# **CONTEMPT** CASE **RULING IS BLOW**

Cannot Show Falsity of State's Testimony Witnesses — Violated For 25 Years.

(Continued From Page One.)

"As I understand it," he said "a person accused of a crime, especially as serious a crime as the one charged against Defendant Moore in this case, should have, and does have the right to collect evidence in his defense and to get affidavits that defense and to get affidavits that the accused men were into the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, Mr. Connell added to the incident by glaring at the interrupter and saying:

"Yes, sit down; if you want to the person accused of a crime, especially as serious a crime as the one case.

It was further pointed out that, in such cases, the truth would not come out until trial of the cases, and then but a small portion of the person accused of a crime, especially as serious a crime as the one case.

It was further pointed out that, in such cases, the truth would not come out until trial of the cases, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and saying:

"Yes, sit down; if you want to case and to get affidavits that the accused men were into the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and saying and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed significantly upon the abashed Mr. Thomas, and the clerk to hand him his docket, his eyes meanwhile fixed signifi the court. "The defendant has the nocense of the accused. right to collect evidence in his bepresented in court, and not placed to take up another phase of the Many of the auditors appeared to in a newspaper to try his case before court's ruling, reverting again to his appreciate the reference as a pointed

Witnesses Discredited Themselves. "Under the court's ruling, then," sa'd Attorney Connell, "it is useless for me to go ahead with testimony to prove that the story is true, as published in The Bee, alleging a frameup against the defendant to the story was leveled had no means of replying.

To this reply was made that the columns of a newspaper are always open to anyone desiring to make a Moore in securing his indictment on a charge of having participated in the riot at the court house. "It will have to be ruled out," answered the court. "The truth of the

the contempt of court." offer to prove the truth of the Bee's

do not know the interpretation the counsel places upon the phrase mitted or claimed before the grand per se," said the court, "but as I jury, to have written the story. to discredit a state's witness, and therefore was contempt of court."

It was pointed out, in duscussion of the ruling during a recess, that the newspaper had not discredited the witnesses, and that they had discredited themselves by retracting their testimony

How Can Public Learn Truth? And, it was further pointed out, if the newspaper is barred from publishing the fact that two witnesses which a man has been indicted later have sworn to evidence upon retract their testimony and declare the man innocent, how is the public to learn the fact unless the news-paper can publish it?

If the newspaper can publish the fact of the original charge, and the

fact that the accused man was ar-rested, it was said, how is the public to learn, during the time, sometimes months intervening before the trial, that the accused was in fact innocent all the time?

Shotwell Sustains Judge. In discussion of the point County Attorney Shotwell upheld the judge

"but I am only arguing the law, and under it such matter can-

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It was then pointed out that, under this ruling, the law has been violated by every neswpaper in the state during the last 25 years or more. Under this law, it was said, nothing can be printed against a witness for the state, no matter how false the testimony of that witness is going to be when presented in

How About Grand Judy. It was further pointed out to the county attorney that the grand jury could return indictment after in-dictment against mep, and that the facts of the indictments could be published, but that the public would have to remain in ignorance of cirabrupt end and turned to the court. cumstances which would show that "As I understand it," he said "a these witnesses had sworn falsely.

"The point is well taken," replied ple might finally learn of the in-

County Attorney Shotwell turned same thing once before at Red from discussion of these questions Oak." argument that publication in the one for a titter ran around the court of the public, and that in many Mr cases the person against whom the

open to anyone desiring to make a statement in reply to any charges made against them

Moore Denies Statements. Following the presentation of the "The court holds, then, that the other witnesses, Attorney Connell atory as published is per se contempt called Defendant Moore to the in-itself? questioned Attorney Con- stand for the purpose of getting his stand for the purpose of getting his statement with regard to the claim of two grand juringmen that he ad-

jury, to have written the story. "Two of the grand jurgers, W. C. The Bee Sunday morning, November

The Bee Sunday morning, November

9. I formed the opinion that it tended leged on the witness stand that you leged on the witness stand that you said before the grand jury that you had written this story published in The Bee November 9," said Attorney Connell. "Did you make such a statement?"

"I made no such statement," said the defendant.

There was no cross-examination on the part of County Attorney

Jurymen Deny Statements. The defense then called two more grand jury men, C. J. Anderson and Robert Leckey. Both admitted being in the grand jury room a week ago when Moore was ex-amined Both denied that in their knowledge Moore had made the statement that he had written the

story in question.
"What Moore said was that he had written some stories, and some 'parts' of other stories, but that he could not pick out in stories the par-ticular parts he had written," said Juror Anderson. "He said that he 'may' have written the story, but he could not state so positively."

'Moore did not say, to my knowl-Attorney Shotwell upheld the judge's ruling, stating that it was dangerous to "try cases in the newspapers, as it tended to prejudice the public,"

"F admit the right of the public member which ones."

"In a voice of thunder demanded:

"And did you ask those two boys if they had seen anybody else around the court house during the riot; did you ask them if this one

Other Witnesses. Other witnesses called included Asel Steere, deputy clerk of the dis-trict court, who testified to entries on his books showing the indictment

William A. Nixon, night tele-graph editor of The Bee testified that he had had nothing to do with the preparation of any of the local news stories and did not know who had written them. Day Telegraph Editor G. C. Alexander testified to the same effect, as did J. B. Long, one of the day copy readers.

