

LAST EDITION.

SATURDAY EVENING.

TOPEKA, KANSAS, MARCH 8, 1913.

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FIVE CENTS

DR. HARDING WINS.

Supreme Court Against Supplemental Books.

Use of Them Illegal in Her Lawrence Case.

THE INJUNCTION GRANTED.

Only Text Book Commission Books Be Used.

Man Who Disappears 7 Years Is Dead.

Use of supplemental school books in Kansas is illegal under a decision of the supreme court today in the suit brought by Attorney General John S. Dawson against the board of education of the city of Lawrence.

Books are actually prescribed by the school text book commission which can be used in the school rooms under the ruling of the court.

The decision of the court today determines finally the controversy over the use of supplemental books and subjects school boards of Kansas to prosecution under the criminal law where violations of the school text book law occur. An injunction was sought against the Lawrence board and the supreme court held that the petitioners were entitled to this writ.

Dr. Eva Harding of Topeka started the fight on the supplemental books. After a lengthy row with the Topeka board of education she laid her troubles before Attorney General Dawson and he brought the suit in Lawrence which today puts the use of all supplemental books out of business, such as the law was brought in Topeka, when Dr. Harding enjoined the board of education from purchasing supplemental books and permitting their use in the school rooms without the vote of the taxpayers. An injunction was granted in this case and the use of books not prescribed in the regular course of study as outlined by the text book commission, was ended.

But the situation in other towns was different. In Lawrence the supplemental books were ordered and the students were compelled to buy them. It was claimed by the instructors in the school rooms that these books were necessary for the reason that the regular texts did not furnish sufficient work for the term. Evidence was then offered which showed that in certain instances the supplemental books had been given the preference and being used before the regular and prescribed texts were taken up.

After hearing the evidence, however, the Douglas county district court held that the Lawrence board was acting fully within their legal rights and refused to restrain its use of supplemental books. The case was then appealed to the supreme court, which today held that the state was entitled to an injunction and that the regular provision for the use of supplementary texts.

Jubilant over winning the case, Hugh T. Fisher, who acted as special attorney for Dr. Harding, declared today that the decision of the supreme court meant a complete check against the use of supplementary text books in certain instances. He stated that information of future violations of the law would be carefully investigated and that in all cases where school boards are using these books, that criminal prosecutions will be filed. The law makes the use of these books a misdemeanor.

The property court held today that a shipper who recovered damages was entitled an attorney's fee from the railroad company and that the railroad company should pay the same fee if it had won a similar case. J. B. Vosburg, of Edwards county, brought a suit against the Atchison, Topeka & Santa Fe Railway company for damages because it had refused to furnish him cars for the shipment of wheat. He was awarded a verdict and a fee for his attorney. The railroad company appealed the case on the ground that there was no provision in the law which would entitle the railroad to collect a fee and hence denied the railroad the equal protection of the law. The supreme court held that the provision of the law did not deny the railroads equal protection with every citizen of the state.

The supreme court has held valid the polltax law enacted by the legislature of 1911. The suit was brought by the city of Winfield against Roscoe Bell in which Bell had arrested a tax collector for a misdemeanor charge for failure to pay the annual polltax. Bell resisted the payment of the tax on the ground of a defect in the legislative enactment, but the supreme court held that the law was good and that the tax must be paid.

A man who has disappeared for a period of seven years is considered dead under the Kansas law and the supreme court today ordered the Modern Woodmen of America to pay to Jane Caldwell, of Wichita, the value of an insurance policy she held on the body of her husband, W. H. Caldwell. Caldwell took out insurance in the order in 1890 and paid up all of his assessments and dues until 1902, when he disappeared. The last heard of him, he was sick with smallpox in California. His wife continued to pay his premiums until 1910, when seven years having elapsed since her husband had been heard from, she quit paying the dues and asked that the insurance policy be paid. The insurance company fought the payment of the policy on the ground that before it could be collected the full term of the expectation of life of the policy holder must have expired instead of the usual provision that a disappearance for seven years constituted a person legally dead. Mrs. Caldwell would have had to wait about 20 years before she could have collected the insurance policy under the claim of the company, but the supreme court held that the seven years disappearance constituted a legal death and that the insurance must be paid.

