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# THE OMAHA DAILY BEE

THE WEATHER  
Cloudy

VOL. XLV.—NO. 41. OMAHA, THURSDAY MORNING, AUGUST 5, 1915.—TWENTY-FOUR PAGES. On Trains, Hotel News Stands, etc., 5c. SINGLE COPY TWO CENTS.

## CARRANZA'S GUNS OPEN ON NOGALES. FUNSTON MAY ACT

General Has Orders to Use Artillery and Shell Mexican Factions if Fighting Endangers Americans.

**SUPPLIES AT WASHINGTON**  
Constitutionalist Chief Had Given Assurances He Had Forbidden Attack.

**FRAY IMPENDING AT PALOMAS**

NOGALES, ARIZ., Aug. 4.—Bombardment of Nogales, Sonora, held by Villa troops under Governor Maytorena, was begun shortly before noon by Carranza forces commanded by General Calles. The Carranza guns appeared to be only two miles from the border town.

**Funston May Interfere.**  
WASHINGTON, Aug. 4.—Major General Funston has orders to use his artillery and shell the Mexican factions out of their positions if any of the fighting there endangers Americans, without referring the question further to Washington.

Officials here are amazed at the Carranza attack on Nogales. Carranza had given assurance he had instructed his commander there not to attack the Villa garrison under any circumstances because of the agreement with the United States not to endanger American border towns by fighting.

**Battle Impending at Palomas.**  
EL PASO, Tex., Aug. 4.—Arrivals here from Columbus, N. M., today stated that a battle was impending at Palomas, Mex., ten miles south of the border at Columbus, N. M., between a force of Villa soldiers and the forces of the new faction.

Imports valued at more than one thousand dollars, consigned to foreign and Mexican merchants and mining corporation, confiscated in the railroad yards at Jaurer yesterday, were ordered shipped south to the Villa government at Chihuahua City.

Express companies have refused shipments of foodstuffs to mining camps.

## Britons Observe Anniversary of War With Day of Prayer

LONDON, Aug. 4.—The British empire united today in prayerful observance of the anniversary of the declaration of war against Germany. In virtually every city and town in the British Isles, as well as in all parts of the dominions and colonies over seas, the day was one of intercession and prayer with meetings to ask the aid of the Almighty for ultimate victory in a cause which the British people consider just and righteous.

The chief ceremony was held in London, with services attended by King George and Queen Mary at noon in St. Paul's cathedral. The king and his consort drove to the cathedral in an open landau with state ceremonial, through cheering crowds.

The cathedral was thrown open to all comers and before a vast throng Rev. Randall T. Davis, archbishop of Canterbury, and Right Rev. Arthur P. Ingram, bishop of London, and their assistants, conducted a brief and simple service, concluding with the hymn, "Through the Night of Darkest Hour" and the national anthem.

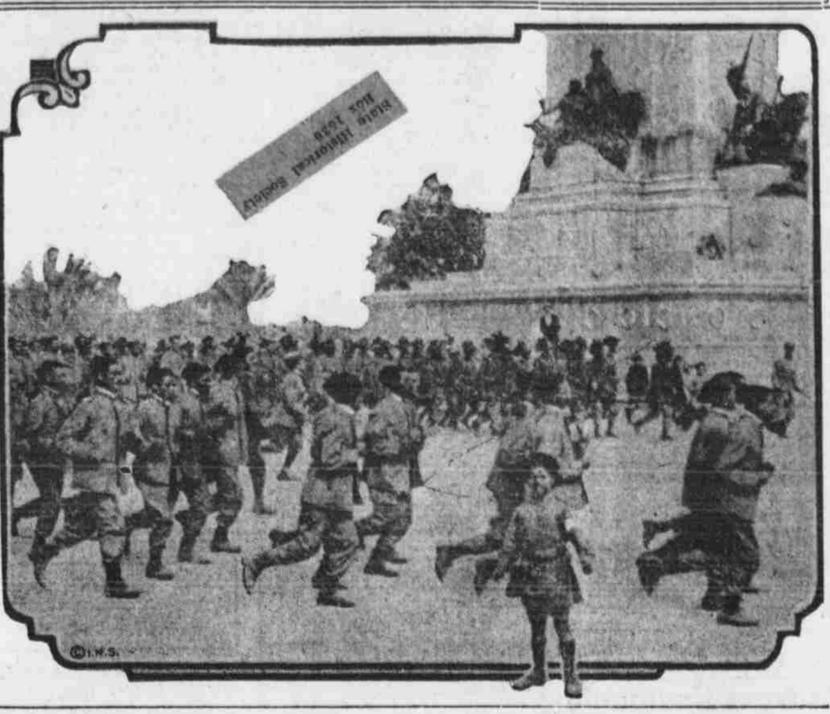
A notable feature of the gathering was the presence of a great number of wounded soldiers and sailors, who were given a preference of seats at the king's request. His majesty wore the khaki uniform of a staff officer.

