

Motion for New Damato Trial May Be Heard Monday

Shotwell Wants to Know What Caused Delay in Obtaining of Pierce Retraction.

Motion for new trial for Mike Damato, convicted of manslaughter in the murder of Frank Fogg, veteran Omaha druggist, probably will be argued in district court Monday. If the motion is overruled Damato will be sentenced, according to County Attorney Shotwell.

Why All the Delay?

This case was tried in February. Why all the delay in getting these affidavits? What pressure was brought to bear? That will be the question to be inquired into carefully when we argue the new trial motion.

In an affidavit from Pierce, now in an insane asylum at Topeka, Kan., the former witness states he believes Damato knew nothing about the killing of Fogg and now feels that Damato "has wrongfully been convicted and principally on my evidence given at the trial, for it is my firm conviction that he is innocent of any connection with the Fogg murder."

Alleges Coercion.

The Wiler woman in her affidavit declares she "did not know anything whatever about the facts of the murder and robbery of Frank Fogg except as told to me and promulgated by Detective Fritz Franks and Detective Walston."

She alleges she never lived in Omaha and was coerced into testifying against Damato by promises she would be freed from a Missouri reformatory where she was serving for grand larceny.

Frost Occurs in Eastern States

Little Damage Done to Fruit, Belief—Freezing Temperatures in Northwest.

Washington, April 22.—Frost occurred last night from the Atlantic coast westward to Indiana and Ohio and as far south as northern Virginia, reports to the weather bureau today seriously, but officials expressed the belief that generally little damage was done to fruit.

Temperatures around the freezing point were reported from the whole northeastern quarter of the country, ranging as low as 24 degrees at Northfield, Vt., and Binghamton, N. Y.

The amount of damage caused to fruit will not be ascertainable by the Department of Agriculture, officials said, until early next week, when detailed reports will be available from all sections.

Belief was expressed by all officials that considerable damage was caused in orchards on high land.

Another frost, probably not as heavy as that of last night, was forecast for the northern Atlantic section, the eastern lake region and the upper Ohio valley. Warmer weather, however, is in prospect, as shown by higher temperatures in Illinois and to the westward.

Benefit Play to Be Given at Creighton Auditorium

The Fajo Players will present a three-act farce, "The Poor Married Man," at Creighton auditorium, May 2 and 3, for the benefit of a new parochial school to be erected in St. Patrick's parish, Fourteenth and Castelar streets.

Leading roles will be played by Margaret Brennan, Mayme Naiberg, Alice Thomas, Madeline O'Grady, Anselm F. Cerney, Peter J. Kleine, Charles Moore and Dave Shanahan.

Midshipmen Will Attend Dedication of Memorial

Annapolis, Md., April 22.—Permission has been granted for a detachment of 130 midshipmen to take part in ceremonies in Washington next Thursday, in connection with the dedication of the Grant memorial. A similar body of West Point cadets will attend.

Generally Fair Predicted for Week Beginning Monday

Washington, April 22.—Weather outlook for the week beginning Monday: Region of the Great Lakes, upper Mississippi and lower Missouri valley, Rocky mountain and plateau regions, and Pacific states, generally fair and normal temperature.

Road Conditions

Lincoln highway, east: Roads good to Marshalltown; fair to Cedar Rapids. Cedar Rapids vicinity roads are improving, but muddy, but very rough. Number of cars come through from that point yesterday.

Lincoln highway, west: Roads good to Grand Island and west. O. T. D. highway: Roads good to Hastings and west.

Missouri highway: Roads fair to good. O Street road: Good. N. T. A. road: Good. Omaha-Topoka highway: Roads good. George Washington highway: Roads good to Sioux City. Black Hills Trail: Roads good to Norfolk.

Rise of trail, north: Roads good with exception of a few rough stretches. King of Trails, south: Roads fine to Hinckley. Custer Battlefield highway: Roads good through Iowa. Improving rapidly through South Dakota.

River to River road: Some road work, but roads good to Des Moines. East roads improving rapidly. Iowa City reports most main roads have been bagged and are smooth.

White Pole road: Road work in miles east of Council Bluffs and extending into Oakland; road work, Anita to Adair. Overland road fine. East of Des Moines roads fair to good.

I. C. A. Shortline: Roads good. Blue Grass road: Good to Ottumwa. Weather reported clear at every point, with indications for continued clear and warm.

