. Alice Willard, who testified that she, in company with a Mr. McCray and Miss May Freeman, heard F. F. Jones, W. B. McCaul, William Mansfield, Harry Whipple and a fifth man whom she did not know, whispering in the vacant lot north of the Joe Moore home on the night of the murder. She said she talked with F. F. Jones in his store August 16, 1916, about the anonymous and threatening notes she received in the summer of 1916 and that she told him that she received the notes but that his name was not signed to them as Mr. Jones had heard.

Attorney Beeson then asked her if she would state positively that it was these men she saw there, and she said she would.

Mr. and Mrs. Fred Whipple, living north of Villisca, testified that Albert Jones and W. B. McCaul were at their home early the morning after the murder and that when they told Jones of the murder he expressed no surprise.

A new line of procedure in the case was taken up in the testimony of Walt Marsh, Henry Gourley and George Spargur of Villisca who stated that after the Moore murder, W. B. McCaul in his pool room showed them a piece of bone which he said was a piece of Joe Moore's skull.

Harry King testified that he purchased the McCaul pool hall in December, 1912, and that he found under the cash register a piece of bone. This bone he described as concave in shape and about three or four inches in diameter.

QUIGGLE IS CHOSEN BY MANUFACTURERS

State Association Wants Uni Extension Work.

TO DEVELOP WATER POWER

C. C. Quiggle of Lincoln was elected president of the Nebraska Manufacturers' association, which came to a close Wednesday afternoon. With the exception of H. E. Gooch of Lincoln all the old vice presidents were re-elected. They are J. W. Steinhart of Nebraska City, L. A. Kinney of Hastings and R. W. Beasley of Omaha. C. C. Smith of Exeter was elected secretary and A. C. Scott of Omaha treasurer. Directors elected for a period of two years are L. M. Ward, Lincoln; F. E. Pratt, Fremont; John Silver, Superior; Jay Burns and W. H. Clarke of Omaha. Directors elected for one year are C. L. Aller, Crete; E. F. Huse, Norfolk; T. E. Adams, Beatrice; R. H. George Lincoln; W. J. Monaghan and R. A. Luessler of Omaha.

Lincoln Next Year.

Following out the plan of former years to alternate the convention between Omaha and Lincoln, the latter place was selected as the convention town for 1917.

Before the meeting came to a close the manufacturers recommended the following:

That the Nebraska delegation in congress be instructed to urge legislation on the enactment of a law that will promote foreign trade.

That the University of Nebraska regents be urged to broaden their extension work to include merchants' institutes and short courses in the cities and towns.

Boom Good Roads.

That approval and endorsement be sent to the Association of Commercial clubs for the work it has been doing along constructive lines, especially on good roads, publicly and state conservation.

That the state appropriate an equal amount to that of the government, so that it can share in the national road building fund.

Heir to Austrian Throne a Soldier

Vienna, Nov. 21.—Archduke Charles Francis, grand nephew of Emperor Francis Joseph became heir to the throne of Austria-Hungary by the assassination of Archduke Francis Ferdinand prior to the outbreak of the war. He has been in command of the Austrian armies on various fronts during the past two years.

Archduke Charles Francis was born on August 17, 1887. His wife was Princess Zita of the Bourbon house of Parma. His father was the Archduke Otto, who was the younger brother of Francis Ferdinand.

EMPEROR OF AUSTRIA-HUNGARY, WHO IS DEAD.



Francis Joseph

Goes to the Pen for Theft of the Savings of a Poor Working Woman

Clark Money Note and Secures Flees, but is Brought Back Here.

WAS IN MARINE BARRACKS

It will cost Francis R. Clark his liberty for from one to twenty years for forging a note and gaining possession of a poor working woman's savings. Clark was sentenced to the state penitentiary when he pleaded guilty to a charge of forgery before Judge Sears.

On January 15 of this year Clark cultivated the friendship of Mrs. Margaret Jung's young son, and, by giving the lad with pennies and gifts

of candy, persuaded him to get his mother's bank book, which was hidden away at home. The mother was at work, and the following note, written by Clark and presented at the bank by the boy, together with the bank book, was honored.

"Dear Sir—Would you please let bearer, my son, have \$40, as I am sick in bed and need the money very bad. I also send the bank book along. Oblige, (Signed) "MRS. MARGARET JUNG."

Clark fled from the city after the boy handed the money over to him. The local police finally located him at Port Royal, S. C., where he was serving a sentence in the United States marine barracks. Upon the termination of his sentence, November 4, he was brought back to Omaha to stand trial on the forgery charge.

