

BIGAMY CASE IS REVERSED

Supreme Court Does Not Convict C. J. Baker of Crime.

NEW TRIAL TO BE HELD FOR PLATTSMOUTH MAN

Was Found Guilty by District Court but Supreme Court Remand case

(From Friday's Daily)

Information was received this morning by Judge Sullivan of this city of the supreme court's decision in the bigamy case of Charles J. Baker a Plattsouth man. The charge of bigamy against the man in the district court of Cass county was reversed by the high court and the case remanded, on the ground that the lower court excluded his offer to show that prior to his second marriage he was informed by his daughter that his first wife had obtained a divorce.

The case has been followed through the courts by the Plattsouth people with great interest for it was a rather unusual affair. The defendant Baker is a stone cutter by trade, being born and raised at Ashtabula, Ohio. At that city he had married a Miss Shaw twenty-five years ago. The couple continued to live at Ashtabula where Mr. Baker worked at his trade at a stone works of that place, but their married life was far from a peaceful one. According to the testimony delivered at the trial in the courts here, he was a man of good habits, and in every way a good husband while his wife was not a model of moral cleanliness and virtue. Finally the family affairs reached such a point that the husband was unable to tolerate them and he decided to leave his wife, and giving her all his property of any value, with the exception of a few stone working tools, he came to Plattsouth to make his home. At the time of their separation, it was understood that she would obtain a divorce and they would no longer claim any relation between each other.

He came to this city in January 1909 and a short time after his arrival he received a letter from his daughter, who was living with his former wife, informing him that Mrs. Baker had secured a divorce and had requested her daughter to tell him of it. Thinking of course, the affair was settled for good he worried no more about it and some time later he married Mrs. Vroman, a widow lady of Plattsouth who has made her home in the city for years.

They lived very peaceably here in Plattsouth, Mr. Baker helping to support her children by working at his trade in Omaha and points in Kansas, but spending a large part of his time at his home in this city. The pleasant married life was suddenly interrupted one day by the arrest of Mr. Baker on the charge of bigamy and his fight in the court began.

From the county court, he was bound over to the district court. Here he was tried before a Beatrice judge who was exchanging benches with Judge Travis. Witnesses were brought from Ashtabula, the birthplace of the accused, but most of the important evidence of the defendant, showing how he was informed by his daughter of his first wife's divorce, etc., was excluded by the court and the man was found guilty of bigamy. It seemed clear to the majority of people the man was unaware that he was committing a crime. On a return visit to his old home, he had found his former wife living with a man who seemed to be her husband and after receiving the letter from his daughter of the woman's divorce, there was no doubt in Baker's mind but what they were legally separated. The defending lawyer attempted to show that he was not guilty of a crime since he did not know that he was committing one. His case was appealed to supreme court last winter and today the word was received of the reversion of the district court's decision. The next jury term of district court will not be held until October and Baker will probably have to wait until that time for his trial unless a jury is ordered for the coming term which is not expected.

Gasoline Engine.

Having installed a new gasoline engine of greater capacity, the News-Herald has a second hand engine which it will sell very reasonable. The engine will do for pumping water or running a feed grinder and will be a bargain if taken out of the way during the next few days. An entirely new water tank will go with the engine. Call at the News-Herald office and look it over.

FUNNY TURN OCCURS IN FAMILY AFFAIRS

Winsome Little Miss Claimed by Two Different relatives of Girl.

A very peculiar case of domestic affairs has recently come to light which according to the present outlook is liable to be aired in the courts before a satisfactory ending is made for the three parties concerned. The parties involved are P. J. Vallery, Coon Valley and the third about whom the whole affair is over, Miss Josephine Vallery. To explain the circumstances, Miss Josephine is the daughter of Coon Valley, a wellknown farmer who lives a few miles west of town. She was born a little over fourteen years ago but five months after her birth her mother died suddenly leaving the little daughter. Being unable to care for the infant, a short while after the death of her mother the father turned her over to the care of his brother's family P. J. Vallery of this city. The girl grew up with the family, attending the public schools and living as one of the family, and being of the same name, many of her best friends were unaware that she was not the daughter of the couple with whom she staid.

In the years that have elapsed, her father has married but still lives on the place a few miles from town. During the last year he has begun to feel the desire of having his own daughter with him but as the girl had been raised in the other family and had come to regard the younger members of the family as her brothers and sisters she did not take kindly to the idea of changing her place of abode to making her future home on the farm. Her father was informed of the girl's desire to remain in the city and finally asked his daughter to meet him down town last Saturday night. However, the little maiden was determined not to take up the Maud Muller life of the country and consequently did not meet her father at the specified time and place he had requested her to.

She asked that she be allowed to remain in the city until she had at least finished the present term of High school.

