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Today's Theatrical Offerings
OPERA HOUSE—"Social Buccaneer"
BROADWAY—"Aladin, the Terrible"
PIMA—"The Hunted Woman"

The Arizona Daily Star

Weather Forecast for Today
ARIZONA—Tuesday and Wednesday, fair; no much change in the temperature.
"TUCSON SHINES"

VOL. LXXVI. NO. 7 — TUCSON, ARIZONA, TUESDAY MORNING, JANUARY 9, 1917. — City Edition

LEGISLATURE MARKS TIME ASKING: WHO IS GOVERNOR?

Anti-Hunt Men Control Both Senate and House After Partial Reorganization; No Business Will Be Done Pending Court Ruling in Contest

(By Associated Press.)

PHOENIX, Jan. 8.—The third Arizona legislature was partially organized today in the presence of crowds which taxed the capacity of the galleries, for it had been expected there would be a clash between the Hunt and anti-Hunt forces resulting in the recognition of one or the other of the two governors of Arizona. But that subject was carefully avoided and both houses departed from the time-honored custom of notifying the governor that they were organized and ready to receive a message.

HUNT HAD MESSAGE READY

Governor Hunt's secretary was in the lobby with a brief message but no opportunity was offered to deliver it. After the partial organization each house adjourned until 10 o'clock tomorrow morning.

The Hunt and anti-Hunt people fought out their battle in a caucus on Sunday night, ending just before noon today, but it had no bearing on the gubernatorial contest. It was for the control of the legislature. In the Democratic caucus of the senate the anti-Hunt faction prevailed by a vote of 8 to 6 and D. H. Claridge of Graham county was nominated for president. This faction had a reserve force of five Republicans. Mr. Claridge was unanimously elected. No other officers were chosen.

It was by a narrower margin that the anti-Hunt forces won in the house caucus—16 to 15, and A. A. Johns of Yavapai county was nominated for speaker. Sam W. Proctor, a Hunt man of Navajo county, was made chief clerk.

AWAIT COURTS RULING

Recognition of feminine was offered in the house when the three women members, Mrs. George H. Marsh of Santa Cruz, Mrs. Rosa McKay of Cochise and Mrs. Pauline O'Neil of Maricopa, were named as the committee on credentials.

As to the immediate future the members of the legislature have formed no plan. There will probably be an adjournment from day to day until the end of the week when it is thought the supreme court will render a decision in the Campbell-Hunt mandamus proceedings. It was stated by one of the Democratic leaders today that if by that time there had been no determination an effort probably would be made to secure the recognition of Campbell on his certificate of election.

As Inspection of Ballots Ends, Both Claim Lead

PHOENIX, Jan. 8.—The inspection of the ballots in the Hunt-Campbell contest for the governorship was concluded tonight and the results have been tabulated by the Republican state committee officials, showing the votes by counties for each of the candidates as returned by the election officials, the totals as determined by the inspection boards and the number of disputed ballots.

The inspectors for Governor Hunt have not yet submitted their table but a claim of a majority for Hunt is made as shown by the discovery of clerical errors by election boards. A gain of 125 votes for Hunt is claimed. The table submitted by the Republican committee gives Campbell a plurality of 357 instead of 39 as was shown by the official count. Both figures are exclusive of the disputed ballots.

The supreme court, it was announced today, would hand down a decision tomorrow morning on the motion of Senator Ives, counsel for Governor Hunt to strike from the complaint of Campbell in his application for a writ of mandamus, all reference to events leading up to the issuance of the certificate of election of the latter. In case the motion is allowed arguments will proceed on the amended complaint.

BANK WRECKER FREED IS HONORED AT DINNER

NASHVILLE, Tenn., Jan. 8.—William K. Cummings, released from prison recently by pardon of Governor Whitman after having served three years for his part in the wrecking of the Carnegie Trust company of New York, was the honor guest here tonight at a dinner attended by state and city officials, members of the legislatures and delegations from other cities.

Speakers referred to the confidence felt in Cummings by former associates in Tennessee of which he was a native and expressed the belief that his guilt was only technical. A rising vote of thanks was given Governor Whitman for the pardon.

Healey Arrested On Graft Charge In Raid by Hoyne

Illinois State's Attorney Asserts $1,000 Weekly Was Levied On Illegal Resorts.

(By Associated Press.)