Associate Editor McCullough.

Through Associate Editor Theo-dore Wilson McCullough of The Bee, County Attorney Shotwell sought to throw an illuminating light upon the workings of the edi-

torial department.

Col. McCullough testified that normally he was in charge of the editorial department of the paper, and that as a rule the editorials in the paper were as much news to Mr. Rosewater as to the public, he not seeing them until after publication. In instances, he said, Editor Rosewater wrote editorials himself.

Who had written the "Stop! Look! Listen!" editorial was not known to him, said Col. McCullough, he hav-ing been out of the city at the time. The Policy of The Bee.

It was through Col. McCullough that Attorney Connell got into the record the established policy of The Bee, as set forth at the head of the He called the attention of Col. McCullough to the name of Victor

torial column, four lines from the top, and said:
"I will now call your attention to some lines directly beneath the name of Editor Rosewater, and dis-

played prominently between black lines," he said. "These lines read as

What The Bee Stands For. What The Bee Stands For.

1. Respect for law and maintenance of order.

2. Pitiless publicity and condemnation of inefficiency.

"That's enough of that," interrupted the judge.

"But I wish to show the policy of The Bee, as connected with the name of Editor Rosewater, just above this announcement." explained

above this announcement," explained Attorney Connell. "It is not relevant," said the

A smile ran around the court

room as Attorney Connell turned away, smiling himself.

Close Case Today.

The afternoon session closed with an agreement that Attorney Connell to the connection of the court of the is to use two more witnesses this morning and then conclude with his argument in behalf of the defendant. It was expected that the arguments would take no great length of time on the part of the defense and that the case might be closed

Foreman Towle a Spectator. During the afternoon session Foreman Towle of the grand jury was an interested spectator, talking during a recess with the judge at

the bench. Challenged the Jury. It was during the morning ses-

sion that the character of the case

for the time being was turned from a trial of The Bee for contempt to a trial of the grand jury and its

Violated for 25 Years.

the jury, challenging its legality, dicted?" and laying the foundation for further charges, which it appeared to be indicated will be pressed, that all the acts of the jury in return-

Elmer Thomas Erupts. And Elmer Thomas appeared in the court room, made a dramatic outburst against a question asked of a grand juryman by Attorney Connell, and received a severe ad-monition from the judge and a

crushing retort from Attorney Connell.

The judge angrily commanded in Mr. Thomas to "sit down," and in a threatening manner called upon

say anything to me say it outside the court room. I told you that Grand Jury Discharged;

Mr. Thomas subsided. For the time being the trial of The Bee was lost sight of and swallowed up in what threatened to become a sensational disclosure of

grand jury happenings.
County Attorney Shotwell opened the doors to the grand jury room by calling two of its members to testify, and Attorney Connell for The Bee walked in and attempted to tear down the four walls. Attorney Shotwell wished to show

by the grand jurymen that Reporter Moore of The Bee, during his testimony before that body, had ad-mitted writing, or claimed to have written, the article named in the information filed against The Bee:

Grand jurymen, W. C. Hughes and H. C. Noyes testified that Moore had so admitted, or claimed, stating that Moore said he had gotten the affidavits from the prison-ers Thorp and Morris, and had written the balance of the story." The Significant Question.

On cross-examination, Attorney Connell sprung the bombshell that threatened to breach the walls of jury secrecy.
"You examined Reporter Moore
of The Bee, did you?" was the question asked of both jurymen by Attorney Connell, after they had been surrendered to him for cross ex-

"Yes," was the answer of both jurymen.
"And you examined the two pris-Thorpe and Morris. oners. claimed to have identified Moore as having been seen by them in the mob around the court house the

night of the riot?"
"Yes," was the answer of both jurymen. "Ah-h," said Attorney Connell,

suavely. In both cases he then eyed the witnesses sharply for a moment, shook his eyeglasses at them, and in a voice of thunder demanded; "And did you ask those two boys

was the only man they had seen and recognized; did you make any in-quiry at all to ascertain whether or not out of the hundreds present they had recognized anybody else? If you didn't, then why did you ask

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not be published prior to trial of a methods and motives in finding certain indictments.

Violated for 25 Years.

Methods and motives in finding certain indictments.

Attorney Connell sprung a start-out if these boys had seen anybody ling and sensational charge against lelse that ought to have been in-

Attorney Shotwell was on his feet on the instant. He objected on the grounds that an answer would betray workings ing its various indictments are void of the grand jury that came within and without effect. the prohibition of the statute, and on the further ground that the question, as one on cross examinadirect examination.

> Opened Door Himself. But you opened the door your retorted Attorney Connell We now have, a right to ascertain further facts referring to those brought out on direct examination. You opened the doors yourself, and let the bars down.

"Well, we'll have to put them up again," said the county attorney. Judge Redick sustained the obpection as being one that exceeded the limits covered by the direct ex-

## Report Filed Today

(Continued From Page One.)

nesses, nor tell anyone by what vote any person was indicted. This is Presented Without Ceremony.

