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VOLUME 18. CORPUS CHRISTI, TEXAS, WEDNESDAY, JANUARY 5, 1916. NUMBER 26.

TIMON'S PLEA IN ABATEMENT WAS OVERRULED

DEFENDANT IN CONSPIRACY CHARGE ALLEGED THAT FOUR UNAUTHORIZED PERSONS WERE IN GRAND JURY ROOM WHILE TESTIMONY WAS BEING GIVEN

THE CASE WAS CONTINUED

Ruling of Judge Burns in the Plea Was That it Should Have Been Made When Defendant Was Arraigned Last September.

Attorneys for County Judge Timon who is charged with conspiracy to corrupt an election at which congressmen were voted for, Tuesday argued before Federal Judge Burns that the indictment should be dismissed and quashed the allegation of the defense being that when evidence was being secured which resulted in the returning of the indictment that four unauthorized persons were in the courtroom namely, J. W. Commins, a stenographer, D. Maxime, a local Methodist pastor, S. M. Sells, a cigar manufacturer, and J. H. Hipp, farmer.

The government filed a demurrer asserting among other things that the plea came too late and that it should have been presented last September 2 when Judge Timon was arraigned. The demurrer was sustained and the plea in abatement overruled to which the defense gave notice of appeal and asked that bill of exceptions be included in the record should the case be carried to the higher courts.

Admittedly the plea was interposed after the Fifth circuit court dismissed a conviction of the Fort Worth federal court on the grounds that when the evidence was being secured in the grand jury room that a stenographer was in the court jury room. The ruling of the court was that when Timon was arraigned that he entered a plea of not guilty, was tried, the trial resulting in a mistrial and that his plea is now forty weeks too late.

Marshall Hicks presenting the case for Judge Timon argued that the former trial resulting in a mistrial Judge Timon should be considered before the court for another arraignment and that the plea in view of the higher court decision should be accepted and the case dropped.

By agreement of counsel the Timon case was continued to the May term.

The plea of the defendants with reference to the allegation that J. W. Cummins, who is stenographer for C. H. Caldwell, Rev. D. Maxime, the pastor of a local Methodist Church, S. M. Sells, cigar manufacturer and J. H. Hipp farmer, were in the grand jury room while testimony was being received was as follows:

"This defendant shows that the said J. W. Cummins was present and acting under the following circumstances and conditions:

"That said J. W. Cummins was present in the Grand Jury room acting on behalf, and at the instance of the government of the United States, taking down in shorthand the testimony which was being adduced before the Grand Jury in their examination and investigation of the matters connected with the finding of the bills of indictment in this cause by said Grand Jury, and that he was present in the Grand Jury room from day to day and hour to hour, as the sole private stenographer in behalf of the government, taking the testimony of all the witnesses appearing before said Grand Jury and each of them, and, not only took stenographic notes of same, but rendered said notes into typewritten record of the proceedings and testimony as had before the Grand Jury, which found the bills of indictment in this cause, and so took down and preserved the testimony heard before said Grand Jury upon which said Grand Jury deliberated, heard and found the indictments in said cause.

Second.

"That one James Hipp and one D. Maxime were also present during the taking of such testimony.

"That previous to the finding of such bills, and while said Grand Jury was hearing evidence anticipatory to finding those bills, and upon which testimony said indictments were ultimately based, Angel Gutierrez, who was afterwards indicted by said Grand Jury jointly with this defendant in said cause, was called by the Government before the Grand Jury as a witness and in the presence of one James Hipp and the members of said Grand Jury, was questioned with reference to the offense charged to have been committed by this defendant and the other parties who were jointly indicted with this defendant thereafter by said Grand Jury, and with reference to the connection of this defendant and said other persons therewith, and said witness was, during such investigation before said Grand Jury, confronted in the presence of said Grand Jury with said James Hipp, and charged by the United States District Attorney, conducting said examination before said Grand Jury, with having participated in the alleged conspiracy then and there under investigation, and the said James Hipp was in the presence of said witness and in the presence of said Grand Jury, by said District Attorney, or by some member or members of said Grand Jury, then and there called upon to identify said witness and charged him, said witness, with having been present and participating in the alleged

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HOUSE TO BE ON GROUND IF PEACE NEGOTIATIONS BEGIN.

