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HOWARD AND SIXTEENTH STREETS

As to Crooked Lawyers—More Letters

The accompanying communications just exchanged relating to a particularly live topic will explain themselves:

OMAHA, Oct. 15, 1913.

To the Editor of The Bee:

Referring to your recent editorial in The Omaha Bee of October 9, and your subsequent letter to President Blackburn, the committee on inquiry of the Omaha Bar association, to whom the editorial has been referred, invite you to meet the committee at your earliest convenience for the purpose of considering any special complaint of unprofessional conduct on the part of any attorney practicing at this bar that you desire to make. The committee meets Saturday, October 18, at 10 o'clock in the forenoon at the office of Montgomery & Hall, 624 Omaha National Bank Building, for consideration of business; or will meet you at such other time as may be agreed upon. Yours truly, O. S. ELGUTTER, Chairman.

OMAHA, October 15, 1913.

Mr. Charles S. Elgutter, Chairman Committee on Inquiry, Omaha Bar Association,

My Dear Sir: Replying to your letter inviting me to meet your committee to put before it "any special complaint of unprofessional conduct on the part of any attorney practicing at this bar," I can only repeat what I have already embodied in my answer to the letter of President Blackburn as follows:

"The Bee respectfully refers the president of the Omaha Bar association to Mr. Francis A. Brogan, who has served upon investigating committees, which have more than once, so we are told, brought in recommendations against members of the bar charged with unprofessional practices, none of which recommendations, so far as we know, have ever resulted in disbarment. Mr. Brogan has recently declared he would not serve again on any such committee because the labor is fruitless. If the Bar association will take up these cases and disbar one or two members The Bee might feel justified in furnishing some names."

Let me repeat, also, my oft-expressed appreciation of the high standing of the Omaha bar, and the vast majority of its members, who, I know, will compare more favorably with the bar of any other city of our size, and my regret that the average here should be unnecessarily pulled down by the toleration of so-called lawyers known to engage in crooked work and unprofessional practices. To me it seems a pity that the honest and honorable lawyers have not long ago courageously started a house cleaning without stopping until they had made a thorough job of it.

But I have nothing to communicate to your committee in secret different from what I have to communicate to the public at large through the columns of The Bee, in which this subject will be freely discussed from time to time as the exigencies may require.

Thanking you for the courtesy of your invitation, I am, very truly yours, VICTOR ROSEWATER.

Cuts Mayor's Throat and Sets Fire to Jail; Prisoner Will Die

ALGONA, Ia., Oct. 16.—Germania, twenty miles north of here, was thrown into excitement late yesterday by a serious cutting affray in which Robert Hamilton, mayor, narrowly escaped death. The case was given double interest by the burning of the jail where the three men were incarcerated.

Late in the afternoon two men were taken into custody. While they were being taken to the lockup, Ferdinand Koppen, a farmer near Germania, interfered and was arrested, charged with disturbing the peace. As Koppen was being thrust through the cell door, he drew a knife and slashed the face and throat of Mayor Hamilton, almost severing the jugular vein. Koppen was quickly disarmed. The door was locked on him. The mayor was hurried to a physician's office.

While interest was centered on the wounded man, smoke was seen issuing from the jail where it was discovered that fire had been set to the mattress. When the door was forced open Koppen was found huddled in one corner with his coat drawn over his head. His hands were badly burned. One of his companions was terribly burned about the

body and is now in the hospital with slight chances of recovery. The third man suffered only from the heat and smoke. Koppen has been held to the grand jury charged with attempted manslaughter.

A Viper in the Stomach is dyspepsia, complicated with liver and kidney troubles. Electric Bitters help all such cases or no pay. Try them. 50c. For sale by your druggist.—Advertisement.

APPROPRIATION FOR SENDING BULLION TO MINT EXHAUSTED

DEADWOOD, S. D., Oct. 16.—(Special Telegram.)—The local United States assay office was today notified by Director of the Mint Roberts to cease receiving shipments of bullion from the mining companies, as the appropriation for transportation of the bullion to the mint is exhausted. This means the shutting down of the office unless an emergency appropriation is made, and the South Dakota delegation in congress has been appealed to to secure this. Mining companies will now have to ship direct to the mint at a greater cost.

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LAURENCE DUKE IS IN JAIL

Nephew of Tobacco Magnate Kills Man with His Auto.

TWO OTHER MEN BADLY HURT

Four Men Are Grouped About Automobile Replacing a Tire When His Machine Crashes Into Them.

SEATTLE, Wash., Oct. 16.—Laurence Duke, aged 25, nephew of James B. Duke, president of the American Tobacco company, spent the night in the county jail after his racing automobile had struck and killed Henry G. Farr, a saloon keeper, and seriously injured Alfred G. Hoglund, an expressman, and Thomas G. Simmons, a shipping clerk, on a county road south of Seattle.

It is expected that a formal charge of manslaughter will be placed against Duke. The tracks of his car show that Duke applied the brakes when about 100 feet from Farr and the others, who were gathered in the road about Hoglund's automobile, engaged in replacing a tire. George Orth, who was in the group in the road and who escaped injury, declares that Duke was driving at the rate of thirty miles an hour when he rounded a curve close to the place of the accident. Hoglund's skull is believed to be fractured and he was severely bruised about the body. Simmons' left arm is broken, several ribs fractured, and it is thought he is internally injured. The attending physician says both are in critical condition.

Young Duke has had trouble with the police before for alleged reckless driving.