CHICAGO, Jan. 8.—Chief of Police Charles C. Healey was arrested tonight on charges of extortion, bribery and conspiracy, as was Lieutenant Martin White and three others, and warrants were issued for three other policemen by State's Attorney Maclay Hoyne. Healey was immediately released on bonds of $100,000.

Mr. Hoyne issued a statement in which he said that a "great majority of the captains and lieutenants of police of the city" were involved in the scandal.

The chief, whose recent resignation was accepted to be effective next Thursday, was arrested at his home. Lieutenant White, Thomas Costello, alleged go-between and personal agent of the chief, "Mike de Pike" Heifer so called "King" of the former West Side tenderloin, and William Skidmore a politician and saloon-keeper, were arrested in a raid on Costello's office.

According to Mr. Hoyne they were charged in dividing about $1,000 collected in "tribute." Some of the money, he said, bore the serial numbers previously noted by his agents while it was in the possession of vice keepers.

Healey would not comment on the charges. Mr. Hoyne said that he had seized many documents bearing on the case.

Warrants were issued for the arrest of Lieutenants Edward Brady and John Hartford, and for Sergeant John Naughton, the chief's confidential secretary.

Late this afternoon Mr. Hoyne informed newspaper men that they might look for sensational developments tonight. He issued a signed statement in which he asserted that corruption ran riot in the city hall. When a reporter carried it to Superintendent Healey's office, the latter read it carefully.

"Anything to say?" asked the reporter.

"Any Chicago newspaper printing this statement will be called to account for libel. That's all I can say. The rest is up to my attorney, John J. Healey," was the reply.

Meanwhile Mr. Hoyne ordered his assistants to return to the criminal court building at 5 o'clock tonight. It was two hours later, however, before he explained the mysterious scurrying to and fro of his detectives by giving out news of the arrests.

Healey's resignation as chief was presented to the mayor last month, effective January 5, but the date was extended to January 11 so that he might continue in office over New Year's eve when many violations of the saloon closing law were expected.

Shelby M. Singleton, attorney for the Citizens' association, stated that Mr. Hoyne had called on the association for aid, and had kept him informed of the progress of his investigation. In a formal statement Mr. Singleton said he believed that Mr. Hoyne "had ripped the lid from a situation of almost unbelievable notoriety in which police officials were conniving with crooked politicians of both parties in giving protection to criminals".

No Carranza Troops May Travel in U. S. Is Reply From Funston

Major General Arrives In Tucson On Way to El Paso After Inspection Trip.

YUMA, Ariz., Jan. 8.—Major General Frederick Funston left here late today for Douglas, Ariz., and other border points, after inspecting the Fourteenth infantry troops. He was asked if he thought the United States would grant permission to General Carranza to transport troops over American territory in an effort to take Lower California from the military governor, Esteban Cantu.

"There is no chance for such a request to be granted," replied General Funston.

In his private car "Twin" General Frederick Funston and accompanying officers arrived in Tucson from Yuma early this morning over the Southern Pacific. General Funston had retired. He will leave on the Nogales morning for Nogales and will leave Nogales Wednesday morning at 6 o'clock and will go to Fairbanks by train. From Fairbanks he will travel by automobile to Douglas and will arrive in Columbus Thursday, and at El Paso Thursday evening.

A special hospital train passed through Tucson Sunday night under the charge of Major H. H. Bailey of the United States army hospital corps. The train was made up at Nogales and will pick up some men at Fort Bliss, El Paso and go on to Hot Springs, Ark. The train consisted of ten coaches. It carried two officers, 15 enlisted men, seven nurses, two cooks and 21 patients.

WOULD UNITE NORTH AND SOUTH PRESBYTERIANS

NEW YORK, Jan. 8.—Steps were taken at a meeting of the Presbytery of New York today to unite the Presbyterian Church North with the Presbyterian Church South, the two great branches of that denomination, separated since Civil war days. A consolidation would give the united church a membership of two millions, it was said.

A resolution asking re-union, offered by the Rev. Dr. William Paxton Merrill, was adopted unanimously and will be presented for final action at the South church general assembly at Dallas, Tex., next May.

The Sly Old Dove

By BENKERHOFF.