Photo by American Press Association.

[That President Wilson is sending Colonel E. M. House to Europe to be on the ground when the time for peace negotiations comes is a report that went the rounds in Washington. From various sources, diplomatic and other, the American government has been informed that in six months time the peace movement in Europe will have gained great momentum. At that time, according to a belief entertained in administration circles, the present military deadlock existing on all the fronts will have been emphasized and become clear beyond peradventure to all the nations. It will then be realized that a decision can be reached only by more hors of fighting and a tremendous cost of lives and money. All the indications, it is believed, will be in a frame of mind to accept even a temporary peace. Colonel House, it is understood, will be then in an ideal position to act as agent of President Wilson as a mediator and go between for the belligerent nations.]

LIQUOR DEALERS OF ARANSAS PASS PREPARE TO RETIRE

DOORS OF SALOONS IN SAN PATRICIO COUNTY SOON WILL BE CLOSED

CONTEST IS NOT LIKELY

ARANSAS PASS, Jan. 4—On account of San Patricio county voting dry in the election held December 21, owners of saloons in Aransas Pass are making arrangements to close out.

It was believed that the election would be contested in some way and action along this line may come from some source yet but it is now thought by many here that those engaged in the business will make no move in this direction. Under order of the election they are given forty days but it is learned that an effort will be made to allow them ninety days.

FRENCH HOLD 10,000 MILES OF TRENCHES

DEFENSIVE WORKS ON WESTERN FRONT NOW MOST ELABORATE

LONDON, Jan. 4.—There are at least 10,000 miles of trenches now in the western theatre of the European war, according to H. Warner Allen, special correspondent of the British press with the French army. He writes:

"In the section of the French lines that I have just been visiting there are already, on a front of just over ten miles, 375 kilometers for slightly over 234 miles) of trenches. To make certainty still more sure another 75 kilometers for forty-six miles) of other trenches are being dug, so that by the end of the year there will be in that neighborhood 309 miles of trenches or ten miles of front.

"Elsewhere a certain division has 250 miles of trenches to look after, while a certain corps d'armee has 450 miles. Taking these figures into consideration, one will certainly be nearer the mark in estimating that there are twenty miles of trenches to every mile of front, so that between Switzerland and the North Sea the British and French armies have at least ten thousand miles of trenches to guard and keep in order."

STEUBENVILLE VOTES WET.

STEUBENVILLE, Ohio, Jan. 4.—Steubenville voted "wet" by two hundred and seventy-one majority at a special election today. The town has been dry two years.

THE WEATHER.

WASHINGTON, Jan. 4.—For West Texas: Fair Wednesday and Thursday, except rain or snow; colder Wednesday night or Thursday morning in Panhandle.

For East Texas: Partly cloudy Wednesday, Thursday fair and colder in northern portion.

TEXAN ARRESTED AT LOS ANGELES ARSON CHARGED

GEORGE FRANK PARSONS OF LUFKIN ACCUSED OF CONSPIRACY TO DEFRAUD INSURANCE COMPANIES OUT OF FIFTY THOUSAND DOLLARS

MOTHER COLLECTED $9,000

Body Found in Ruins of Burned Railroad Station and Supposed to Have Been That of Parsons Later is Proven to Have Been Carcass of a Steer.

LOS ANGELES, Jan. 4.—George Frank Parsons, under indictment at Lufkin, Texas, for arson in connection with the destruction by fire of the railroad station there, where he was employed as agent, is in jail here tonight. It is understood that he has agreed to return to Texas without extradition papers.

Parsons is charged with having burned the station in March, 1912, as part of a plan to defraud insurance companies of $4,000 on policies on his life. According to information here a body found in the ruins of the station and supposed to have been that of "Parsons" was later identified as the carcass of a steer. Before this discovery was made nine thousand dollars had been paid to his mother on life insurance policies.

