

# EDITOR OF BEE IS HELD GUILTY OF CONTEMPT

## Vindication of Paper's Fight Against Police Inefficiency By Grand Jury Comes Simultaneously.

(Continued From Page One.)

carried gasoline to the court house the night of the riot. In fact, in one of these papers alone, there was a column and a half of matter about Mr. Moore.

**State Not Interested.**  
"It seems to me that if the state was so very much concerned about publications in the newspapers, it would in all fairness have taken into consideration these articles."

**Why Pick Out The Bee?**  
"Why pick out the Bee?" demanded Attorney Rosewater; "were not the others equally guilty of contempt? The matter looks too one-sided when the other papers are not stopped. Then, after the other papers had printed one side of the case, why stop The Bee from printing the other side?"

**Burn the Constitution.**  
"If these are not good principles for newspaper to stand for," declared Mr. Connell in a voice of thunder, "I am asking in all fairness where you will find good principles? If they are not good principles to live and be guided by, then we might as well dump the declaration of independence in the waste basket and burn the constitutions of the United States and the state of Nebraska."

**Other Papers Not Prosecuted.**  
The allegation that other papers have published articles which, he claimed, were as highly contemptuous if not more so, under the interpretation of the law, than had been the one published in The Bee, was made by Attorney Stanley Rosewater in his argument in rebuttal to the county attorney, and also was recognized and acknowledged by the judge, who said, however, that the stories in the other papers complained of, had not been brought to his official attention, and a couple that he had examined, notably one in the World-Herald, had not impressed him as coming under the purview of the law.

**One Ray of Light.**  
One ray of light in the darkness that appeared to be approaching the newspaper situation, if the decision of the court were not reversed by the higher courts, and were carried out, appeared in the words of one of the decisions read by Attorney Shotwell in support of his contention. This decision was the one announcing that the liberty of the press was subordinate to the independence of the judiciary, but restricted the inhibition of the press to "pending" cases and exempted those which were on trial, also ex-

empting comment of all trials in progress.  
The decision read:  
"A newspaper may publish a fair report of the testimony in any case on trial, even though it be prohibited from so doing by a court."

**How About Other Jurors.**  
"How about the other 14 grand jurors who might have heard what Mr. Moore said in the grand jury room, and who were not called, after two of the grand jurors for the defense had controverted the testimony of two grand jurors for the prosecution?" demanded Attorney Connell, in discussing that phase of the case. "Two of the grand jurors, one of them with what he called a 'wonderful' memory, testified to words they said Mr. Moore used in the grand jury room, but neither of these two grand jurors agreed exactly upon what words he had used. Two other grand jurors were called and these testified to something entirely different. Now there were 14 other jurors in that room. They were within call of the county attorney just across the hall, and under his jurisdiction. He could have called them. At a moment of such importance, why did he not call those other 14 men and get the matter cleared up? How did it come about that only those two particular grand jurors were called, and that the state ceased its efforts when the defense had gotten two others who denied their statements?"

**Were After Rosewater.**  
Continuing, Mr. Connell said that the whole basis of the prosecution was an attempt to "get" Mr. Rosewater.  
"He is the chief subject in this whole controversy," charged the attorney, "and is the cause of this prosecution. There has been an attempt to prevent Mr. Rosewater from publishing these articles exposing the alleged conditions in the police department, and from conducting his paper in the interest of the public by exposing to the public those things about which they should have knowledge."

**Contempt in Dark Ages.**  
Beginning his argument for the defense, Attorney Connell said:  
"There has been a continuous advancement from the dark ages, when a man accused of contempt of a court was immediately tried, condemned and taken out and hanged or burned. We have developed from that time. Along with this development of man has come a development of the rights of the press."

**Rosewater Takes Stand.**  
The closing of the testimony came abruptly after Attorney Connell, for the defense, had placed on the stand Reporter Moore, and Victor Rosewater, editor of The Bee. Mr. Moore was placed on the stand to refute testimony to the effect that he had written, on a charge of untrue charges against a reporter for The Bee, on which the reporter, J. Harry Moore, had been indicted.