"Sure, Let 'Em Sing," Says Dying Soldier of Howard Glee Club

Washington, April 22.—When the Harvard Glee club made a round of the soldier hospitals here Thursday and did its best to cheer the way for the sick and disabled it came to one where "a soldier of the Legion lay dying."

There was some question as to whether the club ought to sing with the somber spectre of death hovering so near. Somebody suggested that the decision be made by the sick soldier.

"Sure, let 'em sing," said he with a pale, wan smile. It will be a happy memory to carry across with me.

So the club gladdened the invalids with songs and harmony for an hour and none responded to the ray of sunshine more eagerly than the dying soldier.

Yesterday he was still alive and the doctor says that maybe he won't die for some time.

Druggist Loses Rum Permit Suit

Pharmacist Who Sued Dry Chief Also Denied 1922 Alcohol.

Francis J. Dunn, Grand Island druggist, yesterday lost his suit to compel U. S. Rohrer, prohibition director, to issue him alcohol on his 1921 permit.

He also was denied a 1922 permit by Commissioner Hayes in Washington, J. C. Kinsler, United States attorney, told Federal Judge Woodrough.

"Dunn withdrew more alcohol the first six months of 1921 than he was entitled to for 1921 and 1922," said Kinsler. Besides that, federal agent submitted evidence that Dunn was bootlegging.

Judge Woodrough ruled he had jurisdiction in the case, since the commissioner in Washington had denied Dunn a permit.

A feature of the hearing was Attorney James H. Hanley's motion that the judge cite Rohrer for contempt of court for recommending Dunn's permit to be revoked while the case was pending. Hanley preceded Rohrer as prohibition director.

Judge Woodrough refused to entertain the motion.

Five Die as Result of Downey, Cal., Gas Blast

Los Angeles, April 22.—Five deaths were reported early today in hospitals at Downey and Artesia, near here, as a result of the explosion yesterday morning of a gasoline tank and gasoline tank wagon while scores were fighting a fire in a gasoline filling station at Downey. Five others, seriously hurt, were reported in a critical condition at hospitals in Downey and here.

The dead are: William C. Jarpis of Lancaster, Cal.; Walter L. Hulsey, druggist, 35, Downey, Cal.; Lester E. Johnson, student, 16, Downey; Edward Vandegriff, retired, 58, Downey; Clyde Wierbach, clerk, 30, Downey.

Auditorium Proposed as Soldier Memorial Here

The Municipal auditorium to be made over as a soldier's memorial. This proposal was made by James Collins, chairman of the American Legion's clubhouse committee, at a meeting of the legion's executive board last week.

A new memorial building would more or less duplicate the present structure. Besides, it is not advisable to launch a campaign for funds for a new building now, Collins reported.

He recommended necessary legal steps should be taken to have the city of Omaha give the present uncompleted building as a memorial to patriotic organizations.

"A bond issue to remodel and complete it would then give it the facilities contemplated by the memorial building," he said.

Glee in Auto Joy Rides

Motor Cars Multiply; Movies Become Rage Discovered in China

Washington, April 22.—Bright lights, joy rides and the movies have made a hit in China, Lynn W. Meekins, trade commissioner, reported from Shanghai today.

"The Chinese," he said, "are just as fond of the white lights as the most suburban Broadway crowd. The joy ride, too, made an immediate hit in China, and motor cars are being multiplied. The Chinese are so enthusiastic over motion pictures that they have begun producing films themselves."

Business concerns in China are looking forward to improved conditions "if the rather threatening military developments fail to prove serious," according to Julian Arnold, commercial attaché at Peking.

Usual spring buying in north China and the upper Yangtze regions, he reported, is being interfered with by the political situation, but with steady improvement generally in business and in the ports elsewhere, old stocks are being gradually liquidated. General financial conditions during the first month of spring were satisfactory, he added, money easy, and a fall in exchange anticipated in many quarters.

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Write me today and I will send you a free trial of my mild, soothing, guaranteed treatment that will prove it. Stop the itching and heal permanently. Send no money just write me—that is all you have to do. Address: Dr. CANNADAY, 2118 Park Square, Sedalia, Mo.

Colorado Land Makes Profit for Investors

Development Interests of Burlington Launch Publicity Campaign to Show Recent Growth.

The farm land development interests of the Burlington (Colo.) district are starting a publicity campaign. Its purpose is to revive interest in land investments in general and to emphasize the advantages of their section based on present conditions.

