OMAHA, WEDNESDAY MORNING, SEPTEMBER 5, 1917-TWELVE PAGES.

Fair

THE WEATHER

* SINGLE COPY TWO CENTS.

GERMAN RAIDERS KILL 108 BRITONS; HAVNER INDICTED BY GRAND JURY

ATTORNEY GENERAL OF IOWA CHARGED WITH INTIMIDATING WITNESS IN THE KELLY CASE

State Official Brought Into Court and Gives Bond Proceedings Overshadowing Trial of Minister for Ax Murders Which Was Just Under Way; Denies Charge as Maliciously Brought Out.

> By EDWARD BLACK. (Staff Correspondent of The Bee.)

Red Oak, Ia., Sept. 4.—(Special Telegram.)—Attorney General Havner of the state of Iowa has been indicted by a grand jury. The trouble grows out of the famous Villisca ax murders.

The grand jury reported to Judge Boies, and returned an indictment against Havner for willfully oppressing a witness named Alice Willard.

Five years ago on the night of theQ= Villisca ax murders, Ed Shepherd, Maurice Shepherd, Gertrude Lott and Alice Willard, all of Villisca, overheard a conversation which implicated others than Kelly in the crime. GIVES \$1,000 BOND.

Havner immediately put up \$1,000 cash bond.

Court convened at 2 o'clock to continue the Kelly trial and the state named the four men who witnessed and took down the Kelly confession. Under the Iowa laws it is necessary for the state to inform the defense of the witnesses in advance of the trial. As the required time will not elapse until Wednesday, court ad-journed until that time.

Overshadows Kelly Trial.

The indictment of Attorney General H. N. Havner today overshadthe afternoon session of court was

is charged with willfully oppressing a witness, Alice Willard, at the time the grand jury investigation of Kelly last spring.

Gives Denial to Bee.

charge. I have simply tried to do my duty as an officer in bringing the man to justice who killed Joe Moore and his family and the Stillinger girls, and I believe that I have done that thing and that we have the man.

"This indictment was returned by a pany, and the officers of the United grand jury that has been in existence | States National bank. here all summer, and if I had done any wrong the men who are back of this proposition have known it all

of the Kelly trial, and I believe that pages. it was done for the purpose of intimitions of Wilkerson which have already

Woman Was Impeached.

I am charged with oppressing, is the main bank at Kansas City. witness concerning whom Wilkerson J. Z. Miller, jr., of Kansas City, the Alice Willard, and when the court

'She is Wilkerson's star witness and upon whose testimony his whole theory rests. The prosecution of Kelly will go on just the same."

Sutton Interviews Woman, Attorney Sutton interviewed Alice Willard at Villisca this afternoon. "She will he a witness for the de-

fense," said Sutton, who added: (Centinued on Page Two, Column Four.)

The Weather

Temperature at Omaha Yesterday.



1917, 1916, 1915, 1914 84 95 85 85 66 73 61 5 79 84 73 6 .00 00 .00 .00 hest yesterday

Mean temperature Precipitation Temperature and precipitation departures Normal temperature

Excess for the day ... 5
Total deficiency since March 1 ... 206
Normal precipitation ... 09 inch
Deficiency for the day ... 09 inch
Total rainfall since March 1 ... 19.78 inches

Deficiency since March 1..... 2.45 inches Deficiency for cor period 1916... 5.82 inches Deficiency for cor. period, 1915... .06 inch Reports From Stations at 7 P. M.

Station and State of Weather. Temp. High- Rain 7 p.m. est. fal of Weather. 7p.
Cheyenne, rain. 74
Davenport, part cloudy. 70
Denver, cloudy. 84
Des Moines, part cloudy 68
Dodge City, clear. 80
ander, cloudy. 72
North Platta, clear. 88
Omaha, clear. 78
Pueblo clear. 54

L. A. WELSH, Meteorologist.

FORMALLY OPEN Nebraska Only State Now in Omaha District, as Denver is Fighting for Wyoming Business.

OMAHA FEDERAL

RESERVE BANK

With a capital stock of \$1,500,000 constituting the reserve deposited by owed in importance the Kelly trial, the national banks in the district, the which was adjourned shortly after Omaha branch of the Federal Reserve bank of the Tenth district, opened The attorney general was in the formally for business yesterday in court room at the time and took the the Farnam building, formerly the matter with his usual stoicism. He old First National bank building at Thirteenth and Farnam streets.