Two Shawnee county cases were in

the bunch of decisions given today by the Kansas supreme court. In one action the lower court was affirmed, while in the second suit there was a reversal.

The supreme court decided against the Shawnee county district court in an action for personal damages brought by W. F. Willis against the Merchants Transfer and Storage company. Willis was injured while assisting in the unloading of marble slabs for the New England building two years ago. He sued for \$10,000 and the jury gave him judgment for \$1,500. In answering special questions, the supreme court found that there were several inconsistencies. Because of this fact, the supreme court sets Willis' judgment aside and re-

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COULD NOT AGREE.

Darrow Jury Unable to Render Verdict.

Were in Deliberation More Than Twenty-Seven Hours.

Los Angeles, March 8.—The jury trying Clarence S. Darrow on a charge of jury bribery reported at 11:25 a. m. that they were unable to agree and Judge Conley discharged them.



Clarence Darrow.

The last ballot stood 5 to 4 but whether for acquittal or conviction was not stated.

Mr. Darrow asked that the time for setting a new trial be fixed a week from next Monday. Deputy District Attorney Ford was reminded by the court that he had said during his closing argument that he would not try the case again and was asked did this mean that the indictment against Darrow would be dismissed. Ford replied that he referred only to his own personal attitude and had no authority to speak for District Attorney Frederic. Judge Conley then announced that if the prosecution decided to dismiss the indictment it could do so between now and the next time of the calling of the case, March 24th.

After further parley Judge Conley on his own motion fixed March 21 as the date for a new trial, which will be the third on charges almost identical.

Darrow thanked the court and said: "I will fight it out; I should have been acquitted on the evidence and I shall surely fare better next time." The jury, it was stated, stood eight for conviction and four for acquittal.

WARRANT ISSUED.

Samuel Brown Charged With Attempt to Bribe.

Was Juror in Second Trial of Dr. Hyde.

Kansas City, Mo., March 8.—A capias charging Samuel Brown, a juror in the second trial of Dr. B. Clarke Hyde, for the murder of Col. Thomas H. Swope, with attempting to bribe a county officer was issued by the criminal court today upon complaint of James L. Kilroy, an assistant prosecutor. Kilroy's complaint was based upon a statement by Thomas Holloway, deputy marshal in charge of the jury in the present Hyde trial, that Brown had told him "there was \$1,000 in it" to bring about a hung jury in the Hyde case and \$1,500 for an acquittal.

A deputy was charged with serving the warrant immediately. Holloway's statement to Judge Porterfield led to the issuance of a John Doe warrant in the case yesterday, but no attempt was made to serve it. Prosecutor Jacobs made two unsuccessful attempts to trap Brown. On one occasion with a stenographer, he concealed himself in Holloway's house after Holloway had made an appointment for Brown to come there. Furnace pipes had been removed so that conversation that ensued might be heard, but the prosecutor and witness lay for hours concealed and Brown failed to come.

Attorneys for the defense say they place no credence in any story of an attempt to bribe.

Disastrous Fire in Waco.
Waco, Texas, March 8.—Flames weakened the three-story Horn building here today until its walls crashed down on two smaller structures, causing a loss of \$200,000.

ORDERED TO FIRE

Alleged Madero Charged Federals to Shoot Americans.

Correspondence Late Administration May Be Made Public.

RAILROAD ANNULS SERVICE

Southern Pacific Transfers Sonora Rolling Stock.

Decisive Battle Anticipated Tomorrow With Carransea.

Mexico City, March 8.—It was announced today that Provisional Governor Huerta is considering the advisability of making public the official correspondence of the closing days of the Madero administration with the object of showing the late President Madero's alleged efforts to incite anti-American sentiment throughout the republic. Among the alleged orders given by Madero during the last week of his rule is one which directs the officers of the Mexican gunboats lying in the port of Vera Cruz "to fire immediately upon the American marines if an attempt is made to land forces" from the United States war vessels. "paying no regard to the expressed purpose of the American naval commanders merely to protect foreigners. The execution of such order would have meant the suicide of the Mexican naval forces, as a single shell from the battleship Georgia, then lying only 300 yards distant, would have been sufficient to destroy the Mexican gunboat."