An officer started to Texas tonight with Parsons.

FERDINAND TO TAKE NEW TITLE

VIENNA, Jan. 4.—According to a report from Sophia, King Ferdinand of Bulgaria, after the orthodox Christmas holidays, intends to proclaim himself Czar of Macedonia.

MEATLESS MEALS NOW SERVED TWICE A WEEK IN VIENNA

OTHER MEASURES TAKEN TO CONSERVE AUSTRIA'S FOOD SUPPLY

NO DANGER OF FAMINE

VIENNA, Jan. 4.—Bread tickets and two "meatless" days a week suggest the verge of famine to the person not familiar with life in the localities where such precautionary measures are being applied. Vienna and the greater part of Austria are at present subject to the limitation in food which the bread ticket, wheat-bread prohibition and meatless days imply. But the fact is that nobody is deprived of sustenance by these regulations. People eat as much as before with the difference that some of the things they eat have been prescribed.

The bread ticket system allows every person three rations daily each of 70 grammes of rye bread, or 210 grammes, not quite a half pound, for the day. The person feeling the need of more farinaceous food can augment this appropriation by buying wheat cake and pastry in the restaurants and cafes, and it still unsatisfied after that, can have an unlimited quantity of "noodeln" dumplings—for which the Austrian kitchen is justly famous, or he can order a dozen portions of "schmarn," another Austrian dish of fame. At a march the waiter may be bribed into increasing the bread portion."

It may be asked what, under such conditions, is the value of the bread ticket arrangement. The manager of a large Vienna restaurant supplied the answer.

"The bread ticket prevents the waste of bread which formerly obtained," he said. "We are in the habit of putting baskets with rolls and cut bread on the table. Many of our patrons could start to eat as many as four rolls and not finish a single one. The remainder had to be thrown into the swill barrel. Right now flour is too scarce to be fed to pigs."

A "meatless" day in Vienna and Austria is a misnomer. In fact it is merely a "beef-perkiest" day, and not even that altogether. Butchers and restaurants may on "meatless" or "fleisch-loser" days sell any kind of meat with the exception of fresh beef, veal and pork. Pickled and preserved beef, fresh and preserved game and fish. It cannot be said the "meatless" day works a hardship on anybody. Fresh beef and pork can be bought the day before for the "meatless" days.

But what really has hit the Viennese hard is the lack of whipped cream, not drink their coffee without which, they formerly could not drink their coffee. Now only plain or condensed milk may be had.

Back of these slight precautions lies the fact that the hundreds of thousands of farmers and farm laborers now under arms can not be both soldier and food producer, at the same time. Although the older men, women and children have done their best to keep the wheat growing, here and there with the questionable assistance of Russian and Serb prisoners of war, the result has not been equal to that of normal times. In addition to this the army itself has drawn heavily on the country's meat

(Continued on Page 4.)

APPLEBY WINS RECEIVERSHIP OVER PEASE

JUDGE BURNS TUESDAY AFTERNOON DECIDED IN FRANK Z. BISHOP RECEIVERSHIP CASE IN FAVOR OF THE ASSIGNEE, L. E. APPLEBY

INJUNCTION WAS DENIED

Myron Pease Receiver Under Appointment of Referee Swift Sought Control of the Properties of Frank Z. Bishop, Founder and Builder of the Town of Bishop.

The contention that a petition in bankruptcy in the Federal Court is invalid unless made within four months after assignment proceedings was Tuesday afternoon at 2:00 o'clock upheld by Federal Judge Walter T. Burns who dismissed the application of Myron A. Pease who sought to enjoin L. E. Appleby, assignee, from disposing of any of the assets of Frank Z. Bishop, bankrupt.

Last February Bishop, who founded and built the town of Bishop, this county, filed a deed of assignment for the benefit of his creditors, naming L. E. Appleby, an attorney of Bishop, as assignee to dispose of the assets of Bishop valued at approximately one million, eighty-seven thousand dollars, and to pay the claims aggregating eight hundred thousand dollars.