During 1919-20 more land was sold, broke and put into crop in the Burlington district than any other similar area in the middle west, according to dependable reports. Farmers from all parts of Nebraska and Iowa settled in the country, adding greatly to its prosperity.

Joe Swenson, head of the Swenson Land company of Burlington, Colo., states, regarding the outlook for farm investments:

"The men interested in the development of the Burlington district are actual farmers and have been preoccupied for a score of years. Never during that time have we observed farm land values, and particularly low price lands go down in price or fail to return a good interest on the investment. It is upon this proved belief that we are anticipating a satisfactory immigration movement to eastern Colorado this year. That farmers in Nebraska and Iowa are interested in land investments is certain, and, judging from recent sales of land made in our section, they will buy good producing land if priced right."

Nation Honors Nebraska Man

Arbor Day Message of Secretary Wallace Broadcast by Radio.

America yesterday observed the golden anniversary of Arbor day. Public buildings and offices in Omaha and other cities of the state and country were closed all day, honoring the memory of the founder of Arbor day, J. Sterling Morton of Nebraska.

Last night Secretary of Agriculture Wallace sent out by postoffice radiogram a special message, making an impressive plea for observance of the day.

The message was received here at the air mail field by Radio Operator McAvoy.

The army radio station at Fort Crook was instructed by the War department to rebroadcast this message at noon yesterday.

Atlantic Fleet to Sail for Southern Drill Grounds

Washington, April 22.—The Atlantic fleet will sail from Guantanamo bay today for the southern drill grounds at Lynn Haven, roads where the fleet commander, Admiral Jones, will join the force aboard his flagship, the battleship Maryland, now at New York. The entire force will remain on the southern drill grounds for final spring maneuvers and gunnery exercises until May 5, when the ships will disperse to their home yards along the Atlantic coast.

The fleet has been at Guantanamo for restricted training operations due to fuel shortage early in January.

Girl Held Prisoner 10 Days Rescued by New York Police

New York, April 22.—Police battered down a door in a West Forty-fifth street house yesterday and rescued Minnie Zarcinok, 16, who said she had been kidnaped and held prisoner for 10 days.

A man who said he was William Weissinger, 23, was arrested on charges of abduction and assault.

The girl said Weissinger seized her at a deserted corner and took her to the house where he held her prisoner after depriving her of all her clothing.

Michigan Freshmen in Revolt Against College Tradition

Ann Arbor, Mich., April 21.—With Louis T. Orr of Chicago standing firm in his determination to refuse to wear the freshman cap and facing possible expulsion from the University of Michigan as a result, a second freshman, Jesselyn Van Tyne of Ann Arbor, professor's son, has joined Orr in the fight on college tradition.

Van Tyne, like Orr, has declared he is attending the university "to obtain an education, not to follow traditions of the school."

The under class conduct committee, composed of sophomores, has asked Orr's expulsion from the school and it is rumored it will consider Van Tyne's case. Officials of the university have made no decision. In the past, these officials have supported all recommendations of the committee.

Orr's father, a Chicago attorney, is expected to arrive here to support his son.

Van Tyne is the son of Prof. Claude H. Van Tyne of the university history department.

National Park Director Here

America More Than Holding Own in Tourist Travel, Says Stephen Mather.

America is more than holding her own in tourist travel, despite European competition which is enhanced by the recent war, according to Stephen T. Mather, director of national park service, who passed through Omaha this morning.

There will be more westbound automobile travel this year than ever before, and cutting of tourist rates along with a prevalence by railroads will increase rail travel greatly, in Mr. Mather's opinion.

Mr. Mather, a reputed millionaire, a former newspaper man and a close acquaintance of many of America's foremost writers, is devoting his time to making life in the open possible to more of the country's population. His keen blue eyes light with enthusiasm as he talks of the wonders of Yellowstone, Mesa Verde, Rocky Mountain, Zion, Glacier and Yosemite parks, and of work which makes them a preserve for the people.

Foreign ministers at Washington are taking more interest in these scenic wonders of America, Mr. Mather says.

Accompanying Mr. Mather westward is Horace M. Albright, superintendent of Yellowstone and general field assistant to the director. Roy E. Enery of Denver also will accompany Mr. Mather to Denver.

The public ovens and kitchen in Elmwood park have been opened for the season. These conveniences were installed last season by Commissioner J. B. Hummel.

THE THOUSAND DOLLAR STORY

Every business man will be interested in reading this fascinating story, which has just been sent to The Bee by the author, H. M. Alexander, Vice President of Crixfield & Company.

