

The Weather

Fair today and Friday; no change in temperature. Slight of river at Fayetteville yesterday at 8 a. m., 2 ft.

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WILMINGTON, N. C., THURSDAY MORNING, SEPTEMBER 15, 1921.

OLDEST DAILY IN THE STATE.

MANSLAUGHTER IS THE CORONER'S VERDICT IN THE ARBUCKLE AFFAIR

Jury Declares That Actress Came to Her Death at Hands of Comedian

FOR FULL INQUIRY

Would Prevent San Francisco Being "Rendezvous of Debauchee and Gangster"

SAN FRANCISCO, Sept. 14.—The coroner's jury returned a verdict today holding that Miss Virginia Rappe, motion picture actress, came to her death through peritonitis, caused by the rupture of an internal organ.

Roscoe ("Fatty") Arbuckle was held responsible by the jury for Miss Rappe's injury and the district attorney was directed to conduct a full investigation of the matter.

The verdict charged Arbuckle with manslaughter and directed that all official sources concerned conduct a full and exhaustive investigation.

The jury held that Miss Rappe came to her death through the application of force, "which we believe from the evidence was applied by Roscoe Arbuckle, and we hereby charge him with manslaughter.

"We recommend that the district attorney, chief of police, grand jury and prohibition enforcement officers take steps to prevent a further occurrence of such events, so that San Francisco will not be made the rendezvous of the debauchee and the gangster."

The verdict, in assigning the cause of Miss Rappe's death said:

"We, the coroner's jury, find that the said Virginia Rappe, age 25, single, residence, Los Angeles, came to her death on September 9 at the Wakefield sanitarium from a ruptured bladder, contributing cause, peritonitis.

"The jury further find that said Virginia Rappe came to her death from peritonitis caused by a rupture of the urinary bladder, caused by the application of some force, the nature of the evidence submitted, was applied by one Roscoe Arbuckle.

"We, therefore, charge the said Arbuckle with the crime of the manslaughter, in the following manner:

Ben Boas, one of the nine jurors, returned a minority verdict in which he said that Miss Rappe's fatal injury was caused by the application of some force, "but I am unable to say who applied it."

Two charges of murder, one preferred by the police and the other by the coroner, were returned against Miss Rappe, and two charges of manslaughter, one returned by the grand jury and the other by the coroner's jury, rest against Arbuckle.

The coroner's jury was out for more than three hours after an examination of witnesses, which started last Monday.

Arbuckle, although apparently deeply moved, accepted the verdict with composure.

The verdict was the outstanding event of the Arbuckle case today. Other developments were:

The starting of an investigation into charges that liquor was brought to and served at the Labor day party in Berkeley, California, at which Miss Rappe was alleged to have suffered the attack which ended in her death.

The finding of Betty Campbell, show girl, and one of those reported to have disappeared and her interrogation by the district attorney.

The statement of Captain A. Brady that he had not decided what course to pursue in regard to the murder charges, in view of the manslaughter charges, but would settle the matter before Friday, when Arbuckle appears in police court to plead to the murder charge.

The grand jury indictment for manslaughter is to be returned in the superior court tomorrow.

CHURCH'S PARTNER IN THE DOUBLE MURDER A MYSTERY

CHICAGO, Sept. 14.—Identification of the "third man" implicated in the murder of Bernard J. Daugherty, automobile salesman and Carl Augustin, demonstrator, to which Harvey Church was alleged to have confessed, has been impossible early tonight. A maze of identifications, alibis, contradictions, signing and repudiating of confessions had left investigators exhausted.

Police officers express themselves as satisfied that Church and Parks have told the truth regarding their parts in the murder of the two men, but believe that the two are withholding information that would permit clearing the entire mystery.

Clarence Wilder, accused in a confession by Church and Parks, denied knowledge of the crime and offered an alibi. Milton Walker, a garage mechanic, also arrested in connection with the case likewise denied implication in the killings and was absolved by Church.

Church when asked why he had mentioned Wilder as an accomplice said: "I didn't know he was innocent and I didn't think it would take long for him to show that fact, so I gave him a name."