80 Men Locked in Cells of Flaming Prison Saved by Dynamite; 2 Die

FRANKFORT, Ky., Jan. 8.—Two negro prisoners were suffocated, one was probably fatally burned and more than fifty others narrowly escaped death in a fire that started late tonight in cell house "A" at the state reformatory here.

The building was the oldest in use at the reformatory and because the locking equipment was an old design it was necessary to unlock each cell individually. Before the work of rescue could be completed the entrance to the building was blocked by flames.

With dynamite a hole was made through the wall one one side of the building which the flames had not yet reached and the work of rescue resumed.

The burned building housed more than 800 prisoners.

SUPREME COURT UPHOLDS DRY LAW IN HISTORY-MAKING RULING

Power of Government Over Liquor Is Settled, Says Opinion on Webb-Kenyon Measure; Ban On "Personal Use" Approved.

(By Associated Press.)

WASHINGTON, Jan. 8.—In the most sweeping of all decisions upholding prohibition laws, the supreme court today upheld as constitutional and valid the Webb-Kenyon law prohibiting shipments of liquor from "wet" to "dry" states. It also sustained West Virginia's recent amendment to her law prohibiting importation in interstate commerce of liquor for personal use.

After having been vetoed by President Taft, who held it unconstitutional and having been re-passed by congress over his veto, the law was sustained by the supreme court by a vote of 7 to 2.

Leaders of the prohibition movement declare it is second only in importance to the proposed constitutional amendment.

Lawyers for liquor interests who heard the decisions today admitted it upset chief justice in announcing the decision.

"There was no intention of congress to forbid individual use of liquor. The purpose of this act was to cut out by the roots the practice of permitting violation of state liquor laws. We can have no doubt that congress has complete authority to prevent partaking of any authority. Congress exerted a power to co-ordinate the national with the state authority."

Liquor legislations—the federal Webb-Kenyon act of March 1, 1913, and West Virginia's prohibition laws—were brought before the Supreme court in two test cases of the James Clark Distilling company, of Cumberland, Md., against the American Express company, and Western Maryland railroad. Whether prohibition states, under the Webb-Kenyon law or otherwise, may prohibit shipment of intoxicating liquors, in interstate commerce, for personal use or otherwise is "dry" territory was the principal question raised.

In the two West Virginia cases, the liquor interests asserted that it was not necessary for the Supreme court to determine constitutionality of the Webb-Kenyon law unless the court should upheld the West Virginia statute prohibiting West Virginians from "receiving or possessing" liquor secured in interstate commerce by transportation over common carriers.

An incidental question raised was whether prohibition states which permit their citizens to "have and use" liquor may prohibit interstate carriers from transporting liquor to such citizens for their individual use and not for sale.

Effectual enforcement of "dry" legislation in prohibition states was said by prohibition advocates to depend largely on validity of the Webb-Kenyon act, designated to give "dry" states the right to prevent liquor shipments from "wet" states. Counsel for the liquor interests contended that the Webb-Kenyon act is void if it delegates to states the federal right to regulate interstate commerce. They also contended that, as West Virginia's prohibition laws permit citizens to have and use liquor, although prohibiting its manufacture or sale, an amendment of 1915 prohibiting citizens from "receiving or possessing" liquor by common carriers in interstate commerce is unconstitutional.

The Webb-Kenyon law was entitled "an act divesting intoxicating liquors of their interstate character in certain cases." It was named for its co-authors, Representative Webb of North Carolina and Senator Kenyon of Iowa. The act was passed over President Taft's veto and provides that shipment of intoxicating liquors from one state to another "which

> Intoxicating liquor is intended by any person interested therein to be received, possessed, sold or in any manner used—in violation of any law of such state . . . . is hereby prohibited."

The especial theme of West Virginia's prohibition law attacked as void, makes it unlawful for any person in that state "to receive, possess or deliver intoxicating liquors from a common or other carrier." The law also, was made applicable to "liquors intended for personal use or otherwise and to interstate as well as interstate shipments." Another clause, however, permits persons to personally carry into the state liquor not exceeding a half gallon, for personal use and when plainly labelled. Before the Supreme

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BILL BARS JAPS BUT WORDING IS MADE MILDER

Measure Will Be Sent to President Thursday, But Because of Literacy Test Proviso Is Doomed to Veto

WASHINGTON, Jan. 8.—Fresh objections to the state department because it was offensive to Japan, the long-discussed immigration bill was agreed upon today by a conference committee of the two houses and the senate promptly adopted the conference report by a vote of 54 to 19. The house is expected to act favorably Thursday and send the bill to the president.