The story of how "Oscar," a small dealer, grew until he owned six of the finest stores in a great city, a wholesale bank—a director in several banks—is a story well worth reading. Oscar tells how he did it. If you follow his system given in the Thousand Dollar Story you cannot fail—the secret is yours for the reading.

The Bee has arranged for a limited number of copies of this story, which will be mailed free to merchants on request. Address: The Advertising Department, Omaha Bee.

E. John Brandeis Sued for \$200,000

Mate of Millionaire's Stenographer Alleges Alienation of Wife's Affections.

Suit for \$200,000 in damages for the alleged alienation of his wife's affections was filed in district court yesterday by Clarence E. Hall against E. John Brandeis.

Hall's petition recites that Mrs. Hall has been employed as private secretary and stenographer to the defendant and that recently, when he opened an office in New York, she went there in the same capacity. This, he says, was against his wish and yet, when he protested, she refused to return. Instead, he alleges, she told him that she was "through with him" and intended to remain in New York.

Hall recently filed suit for divorce. The couple were married at Council Bluffs November 9, 1915.

Harvard Investigates Plan to Use Gravel on Streets

Harvard, Neb., April 22.—(Special)—The Harvard Community club, after inspecting the roads of Fairfield and Edgar, have decided to make further and more complete investigation concerning the feasibility of "sanding" the main streets of this city.

The plan usually followed in smoothing roads this way requires that the street be entirely turned over with a plow and the gravel turned into the loose soil. After it is leveled it is then packed. This, it has been shown, produced a solid and smooth road and almost equal to paving.

Editors Discuss Taxation Problems

Grand Island, April 22.—(Special Telegram).—The Loup Valley Editorial association, President Tomplin of Shelton presiding, met here and discussed the taxation and political advertising questions at length without taking any definite action. On the taxation question they were addressed by C. G. Ryan, attorney. Mr. Ryan strongly advocates publicity of the personal assessment returns, limiting the returns to be published, however, to those over \$50 net. It appeared to be the consensus of opinion that complete publication would do more general good but that the light of the prints on the larger returns would be preferable to the present ignorance of the general public of how ludicrous the personal property assessment really is.

There were represented at the meeting Editors Leggett of Ord, Gate of Palmer, Temple of Shelton, Maltman of Wood River, Curran of Greeley, Road of North Loup, Peterson of Dannebrog, Johnson of Grand Island, and Secretary Buck of the state association.

Editor W. W. Maltman of Wood River filed for the republican nomination for representative for the Hall county district exclusive of Grand Island.

Pawnee City Completes Advertising Contest

Pawnee City, Neb., April 22.—(Special).—A gigantic advertising campaign was culminated here, when the winners of a contest held by the merchants and professional men of Pawnee City for the past six weeks were awarded valuable prizes.

Court Dissolves "Booze Combine"

Man Who Sold Still and Dispensed Product Jailed—Rum Maker Fined.

Rapid-fire grilling by J. C. Kinsler, United States attorney, ferreted out the principal offender of the two when L. C. Porter, farmer, and Roy N. Knott, soft drink proprietor of Harley, Neb., were brought before Federal Judge Woodrough yesterday.

Knott was charged with the sale of a pint of whisky and Porter with operating a still.

Kinsler's line of questioning developed that Knott provided the still and "distributed the product."

Porter, who has a dependent family, told the judge he made the booze to pay off a note past due in the bank.

The judge fined him \$100 and sentenced Knott to jail for three months and to pay a \$500 fine.

The two were arrested by "Gas" Hyers' men Friday.

Farm Association in \$50,000 Campaign

Lincoln, April 22.—(Special).—A home which will play the role of good Samaritan to homeless boys in the state has been founded here by the National Children's Farm Home association.

A spacious home, together with a 140-acre farm, has been purchased. The home is not to favor of the reformatory type, officers of the organization sponsoring the movement, maintain.

Among the officers are Charles H. Arnold, M. D., president; A. W. Lowell, University Place, vice president; C. A. Norlin, Unadilla, secretary; M. B. Myers, Lincoln, national treasurer; W. A. Selleck, treasurer, and J. A. Murray, University Place, superintendent.

The object of these men is to make the home a place for any boy needing help. Even older boys out of a job will be taken care of until a place is found for them. The home will also board children, whose mothers are forced to work.