JUDGE GEORGE W. BORNEMANN DIED AT ONE O'CLOCK TODAY

Justice George W. Bornemann, for many years a familiar figure in Wilmington, died at 1 o'clock this morning. The funeral arrangements will be announced later. Justice Bornemann was 66 years old and a native of Germany.

Blockader Must Die For Shooting Sheriff

BLACKSHEAR, Ga., Sept. 14.—Mage Carter was found guilty of the murder of Sheriff J. W. Robertson in a jury in Pierce county superior court tonight. He was sentenced to be hanged on October 28.

Carter on the witness stand this afternoon told how he started in the moonshine trade in southeast Georgia, and concluded: "I was running liquor when Johnnie Aspinwall came up. He wanted a quart of liquor and I gave it to him. Thirty minutes after he left someone else came through the bushes and threw a gun on me, shouting: 'Throw up your hands.'"

"I grabbed my gun on the spur of the moment and shot three times. Then I ran. I ran about a mile. 'I ask for one thing, gentlemen: Please spare my life.'"

JOHN BASSETT MOORE AMERICAN MEMBER OF THE LEAGUE'S COURT

Eleven Judges Elected Yesterday for International Court of Justice

NINE FIRST BALLOT

Celerity With Which Judges Were Named is a Surprise to the Assembly

GENEVA, Sept. 14.—(By Associated Press).—The bench of the international court of justice elected by the assembly and council of the league of nations today appears to give general satisfaction to the delegations with few exceptions. Eleven judges were chosen, as follows:

John Bassett Moore, United States; Viscount Finlay, Great Britain; Dr. Yorozu, Japan; Dr. Andre J. Baschet, France; Commander Dionisio Anzilotti, Italy; Dr. Ruy Barbosa, Brazil; Dr. E. T. C. Loder, Holland; Antonio N. S. de Bustamante, Cuba; Judge Beldi, Serbia; Dr. Max Huber, Switzerland and Dr. Rafael Altamira, Spain.

Owing to the difficulties of satisfying geographical and other conditions and because also of the complicated system of election, it was expected that it would require several days to choose the judges. But the assembly surprised nine were chosen on the first ballot. The bench represents all four of the great systems of jurisprudence and nearly every race and tongue in the world.

The American candidate, John Bassett Moore, was chosen on the second ballot. His election provoked the greatest applause of the day.

The French and Central American combination with Spain carried through its slate of four candidates on the first ballot. It became necessary, however, to select the German speaking people disappointed some of the delegations, including the French, who said that the Germans ought to be represented by a citizen of a distinctly German country. They voted for Dr. Franz Klein of Austria.

When they failed to elect Dr. Klein they endeavored to secure a place for him as a deputy judge, but the South Americans gained a majority in the assembly. The French, who when it was found that the council had again omitted his name from their list of deputy judges the assembly re-elected him again.

The final stages of the election developed a sharp contest between the council and the assembly, the latter insisting upon Dr. Alvarez as the German speaking member and the council insisting upon Baron Descamps of Belgium.

After Alvarez had been elected, once judge and twice deputy judge, he was rejected on the third time by the council, but was elected for the fourth time by the assembly.

The announcement of his fourth election was made in a burst of enthusiasm, but the later announcement that the council had for the fourth time rejected Dr. Alvarez and given the majority to Baron Descamps caused considerable emotion in the assembly, which was calmed by the proposal of Japan that the assembly appoint a committee of three to meet a committee of the council on the subject. This committee will be appointed tomorrow morning.

The three deputy judges so far definitely elected are: the American, John Bassett Moore; the French, Baron Descamps; and the Chinese, Mr. Wang. Of the Yugoslavians, and Mr. Wang, of China.

HOME BREW EXPLOSION KILLS TWO, HURTS TWO

Copper Still Blows Up in New Orleans

NEW ORLEANS, Sept. 14.—John Toney and Anthony McCallen were killed and Mrs. Toney and her 12-year-old son, Edward, are in charity hospital seriously injured as a result, the police say, of an exploding home brew outfit.