This proposition did not take very well with the father and he determined to gain an audience and at least talk the matter over with her, so Monday morning he hitched up his team, came into town and consulted the authorities about it. In company with an officer of the law he drove to the residence of P. J. Vallery the home of the daughter and requested the officer to merely ask the young lady to come out to the buggy and see her father. The officer performed his duty as ordered and the young lady went out to the street and approached the rig. They had exchanged but a few words when the father, taking her by the arm, drew her into the buggy and drove away with her. It was indeed a surprise for the officer and the members of the family with whom she had made her home for so many years to see the sudden turn of affairs and in bewilderment, the family seemed to look upon the officer as being engaged in a conspiracy against them, when he was no more than performing his duties. It was some little time before the wrath of the party cooled down to normal and the circumstances were made plain, clearing the officer of any suspicion that might exist, but still that did not help to bring the little lady back to them.

Lawyers were consulted about the case and it has not been definitely decided what course will be taken by the two claimants of the maiden. A goodly sum of money was paid to the Vallery family for the care of the girl but still that does not take the place of the smiling face that has graced the household for nearly fourteen years. If the matter is taken into court for settlement, it promises to be an interesting case on account of the peculiar conditions that surround it.

"Cupid at Vassar."

The Seniors of the high school today are distributing the "advance literature" on the big theatrical production which they will give at the parmele Theater a week from Thursday night. The play is a pretty college love story of life in the New England states and contains just enough comedy to make it spicy. The cast will consist of thirty people, mostly members of the Senior class and the music for the occasion is to be furnished by the Modern Woodmen orchestra. Special costumes have been ordered and some extra scenery will have to be arranged for. The two leading parts in the production are to be taken by Miss Lucile Gass and George Dovey. Popular prices are to reign and the seat sale begins next Thursday.

J. Griffey of Billington, Montana arrived in the city yesterday morning to hang his coat in this town for a while. He is expecting to take up work at the Burlington shops.

BIG FIGHT IN U. S. SENATE ON

Republican Regulars Organize For a Fight to Form New Legislative Program.

BURKETT AND BROWN NOT IN THE LINE

President to Hold Conference With Nebraska Senators as Soon as He Arrives Home.

WASHINGTON, May 5—Forty-five senators, all from the conservative or "regular" wing of the membership, are said to have joined in the movement to formulate a new administrative legislative program. Two more are claimed positively, but the regular republican leaders say they don't care to subject these men to embarrassment by disclosing their names at this time.

The new organization which has begun yesterday, was made by the conservative republicans in the effort to maintain control of the senate majority. Mutual concessions have already been made. Much depends upon the success of President Taft in harmonizing differences that may arise.

The president will be back in Washington tomorrow. If he is willing to swing the "big stick" as the regular republicans say he is, the claims of the regular organization appear to be justified. The work of the organization in lining up senate members proceeded today with understanding that the senate would adjourn until Monday.

The forty five republican conservatives, who have undertaken to stand together to establish a firm control of the senate and put through what remains of the administration, are as follows:

Aldrich	Dillingham
Oliver	Bradley
Dupont	Page
Brandegee	Elkins
Perose	Briggs
Flint	Perkins
Bulky	Frye
Piles	Burnham
Gallinger	Richardson
Burrows	Guggenheim
Root	Burton
Hale	Scott
Carter	Heyburn
Smith, (Mich.)	Clark, (Wyo)

LITTLE FELLOW ADMITS HE THREW ROCK AT TRAIN

Special Agent of Railroad Comes to Investigate But Makes No Complaint.

Special Agent Morris of the Burlington came in from Lincoln this morning to look up the person who threw a rock at the Omaha passenger No. 15 yesterday morning, but his services were hardly needed, for a ten year old lad appeared in the city early this morning and 'fessed up that he had "done it with his little hatchet." It is quite a serious offense to throw missiles at a passing train and it was expected that complaints would be sworn out and prosecutions follow but when the innocent little lad showed up and explained he was the one who had heaved the rock, the stony heart of the Burlington officer softened and no action was taken.

The youth's name was Barker the ten year old grand son of Thomas Kildow who resides on the Fitzgerald place north of town. The little fellow lives at the Kildow home and has never caused any trouble before. He was standing near the track yesterday morning as the train went by and child like he picked up a stone to throw at it. He explained this morning that he did not think he could throw to the train and that he had no evil intention when he let the stone fly. It struck one of the windows of the smoker and shattered the glass onto the occupants of the car making a number of slight cuts on Plattsouth people who were among the passengers.