Nearly eleven months afterwards, Bishop made a voluntary petition in the Federal Court and the referee, John C. Hunt, appointed Myron A. Pease, a young banker of Bishop, as receiver. Appleby refused to turn over the Bishop holdings to Pease, asserting that the Federal law requires bankruptcy proceedings to be made within four months after an assignment.

Pease then applied for an injunction, which was temporarily granted and the case was first argued at Brownsville one month ago and later at Houston. In all effects the ruling of the court Tuesday was that Appleby is authorized to administer the affairs of the million dollar estate and that Pease has no standing in the affairs.

In making the Bishop receivership ruling upholding the contention of assignee Appleby, Judge Burns said in part:

"The application for an injunction to restrain Assignee Appleby from selling or disposing of the property in his possession from the Bishop estate coupled with a motion directing Appleby to turn over all of the Bishop property to receiver, Myron A. Pease, was argued and the court is of the opinion that the application is not timely for the reason that more than four months elapsed between the time of the assignment and the time that Mr. Bishop made his voluntary petition in bankruptcy. As a matter of fact nearly ten months elapsed between the filing of the petition and the latter action is void, and the application and petition is denied.

"In this connection it is pertinent and proper to say that there is due by Mr. Bishop some $300,000 secured by first and second mortgage liens with the exception of about $100,000 due to some sixty odd unsecured creditors. These sixty creditors have no security and are common creditors.

"If the motion were timely I would have grave doubts as to whether the court would be authorized to have Appleby turn over the assets for the reason that it appears Bishop is insolvent, that the assets in the hands of Appleby will not be ample to pay the claims of the sixty common creditors and there is not the slightest hope that any one of them will get as much as a postage stamp. To approve of the receivership would be an added burden to the creditors.

"The holders of first mortgage liens will get their money in full the holders of second mortgage liens will get an abundance of experience and possibly a small dividend while the fifty-five or sixty common creditors have the assurance of the court from an abundance of experience that they will never receive a single cent."

Judge Burns took occasion to compliment the attorneys in the case saying that it was one of the best presented and argued cases that had ever been brought before him. The attorneys for Mr. Appleby were: Judge Gordon Boone of this city and Judge James B. Wells of Brownsville; for Mr. Pease: Judge Claude Pollard and R. H. Crenshaw of Kingsville.

HUERTA OUT OF DANGER

EL PASO, Jan. 4.—Following a third operation, performed at noon today, physicians announced that General Victoriano Huerta was out of danger.

TODAY'S CALENDAR.

Local forecast for today: Unsettled with probably rain.

At the Theatres.

Amuse—Edmund Breese in a five reel Metro feature "The Song of a Wage Slave."

Lyric—"A Bachelor's Christmas" with Ben Wilson and Dorothy Phillips; also "The Opera Singer's Romance."

Rex—Charley Chaplin in his latest fun picture "Shanghaied."

Today's Local Calendar.

Federal and district courts in session.

EDISON'S GENIUS FINDS WAYS TO IMPROVE NAVY

[Thomas A. Edison outlined for the naval consulting board at a meeting at the Brooklyn navy yard his plans for a physical research laboratory, or "trial shop," for the navy department as one of the most pressing needs of the campaign for preparedness. The members of the board decided, as one of them put it after the meeting, to "check over heard" their comparatively undeveloped plans when Mr. Edison had submitted one which he had worked out with his accustomed marvel of detail and practicability. The members of the board were conducted by naval officers of the yard on an inspection trip aboard the submarine E-2, which is equipped with the Edison storage battery, and the K-1, in which the lead battery is installed. The picture shows Mr. Edison on the K-1.]