Patriotic meetings were held everywhere throughout the afternoon to reaffirm Great Britain's intention to prosecute the war to a successful conclusion.

## C. C. Curtis, Alleged Bandit, Captured

LOS ANGELES, Cal., Aug. 4.—C. C. Curtis, known as "Big Boy," charged with complicity in the robbery of the Kaw City (Okla.) National bank April 15, last, was arrested at Sierra Madre today. Curtis admitted that he was the man sought, but denied that he took any part in the bank robbery or battle with citizens which followed.

## ITALIAN RESERVISTS PRACTISING THE FAMOUS BERSAGLIEN TROT in front of the Garibaldi statue to increase their speed and endurance before leaving for the front.



## SUNDAY'S TEMPLE IS TO BE ERECTED

Judge Redick Refuses to Enjoin Building of Big Structure for Sunday Meetings.

**HOLDS IT WITHIN THE LAW**  
Rev. "Billy" Sunday may come to Omaha as soon as he is ready.

The big wooden tabernacle may be built without infringing the fire limit ordinance.

A temporary injunction to prevent its construction at Fourteenth and Capitol avenue has been refused by District Judge Redick.

In an opinion read from the bench the judge declared Mrs. Margaret Henry, proprietor of the Lord Lister hospital, had failed to establish a right to enjoin the construction of the tabernacle on grounds that it would be a fire hazard and a nuisance.

Judge Redick held that the Billy Sunday revival will be such a use of the tabernacle as will be "for street fair or carnival or other similar purposes" within the meaning of a clause of the Omaha fire ordinance.

Temporary structures for those purposes are the only frame buildings allowable within the fire limits by the laws of the city, which cannot be suspended otherwise for any particular person or purpose.

**Redick's Statement.**  
Concerning the issue whether the tabernacle is to be used for a carnival, street fair, or other similar purposes, on which the case in the main was decided, Judge Redick remarks:

"It seems to have escaped the attention of the counsel that the term 'carnival' had its origin in a sort of religious festival, the word being derived from the Latin words, carno vale, meaning 'to eat meat'."

## Runaway Car Hits Passenger Train; Thirty Are Burned

SANTA ANA, Cal., Aug. 4.—A runaway oil car collided with an Atchison, Topeka & Santa Fe local passenger train here today, killing the engineer and setting fire to the train. The fireman and an express messenger are believed to have been burned to death.

The oil car, running down grade at a speed near sixty miles an hour wrecked the oil burning locomotive of the passenger train, raising its cargo of oil over the coaches. The oil ignited from the fire-box and the whole train instantly burst into flames. Thirty passengers were burned, but, according to railroad officials, none fatally. Automobiles pressed into ambulance service at Yuba, were bringing the injured here.

**ANAHEIM, Cal., Aug. 4.**—Among the wreck victims brought here for treatment were: Miss Clara Gehrlin, Indianapolis, Ind., face and arms slightly burned. Miss B. Gehrlin, Indianapolis, Ind., burned and killed, slight. Mr. J. F. Moore, Temple, Tex., foot burned, face bruised.

## MILES CANDIDATE FOR GOVERNORSHIP

Former Hastings Mayor Announces He Will Make Race on Republican Ticket.

**FOR BUSINESS ADMINISTRATION**  
HASTINGS, Neb., Aug. 4.—(Special Telegram.)—Ex-Mayor Clarence J. Miles today authorized the statement that unless the political situation changes radically he will be a candidate for the republican nomination for governor next year.

He is the first man on the republican side formally to enter the race.

Mr. Miles served eleven years as mayor of Hastings, being elected twice without opposition in either party. He served two terms as grand counsel of the United Commercial Travelers of America, and has held numerous honorary positions besides being a colonel of the state military staff of Governor Dierckx.