District Judge Day was the only other judge present when the final eport of the jury was made. Judge late in order to receive it. Janitors side were already at work mopping up the hads of the court house. The bailiffs had gone home.

The report was received without fice and its contents will then become public.

It covers about 20 typewritten pages and deals with many departments of county and city govern-ment, suggests legislation and various other reforms. It also gives a complete resume of the work done by the present grand jury. Some "sensations" are also looked

for but this is conjecture only.

The jury was composed of the following men: John W. Towle, foreman of grand jury, 3602 Pacific street, president Omaha Structural Steel works.

Clarence J. Anderson, 2907 Bristol street, printer, Beacon Press.
Adolph Benson, 2570 Pratt street, Harry Davis, 3203 Potter street,

Henry W. Dunn, 3611 Mason street, former chief of police. William F. Gray, 3820 North Eighteenth street, city employe. Charles E. Hall, 3319 Harney street, department manager, Nebraska Telephone company.

**GIVES KAISER** A CLEAN BILI

Also Asserts People and Government Were Against Conflict as Vulnerability of Homeland Known.

(Continued From Page One.) scribing as experts what the ef fects of the submarine war would be. These reports were unusually correct information. This impresclear in their warnings.

America Sentimental. Haniel's report was read first. In heart sentimental, and that number less Americans with whom he had Bernstorff's reports. talked were agreed that if Germany go to war, whereas if Germany headquarters was accidental was unland to remove the blockade. Any asked to be received.

the report. National feeling had grown enor-Redick had remained at his office mously and America, already on the merman, on receiving Von Bernate in order to receive it. Janitors side of civilization, feared the storff's report asked Admiral Van to be on the side of the entente, naval general staff) to defer unre-Herr Haniel was firmly convinced stricted submarine warfare, but Von that war with America would re. Holtzendorff had replied that this any ceremony. Judgs Redick will sult from U-boat warfare, after file it shortly before 9 o'clock this which America's supplies of money, sult from U-boat warfare, after was impossible. The chancellor morning in the district clerk's of- material and food would be enor- settled.

> Secretary Albert reported more William F. Hoch, 4506 Ames avenue, farming and teaming.
> William C. Hughes, 4016 Grand
> avenue, clerk Union Pacific rail-

Olaf Johnson, 132 North Thirtyseventh street, car repairer, Union Pacific railroad. Robert Lecky, 4211 Crown Point avenue, chauffeur, Loose-Wiles Bis-

David L. Morgan, 3309 Sherman avenue, automobile broker, Claire R. Nelson, 415 North Thirtieth street, real estate, Payne-Sla-

Hiland B. Noyes, 2021 Wirt street, president Noyes-Killy Motor Co. J. J. Smith, R. F. D., Florence, Jake Williams, 5805 Erskine street, gardener for A. L. Reed. The session of the grand jury just closed, is by all odds the long-

stroagly even in his communication of November 6, 1916, when the Uboat warfare had not yet been agreed upon and there had been no question of recalling the boats.

In the testimony, General Ludendorff said that the high command

U-boat campaign because the chancellor at that time feared an at-tack by Holland and Denmark, owing to the pressure of Great Britain Rawlins. and there were then, no troops to meet new enemies.

The high command was skeptical regarding President Wilson's peace move, but expressed approval of this and also approved Germany's peace move and endeavored not to thwart political peace steps. He had al-ways regarded Count Von Bernstorff's activities as unsympathetic. He believed that Von Bernstorff had not furnished the chancellor with sion was strengthened when Von Bernstorff told the commission yesterday that America could only have been held aloof from the war by enit he said America, despite its busi- trusting President Wilson with the ness sense and its English, and to role of intermediary for peace, some extent French ties, was at whereas, Ludendorff pointed out, this was not mentioned in Von

Moreover, Von Bernstorff's statebegan U-boat warfare they would ment that his visit to Ludendorff's ceased it they would compel Eng. true, the witness said, as he had

Former Chancellor Von Bethman relaxation of Germany's promises Former Chancellor Von Bethman made in 1916 meant war with Hollweg declared that with refer-America, in the opinion of all in ence to the sixth question, there telligent Germans in America, said was no contradiction in his declaration and Ludendorff's book, inasmuch as he, jointly with Herr Zim-U-boat danger less than it wanted Holfzendorff (former head of the therefore considered the matter

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first refrained from beginning the tory. Carlisle sawed his way out of the box after it had been delivered at the Union Pacific freight depot at

Other train robberies accredited to Carlisle were: February 5, 1915, land to refine it.

Union Pacific near Corlett Junction, By Fugitive Convict Wyo.; February 9, 1916, Union Pacific train No. 16, near Green River, and March, 1916, Oregon Short Line, near Roy, Utah.

Carlisle lived for a time in Denver, Colo. where he conducted himself as a man of means.

Rubber obtained from a species of factory has been established in Eng-tree growing extensively in Natal has proved so satisfactory that a

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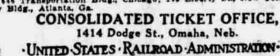
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