It is also asserted that official files show a few days before his capture Francisco Madero, in desperation, telegraphed to the state governors and jefe politico throughout the republic stating that American marines had landed at Vera Cruz and that this foreign invasion demanded the loyalty of all Mexican citizens. The government may also publish the orders given by Francisco Madero to General Huerta, then commander of the federal forces.

These orders are said to include instructions to dynamite all the public and private buildings between the national palace and the arsenal.

Madero in Washington.
The reported arrival of Alfonso Madero at Washington, where it is said the details of the former Madero conspiracy were developed, has been called to the attention of the Mexican cabinet. It is said that the Washington government will be asked to exercise extraordinary precautions in order to prevent professional revolution makers in the United States from participating in the plans of the fugitives, who are declared to be anxious for revenge.

It was reported today that the Southern Pacific has transferred all its rolling stock from Sonora to Nogales and has annulled the train service. Three columns of the army and 2,000 adherents of Pascuala Orozco are closing in on Carransea, the rebel governor of Coahuila, according to official dispatches today.

A decisive battle is expected on Sunday near Monclova unless Carransea manages to escape over the border.

Insurance Money Ready.
The money to redeem the life insurance policies carried by ex-President Madero and ex-Vice President Suarez is ready to be paid over to the beneficiaries as soon as proof of their death is established. In each case the widow is the sole beneficiary.

President Madero carried \$52,000 gold insurance and Senor Suarez \$10,000 gold.

OLNEY TO ENGLAND

President Offers Ambassadorship to Boston Man.

Was Secretary of State Under Cleveland Administration.

HAS NOT ACCEPTED AS YET

Philippine People Send Congratulations to Executive.

Hope for Independence Expressed in Cablegram.

Washington, March 8.—President Wilson has offered to Richard Olney, of Boston, secretary of state in Cleveland's cabinet, the post of ambassador to Great Britain. It is not known whether Mr. Olney will accept, and it was said today that the matter had not gone so far as the sounding of the court of St. James as to Mr. Olney's acceptability.

No appointments to the other important diplomatic posts had been finally decided upon today. Congratulations of the Philippine people to President Wilson were presented today by Manuel Quezon, resident commissioner. Mr. Quezon left with the president a cablegram from Speaker Sergio Osmena of the Philippine assembly, expressing hope that the new administration would further the move for Philippine independence and saying:

"To us, your oath of office means the forthcoming fulfillment of the pledges of the Democratic party, reiterated in four successive platforms and sanctified by the people of the United States in your election. The Filipinos confidently expect that during your administration a decisive step will be taken toward their freedom and independence."

Colonel E. M. House, of Texas, intimate friend of President Wilson, led the list of callers at the White House today. National Committeeman Edward Goltz of Missouri, former Representative Pajo, who presided over the house money trust committee, Representative Shirley of Kentucky, Mood of Tennessee, Pomereoy of Ohio and Governor Odell of Alabama, all had engagements with the president during the forenoon.

The president also received the supreme court in the Blue room of the White House during the morning.

President Wilson will begin preparation of his first message to congress next week. It probably will deal with only two subjects, the tariff at some length and currency reform briefly.

During the special session, other messages may be sent to congress, especially one on the need for currency legislation after the house has disposed of most of the tariff schedules.

Predictions today were that the president in dealing with the present tariff will confine himself largely to an exposition of general policy and point out schedules which he believes are in particular need of reform.

No intimation as to what is to be the new administration's policy relative to the Mexican situation was forthcoming from Secretary of State Bryan today. Assistant Secretary of State Huntington Wilson today gave out the following:

"The secretary of state has not had time to make any thorough investigation of Mexican affairs, and the department has consequently absolutely no comment to make on any phase of that situation."

Secretary Bryan devoted the greater part of the day to the reception of visitors, many of them old friends and acquaintances, who called to pay their

TO ISSUE PROTEST

Employees of Stock Exchange Are Excited.

Fear Injury Because of Gov. Sulzer's Bills.

FOR AMENDMENT.

Direct Election of Senators Ratified by 18 States.

Formal Notices Have Been Received at State Department.