The explosion took place at Toney's residence. The police say the top of a copper still blew off and hit it, its contents were set on fire. In trying to rescue Toney, his wife and son were burned.

McCallen apparently was not acquainted with the family but was passing in an automobile and came to the rescue when he heard a woman's scream.

ONE PARDONED; SEVEN REFUSED BY GOV. MORRISON WEDNESDAY

(Special to The Star) RALEIGH, Sept. 14.—Governor Morrison today pardoned A. D. Canup, of Cherokee county, serving two years for manslaughter for killing a prisoner, he, as chief of police of Andrews, was trying to arrest. Letters from the solicitor and others asked for the pardon, many saying they believed the officer was acting in self-defense in killing the man named Sprinkle, who had a knife and was trying to cut the officer. Under any circumstances the governor feels that Canup has been sufficiently punished with one year in prison. Seven pardons were declined today.

RALEIGH THINKS STATE CHAIRMAN WILL OBTAIN SUPREME COURT PLACE

State Capital Observers of Opinion Thomas Warren Has Lead Over Others

IS BEING INDORSED ENERGETICALLY

Perhaps More People Are Supporting Him Than Any Other Aspirant

By JULE B. WARREN RALEIGH, Sept. 14.—The governor tonight announced that he is still getting requests for hearings from delegations supporting various candidates for appointment to the supreme court and that he is going to hear these delegations. This means that his decision will not be made before the latter part of the week, if then.

Since the announcement of the retirement of L. V. Bassett, of Rocky Mount, and Judge J. S. Manning, of Raleigh, from the list of eligibles, the telegrams and endorsements are pouring in from all sections of the state for Tom Warren of New Bern, chairman of the state Democratic executive committee.

Judge Adams is getting many endorsements, but they are coming largely from the west, although some have come in from the east. Eastern Carolina feels that it is entitled to the judgeship in that the west is pretty well represented and also because the west is an important section of the state.

Sentiment around Raleigh among those who study every political situation that comes up is that Warren will in all probability be appointed, in preference to Adams, although some of the state committee and close friends of the Morrison administration, has offered his active support to Warren, and is of the opinion that he has a long lead on the other dozen or more candidates.

"No man has rendered more unselfish and valuable service to the Democratic party in North Carolina," Mr. Cooper declared.

When Governor Morrison sidetracked consideration of the appointment of a justice for the regular monthly hearing of petitions for pardons this week, the possible successor to Judge Allen was the chief topic of conversation and the interest of all delegations who have come to Raleigh during the early part of the week.

The only real news development of the day connected with the appointment of the justice was the fact that J. Frank Hampton, secretary to Senator Simmons, that he was not an emissary from the senator lending his influence for the appointment of Chairman Warren.

Mr. Hampton declares that Senator Simmons is not having a thing to do with the appointment. He is a friend of Mr. Warren and a large number of the general gentlemen who have mentioned for the place, but the senator is taking absolutely no part in suggesting names for the place. In fact the private secretary of the senator says he declines to have his name mentioned directly or indirectly with Senator Simmons since he left Washington, and has not seen him since Judge Allen died. The story that Mr. Simmons is backing chairman Tom Warren is absolutely untrue.

Mr. Hampton stands on the ground in fact and is a product of an unhealthy imagination, Mr. Hampton declares.

He came to Raleigh from Rocky Mount, where he has been visiting his home folks, purely for the purpose of seeing some of his friends here, and his mission is in no wise connected with the appointment of a supreme court justice. Prior to the time he announced that he was unwilling to have his name be used, Mr. Hampton declares that he was a supporter of the townsman, L. V. Bassett, of Rocky Mount. He did not know just how Mr. Hampton stood on the question, but as a matter of helping a fellow townsman Mr. Hampton was for Mr. Bassett until he announced that he could not allow his name to be further connected with the place.

Indications today are that Chairman Warren is getting the indorsement of a larger number of people, and is possibly leading in the number of supporters before the governor at the present time. The governor has not indicated when he will make the appointment, but it is expected to be announced before the end of the week.