**Property of Court.**  
Summing up the case in announcing his decision, Judge Redick said:  
"A case pending in court is the property of the court and no outside agency, including a newspaper, has a right to try that case."  
"So far as this proceeding is concerned, the question here is whether or not this article, regardless of any question of libel, has a tendency to impede the court in carrying out its

cluding that the evidence against him is not satisfactory, and therefore the proceedings against him are dismissed.  
**Holds Editor Rosewater.**  
The Bee, however, as a publishing company, has admitted the publication of the article, said the judge, and therefore must be held.  
In the case of Editor Rosewater, said the judge, the decisions were many that the editor of the paper is its responsible head, and must be held liable for the cast of his subordinates. Whether or not Mr. Rosewater knew of the news article before it was published made little difference, and if it did, the fact that he had allowed continuous articles along the same line to be published afterward indicated that he had ratified the action of his subordinates.  
The court then announced that he would hold Mr. Rosewater, and was prepared to impose the penalty.  
Attorney Connell asked that the case go over until morning to give him time to prepare argument for an arrest of judgment.  
"That is a new kind of a motion, isn't it?" questioned the judge.  
"It is merely like a motion for a new trial in other cases," said Attorney Connell.  
The judge then announced that he had already made up his mind to allow the attorney five days to prepare a supersedeas, for which consideration the attorney thanked him. The case then went over until 9 this morning.

**Dismisses Moore.**  
Preliminary to announcing the dismissal of the charge against Mr. Moore the judge said:  
"I think the articles entirely unjustifiable, and inspired by a desire to attack the police and Captain Haze, but in so doing it stepped beyond the line of defense allowed the man under indictment. In the evidence, however, I find a conflict of testimony between two of the grand jurors, and that of two other grand jurors. Despite this, I was not guilty, but the testimony he gave in his own defense on the stand today has moved me to con-

**Attorney Stanley Rosewater, of Rosewater, Cotner & Peasinger of counsel for The Bee, shortly before noon yesterday began the opening argument for the defense, following the closing of testimony, and the opening argument of County Attorney Shotwell in the trial of The Bee in the district court.**

**Attorney Connell objected to this, as not coming within the range of subjects opened up by the direct examination.**

**Attorney Rosewater then attempted to question the editor about an editorial squib of November 8, prior to the publication of the "contempt" story, which squib read:**

**"Our grand jury makes a mistake when it permits itself to be manipulated by the discredited police department in pursuit of personal grievances."**

**"Did you write that editorial?" questioned the county attorney.**

**"I did," said the witness.**

**"Stop," said Attorney Connell. "I want the answer stricken out. The witness answered before I could get in an objection, and I object on the ground that it is not cross-examination, and that I have a right to warn the witness that he has a constitutional right not to answer the question if he so desires."**

**The court admitted the objection, and Editor Rosewater then said he wished to consult his attorney before availing himself of a constitutional right to refuse to answer a question.**

**The judge permitted the consultation, after which Mr. Rosewater again took the stand and said that he had in fact written the editorial.**

**He was asked if he had written it in reference to the Moore case, and replied that he had not done so.**

**"I wrote it following a conversation I had with Sheriff Clark at the jail," said Editor Rosewater.**

**Mr. Moore testified that the first news he had that the witnesses, Thorp and Morris, wished to confess their part in the unsavory affair was when he received a telephone message from the jail that Thorp and Morris had asked an attorney, who was in the jail visiting another prisoner, to notify Moore of what they wished to do and request him to come and see them.**

**Later, said Mr. Moore, Deputy Sheriff Lee also notified him that the two witnesses had confessed to certain facts regarding the activity of the police captain in his case, and wished to make a statement to that effect.**

**Mr. Moore stated that immediately upon receiving this information he first produced a notary public and visited the two prisoners, who made statements which were taken down by the notary, in which they confessed they had been solicited and urged by Police Captain Haze into making their charges against Moore, further stating that, as a matter of fact, they had not seen Moore in the crowd of the court house riot, and as further matter of fact had never even seen him at all, or even heard of him, until the day they were stationed in an office by Captain Haze for the purpose of getting a look at Moore which came into the room on a "trick" message sent by the captain to entice him to the room.**

**Wanted Affidavits Kept Safe.**  
Moore stated that on getting the affidavits he handed them to Managing Editor Kennerly of his paper with the request that they be kept in a safe, doing so because the managing editor was chief of the department in which he worked, because the further fact that he had been indicted through his employment on the paper connected the paper in interest with him in the affair and made the paper a party thereto, and it was eminently proper and in the natural order of things that he should, therefore, entrust the affidavits to the managing editor over the matter.

**He stated that he made no request that they be published, and that the conversation with the managing editor was short, the time being near the lunch hour, and the managing editor going out, he himself leaving the office later, and not seeing or conversing with the managing editor until after he had seen the publication of the affidavits in the paper.**

**County Attorney Shotwell sought to get an admission on cross-examination that Moore knew, or must have known that the affidavits were going to be published, but the witness stuck to his statement that the conversation with the managing editor was short, as stated, and not continued later in the day.**

**Rosewater Volunteers Testimony.**  
Editor Rosewater was placed on the stand to show that he had had no cognizance of the story in question, and that in the ordinary course of the day's business in The Bee's local news room such a story would not be brought to his attention.