Matin Comments Mercilessly on Life Work of the Dead Monarch

Paris, Nov. 22.—Although no official confirmation of the death of Emperor Francis Joseph had been received in Paris early this morning, the press generally accepted the news as authentic. Special editions announcing the emperor's death were bought up rapidly and the passing of the monarch was discussed with greatest interest. In their comment the newspapers are merciless. The Matin says: "The sinister old man who for sixty-eight years wore the double crown disappears too soon, notwithstanding his eighty-six years, for he has not seen the approaching hour of expiation of the crimes for which he will bear eternally in history a crushing responsibility and stigma. But the specter of punishment must have haunted his latter days if this man, so monstrously indifferent, was accessible to any feeling whatever—this man who witnessed unmoved the

worst catastrophes heaped up by fate on his family and his country. The irony of fate—if he had disappeared from the scene three years sooner, the world would have forgotten his calculating cowardice, his ferocious egotism, his hypocrisy, and would have remembered only the private and public misfortunes which marked almost all the years of his reign, without reflecting that these misfortunes were all deserved. He would perhaps have been pitied. But justice has not permitted that he swindle the world out of this supreme homage. It has made for his death a setting of reprobation and horror."

It is not believed in Paris that the death of the emperor will affect the war in any way. The general impression here is that he had long been more or less of a figurehead, signing without reading documents to which his signature was necessary and taking no part in affairs of state.

HUGHES SENDS HIS REGARDS TO THE PRESIDENT

Republican Candidate Congratulates Wilson on His Re-Election to Office of Chief Executive.

MIXUP IN CALIFORNIA

Secretary of State Will Not Give Electors Certificates Unless Errors Corrected.

NOT TO AFFECT RESULT

Lakewood, N. J., Nov. 22.—Charles E. Hughes, republican candidate for president in the recent election, tonight sent to President Wilson a telegram congratulating him upon his re-election.

In his telegram Mr. Hughes said: "Because of the closeness of the vote I have awaited the official count in California and now that it has been virtually completed, permit me to extend to you my congratulations upon your re-election. I desire also to express my best wishes for a successful administration."

California Flareup.

Sacramento, Cal., Nov. 22.—Secretary of State Frank C. Jordan predicted that unless certain mistakes and omissions discovered in returns of the election from Yuba county and Orange county are corrected, he will withhold the certificates of election to presidential electors from California. Should this be done there will undoubtedly be a delay if not a serious situation possibly affecting even the re-election of President Wilson, since the election depends on the votes of the thirteen presidential electors from California.

Jordan's Statement.

Following is a statement issued by Jordan concerning the situation:

"Under the provisions of Section 1313 of the political code, it is the duty of the secretary of state to compare and estimate the votes given for electors. Such comparison and estimate is to be made as soon as returns are received from all the counties in the state.

"In Marysville precinct No. 3, twelve democratic electors are credited with ninety-six votes each, but the votes received by Loren A. Handley, democratic elector, have not been credited because the election clerks failed to include the vote in their returns to the supervisors, the supervisors could not ascertain such vote and therefore the county clerk was unable to include it in the returns to this office. The returns from this county are incomplete.

More Glaring Case.

"In the county of Orange a more glaring case of disfranchisement is presented. All the voters of Orange Thorpe precinct have been denied an expression of their wishes, as indicated by their votes. Because the tally lists are in the sealed envelopes containing the ballot the board of supervisors could not ascertain the vote in that precinct, and the returns certified to this office are not complete because of such omission.

"If these mistakes are not corrected, if these partial returns are accepted, if the will of the voters of these precincts is to be disregarded, even the vote of one elector, why can not other mistakes be permitted to occur in other counties and precincts and thus the will of the voters be thwarted and confusion result.

"It is the duty of the democratic and republican state central committees to take immediate steps to have these mistakes corrected, even if the aid of the courts must be invoked, otherwise the secretary of state may deem it his duty to withhold certificates of election to presidential electors in order that an evil precedent may not be established."

Won't Affect Situation.

San Francisco, Cal., Nov. 22.—O. K. Cushing, chairman of the democratic state central committee, said today that, in his opinion, no action contemplated by Secretary of State Jordan could possibly affect the situation as it stands—that President Wilson's lead in the state is safe.

Statistics gathered by republicans and completed at noon today, showed that the lowest democratic elector in California was 1,242 votes ahead of the highest republican, making the electoral delegation solid for Wilson.

Figures Unchanged.

Los Angeles, Cal., Nov. 22.—Canvass of Los Angeles county's vote in the presidential election was completed today by the board of supervisors and it was expected the official certified records would be sent to Sacramento late today. There were no changes from announced semi-official figures.

No Difference in Results.

Oakland, Cal., Nov. 22.—Totals on Alameda county's election returns were completed today, showing practically no difference over the unofficial figures. Next to Los Angeles county Alameda county cast the heaviest republican vote in the state.

You are as close to the

Bee

Want a Department as your phone is to you.

Tyler 1000

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Best Service.