Washington, March 8.—The secretary of state has received notice of the action of the legislatures of eighteen states upon the proposed constitutional amendment providing for the direct election of senators by the people. So far not a single state has acted adversely. The amendment has been approved by Massachusetts, Minnesota, New York, Arizona, North Carolina, Oregon, Mississippi, Colorado, Wyoming, Idaho, Texas, Montana, Illinois, Maine, Nevada, New Hampshire, Wisconsin and Vermont.

The last named state approved the senatorial amendment and the income tax amendment February 13, but the neglect of the state authorities to return the fact to the state department promptly, acted to prevent the appearance of Vermont as one of the ratifying states named in the formal notice issued by the secretary of state of the full ratification of the sixteenth amendment.

Because of the large number of state legislatures that meet only biennially, it will be impossible to get the approval of the senatorial amendment by the requisite three-fourths vote during the present calendar year.

PLAN NEW PLACES

Republicans Busy With Their Organization Work.

Several Important Jobs Are to Be Allotted.

HODGES APPOINTMENTS

He Names Tax Commissioner and State Normal Regents.

Member Tax Commission—J. H. Hostetter, Belleville.

Washington, March 8.—The work of planning the Republican assignments to the house committees has begun. The immense increase in the Democratic majority in the new congress will necessitate a general shifting. The grand prizes are the five minority vacancies on the ways and means committee, the tariff making body of the house. Then come appropriations, judiciary and other important committees.

In the minority room at the capital big alphabetically arranged file books are kept, indicating the congressional service of the old representatives in the new house, their former committee preferences and assignments, and the preferences of the new members and a host of other details which will go into a systematic tabulated record to form the basis of the recommendations which Republican Leader Mann will make to the ways and means committee on the floor.

While Mr. Mann probably has the ways and means members tentatively assigned, he has no decision on the committee distribution of the Republicans until just before the extra session of congress convenes. Time honored custom calls for acceptance by the majority of the recommendations as to the Republicans on committees.

The Hodges appointments, which were sent to the senate for confirmation this afternoon, complete the list of members of the board of regents of the Emporia state normal and the appointment to one place on the state tax commission. J. H. Hostetter, of Belleville, is a veteran Republican and a public county Democrat. To use his own language, he "was a Democrat when he hunted 'em with dogs." But he is now in the Fifth district. He is a power in the Fifth district. He is a power in the Fifth district. He is a power in the Fifth district.

Among the three normal regents named today is Senator Emerson Carey of Hutchinson, who is the first Republican state senator to receive recognition in the hands of the governor in his list of appointees. Another niche will be filled by J. N. Herr, Democratic member of the house from Barber county. Herr is chairman of the house ways and means committee and one of the most loyal administration supporters in the house. One woman was appointed on the board of regents—Miss Laura M. French, city editor of William Allen White's Emporia Gazette. But Miss French is in no sense of the word a follower of the White brand of politics. She is a most loyal Democrat and is regarded as one of the cleverest and most resourceful young women in Kansas.

Appointments to places on the normal board of regents are of July 1, this year. At that time the new educational administration board will take supervision of all state educational institutions.

Among the appointments to be announced soon by Governor Hodges, it is claimed, is the naming of Harrison Parkman as state fire marshal. Parkman is the possessor of the most impressive beard in Kansas and in the last campaign was largely responsible for delivering Lyon county and the Fourth district to the Democrats. In Emporia Parkman edits a Democratic newspaper and is William Allen White's only competitor in the newspaper same in that town.

The weather today would be delightful were it not for a stiff twenty mile breeze blowing from the southwest. The temperatures are averaging 18 degrees above normal for this date. The river has risen nearly two feet in two days, the stage being 7.4 feet.

The forecast is for generally fair weather, with showers and drizzle.

The hourly readings:
7 o'clock.....44 11 o'clock.....62
8 o'clock.....45 12 o'clock.....64
9 o'clock.....51 1 o'clock.....66
10 o'clock.....58 2 o'clock.....67

Weather Forecast for Kansas. Fair tonight and Sunday.

WORK OF SENATE

Session of 1913 One of Most Successful in History.

Only One-Fourth of Bills Introduced Are Passed.