The boy was badly frightened when he saw the rock was going to hit the

Jones	Smoot
Crane	Kean
Stephenson	Cullom
Lodge	Sutherland
Curtis	Lorkimer
Warner	Depew
McCumber	Warren
Dick	Nixon
Wetmore	

As utterly impossible for the conservatives to reach, the regulars have classed Beveridge, Bristow, Clapp, Cumming, Dooliver and La Follette.

The men on whom the regular republicans are till working and who will receive the attention of President Taft include: Borah, Bourne, Brown, Burkett, Crawford, Dixon, Gamble and Nelson. All of these men have voted with the insurgents from time to time. They have refused, however, to be called insurgents, and have been found in the ranks of the regulars at least half of the time.

It was reported today, although no confirmation of the report could be obtained, that Senator Dixon would vote with the regulars as soon as the long and short haul of amendment to the railroad bill was disposed of. Senator Borah, it was stated, would also join in the lineup for the Taft program, provided he were given assurance of support for his bill providing for the issuance of \$30,000,000 in certificates of indebtedness to provide money to complete reclamation projects. Senators Bourne and Nelson, it is said, will be found in the conservative ranks if the new legislative program takes cognizance of certain measures favored by them.

The purpose of the regular republicans is to get a majority of the senate so that the charge cannot be made that they formed a coalition with the democrats to put through party measures. At the same time they claim they can count on certain democratic votes when needed.

train and hurried away when the glass in the car crashed. He said nothing about the matter for some time and it was not until last night that the Kildows found out about the affair. They brought him into the city this morning and hunted up the Burlington men who agreed to make no prosecution. The costs of the damage was footed by his grandfather and the party returned to their home north of town. The lad seems to have a great "wing" and he may make a famous pitcher some day but it is probable he will do his working out on other things besides passenger trains.

Good Rain Over State.

This is the day that gives the farmer the smile that won't come off. The steady drizzle from the heavens is worth as much to the tillers of the soil as a wagon full of gold bricks and nothing could tickle them more than seeing the rain come down in this peaceful spring shower. It is the first thorough soaking the fields have had this spring and if the weather comes out warm, the newly planted seed corn will shoot up like a weed. The moisture will bring life to a large amount of the small grain that was thought by some to have been killed by the combination of the drought and cold weather. Plattsouth got the small end of the rain last Monday and the little shower only served to lay the dust well here, while other sections of the state got as much as an inch of rain. The rain clouds of today extend over a large area and the surrounding states are all getting their share of the moisture with indications that there is more to come. Although the day is making a hit with the farmers, it is making the ball fans tear their hair.

At the Methodist Bazaar which is being held today and tomorrow may be found all kinds of home cooking, pies, cakes, bread and candies. Better stop and investigate. 176-24

AUTOMATIC TELEGRAPH TO EXTEND INTO NEBRASKA

Announces it Will Build Lines Through Cities of This State in Near Future

In pursuance of its plan to interlace the whole country at an early date with its web of automatic telegraph wires, announcement was made in New York today that the Telepost Company has under advisement the expansion of its system to all parts of Nebraska.

Connection is to be established by way of St. Louis and Kansas City to which points the system now extends. William H. McCollum, former Superintendent of Construction of the Postal Company, who is in charge of the extensions of the automatic system, has been looking over the ground for some time and reports conditions unusually favorable for the inauguration of work on the line. This system is regarded by scientific men as the most brilliant achievement in the evolution of telegraphy since Morse's time, representing the conquest of a new basic principle in telegraphy that presages for that industry a worldwide revolution with its 2000 words a minute service and rates of one cent, half cent and quarter of a cent a word, regardless of time or distance.

By the Telepost system a message is transmitted with equal facility over either a telegraph or telephone wire. Its rates are the lowest and its service the most rapid in the world. Civic organizations and boards of trade throughout the state, have been in touch with the officials of the Telepost for several months and have assured the Company of their readiness to cooperate with it in any way it can suggest as most likely to facilitate the extension of its lines in Nebraska. Among the cities and towns in the state under consideration for Telepost connection are: Lincoln, Omaha, Nebraska City, South Omaha, Fremont, York, Beatrice, Tecumseh, Hastings, Kearney, Grand Island, Central City, Schuyler, Columbus, Fairbury, McCook, Belmont, Morrill, Kimball, Plattsouth.

Patrick B. Delany, the inventor of the telepost system which is now used between Boston and Portland, and between Chicago, St. Louis, Indianapolis, Terre Haute and other cities in Massachusetts, New Hampshire, Maine, Indiana, Illinois and Missouri, is an old associate of Thomas A. Edison. The discovery of the new scientific principle which made its invention possible, is the realization of an ambition Delaney and Edison had as far back as 1871, when he and the wizard experimented on improvements to the Morse methods of hand transmission over a special wire constructed between Washington and New York with the idea of evolving a system or rapid telegraphy to displace the mails for long distance communication.