Manager O. T. Eastman was on the job by a little after 7 o'clock in the morning, getting details arranged for arrive early. Among the handsome vases of flowers which arrived early were those from Charles T. Kountze, Omaha Ad club, Stock Yards National bank, Byrne-Hammer com-

Money Arrives by Mail. The ready money for the conduct

of the bank's business arrived from the head bank at Kansas City by reg-"I could have been indicted long istered mail, while the ledger ac-

Thus far, only Nebraska is actually dating me in this prosecution and for included in the district served by the the purpose of discrediting the prose- branch bank at Omaha. Wyoming cution of Kelly, and also to intimidate was included in the original division me in connection with the prosecu- of territory, but a fight is being waged wherein the Denver branch seeks to been commenced and which are in have Wyoming assigned to its bank In the meantime, with the status of Wyoming undetermined, the Wyom-"This woman, Alice Willard, whom ing banks are still reporting to the

refused to answer a question before governor of the Tenth District Fedthe grand jury, because he said that if eral Reserve bank, was present for the he did answer it, it would impeach opening, as were also Directors Burnham of Norfolk and Byrne of Omaha, compelled him to answer the question, the two Nebraska directors of the Tenth district bank.

Directors of New Bank.

The directors of the Omaha branch are Luther Drake, Omaha; O. T. Eastman, Omaha; P. L. Hall, Lincoln; J. C. McNish, Omaha; R. O. Marnell, Nebraska City.

T. Eastman, formerly of the First National bank of Omaha is manager, and E. D. McAllister is cashier. The work started out in the morning with an office force of about sixteen men and women. The morning mail brought a heavy correspondence, and the bank started with a

Deg. 17 Springfield Rioters

Held; More Warrants Issued Springfield, Ill., Sept. 4.-Seventeen men are under arrest today and more warrants are to be issued growing out of rioting last night by street car strike sympathizers, in which six cars crowds will increase. During a trial strike sympathizers, in which six cars crowds will increase. During a trial strike sympathizers, in which six cars crowds will increase to be issued growing and the specific charge on which Kelly is being tried is the murder of Lena Stillinger, elder of the two Stillinger, elder of the two Stillinger, elder of the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on which Kelly is being tried in the specific charge on the spe were demolished.

Tenth infantry regiments placed about court for each person to deputize the city were helpless to cope with the disturbers until reinforced by troops from the state arsenal and Camp Lincoln. Later 1,000 rioters were charged by the soldiers with of Sheldon, on the bench, when the fixed bayonets and dispersed. The city is quiet today.

British Casualties for

Last Week Reach 15,614 yers. London, Sept. 4.—British casualties eported in the last week are 15,614.

nev are divided as follows: Killed or died of wounds: Officers, 364; men, 3,880. Wounded or missing: Officers, 846; men, 10,524.

Hold Russ Grand Duke for

plot recently unearthed.

Petrograd, Sept. 4.-Grand Duke Michael Alexandrovitch, brother of the former emperor, and his wife have been placed under arrest in conTomorrow!



WITH AX PLEADS NOT GUILTY

Havner dictated the following statement for The Bee: "I deny that there is any truth in or foundation for the charge. I have simply tried to do my big institutions of the city began to on Stand; Attorney General Havner Takes Charge of Prosecution; Horror Stricken Citizens Make Long Fight for Justice.

> By EDWARD BLACK. (Staff Correspondent for The Bee.)

Red Oak, Ia., Sept. 14.—(Special Telegram.)—Red Oak has been interested, if not excited on the first day of the trial of Rev. Lyn G. J. Kelly, charged with the Villisca ax murders. The appearance of the little minister and his wisp of a wife in the court room was of itself an attraction of importance. Then, to make it a real red letter day, the attorney general of the state, H. N. Havner, was indicted by a grand jury sitting in the same court building where Kelly was on trial.

assuring glances now and then, al-

though her face is the picture of sad-

ness, reflecting the weight of woes

which has been on her mind for months. She is dressed in extremely

plain garments and she and her hus-

band are conspicuous on account of

Shakes Hands with Kellys.

such expressions as that he believed

The specific charge on which Kelly

Moore home at the time of tragedy.

Kelly is Confident.

and carries an air of confidence.

F. Faville arrived this morning.

Attorney General Havner and

wish to deny that any unfair advan-

(Continued on Page Two, Column Two.)

Uncle Sam Only Buyer on

the Chicago Wheat Market

Chicago, Sept. 4 .- There was just

one buyer in the Chicago wheat

market today, and he didn't even

visit the board of trade. He was

Uncle Sam and he had an office in the Otis building, two blocks

There was one basic price-\$2.20

fixed by President Wilson. The

methods pursued were very simple.