IMPEACHMENT COURT VOTES SULZER GUILTY

(Continued from Page One.)

fore January 1 so inextricably combined with his acts after January 1, that I am unable to divorce them. Therefore, I vote guilty."

Judge Bartlett, next on the list, asked permission to file a written explanation of his negative vote. In a brief verbal explanation, however, he said he could see no connection between the governor's election campaign statement and his acts while a governor.

"I don't find that he is guilty of mal and corrupt misconduct in office and vote no," he said.

Finds Respondent Guilty. Senator Balvelet voted guilty.

"I have no hesitation," he said, "in reaching the conclusion of the judge just preceding me, but I believe traditions should be brushed aside when a great question of the public good confronts us. I find the respondent morally unfit to occupy the office of governor and guilty of all the acts charged in article 1."

Senator Elon R. Brown, republican leader of the senate, voted guilty. He read a long opinion in which he referred to differences he had with the governor, but declared that no motives of revenge could be attributed either to himself or any other member of the court in the face of oath taken to administer justice. Senator Brown asserted that on account of the weakness of his case, the respondent did not dare to take the witness stand. The testimony of Peck, Ryan and Morgenthau stood unchallenged and was overwhelming, he asserted.

Now Judges Vote. Judge Chase voted not guilty. He read an opinion holding that the acts charged in article 1, were committed before the governor took office. He said he had no doubt that the governor was morally guilty, but thought it unwise to establish a precedent contrary to law.

Judge Cullen voted guilty and announced that he would file an opinion. Judge Cuddeback declared that a violation by a candidate of the corrupt practices act "reached into the office itself."

"Therefore, I vote guilty," he concluded and filed an opinion.

Prepares Long Opinion. Presiding Judge Cullen voted not guilty.

He announced that he had prepared a long opinion, which treated articles 1, 2 and 3 altogether. He said:

"I am constrained to find," he said, "that the respondent did take advantage of his nomination and candidacy for office to seek to personally enrich himself by diverting contributions which he received for campaign purposes. I find that the respondent knowingly signed a false campaign statement. And I find that he did verify this statement under oath, knowing it to be false. 'However, I must vote not guilty.'"

Speaking of article four, the larceny charge, Judge Cullen said:

"The use of this money for his own purposes for political wards is not an offense and I believe that he had the legal right to use the money for any purpose he saw fit. I don't think he could be guilty of larceny."

Couldn't Be Held Legal Perjuror. The presiding judge further declared that in signing his campaign statement the governor could not be considered guilty of legal perjury.

"But I am frank to say he continued, 'that if these acts were committed after he had taken office, he should be considered morally unfit to hold office.'"

Judge Cullen held further that if article one was sustained it would open the door to convicting a man for offenses committed in private life long before his election.

"Men have committed serious crimes," he said, "and subsequently arisen to public office and conducted themselves properly."

Former Clergyman for Sulzer. Senator Palmer, a former clergyman, in voting not guilty, was the first of those who favored the governor to explain his vote.

"I don't believe," he said, "that any man should solicit a dollar for his election, but this becomes to my mind a matter of taste rather than morals. To my mind this is the matter of receiving money from friends. In my opinion Governor Sulzer did the one thing with this money that made it use moral—he kept it, he salted it away."

Senator Cullen, the senior member in point of years of service in the senate, voted guilty without comment.

Senator Foley voted guilty.

Democratic Leader Wagner of the senate voted guilty, explaining his action by reading at length from a prepared opinion.

Intention of Framers. He declared that the history of the various constitutions of the state showed "the framers intended that impeachment should be not only for mal and corrupt practices in office, but also for corrupt acts anterior to office."

"However," he continued, "I am con-

Gilroy, Calif., Jan. 2, 1913.

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I have been thinking of writing you to see if you had an established agent in this part of the country. If not, I might try and do some business for you, as I am well satisfied with my treatment and could recommend it to others.

Yours truly,
J. W. RICHMAN.

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The vote on Article 3 was rapid. The result showed that the governor was unanimously declared not guilty of the charges contained therein.

The roll was then called on article 4. This was the article which the court held was broad enough to cover the testimony of Dunoon W. Peck, that the governor asked him to perjure himself if called before the Farwell committee.

Votes of guilty followed one another until presiding Judge Cullen's name was called. He cast the first vote of not guilty.

"This article rests on the so-called Peck instance," said Judge Cullen. "It is not charged in the article and I hold that this court had not the power to amend the impeachment articles. The name of Peck is not in the article. Suspicion is substituted for proof. A man is being tried for one offense and convicted of another."

Presiding Judge Cullen added: "Such procedure tended to make law

degenerate into oppression on the one hand and into anarchy on the other."

"Guilty," says Herrick. Senator Emerson charged from not guilty and Senator Herrick went against the governor for the first time by casting a ballot of guilty.

Judge Hisecock's vote was changed to not guilty. Judge Miller voted not guilty. A murmur of surprise swept through the chamber as Senator Palmer voted guilty.

A negative vote was passed by Senator Patten.

Senator Thomas then read a lengthy explanation of his vote of not guilty.

"Through the coming years," the statement said in part, "the accusing finger will keep forever pointing, and I think that this precedent established here will not be accepted by the canons of statutory construction and the judgment of fair-minded men."

Affirmative votes by Judge Werner, Senator White and Senator Wilson, and negative votes by Senators Wheeler and Whitney concluded the roll. The final count was 48 to 14.

Adjournment was then taken until 10:30 o'clock tomorrow morning.

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