INFURATED WHITES DRIVE A LOT OF NEGROES FROM HOME

CHATTANOOGA, Tenn., Sept. 14.—The negro population of Mont Lake, a mining village on Walden's ridge, 20 miles from here, was driven out of that community by infuriated white residents this afternoon, according to information received here tonight.

The trouble is said to have resulted from the shooting of Edna Barnett, 12-year-old white girl, and three younger sisters, by a negro girl, Edna Barnett, who was rushed to a hospital, is not expected to survive. Jewell Clippert, the young negro girl accused of shooting the Barnett children, and her mother and brother were brought to Chattanooga tonight and placed in jail.

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RAILROAD CRAFTSMEN VOTE TO STRIKE, A. F. L. IS ADVISED

CLEVELAND, Sept. 14.—Boilermakers, blacksmiths, machinists, carmen, electrical workers and sheet metal workers employed by various railroads have voted to strike in protest to the wage reduction ordered by the United States railway labor board, according to two representatives of the railroad department of the American Federation of Labor.

ASK COURT TO REVIEW THE FRUIT GROWERS' EXPRESS CASE

WASHINGTON, Sept. 14.—The federal trade commission and Solicitor General Beck joined today in asking the supreme court to review the recent decision of the circuit court of appeals setting aside a commission order directing the Fruit Growers' Express, Inc., to abrogate its contract with certain southern railroads, requiring these roads to use its cars exclusively in the movement of fruits and vegetables to cities along the Atlantic seaboard.

CHARGE TWO RAILROAD MEN WITH MURDER OF A NON-UNION ENGINEER

Hearing of A. B. and A. Wreck Case Set for Wednesday, 50 Witnesses

STATE INVESTIGATION OF ALLEGED ADMITTING OF TRAIN COMPLETED WEDNESDAY

FITZGERALD, Ga., Sept. 14.—Alf Smith, former flagman on the Atlanta, Birmingham and Atlantic railroad, and Gerald C. Myrick, former yard clerk, were taken into custody by county officers here today on warrants charging murder in connection with the death of Engineer W. T. Reid, who was shot in the cab of his locomotive July 5.

The case was heard in the witness room where Myrick and Smith were waiting to be called to testify for the defense in the trial of O. C. Fairhead, one of 28 persons under indictment on charges of alleged interference with employees of A. B. and A. railroad.

The grand jury will convene again at 12 o'clock tomorrow to immediately begin a new investigation into the trouble on the A. B. and A. railroad. It is understood that six cases will be presented to the grand jury tonight that they are innocent of the charges.

Out of 150 witnesses summoned for the trial, 30 were heard during the day, in an effort to refute the charges of witnesses for the state.

The defense today laid plans to prove that the wreck near Atlanta, which caused the fatal wreck of an Atlanta, Birmingham and Atlantic railroad freight train here last week was not caused by the alleged negligence of the engineers, but by a defective boiler.

Attorneys for the road sought to show the wreck was caused by an explosive being placed on the track, and other witnesses declared that the explosion since non-union workers replaced striking union men last spring, Counsel for the unions charged that the wreck was caused by defective equipment. Tilt between counsel and witnesses became so lively at times that Chairman Chandler once threatened to call the hearing to a halt.

Harry Hawkins, superintendent of the road, told the commission today he sent out a general warning on the night of the wreck, but that the actions of two men of Manchester, Ga., who he said, he had known to leave town the night before each previous wreck or attempted wreck. He did not know whether the engine wheel, which whirled some distance away in the wreck, had passed inspection at the shops shortly before the night.

Other witnesses declared there was an explosion of such force that it knocked a Bible off a table in a house a quarter of a mile from the scene.

In bringing forward his testimony regarding the alleged "loose wheel" that union men claim caused the wreck, A. C. Whipple, business agent for the machinists' union, declared by means of the union, he was placing an explosive under a train would be exploded, but he was positive in his statements that no such thing had been done. He declared that an act would be hanging.