**Attorney Connell objected to this, as not coming within the range of subjects opened up by the direct examination.**

**After considerable argument Judge Redick sustained the objection.**

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# MAYOR SILENT ON REPORT OF THE GRAND JURY

## Butler Blames Council for Governor's Police Probe Order—Ure Firm on Present Station Site.

City Commissioner Butler stated that the grand jury report, referring to lack of leadership during the afternoon of Sunday, September 28, at the court house, justifies his contention that the city council should order a public investigation, as proposed in his resolution, which will be brought before the city council for action Thursday morning.

"You will recall that my resolution provided for a public hearing at which the facts and the truth are and place the blame, if any, where it belongs. I am going to insist Thursday morning that the council adopt my resolution. Where would we get with a secret investigation of this kind?"

Mayor Smith was told of the content of the grand jury report with reference to the police at the court house and he was asked to express his opinion.

"I wish to read the entire report before I comment and when I have read it I may not make any comment," the mayor replied. "As I stated before," he added, "I have asked for reports from every member of the police department."

He added that he arrived at the Harney street side of the court house as early as 5 p. m., on the Sunday of the riot.

**Will Call for Reports.**  
"I have directed Chief of Police Eberstein to have every member of the police department send to me this week a written report of his whereabouts and actions on Sunday, September 28, from noon to midnight," the mayor said. "When I will hand them to Mr. Wilson, the governor's representative, whom I expect to be in Omaha this week."

Commissioner Ure asserted that he would not make any comment of the grand jury's reference to the police department until he shall have read the entire report.

"As for the recommendation of the grand jury, that the new police station should not be located at the present site, I would state that I don't believe that I will be influenced by the grand jury in that matter," Mr. Ure said.

**Identify Rescued Woman.**  
Chicago, Nov. 19.—The identity of the "Mrs. Mary Duke," who was rescued from Lake Michigan three days ago, today had been cleared up. She was identified by Theodore MacHold of St. Joseph, Mich., as his mother, Mrs. Mary MacHold of El Paso, Tex. Mrs. MacHold had been missing since July, her son said.

**Mr. and Mrs. Judson Return From Christening Ship.**  
Mr. and Mrs. Frank Judson returned from Wilmington, Del., where Mrs. Judson christened the ship, "City of Omaha," with a bottle of real champagne. Mr. Judson says that 20,000 people witnessed the christening of the ship.

**Special Xmas Vocalion Offer!**  
Newest Style 620 Vocalion in rich mahogany or beautiful satin finished oak casings—  
**\$235**  
Equipped with universal tone arm which plays all makes of records; also has the wonderful Graduola — and included with it is \$10 worth of records (your choice) and 200 needles.

A Small Cash Payment Sends It to Your Home  
**\$12.00 Monthly**  
We, of Course, Have Many Less Expensive Outfits  
Call or Write  
**OAKFORD Music Co.** 1807 Farnam St., Omaha, Neb.

# Police Raid Alleged Fan-Tan Game and 15 Chinamen Are Caught

Detectives Troby, Bolar, Haze and Danbaum broke up an alleged game of "fan-tan" yesterday afternoon just when it was getting interesting for 15 Chinese in the grocery store of Sam Gwong, 122 North Twelfth street, and arrested Gwong and his 14 companions.

Most of the alleged gamblers live in the grocery store. Ax Sing, Long Eye, Lee Sing, Long Hop, Bab Cun, Yee Toy, Tu Lam, Louie Kong, Ax King and Jun Chin all said they lived at 122 North Twelfth street. They, with Au Quong, State Hotel, Lee Sing, 111 North Twelfth street, Jun Lee, 1204 Douglas street, and Lo Dow, 517 North Sixteenth street were charged with gambling and released on \$200 cash bonds each.

Gwong was made to put up \$500 cash for bond. He was charged with keeping a gambling house. Several dozen wooden blocks, resembling dominoes, and \$75.00 in cash were taken in the raid and held as evidence against the Chinese.

**They are distinguished by a correctness of style that is a matter of fabric, quality, tailoring and an attention to the smallest details of finishing.**

**You'll find them to your liking.**

**The Men's Shop**  
Christmas Thoughts  
Neckwear of silk.  
Appropriate jewelry.  
Silk reefers.  
Good gloves.  
Silk hose.  
Silk pajamas.  
Silk shirts.  
Silk robes.  
Bath robes.  
Handkerchiefs.  
Splendid assortments.

**The New Silhouette**  
It may "pinch in" a bit at the waist, or it may ripple, although usually it's youthfully straight and slim. But to bring out the lines of any of them

**The Eppo Petticoat Should Be the Foundation**  
For it fits over the hips with glove-like smoothness, because of the features exclusively Eppo—the invisible side fastening, the elastic waistband, stitched through and through the material, and the braided-protected hem.