CONGRESS ASKED TO VOTE THANKS TO HENRY FORD

RESOLUTION ALSO INTRODUCED TO PREVENT TRAFFIC IN MUNITIONS OF WAR

GREAT FLOOD OF BILLS

WASHINGTON, Jan. 4.—Hundreds of bills and resolutions were introduced when Congress reconvened today, including a proposal to extend to Henry Ford the thanks of Congress for his peace mission, to prevent the clearance from American ports of ships carrying passengers or munitions of war and asking President Wilson for the names of disloyal citizens referred to in the President's recent message to Congress.

Representative Fuller of Illinois introduced a resolution for a congressional investigation into the recent rise in the price of gasoline.

GEORGIA NEGRO RAISES QUESTION OF LEGAL RIGHTS

SUPREME COURT ASKED TO RULE IN THE MATTER OF BLACK JURORS

NEGRO'S LIFE AT STAKE

WASHINGTON, Jan. 4.—The supreme court of the United States was asked today to decide whether the failure in Southern states to select negroes for jury duty is a denial of equal protection of law to negroes accused of crimes.

The case comes from Georgia, in which a negro was convicted of the murder of a white man. There were no negroes on either the grand or petit juries that handled the case.

REMARKABLE SHOOTING WITH FIELD GUNS

WELLINGTON, New Zealand, Jan. 4.—Remarkable performances in the way of close shooting upon the Gallipoli Peninsula are recorded of the New Zealand howitzers and field guns. The New Zealand official war correspondent, Malcolm Ross, reports that toward the end of August a major of infantry telephoned calling attention to the fact that the New Zealand howitzers were dropping shells into a Turkish trench only five yards in front of the French occupied by his men. He therefore asked the battery to cease firing at that particular trench of the army. The reply was that the firing was being done purposely inasmuch as the battery commander fully trusted his men and his guns even with a margin of only five yards. The reason for this close fire was because the infantrymen in the front had apparently run out of bombs and were being severely dealth with by the Turks.

RUSSIANS FAIL TO SMASH THROUGH AUSTRIAN LINES IN GALICIA—BATTLE CONTINUES

BERLIN REPORTS THAT REPEATED DESPERATE ATTACKS HAVE BEEN REPULSED BY TEUTONS, CZAR'S MEN LEAVING 2,300 DEAD IN FRONT OF ONE OF THEIR POSITIONS

SERBIAN ARMY NOW BEING RAPIDLY REORGANIZED

Exiled Patriots to the Number of One Hundred Thousand Men Have, it is reported, Been Rallied in Montenegro and Soon Will be Equipped and Ready to Take the Field

BERLIN, January 4.—Desperate attempts by the Russians to break through the Austrian lines in Galicia continue, but unsuccessfully, according to an official statement issued here this afternoon. The statement says that to the northeast of Okna in a district ten kilometers broad the bodies of twenty-three hundred Russians were counted and that eight hundred were taken prisoners. On the upper Ikwa a Russian aeroplane was shot down, two officers being captured.

In the Tolmino section of the Italian front the Austrians claim to have captured a trench north of Dolje.

PARIS, January 4.—A Havas Agency dispatch from Athens says that the Serbian forces concentrated in Montenegro, exclusive of Serbian detachments already co-operating with the Montenegrin army, now number one hundred thousand men. These forces are almost completely reorganized and soon will be furnished equipment. It has not yet been determined how they will be utilized.

NO HASTY ACTION WILL BE TAKEN AGAINST AUSTRIA

TENSION OVER SUBMARINE OUTRAGES SHOWS NO LESSENING

PRESIDENT SEEKS FACTS

WASHINGTON, Jan. 4.—President Wilson's return to the capital today brought about no lessening of the tension in the situation created by the torpedoing and sinking of the steamer Persia with the loss of at least one American life. Secretary Lansing instructed United States consuls at Alexandria, Malta and Cairo to obtain affidavits from the survivors and cable their contents immediately to the State department.

The crisis for the first time brought into conference heads of the Congressional committees which deal with foreign relations and it was disclosed that they are to be kept informed of every step taken by executive officers of the government.