The man who received the wheat

had it placed in an elevator, obtained

a receipt from the elevator, took

his receipt to the Otis building and

from the board.

Kelly appears to be bearing up

gave them a smile of confidence.

their smallness.

is innocent.

Court was adjourned shortly after. The prisoner maintained complete the noon session and was called to reconvene at 9 o'clock, Wednesday morning.

The prisoner maintained complete composure while Clerk Brodby read a list of 110 regular and special jurors. Kelly moved his head from side to become side occasionally, as if to become

TO BACK UP CONFESSION. The state offered the names of four additional witnesses in connection with the Kelly confession at Logan. The defense objected to the witnesses on the grounds that four days had not elapsed since the defense had been notified. This legal technicality was overcome by the adjournment.

The four witnesses at issue are: J Ferguson, Lyman J. Irvin, Paul Roadifer and Fannie R. Lingman, court reporter, clerk of court, county attorney and stenographer, respec-tively, who will testify as to the legitimacy of Kelly's confession.

Reception for Accused. Upon adjournment of court Kelly and his wife were greeted by a long tims and whose home was the scene line of Montgomery county people of the murder tragedy. He is one who filed by in a reception line, of the relatives of the Moore family Deputy Sheriff Smith allows Kelly who has publicly expressed his conunusual freedom, considering the se- fidence in the innocence of Kelly. He riousness of the charge. The prisoner appeared at the mass meeting at the is not handcuffed and walks to and Boyd theater in Omaha and made from the jail without restraint.

"I do not want to lay down any harsh rules for this trial," announced The specific charge on of this kind I believe it will be only ger sisters, who were visiting at the The few soldiers of the Ninth and fair to the defense, the state and the himself of herself to maintain order."

Judge Boise Presides. District court was opened by Sheriff Dunn with Judge W. D. Boise

Kelly case was called for trial. Deputy Sheriff Smith entered with Rev. Lyn G. J. Kelly and Mrs. Kelly, who occupy seats at the end of a long table arranged for the opposing law-

Spectators in the crowded court room eyed the prisoner and his wife with considerable interest, and there was much craining of necks to get a glimpse at the diminutive man, who is charged with the murder of eight persons at Villisca five years ago. Standing at the table with the Kelly's are Attorney General H. M. Havner, F. F. Faville of Storm Lake, special counsel for the state; J. J Counter Revolutionary Plot Hess of Council Bluffs, also for the prosecution, and Oscar Wenstrand, Montgomery county, attorney.

Kelly Watches Jury. W. E. Mitchell of Counci. Bluffs, en nection with the counter revolutionary fourth attorney for the defense, announced they were ready for trial. got his money,

NETHAWAY JURY ASKS NEGRO BE HELD FOR TRIAL Husband Asks to Be Permitted to Explain Away Some of the Testimony Given Early in Hearing.

A coroner's jury, after deliberating forty minutes yesterday, returned a stereotyped verdict of "death by a hunting knife in the hands of an unknown person" after a three days' inquest and investigation into the brutal slaying of Mrs. C. L. Netha-way, wife of a Florence real estate man, a week ago Sunday afternoon.

The verdict, however, contained a recommendation that Charles Smith negro suspect, now in county jail, be held for further investigation by the county attorney. Mrs. Nethaway was the victim of

one of the most revolting murders in the history of Nebraska. She was hacked to death near the Northwest-ern railroad track in South Cut between 3 o'clock and 5 o'clock on the afternoon of August 24. She was on her way to keep an appointment with her husband at Briggs crossing up the railroad track. Slain by Degenerate.

Since the woman was not assaulted nor was she robbed, police and Sheriff Clark's forces have come to the conclusion she was slain by a degenerate with another motive. -Smith, still protesting his innocence of any wrongdoing, though admitting he was in the neighborhood of the

crime on the day it was committed, was not called at the inquest for fear of mob violence.