He is in the grain business here, and is a director of the First National bank and is closely connected with a number of business enterprises.

For two years Mr. Miles was president of the Hastings base ball club, and the last two seasons was the president of the Nebraska State league, which he succeeds in holding together long after the date generally fixed for its disbandment.

Mr. Miles said today, it was too early to announce a platform, but he has one planned now that he will offer:

"A business administration of state affairs."

## Organ of Vatican Defends Pontiff's Peace Document

ROME, Aug. 3.—(Via Paris, Aug. 4.)—The Observatore Roma in an editorial which is considered to have been inspired, replies to comments and criticisms in the world's press on the pope's appeal for peace.

"We see in some British newspapers," the Vatican organ says, "a wrong apprehension. They see a connection between the pontifical document and recent events in Russian Poland. The letter was due to the spontaneous initiative of the pontiff. He was led to write it only by the anniversary of the war and his solicitude as the vicar of Christ at the spectacle of misery and anguish wrought to his children by the year of war."

"It was addressed to all indiscriminately and without consideration as to who are in fault. It was the father of a great christian family who spoke. Allusions to peace, while the conflict still is raging now are infrequent or remote. Thus we salute with joy the messages of Sir Edward Grey, the British foreign secretary, and William the Second, or all words which do not vibrate with hatred and revenge. They show the first rays of a bright dawn."

**Boy Hanged Self in Cell.**  
OAKLAND, Cal., Aug. 4.—Leo Mayer, a 15-year-old Bavarian boy, who has been in the county jail here since July 19, charged with theft, hanged himself in his cell last night. It was said that Mayer feared the juvenile court, which had his case under consideration, intended to deport him.

According to L. D. Compton, probation officer, Mayer was the son of a banker at Rulshelm, Bavaria. The boy came to this country recently.

## ANOTHER FACTION FORMED IN MEXICO

New Movement Embraces Four Garrisons and Recognizes Gutierrez as Provisional President.

**BULLETIN.**  
EL PASO, Tex., Aug. 4.—Confirmation of the existence of a new faction in northwestern Chihuahua was received here today from Columbus, N. M.

General Ochoa, military commander of Casas Grandes, General Contreras, and Colonel Garcia, who are reported to head the new element, in a statement reported from Columbus, gave as the immediate cause of the conception of the new faction orders from Villa to proceed south against the forces of General Carranza.

The new faction claims the garrisons at Ascension, Palomas, Guzman, Casas Grandes and minor ports, and it is alleged to have pledged itself to a triangular affiliation with General Villa as commander of the north, Carranza as "first chief" and General Eulalio Gutierrez, chosen provisional president at a convention of factions at Aguas Calientes several months ago, as head of the republic.

The new faction totals perhaps 1,500 men under arms.

"We recognize General Villa as the general of the forces of the north, but not of the forces of the entire republic," the statement said. "We recognize General Eulalio Gutierrez as the real head of the republic."

The statement declares "General Villa has had many of our comrades executed without cause" and concludes: "We do not want to fight, but we will defend our posts. We want peace. We ask all citizens of all parties except red-flaggers (former Orozco followers), to join in our appeal and efforts for peace."

**Carranza Controls Two More States.**  
GALVESTON, Tex., Aug. 4.—General Carranza's forces are now in complete control of the states of Zacatecas and San Luis Potosi; that rail communication has been established between San Luis Potosi and Tampico and the former city and Celala, and that only small bands of Villa troops remain in the sections mentioned.

This information was contained in cables received by the constitutionalist consulate today.

## Garment Workers' Strike is Averted

NEW YORK, Aug. 4.—After another conference today between the manufacturers and leaders of the Ladies' Garment Workers' union it was announced that settlement of differences had been reached and there would be no strike.

Today's conference was brought about by Mayor Mitchell's conciliation council and was considered as being the last chance to avert a strike of 60,000 workers.

The trouble arose over the question of the "right of review of discharge." The manufacturers were willing to grant the employees this right during the working season, but not in the dull season. The union held out for the right of review at all seasons.

## MISS BITTNER HELD AS ACCESSORY TO MURDERS

CHICAGO, Aug. 4.—Miss Margaret Bittner, alleged affinity of George H. Jones, who killed his wife, his sister-in-law and his brother-in-law last Monday, and later committed suicide, was held as an accessory after the facts today. In default of \$1,000 bail she was taken to the county jail. Miss Bittner accompanied Jones in an automobile to the scene of the murder and drove away with him, but she did not witness the shooting and denies that she knew that Jones contemplated the tragedy.