TO PRODUCE A REVENUE

Original Measures Would Net \$1,325,000 Yearly.

General Review of Actions of Upper House.

Bills introduced.....905
Bills passed.....227
Bills killed.....119
Bills killed by committees.....262
Bills remaining on calendar and dying.....148
Bills signed by governor.....55

This is the mathematical result of the work of the Kansas senate in the 1913 session. There are several bills still in the mill that will go to the governor for his signature before the legislature adjourns. Otherwise the above list is correct and in every detail and is the story that the docket will tell when it is corrected and compiled next week.

It will be seen by the table that the senate has passed only one-fourth of the measures introduced, that only one-half of the number of bills passed were killed on the floor, that the committees and the members killed on the floor, and that more proposed laws died on the calendar than the senate as a whole was able to annihilate.

The members of the senate are well pleased with the accomplishments of the last 55 days. They have been conservative and deliberative in their considerations and when the time for the cessation of original bills appeared with 146 measures of local and statewide importance, they allowed the lieutenant governor's gavel to fall—nearly 150 bills falling into the waste basket for want of attention.

The motto of a majority of the senate members—"cut down the statute books"—was carried out. Senators with pet measures lost on the calendar did not regret the fall of the curtain. The senate this session has reversed the usual legislative conditions. Under ordinary circumstances the senate with only forty members pushes through a multitude of measures in much quicker order and with less oratorical trimmings than the house with its 125 representatives. This year, however, the senate has taken the oratorical honors into camp and has allowed the house to run away with both numbers and consideration of bills.

Party lines have not been drawn too tightly for respective measures in the senate. No combination or inside organization of original bills appeared. The Democrats, in the majority, have held together only in constitutional amendments affecting platform promises. The Republicans, mixed here and there with Bull Moose, are flocking to the side of the majority in the passage of Progressive principles.

The members of the senate are proud of one course of action taken—the introduction of measures that will result in the production of revenue to the state. If all the bills of constitutional amendment are favored by the house and enacted into law, Kansas as a state will realize more than \$1,325,000 annually in revenues. Probably no other legislature in the history of the state will have exceeded this result.

The more important revenue bills are:
Mortgage registration.....\$ 50,000
Automobile license.....125,000
Moving picture censorship fees.....125,000
Corporate tax.....200,000
Royalty in mineral revenues.....500,000
Income constitutional amendment.....300,000
Total.....\$1,325,000

These are conservative estimates. Many senators insist that the moving picture, income tax and sand royalties will bring in more than the stated amount.

The measures of most state wide interest to be enacted into law after introduction in the senate follow:
State fire marshal.
Prohibiting sale of shoes made of imitation leather.
Night schools in cities.
Board of corrections for penal institutions.
Abolishing county assessor.
State publication of school text books.

Tax on motor cars.
Nomination of United States senator by popular vote.
Exempting women from jury service.
Abolishing jobs of 125 oil inspectors.
Repeal inheritance tax law.
Board of examination for trained nurses.
Corporation franchise tax.
Recall of public officials.
Massachusetts ballot.
Provision loan associations.
Board of administration for educational institutions.
Consolidation of labor, mine and free employment bureaus.
Enabling counties to buy machinery for well digging and irrigation.
Amendments to city commission laws.
Workman's compensation law.
Ratification of amendments to elect United States senator by direct vote.

Board Appointed.
Washington, March 8.—Surgeon General Blaine, of the public health service, today designated Director John F. Anderson, of the hygienic laboratory, and Surgeon Arthur M. Scimmon, of the board of health, to conduct an investigation of Dr. Friedmann's tuberculosis vaccine. The two public health officers leave for New York tonight to meet the German physician in person. They will work with him and bring cultures to the hygienic laboratory for tests and use upon monkeys.

Long Saddle Trip.
Macon, Mo., March 8.—Harry M. Rube, president of the Rube Trust company, of Macon, and E. E. Wilson, manager of the Jefferson hotel here, will leave today on a horseback trip to Hot Springs, an estimated distance of 700 miles.



President Wilson proposes that Vice President Marshall attend cabinet meetings and play a larger part generally in the government than has any of his predecessors.