In addition to being a boon of inestimable value to the public, the Delaney automatic system, will save the newspapers of the country hundreds of thousands of dollars a year in telegraph tolls, through its cheap rates, great speed and accurate service.

Of the \$1,500,000 expended every year for telegraph service, by the Associated Press it is figured out that approximately \$700,000 will be saved by the use of the automatic system, when it completes its continent wide expansion.

Banquet for the Faculty.

The Seniors last evening entertained the members of the High school faculty at a five course banquet given at the residence of H. N. Dovey. It was a most enjoyable affair and will be remembered by the faculty and Seniors as one of the happy entertainments of the Class of 1910 in their waning school days. The spread was daintily served by the members of the St. Mary's Guild, an organization of the Episcopal church.

The guests sat down to the tables about eight thirty and the five delicious courses were carried through following which were a number of toasts. The toast master of the evening was Leland Briggs, the speakers being Principal Harrison on "Fine Arts," Rachael Livingston "The Faculty," Marie Douglass "Class of 1910," Superintendent Gamble, the address of the evening, "The Golden Age."

The members of the faculty in whose honor the affair was given were Misses Howard, Horning, Johnston, Nichols, Travis, Principal Harrison and Mr. and Mrs. Gamble.

R. H. Patton, an old timer at the Burlington paint shops is on the off-duty-list today on account of sickness. It is something unusual for him not to be able to wield the brush and he is expected to consult the Burlington relief doctor who was due in the city this morning.

A MINE EXPLOSION

Two Hundred Miners Entombed in Awful Explosion in Alabama.

ALL THOUGHT TO HAVE PERISHED

Forty Five White Men and About 150 Negroes Said to be Killed.

BIRMINGHAM, Ala., May 5—Forty-five white men and between 130 and 140 negroes are entombed in No. 3 coal mine at Palos tonight as the result of a terrible explosion occurring this morning and it is believed all are dead. Palos is forty miles west of Birmingham and the mines are owned by the Palos Coal and Coke company of this city. Two bodies were found early tonight, but it is expected that few of them can be recovered before morning.

The flames resulting from the explosion shot into the air from the slope for a distance of 200 feet and the shock was felt for miles. Timbers from the slope were hurled several hundred feet from its mouth, and rocks from the roof of the slope caved in and made access to the mouth difficult. The fan machinery was badly damaged but air is being pumped into the mine tonight in hopes that some of the men are still alive.

Residents began to do what they could to relieve the men, but the relief train arrived in Palos from Birmingham shortly after 4 o'clock with four physicians and surgeons, four undertakers and a number of special helpers.

The first rescuers who went into the mine after the explosion were overcome by fire and had to be carried out. Mr. Rutledge was among the first to enter and after working his way 1,400 feet down the slope, found the second right entry caved in. The two bodies recovered tonight were in the main slope.

Big Indian Game Called Off

The base ball tribe of Green's Nebraska Indians hailed into the city last night from Auburn where they got a couple of scalps on Tuesday and Wednesday. They were scheduled for a pow-wow of three spasms with that team, but on account of the rain yesterday, they were unable to pull of the third one. On Tuesday they beat the Auburnites by the score of 3 to 2; on Wednesday by the score of 6 to 3. It was useless to think of the game today unless each man was able to paddle his own canoe but the ball ground was not equipped with a outting grand stand so the stuff was declared off. The Indians are a good appearing bunch of the real article of red skins with a comfortable sprinkling of pale faces to season up the bunch.

There are fourteen braves all together and they are under the personal supervision of Colonel Green. The bunch is expecting to beat it in the morning for Louisville where they are hoping to run up against that nine if the rain permits. They are scheduled for Fort Crook Sunday. Next week they play a series of three games with Shenandoah and a single with Corinda.

It was a great disappointment for the Plattsouth fans to see the rain spoil the game to which they had been looking forward to for so long a time. They would have put up a game that would make the Indians sit up and take notice if it were not for the rain. Besides the Two Lincoln Western Leaguers, Williams a former star of the local team would have been with the boys and it would have made a pretty strong combination.

Installation of Officers.

At a special session of Mt. Zion Commandery No. 5, Knights Templar last evening the following officers were installed for the ensuing year: Edwin W. Cook, Eminent Commander.

Jas. M. Robertson, Generallissimo
George W. Thomas, Captain General.

Frank L. Cummins, Senior Warden.
William A. Robertson, Junior Warden.

Alfred W. White, Treasurer.
John C. Peterson, Recorder.
Rev. Heman B. Burgess, Prelate.
Fred T. Range, Standard Bearer.
Louis B. Egenberger, Sword Bearer.
Carl G. Fricke, Warder.
Chester H. Smith, Sentinel.

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