Threats Against Smith. The court room in the court house where the inquest was held was packed to the doors by curious hun-Threats were murmured against the negro at the conclusion of the final session of the investigation, when many heretofore rumors were connected up in the form of democracy, the capital gave itself over between 10:40 p. m. and 11:30 p. m. damaging evidence against the black, to a great public demonstration, in arrived in Omaha on the Friday be-fore the marder, but the chain of cir-cumstantial evidence against him is strong, and he will probably be tried in criminal court this fall on a charge

of first degree murder. Nethaway Makes a Scene. Shortly after Deputy County Attorney Piatti, representing County Attorney Magney, ex-officio coroner, had instructed the jury to retire and deliberate Claude Nethaway, Florence real estate man, husband of the murdered woman, leaped to his feet and objected to the case going to the coroner's body without calling addi-

tional witnesses. "But this is only a coroner's inquest," protested Mr. Piatti, "I think we have sufficient evidence. The negro admits having been in all these laces your witnesses will testify

they've seen him." "There can't be too much evidence when a woman is murdered in broad-daylight," shouted Nethaway. At Nethaway's request he was allowed to take the witness stand again

and make a statement to the jury. Denies Cursing Wife. In a flow of language in which he familiar with the personnel of the principals of the trial. His wife gave piled up his words and gesticulated excitedly Nethaway said he wanted to rebut the testimony of one Edwards, farmer living near Florence, who told the jury Saturday that he had heard the Florence real estate man curse his wife.

"I never cursed my wife in my life," breathed Nethaway. "We were always happy. He also took exception to the tes-

During a recess, when attorneys for (Continued on Page Five, Column One.) the prosecution were in conference. John Montgomery of Villisca shook

Irish Hoodlums Attack hands with, Mr. and Mrs. Kelly and American Sailors in Cork Montgomery is father of Mrs. Joe London, Sept. 4.-Attacks on Moore, one of the ax murder vic-

American sailors on Sunday night are reported in a dispatch from Cork to the Chronicle. It is said that gangs of young men paraded the streets and set upon the Americans, who were accompanied by their sweethearts.

One instance cited is that of two Americans who were attacked on the chief street of Cork, a young woman with them being insulted and having her hat torn off . The correspondent reports that the sailors did nothing improper or contrary to good taste to invite the attack and as far as could Joseph Stillinger, father, will be be learned did not retainer tomorrow. He contends Kelly caped on a tram car. be learned did not retaliate. They es-

> English Unions Oppose Socialist Peace Meet Blackpool, England, Sept. 4.-The

trades union congress today placed itself on record as opposed to participation in the international socialist congress at Stockholm, abandoning the idea of sending British delegates. By a vote of 2,894,000 to 91,000 the congress adopted the recommendation of the parliamentary committee that, although an international conference is desirable in principle, it would be useless in practice until an agreement as to war aims is reached among the workers of the allied na-

American Red Cross Leaves Rome for Front

Turin, Italy, Sept. 4 .- The American Red Cross commission left Rome today for the front and passed through this city this afternoon. It was received here by military and civil officers.

FALLING BOMBS BRING DEATH TO **ENGLISH SAILORS**

Six German Airplanes Swoop Down Upon Port of Chatham, Killing 107 Naval Ratings and One Civilian; Ninety-two Are Injured; Raiders Apparently Escape Pursuing Machines.

London, Sept. 4.—German airplanes again raided the British coast last night. For the first time the death toll taken by the raiders was from England's fighting men and not defenseless civilians.

The official report of the war office gives the dead as 107 naval ratings, sailors stationed at Chatham, which was the principal point attacked, and one civilian. Eighty-six sailors and six civilians were wounded.

DRAFTED MEN OF INITIAL QUOTA REPORT TODAY

Five Per Cent of National Army Appears to Receive Instructions; May Entrain To-

Washington, Sept. 4.-The vanguard of the national army was bedrafted men to the cantonments. Typifying the spirit of the nation,

The place of honor in a procession between Peace monument, at the foot of the capitol, to the White House

was reserved for the 1,400 drafted men comprising the District of Columbia's first contribution to the national army,

Led by President. Led by President Wilson and escorted by senators and representatives, sailors, soldiers and marines, men of the officers' training camp at Fort Myer and thousands of their fellow citizens, the national army men

marched between lines of cheering thousands bidding them Godspeed on the first steps of their journey to France. Exemplifying the united nation, the

civil war veterans of the senate had a place of honor. Senators Warren and Nelson of the union army and Senators Bankhead and Martin of the confederate army marched together, but there was only one flag fluttering above them-there was only one flag fluttering everywhere over the winding, tramping column of thousands—it was the Stars and

Offices Are Closed.

All government offices, closed for the occasion, poured out their thousands to join the procession. Business houses were closed for the time; the entire capital turned aside from its daily tasks to do honor to the drafted men, as many other cities

join him in reviewing it.

Drafted men of the 5 per cent quota going to the national army cantonnents were reporting today to local boards in all districts to receive in-(Continued on Page Five, Column Three.)