W. P. Patterson, representing the Interstate Commerce commission, will remain here for a short time longer inquiring into the wreck.

DRY AGENTS ARE ORDERED TO REPORT ON CONDITIONS

WASHINGTON, Sept. 14.—Federal prohibition directors were instructed tonight to submit monthly reports on prohibition conditions in their respective districts. The reports should be set forth in federal and state courts, steps taken to co-operate with various law enforcement agencies, and attitude of the press. Instances of prohibition lawlessness should be set forth, the instructions added, as well as the progress being made in disposition of seized liquor.

Through the reports, it was said, the authorities could keep in close touch with conditions in the various sections of the country and be able to assign mobile enforcement units where most needed.

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Make Transportation Tax Half Present Rate in 1922

Senate Finance Committee Refuses to Agree With House in Repeal of All Transportation Taxes January 1, Next—Changes Are Made in House Provisions on a Number of Other Schedules, Raising the Rate

WASHINGTON, Sept. 14.—Many house proposals for tax changes were rejected or sharply modified today by the senate finance committee. Probably the most far reaching decision of the committee was that to restore all transportation taxes to their present rate on freight, passenger and Pullman accommodations in force only for 1922 and at half the present rates. The house provided for repeal of all these taxes on next January 1.

While agreeing to the house plan to repeal stamp taxes on perfumes, cosmetics, toilet preparations and proprietary medicines, the committee voted to amend the committee, which voted to restore three per cent tax on toilet soaps and powders which the house bill proposed to repeal on next January 1.

Five per cent reductions in the taxes on fur articles, motorboats and yachts, portable electric fans and works of art, agreed upon by the house, were disapproved by the committee, which voted to continue the present rate of ten per cent in each case.

The section of the house bill reducing the tax on candy from five to three per cent was amended to provide that candy sold at wholesale for more than 40 cents a pound should bear a tax of 10 per cent.

In accepting the house reduction from 10 per cent to 5 per cent in the tax on sporting goods, the committee decided to make taxable skates, snowshoes, skis, toboggans and baseball bats. The tax on yachts and motorboats which were eliminated by the house.

Under a new section added to the house bill, the committee proposed that the tax on chewing gum be reduced from 5 per cent to 3 per cent. The house measure made no change in this levy.

The house provision repealing all of the so-called luxury taxes was accepted, but the committee deferred action on the proposal to impose a manufacturers tax on a number of the articles on which a retail tax now is imposed.

Sections of the house bill accepted without change included those relating to taxes on cereal beverages and soft drinks; repealing the tax on eyeglasses and spectacles; eliminating the license levies on yachts and motorboats of not more than five tons or not more than 120 horse power and imposing a tax of ten per cent on camera lenses.

The committee also accepted, however, subject to possible amendment after further information on this subject has been furnished by treasury experts.

While the senate committee was revising the house measure, representatives of manufacturing interests, in conference here, decided to support and work for a tax revision program substantially the same as that which Senator Smoot, of Utah, a Republican member of the finance committee, has announced he will offer as a substitute for the pending measure. The main features of the program are:

Enactment of a new general manufacturers' tax.

Retention of present income taxes on individuals, with revision of surtaxes.

Retention of the present income tax of 10 per cent on corporations.

Retention of existing taxes on tobacco, narcotics and oleomargarine, and retention of existing inheritance taxes.

Spokesmen for the manufacturers explained that the proposed manufacturers' tax was not a general sales tax, inasmuch as it would be levied, assessed, collected and paid upon every commodity manufactured, produced or imported, when sold, leased or licensed for consumption, or use without further process of manufacture.

The rate of the proposed manufacturers' tax was not agreed upon, but it was stated that discussion revolved around a maximum of 3 per cent.

In each instance the city sued in its corporate capacity.

Thirty-six news items or editorials, published by the Tribune between June 15 and September 15, 1920, are cited by the city attorneys as the basis for the suit. Many of them declared flatly that the city was "broke." Others referred to the use of script for paying city employees. In several instances it was stated that the city treasury faced a huge deficit and one item quoted Lieutenant Governor Oglesby, candidate for the gubernatorial nomination, as fixing this figure at \$16,000,000.