Possibly before drastic action on the submarine question is taken President Wilson may address congress, laying bare all the facts in the long controversy with the Teutonic nations. Indication that the administration plans to proceed cautiously is seen in the indefinite postponement of the meeting that was scheduled for tomorrow of the Senate foreign relations committee. Back of this determination to deliberate, however, officials say there is no intention of acting less firmly and promptly if the facts warrant.

MEXICAN KNIGHTS OF HONOR HOLD SESSION AT ALICE

MANY DELEGATES FROM BOTH TEXAS AND MEXICO IN ATTENDANCE

MEET NEXT IN CORPUS

ALICE, Jan. 4.—The grand convention of the Caballeros de Honor has been in session here in Salazar's Hall. Many prominent Mexicans from various parts of Texas and Mexico were in attendance as delegates. The order is the Mexican Knights of Honor and it carries policies of $500 to $1,000.

The following grand officers were elected for the ensuing year: Grand Chancellor, A. Correa of Brownsville; Vice Grand Chancellor, A. Cruz; Grand Treasurer, P. Palomino, both of whom are of Brownsville, Texas; and Grand Secretary, P. Mendoza, of Corpus Christi, Texas.

The next meeting will convene at Corpus Christi the first Sunday in October.

GREEKS ABANDON STEAMER.

NEW YORK, Jan. 4.—Fragmentary wireless messages received tonight said that the crew of the Greek steamer Thessaloniki had taken to their lifeboats. The passengers of the disabled liner previously had been transferred.

AUSTRIANS IN RETREAT.

LONDON, Jan. 4.—Reuter and Havas among correspondents at Petrograd announce that the Austrians have evacuated Czernowitz in Bukowina and that the Russians have seized all the heights dominating the town and have taken a large number of prisoners, including many Germans. The Russian official statement does not confirm this, but says that the Russians have occupied a line of trenches northeast of the town of Czernowitz.

Everywhere in the Strips and Volynian districts and in east Galicia the Russians are on the offensive.

Thirty thousand Bulgarians are reported to have arrived at Tirana, northwest of El Bassan, Albania.

There are no important changes on other fronts.

Of the more than five million men of military age in England over two million did not offer their services under Lord Derby's recruiting scheme.

Sir Edward Grey has answered the German complaint, made through the American embassy, regarding the destruction off the Irish coast of a German submarine and sent by the British auxiliary cruiser Baralong, by referring to various German outrages. He offers to submit this and similar incidents to a tribunal composed of officers of the United States navy.

KAISER REPORTED ILL.

PARIS, Jan. 4.—The newspaper Matin affirms, notwithstanding denials, that the German emperor is suffering from cancer of the throat and is no longer able to speak.

REWARD FOR SUBMARINES

PARIS, Jan. 4.—The British authorities at Salonika have offered a reward of fifty thousand francs for information regarding the presence and movements of German submarines in the Aegean sea.

GEELONG LOST IN COLLISION

LONDON, Jan. 4.—Owners of the steamer Geelong, reported last night to have been sunk in the Mediterranean by an Austrian submarine, issued a statement today that the Geelong was sunk in a collision with the steamer Haverlston. No lives were lost.

TEUTON CONSULS TO BE FREED

PARIS, Jan. 4.—The minister of the interior announced today that the Teutonic consuls arrested at Salonika will be brought to Marseilles and thence conducted to the Swiss frontier.

The Bulgarian official in charge of the archives of the Bulgarian legation here was arrested today as a reprisal for the arrest of French legation officials at Sofia.

LAREDO IS TO HAVE ANNUAL CELEBRATION

WASHINGTON BIRTHDAY TO BE OBSERVED EACH YEAR ON ELABORATE SCALE

LAREDO, Jan. 4.—At a mass meeting of business men in the Chamber of Commerce rooms this afternoon it was decided that Laredo should have an annual celebration of Washington's birthday on an elaborate scale.

Joseph Nalley was elected chairman of the executive committee and members of that and other committees will be selected in a few days.

Besides a military carnival and other features there will be big baseball contests participated in by Texas's crack teams from all parts of the state.