As originally passed the bill contained a provision designed to exclude Japanese in the event of abrogation of the so-called "gentlemen's agreement" under which Japan for six years has prevented her laborers from coming to the United States and as expressed as to make it clear what agreement was referred to. The Japanese embassy called the attention of the state department to the fact that its government had rigidly observed its agreement and let it be known that the proposed provision was offensive. The senate changed the language, but failing to meet objections urged by the state department. A substitute, finally inserted by the conferees after consulting officials of the department, says:

"No alien now in any way excluded or prevented from entering the United States shall be admitted to the United States."

This sentence sufficiently direct to satisfy Pacific Coast legislators who insisted upon some such provision, is regarded as being enough to safeguard against objection from any foreign government. It is added to the section designed to effect exclusion of Hindus and other Asiatics by prescribing a geographical area from which immigrants shall not be admitted.

The literacy test provision, on account of which similar bills have been vetoed by Presidents Cleveland, Taft and Wilson, remains intact, in spite of the fact that President Wilson has let it be known that it will be the cause of another veto. Friends of the bill claimed tonight that they would be able to muster enough votes in both houses to pass it over a veto.

The literacy test provision bars, with certain exceptions, all aliens over 16 years old, physically capable of reading who cannot read some language or dialect. Those exempted include persons who can show that they are fleeing from religious persecution.

DEAF MUTE, ORDERED "HANDS UP!" IS SLAIN WHEN HE PAYS NO HEED

COUNCIL BLUFFS, Ia., Jan. 8.—When Sidney Smith, 22, a deaf mute, tonight paid no heed to a command to "throw up his hands" a rubber shot him four times. Smith died in a hospital a few hours later. The murderer escaped.

REFUSING TO GIVE NAMES, LAWSON BLUSTERS WAY THROUGH "LEAK" INQUIRY

Financier Turns Hearing Into Near Riot When Asked for Definite Information, But General Charges of "Corrupt Congress" Fly Fast

(By Associated Press.)

WASHINGTON, Jan. 8.—Through a bewildering maze of intimations and heated colloquies which turned the hearing into an uproar, the house rules committee wrestled for several hours today with Thomas W. Lawson of Boston without obtaining any definite information to substantiate the stories of a "leak" to Wall Street in advance of the president's peace note.

When the committee adjourned until tomorrow with Mr. Lawson's examination uncompleted, a motion to cite him before the bar of the house for contempt because he refused to give names had been considered in executive session and taken under advisement.

TUMULTY CLEARED OF CHARGES

Earlier in te day, Joseph P. Tumulty, secretary to President Wilson, whose name was mentioned by Representative Wood in the rumors he laid before the committee last week, appeared to give an hpematic statement endorsed by the president, that he had no knowledge of the peace note before it was given to the press. He also denied the report repeated by Representative Wood that Mr. Tumulty and Bernard Baruch, a New York broker, had conferred in a New York hotel a few days before the note was made public. Mr. Tumulty denounced the action of Representative Wood in making public charges based on a letter from an unidentified man and declared from the witness stand, looking Representative Wood in the face, that he was still awaiting the congressman's apology.

Secretary Lansing of the state department also took the stand to assert that he had no knowledge whatever of information having been circulated regarding the peace note. Secretary Lansing related the physical history of the note, how it was prepared, through whose hands it passed and of his participation in its preparation. He has told of a statement he had given in confidence to newspapermen on the morning before the note was made public, in which he told them to expect a note at 5 o'clock that evening for publication Thursday. He did not go into details with the correspondents, he said, but did say that it was a proposal for peace nor an offer of mediation.

The secretary further stated that he had not given the possible effect of the note on the stock market the least thought, but that he had cautioned secrecy because of the courtesy due to the foreign nations that the communication should not be published here before it had been received abroad.

LANSING BLOCKS INQUISITIVE.

When Representative Chipperfield, Republican, of Illinois, sought to interrogate Secretary Lansing regarding his interpretation of the note on the day following its publication, the secretary said firmly that such questioning was going beyond the scope of the inquiry, and was sustained by the committee.