There were also two excerpts from other Illinois newspapers as reproduced in the Tribune, one being taken from the Kendall county record and the other from the Danvers record. Two letters "to the editor" from Tribune readers were also cited as among the alleged libelous publications.

None of these publications, the city's declaration charged, was published with good motives, but to promote the political and financial interests of the other from the other to enter into the newspaper "and certain other persons and correspondents, especially certain public utility corporations associated with the defendant and acting in cooperation with it."

It was charged that the publications were designed to give the impression that the city was unworthy of credit and that it would be dangerous to invest in its bonds or to enter into contracts with it for the sale of materials, labor or supplies.

STORM OFF BERMUDA IS REPORTED AS EN ROUTE

WASHINGTON, Sept. 14.—A disturbance of considerable intensity southwest of Bermuda and moving northeastward, was reported tonight by the weather bureau. The disturbance is attended by shifting gales.

WEATHER FORECAST BY STATES

WASHINGTON, Sept. 14.—Tennessee: Partly cloudy; Friday, cloudy; not quite so warm in west portion.

Virginia: Partly cloudy Thursday and Friday; mild temperature.

North Carolina: Partly cloudy; Friday, cloudy; not quite so warm in west portion.

Georgia: Fair Thursday and Friday; no change in temperature.

Florida: Fair Thursday and Friday.

Extreme cold in Florida; generally fair Thursday and Friday; no change in temperature.

Louisiana, East and West Texas: Thursday and Friday, partly cloudy.

Arkansas and Oklahoma: Thursday partly cloudy; Friday, cloudy and unsettled.

Winds off the Atlantic coast: Hatteras to Key West—Fresh and strong northerly diminishing by Thursday night, fair weather Thursday.

Over east gulf of Mexico—Moderate westerly and sea winds, generally fair weather Thursday. West of Florida, moderate east and southeast winds and fair weather Thursday.

Sandy Hook to Hatteras: Moderate variable winds, except from northerly some distance off the coast; fair weather Thursday.

Hatteras to Florida Straits—Fresh and strong northerly winds; diminishing by Thursday night; fair weather Thursday.

TEXTILE WORKERS DEMAND A 44-HOUR WORKING SCHEDULE

NEW YORK, Sept. 14.—A campaign to make the 44-hour week the standard throughout the textile industry was launched today when the annual convention of the United Textile Workers of America adopted a resolution giving the executive council full power to act and "issue a proclamation to employers."

The economic strength of the organization, the resolution provided, should be utilized in obtaining the shorter working week, instead of asking for legislation. It was claimed that unemployment would be materially relieved by shorter working hours.

CAMP BRAGG WILL REMAIN ON ARMY'S ACTIVE LIST

RALEIGH, Sept. 14.—Secretary of War John W. Weeks today rescinded the order for the abandonment of Camp Bragg, near Fayetteville, according to advice received here tonight, from Brigadier General J. Bowley, camp commander, who is now in Washington. Camp Bragg was recently numbered among the southern camps and encampments which would be abandoned by the war department.

TO DECIDE WHETHER A CITY CAN SUE PAPER FOR ALL IT IS WORTH

Chicago Wants Alleged Damages Amounting to Value of the Daily Tribune

10 MILLION DOLLARS

Alleges Paper Printed Articles That Tended to Destroy Credit of City

CHICAGO, Sept. 14.—Whether a city or other municipal corporation may sue a newspaper for libel, alleging damages approximating the value of the entire establishment of the latter, and through a possible verdict for the full sum, virtually put the newspaper out of business, will be one of the chief issues in the case of the city of Chicago, against the Chicago Tribune, which is to be called for hearing September 22.

The suit, filed in circuit court in December, 1920, after the bitter Illinois Republican primary campaign of that year, asks damages of \$10,000,000, alleging that published charges against the city's financial credit and hampered the conduct of municipal business. A similar suit has been filed against the Chicago Daily News.

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