## WALL OF WATER SWEEPS THROUGH MIDDLE OF ERIE

Fifty People Reported Drowned and the Property Loss is Estimated at Three Million Dollars.

**DAM ABOVE THE CITY BURSTS**  
Devastated Section of the City is One Mile Long and a Block in Width.

**NEW YORK CITY IS FLOODED**  
ERIE, Pa., Aug. 4.—Coroner D. S. Hanley, shortly before noon today, estimated that fifty persons perished in last night's flood. Mayor Sterns said the number probably would not exceed twenty-five. The property loss is estimated at \$3,000,000.

Although Coroner Hanley's figures were based largely upon lists of missing, many of whom were later located, he did not lower his estimate as these names came in and other city officials were inclined to accept his estimate as the most accurate yet made.

Eighteen bodies had been recovered up to noon, of which ten had been identified.

The identified dead are: EMMET OSBORNE, 44 years old, of Paradise street; JOHN DONOVAN, city fireman; SWEENEY ANDERSON, 90 years old, of East Ninth street; JOHN HIGGINS, 40 years old, a printer; JAMES HIGGINS, 17 years old, son of John Higgins; MRS. JOHN HIGGINS AND INFANT; MRS. CORA ANDERSON MAIN, 33 years old, East Seventeenth street; KATHERINE E. CARROLL; THOMAS LANGDON.

Rescue forces of police, firemen and life savers were augmented during the day by civilian volunteers and preparations were made to work by artificial light during the night.

**Debris is Piled High.**  
The immense piles of wreckage form barriers from fifty to seventy feet high in the middle course of the flood through the city's business section and the task before the workers was a tremendous one. Some buildings were totally demolished, while others were tossed virtually intact upon the hills between which the torrent rushed. The bodies of some of the victims were found a mile from the spot where they were caught by the rush of water.

A systematic canvass of the city for (Continued on Page Two—Column One.)

## Eastland Safe if Ballast Tanks Are Properly Handled

CHICAGO, Aug. 4.—Secretary Redfield of the Department of Commerce resumed his inquiry into the Eastland disaster today by calling James Lee Ackerson, a government naval constructor, from Washington as a witness.

The witness said in the United States navy water ballast was used only on certain colliers and auxiliary vessels. Ackerson said he believed the Eastland's water ballast system safe if properly handled. He added that any vessel using water ballast required careful attention.

William P. Eels of Philadelphia, supervising inspector of the Travelers' Insurance company, was next called and testified he was engineer of the Eastland in 1904 and 1905. He said that the Eastland listed badly on one occasion while leaving the South Haven (Mich.) harbor, but that he considered it a safe boat if its water ballast was properly handled.

Secretary Redfield expected to adjourn his inquiry today and return to Washington until after the federal grand jury's investigation is concluded.

## One Bandit Robs Cedar Rapids Bank; Teller is Gagged

CEDAR RAPIDS, Ia., Aug. 4.—A lone bandit held up and robbed the Cedar Rapids National bank early today. He is said to have made his escape with \$2,500. Lee Ferrin, paying teller in the bank, was discovered bound and gagged an hour later.

The robbery took place shortly before 7 o'clock. Ferrin was in the bank getting out currency shipments when the robber entered by a side door and covered him with a revolver. A scuffle ensued, in which the robber was victorious.

Ferrin, the paying teller of the bank, was taken to a local hospital, temporarily insane from the shock, according to physicians who examined him. No trace of the bandit had been discovered at 10 o'clock.

## LEAVES FIVE THOUSAND FOR CARE OF HIS DOG

CHICAGO, Aug. 4.—David Russell Greene, the wholesale druggist of Chicago, who was killed in an automobile accident a few weeks ago, leaves \$5,000 for the care of his dog "Nellie." The value of the estate was not mentioned in the will filed today.

## GERMANY ASSERTS FRYE SINKING LEGAL

Imperial Government Unyielding in Refusal to Admit Act Violated Treaty.

**OFFERS TO MAKE A PAYMENT**  
WASHINGTON, Aug. 4.—Germany is unyielding in its refusal to concede that the sinking of the American sailing ship, William P. Frye by the auxiliary cruiser Prinz Eitel Friedrich in the South Atlantic last January was a violation of American rights under the Prussian-American treaty or international law.