Sinking of British Ship Due to Disregard of Orders

London, Sept. 4 .- Advices received iere from Capetown, South Africa, say that a court of inquiry held recently to investigate the sinking of the constitutional convention for Irethe British steamer City of Athens, land today at Belfast, to which city in which four American missionaries the deliberations have been transand a large number of other persons ferred for a time, excited great inlost their lives, found that the disterest throughout Ireland. Very favoraster was due to the vessel striking able conclusions for the success of mine as a result of the captain disobeying steering orders.
"The court considers," says the find-

ng, "that the vessel was lost as the a member of the convention, enterresult of navigating contrary to the admiralty's advices, the captain steer- the city hall. ng a course, taking his ship over danger area instead of as directed by the admiralty. It is recommended that the captain's certificate be suspended for six months."

American Seamen in Prussian Prison Camp

Washington, Sept. 4 .- Captain Al-

bert Oliver of the American tank steamer Campana and four of the five members of the naval gun crew who were taken prisoner when their ship was captured and sunk August 6 by a German submarine are in a prison camp at Brandenburg, Prussia, the American Red Cross was advised today by cable from Geneva.

The message made no mention of Seaman William Albert Miller, the other prisoner, and an inquiry has been cabled to Geneva to learn his RAID NEAR LONDON.

In last night's air raid 108 persons were killed and ninty-two wounded at Chatham, it is announced officially. The victims were naval ratings. Six airplanes took part in the raid.

Chatham is on the east bank of the Medway, thirty miles southeast of London. It is the seat of immense military and naval establishments, including a vast dock yard, an arsenal and extensive barracks.

The term naval ratings applies to the grade of men on board ship, usually those before the mast. In addition to the naval casualties, one civilian was killed and six were

SIX ENEMY MACHINES.

The announcement follows: 'Lord French (commander of the British home forces) reports that last ing honored throughout the country night's air raid was carried out by today with demonstrations to cele-brate the eve of departure of the first ceeded up the south bank of the Thames estuary to Chatham. Bombs were dropped in the Isle of Thanet sending forth its son to battle for and in the Sheerness-Chatham area

There were no army casualties. Smith persists that he has a perfect which President Wilson, congress and Civilian casualties reported at present Smith persists that he has a perfect which President Wilson, congress and are: Killed, one; injured, six. The alibi as to his movements after he all the heads of the government were material damage was slight. Our machines went up and anti-aircraft guns came into action, but without re-

"The secretary of the admiralty reports that in the course of the air raid last night the following casualties were caused to naval ratings: Killed, 107; wounded, eighty-six."

Kaiser Lauds Prince Leopold For Capture of Baltic Port

Berlin, Sept. 4.—(Via London.)— Emperor William has sent the following telegram to the empress:
"Field Marshal Prince Leopold of Bavaria reports the capture of Riga by our troops, which is a new milestone of German strength and unerring will to victory. May God help us

further.' The emperor has telegraphed Prince Leopold as follows:

"On the occasion of the capture of Riga, I express to you and the Eighth army my and the fatherland's congratulations and thanks. Farseeing leadership and steel-hard will to victory guaranteed this fine success. Onward with God."

U. S. Denies Protest Against

Jap. Occupation in China Washington, Sept. 4.—The State department today characterized as "without foundation in every detail" were doing at the same moment.

At the White House reviewing papers and circulated by German stand a large party of foreign diplomats and other officials assembled protested to Russia against occupato wait for the president's coming tion of Chinese territory and coastal at the head of the procession and to provinces lying north of Vladivostok by the Japanese and that the Japan-

ese withdrew as a result. The report also stated that the Japanese ambassador at Petrograd expressed his disapproval to the Russian government in regard to "far reaching political and commercial privileges granted to America in Siberia and on the Island of Sakhalin.

Constitutional Convention

is Moved to Belfast Dublin, Sept. 4.—The assembly of The sitting was, in the municipal chamber and the lord mayor, who is tained the delegates at luncheon at

Fifteen Hurt in Train

Wreck Near San Antonio San intonio, Tex., Sept. 4.-Three persons were seriously injured and a dozen others hurt when the Sunset Limited, westbound, on the Southern Pacific lines, was derailed about thirty miles west of San Antonio today. The cause of the accident has not been determined.

Twenty-Four Norwegian Ships Lost During August

London, Sept. 4.-According to Norwegian advices, twenty-four Norwegian merchant ships with an ag-gregate tonnage of more than 41,000 were lost in August. Twenty-three seamen were killed and five are

Bally Administration of