**Undergarments for Women**  
Ribbed cotton union suits, low neck and ankle length, \$1; extra sizes, \$1.25.  
Cotton fleeced union suits in several styles, all good, \$2; extra sizes, \$2.25.  
Black wool tights of ankle length, \$2.  
Second Floor

**Footwear of Distinction**  
Designed by Sorosis  
A particularly attractive model has a long, slender vamp, turn over welt soles and full Louis heels. It is shown in a beautiful brown kid, also suede, patent leather and dull kid.  
\$15 to \$18

**U. S. ARMY GOODS FOR SALE**  
By the Nebraska Army and Navy Supply Co.  
Don't wait for the real cold spell. Buy your winter apparel NOW and save money.  
Corduroy Vests, leather lined and leather sleeves, sizes 44, 46 and 48 only. \$12.49  
Exceptional values at..... \$12.49  
Sheep Vests, without sleeves, large sizes only..... \$7.50 and \$8.49  
Army Mitten Field Shoes, brand new, at price of..... \$1.98  
Army Saddle Blankets, felt padding, at..... \$6.50  
Army Regulation Tents, 16x16 with 3-ft. wall, pyramid shape, extra heavy duck canvas. These tents cost the government up to \$100. Have been used in service. Our special offer..... \$27.50  
Army Comforters or Quilts, renovated. In khaki or varied colors, while they last, each..... \$1.23  
U. S. Wool Army Blankets, renovated, sale price..... \$5.98  
Army All-Leather Halters, brand new..... \$1.49  
Khaki Overalls Mackinaw, brand new..... \$12.49  
Khaki Sweaters, with sleeves, brand new..... \$5.88  
Khaki Sweaters, without sleeves, brand new..... \$4.88  
Sweaters with shawl collars, brand new..... \$4.88  
Cotton Double Blankets, plaid or gray, brand new..... \$5.98  
Wool Union Suits, brand new, per suit..... \$3.79  
Khaki Flannel Shirts, brand new, at..... \$4.98  
Wool Undershirts..... \$1.68  
Wool Drawers..... \$1.68  
Cots, Army Sanitary Cot Bed, brand new, Simmons' Sagless Springs, gray tubular end. Special while they last..... \$8.69  
Shoes, brand new, Nonson last, marching, genuine oak sole, shipping extra..... \$5.98  
Pork and Beans, 19c per can, (per case, 24 cans)..... \$4.50  
Work Shoes, exceptional values..... \$4.98 and \$5.98  
Karo Syrup, 7½c can, special today only..... \$2.99  
Khaki Flannel Shirts..... \$4.98  
Brooms..... 49c  
Leather Vests..... \$2.99  
Ulster Sheep Lined Coats..... \$22.50  
O. D. Wool Mackinaws..... \$15.98

**Common Sense Way to Treat Colds**  
A neglected cold at this time of year may develop into a serious cough or lung trouble. Father John's Medicine treats colds in the natural way, by giving each organ strength to resume its normal work. Remember, you are safe when you take Father John's Medicine, because this old-fashioned family medicine contains no alcohol or dangerous drugs.  
60 years in use

**SQUEEZED TO DEATH**  
When the body begins to stiffen and movement becomes painful it is usually an indication that the kidneys are out of order. Keep these organs healthy by taking

**GOLD MEDAL HARLEM OIL CAPSULES**  
The world's standard remedy for kidney, liver, bladder and uric acid troubles. Famous since 1905. Take regularly and keep in good health. In three sizes, all druggists. Guaranteed as represented. Look for the name Gold Medal on every box and accept no imitations.

**Coughing**  
Is annoying and harmful. Relieves throat irritation, tickling and get rid of coughs, colds and hoarseness at once by taking

**PISO'S**

# Announcement Extraordinary—

For over a year we have been quietly investigating the various makes of dress patterns with a view to improving our pattern service. As a result of our investigation we decided that we would serve you best by offering the justly celebrated

**Ladies Home Journal Patterns**  
These patterns depict all that is newest and best in both American and Parisian fashions. They are the simplest of all patterns and therefore the easiest to use.

Quickly to introduce Home Patterns to our good friends and customers, we have secured for free distribution a limited quantity of the

**Home Dressmaking Magazine**  
This interesting magazine illustrates many attractive dresses for women, misses and children, and also contains several dressmaking lessons which you will find very helpful in your home sewing work.

Miss M. F. Halloran, a New York fashion authority and also a Home Pattern expert, is at our pattern department to fully explain the merits and advantages of using LADIES' HOME JOURNAL PATTERNS  
Come in and consult her about your dressmaking problems. She will be glad to help you.

**Brandeis Stores**  
SETS THE PACE FOR GROWING OMAHA