The association began its drive for \$50,000, April 15. This campaign is to continue until May 15. Negotiations are also under way for 70 acres one mile and a half south of College View. This is to be made over into a similar home for girls, according to plans.

Ohio and Kentucky Join Hands Over New Bridge

Ironton, O., April 22.—Ohio and Kentucky joined hands here, using the new Ironton-Russell bridge as the connecting link.

Formal exercises preceded the throwing open of the bridge to traffic which connects Ironton with Russell, Ky., finished at a cost of \$700,000. Funds for the bridge were secured by the sale of stock. It is 2,890 feet long.

SMOKE SALE MONDAY IS THE BIG DAY!!

Insurance Adjuster Insists Upon a Complete Decisive Close of all Smoked Goods

All sale groups have been reassembled under lower than ever Price Heads for the last days selling:

If you are not one of the thousands who have attended this sale, Monday is the day to take advantage of these marvelous money savings:

Prices Blasted for Final Early Close Out of Smoke Scented Merchandise—Monday

In the vast majority of cases it is almost impossible to detect even the slightest odor of smoke in the garments, but because of our insurance settlement we are bound to dispose of this stock even at these almost unbelievable prices.

It is to be remembered that at the time of the fire next door our Basement Stockrooms were piled high with huge shipments of New Merchandise bought for Easter disposal and it's this type of garments we are sacrificing today.

Buy All You Need on Our Easy Payment Plan

\$1.00 Boxes of Delicious Assorted Chocolates Only **39c**
Creams—Nuts—Fruits—A Wonderful Value

Choice of 50 O'coats \$14⁹⁵	Final Price Smash, Men's Suits \$18⁵⁰ - \$22⁵⁰ - \$27⁵⁰	Palm Beach Suits \$9⁹⁵
They simply can't last long at this dirt-cheap price. Buy now for next winter, the savings warrant such investment.	Every Suit worth at least twice these Prices.	\$9⁹⁵
	Here is by big odds the most thrilling values in Omaha this year. Fine hand tailored Suits for men and young men, Suits direct from Rochester's foremost clothes builders, now offered at these ridiculous low prices. A little smoke is the cause of it all and you cannot detect the slightest odor of smoke.	Just a limited few, but while they last Monday take your pick of the lot for only \$9.95. They are worth decidedly more.
	Pick Out Your Suit—Your Credit is Good.	

Wool Skirts \$4.95	150 Polo Coats \$15⁹⁵ - \$18⁹⁵	Stunning Wraps \$18⁹⁵ - \$24⁹⁵
Smart plaids, stripes and checks as well as plain colors, all sizes, worth double.	Worth Twice These Prices.	Worth Twice These Prices.
	Every woman wants and needs a smart Sport Coat. Here are the very newest creations and just because they underwent the presence of smoke you can have them at a fraction of their true worth.	Loose Wrappy Coats with their novel sleeves, rich embroidery, fine linings, offered in these two big clean-up lots. Every wanted Fabric is included. Every desired color is here.

Smoke Sale Prices on Dresses \$13⁸⁵ - \$18⁸⁵ - \$23⁸⁵	Close Out Tailored Suits \$16⁰⁰ - \$24⁹⁵
Value Giving that appears impossible	Suits worth two or three times this Price
Taffetas, Crepe de Chines, Canton Crepes. Styles of the moment, a rainbow of colors, styles for every purpose. If you need a new Dress buy it Monday. Buy it on our easy payment plan.	Any woman who contemplates buying a New Tailored Suit will find in this lot values that are so out of the ordinary, so ridiculously low in price that you'll doubt the possibility of selling suits like these for \$16.00 and \$24.50, but take your choice and buy them on our easy payment plan if you like.

Girls' Gingham Dresses \$1.00

Clever little styles, a new shipment, and we predict they won't last long. Sizes to 14 years.

BEDDEO

1417 Douglas Street

5 High Grade Upright Pianos \$315.00 Each

Delivered With Bench

Brand New Beautiful Styles

Well-Known Standard Make

GUARANTEED

Convenient terms of payment may be arranged on any of these instruments.

No exchanges taken at these prices. If you have an old piano which you expected to trade in, sell it or we will buy it for cash—but the low price of \$315 admits no goods taken in exchange.

The Biggest Value Ever Offered for

\$315.00

It will be a pleasure to show you these wonderful and beautiful instruments.

Piano Department—Fifth Floor

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"EVERYBODY'S STORE"