In reply to the last representations of the United States, the German foreign office, in a note made public here tonight by the State department, reiterates a previous justification of Germany's course, declares again its willingness to pay for the ship and accepts a proposal first advanced by the United States—that the amount of damages be fixed by two experts, one to be selected by each country.

**Pledged Payment.**  
Such a sum the German government pledges itself to pay promptly with the stipulation, however, that the payment shall not be viewed as a satisfaction for violation of American rights. Should that method be unsatisfactory, Germany invites the United States to arbitration at The Hague.

The unofficial report here is that repatriation by a commission of experts probably will be satisfactory to the United States with the express provision, however, that it is not a waiver of treaty rights for which the American government contends, but applies only to the matter of damages.

It is practically certain that if the United States allows the dispute to go to The Hague for interpretation of the treaty provision, specifically the academic discussion of principles through the channel of diplomacy it will insist that, meanwhile, Germany refrain from violation of what the United States contends are its rights.

The entire dispute revolves about article 13 of the Prussian-American treaty of 1905, which was revived and included in the treaty of 1923. That article, the United States contends, specifically protected the William P. Frye from being sunk, although it did not protect a contraband cargo.

**Takes Opposite View.**  
Germany takes precisely an opposite view, contending that the article only obligated it to pay damages. Furthermore, Germany replies that as the Frye's cargo of wheat destined to England was contraband, the ship was liable to confiscation, and that as an attempt to take the prize into a German port would have imperiled its captor, the destruction of the Frye "was according to general principles of international law."

"The right of sinking," says the German note, "is not mentioned in the treaty, and is therefore neither expressly provided nor expressly prohibited, so that on this point the treaty is silent and must be supplemented by the general rules of international law. It is not disputed by the American government that according to the general principles of international law a belligerent is authorized in sinking neutral vessels under almost any conditions for carrying contraband."

The note argues at length for the German interpretation of the disputed treaty provision, contending that its intent is to establish a reasonable compromise between the military interests of the belligerents contracting party and the commercial interests of the neutral party.

**Right of Belligerent.**  
"On the one hand," says the note, "the belligerent party is to have the right to prevent the transportation of war supplies to his adversaries, even when carried on vessels of the neutral party; on the other hand, the commerce and navigation of the neutral party is to be interfered with as little as possible by the measures necessary for such prevention and reasonable compensation is to be paid for any inconvenience or damage which may, nevertheless, ensue from the proceedings of the belligerent party."

That, in short, is Germany's argument, based on its interpretation of the treaty, and to that, the view of the United States is squarely opposed.

Payment for the Frye in the manner suggested would not affect the question of rights under the treaty.

A German prize court on July 10 held the imperial government for damages, but fixed no amount since the United States declined to become a party to the proceedings, demanding settlement by diplomacy under the treaty.

The case of the American steamer Leelanaw, recently sunk by a German submarine, is parallel to the Frye case. It now is in the preliminary stages of diplomatic negotiation.

## Alleged Iowa Bank Robbers Arrested

DETROIT, Aug. 4.—W. R. Smith, who is charged with participation in the robbery of a bank at North Liberty, Ia., on July 18, last, was arrested in Detroit yesterday by George E. Bidwell, special agent of the Iowa department of justice. Smith, it is said, has agreed to return to Iowa without extradition proceedings.

William Looms, said to have taken part in the robbery, was captured at Rock Island, Ill., last week.

The bank was robbed in daylight by two men, who bound the cashier, obtained \$1,000, and drove away in a stolen automobile.

## Boy Tries to Hold Up Bank Teller

SAVANNAH, Ga., Aug. 4.—James T. Fannan, an 18-year-old boy, was attempted to hold up H. J. Williams, teller of the Merchants National bank here, shortly after noon today, failed and was captured. Fannan appeared at the teller's window and demanded a bag of money he saw inside. When Williams refused, Fannan fired at the teller, but missed. Fannan ran out of the bank and took refuge in a printing office, where he was caught by police and civilians.

## RUSSIAN REAR GUARD HOLDING TEUNONIC HOSTS

Austro-German Attack on the Line Around Warsaw Makes Slight Advance at Two Widely Separated Points.