The committee's troubles with Mr. Lawson began soon after the financier took the stand, and grew into a noisy row, quieted only after Chairman Henry had threatened to clear the room of spectators and proceed in executive session. Declaring that he had evidence of a leak and asserting that he had information from a member of congress that a cabinet official had been a beneficiary, Lawson flatly refused to give the names to the committee. He announced defiantly that he would give no names regardless of consequences and declared:

"You may punish me if you wish, but I will not betray the name of men in high position at this preliminary inquiry; my only business here is to give information that would warrant you in ordering a full investigation. This I take. I have done."

Before this the witness had flown into a passion when questioned by Representative Chipperfield about his book "Frenzied Finance."

LAWSON STARTS NEAR RIOT.

There were heated exchanges during which the word "four flusher" could be heard above the general din which interrupted the recdrd of the official stenographer. Lawson, shaking his hand in Representative Chipperfield's face, asserted that he knew his rights and would not be bulldozed. He finally was pulled into a chair by the chief clerk of the house. The colloquy with Representative Chipperfield and some of Lawson's other remarks were eliminated from the record. The examination then proceeded more quietly. Mr. Lawson frequently asked to be excused from answering questions, but not until he had told another story, at first hypothetically and then as a report related to him, to the effect that a member of the cabinet, a United States senator and a New York banker had a joint stock holding account in which was shared among them. He flatly refused, despite persistent efforts of the committee to reveal these names, declaring first that he would not besmirch the names of men in high place at a preliminary inquiry and secondly that he did not feel called upon at this stage of the inquiry to give information which would permit criminals to escape or information to be destroyed.

Mr. Lawson repeated his public assertions that congress was "wallowing

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ADAMSON LAW IS TAKEN UP BY SUPREME COURT

Arguments Will Be Concluded Wednesday and Decision Is Expected In Few Weeks; Congress' Power An Issue

(By Associated Press.)

WASHINGTON, Jan. 8.—The test case to determine the constitutionality of the eight-hour law, enacted last September when a general strike threatened, came up in the supreme court today. Arguments commenced anti Wednesday and a decision is expected within a few weeks.

The question whether congress has power to regulate hours of service and wages of employes of carriers of the arguments today in which the justices participated in large numbers, interrupting with many questions. In opening the defense of the law for the department of justice, Solicitor General Davis declared it regulates both hours of service and wages and contended that congress has authority to regulate both. He asked adjustment of the decision of Circuit Judge Hook at Kansas City in the test case of the Missouri, Oklahoma & Gulf railroad, holding the law void.

Although three hours is the usual time allotted for argument of a case, the court granted an extension to eight hours equally divided between the federal and railroad counsel. Tomorrow Walker D. Hines, chairman of the railroads' general committee of counsel, and John J. Johnson of Philadelphia will speak for the carriers.

CONGRESS' POWER ON ISSUE

Solicitor General Davis told the court that it reached the height of imagination to say that the primary object of congress in passing the law was not to limit the hours of toil. He asserted that Elihu Root, the railroad spokesman throughout the strike controversy, often had admitted that the law is workable, now denied by the railroads.

When Mr. Davis cited congress' disturbance of railroad contracts in passing

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Pope's Aide Named as Plotter Who Caused Sinking of Warships

ROME, via Paris, Jan. 8.—More than forty persons now are imprisoned as a result of the investigations into the destruction in September, 1915, and August, 1916, respectively, of the Italian battleships Benedetto Brin and Leonardo da Vinci. The latter was blown up in Taranto harbor and 241 men perished.

Lieutenant General Count Cadorna, chief-of-staff, came to Rome on Thursday to attend a meeting of the cabinet which was held for the purpose of deciding upon the disposition of the prisoners but the question has become a political one from the introduction into the case of the name of one of the officials of the vatican.

An Italian named Ambrogetti, who was among those charged with being implicated in the destruction of the warships, claims to be the financial agent of Monsigner Gerlach, Pope Benedict's private chamberlain. Mgr. Gerlach is an Austrian, and according to information here, was once a cavalry officer who became a priest and was the favor of the present pope when the latter was a cardinal.

It has been learned that Mgr. Gerlach, previous to Italy's entry into the war, was interested in a pro-Austrian paper of which Ambrogetti was made manager.

The suspicion that the explosions on the ship were due to a conspiracy originated from the fact that certain naval machinists were aboard the ships at the time of their destruction and on each occasion escaped uninjured.

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