**CZAR HOPES TO SAVE THE CITY**  
Later Dispatches Picture Life in the Besieged Capital as Fairly Normal.

**DAY OF PRAYER IN BRITAIN**  
LONDON, Aug. 4.—Rear guard fighting of the Russians to the northwest of Warsaw has proved so effective that the German tide seems to have been held up, while to the south Field Marshal Von Mackensen's forces pushing north from Lublin are being badly shattered.

About the only Austro-German progress chronicled on the vast semicircle in the east is toward Riga, in extreme north, and before Ivangorod. Warsaw still holds out and the hope that the Polish capital may yet be saved is becoming stronger throughout Russia, France and Great Britain.

**Problems Complicated.**  
The German press notes the pause in the Teutonic offensive and explains with the daily lengthening of communication, the problem of transport and reinforcements become more complicated, which accounts for the delay. At the same time the efficiency of the Russian rear guard blows is not ignored by the newspapers. The German emperor and his consort, therefore, reported on their way to Warsaw for the triumphant entry, have had to postpone the completion of their trip.

From Warsaw comes the optimistic prediction that if the city is able to endure a week longer—and the despatch was written four days ago—the evacuation of civilians have fled, the life of the beleaguered capital is pictured as fairly normal.

The British empire observed with prayer today the anniversary of the declaration of war. Services are being held in London and in the provinces and throughout the dominions and colonies.

**Germany Defeated Along Narv.**  
PETROGRAD, Aug. 4.—(Via London.)—An official statement given out today by the Russian staff says:

"During the last three days the enemy has made obstinate efforts to dislodge us from the sector of the Narv river from Ostrovetzka to Loma.

"In the district of Jekubovo the enemy is conducting trench warfare, but in the exploding of mines we have continually held the upper hand.

"On the Pissa and Skwa rivers, the whole enemy army attacked us, having first launched against us reinforcements brought from France. Nevertheless we soon saw a complete German defeat in this sector. It took the enemy a week to drive back from the village of Sarvatska (on the right bank of the Pissa), our rear guard regiment, while the battle for the passage of the Narv, near Novogorod, has not even begun.

"Near the mouth of the Skwa, the enemy, thanks to the forests, succeeded in passing to our side of the river, but we successfully prevented them from bringing their artillery across the Narv, and at the point of the bayonet we annihilated some forces which were deprived the protection of their artillery.

"These failures compelled the enemy to withdraw from this section the reinforcements which had come from France, and send them to reinforce the Roman army, which was moving north rapidly.

"This army was considerably strengthened by other reinforcements, which came to it from the left bank of the Vistula. Nevertheless, all efforts of the enemy to make progress to the east and west were broken by the River Osa.

"The enemy then changed the direction of their attack and now on the front between the River Osa and the River Vistula (Continued on Page Two, Column Four.)

## The Weather

For Omaha, Council Bluffs and Vicinity—Fair and slightly warmer. Temperature at Omaha Yesterday:

Hour	Deg.
5 a. m.	51
6 a. m.	51
7 a. m.	51
8 a. m.	51
9 a. m.	51
10 a. m.	51
11 a. m.	51
12 m.	51
1 p. m.	51
2 p. m.	51
3 p. m.	51
4 p. m.	51
5 p. m.	51
6 p. m.	51
7 p. m.	51
8 p. m.	51
9 p. m.	51
10 p. m.	51
11 p. m.	51
12 m.	51

## Belgian Steamship Sunk by Submarine

LONDON, Aug. 4.—The Belgian steamer Koophandel of 1,855 tons gross, was sunk today by a German submarine. Nine of the crew were landed.

The Koophandel was built at West Hartlepool in 1911. The vessel was 75 feet long, 40 feet beam and 15 feet deep.

## STOP OFF IN OMAHA THE GATE CITY OF THE WEST

Rev. "Billy" Sunday will stop off in Omaha next month. That is now settled by the clearing of the decks for erection of his tabernacle.

## THE WANT-AD WAY



All Rights Reserved.  
No one likes his job. With it hangs to part, but when he gets a chance, in business he'll start.  
One of us answered "Brightly" this reply: "Come look at my store and you'll surely buy."  
No looked at the store and liked it real well. So he asked the man: "When he wanted to sell."  
(Continued Tomorrow.)  
To quickly sell any business, place place a fair-sized ad in the "Want-Ad" columns of THE OMAHA BEE. Your ad will be read by the greatest number of wide-awake people in this section of the great midwest.  
Phone Tyler 1649 now and PUT IT IN THE OMAHA BEE.