

TEN YEARS FOR JOHN KERR

Receives Minimum Sentence for the Murder of His Father-in-Law.

INSISTS THAT HE WAS NOT RESPONSIBLE

In His Final Statement Kerr Declares that His Wife's Faithlessness Robbed Him of Reason.

Ten years in the penitentiary is the punishment that John Kerr must endure for killing his wife's father, John Reid, at Valley July 1, 1898. This sentence was pronounced by Judge Baker... The court was asked to impose the minimum penalty and emphasized the statement that up to this time the life of the defendant had been beyond reproach.

Here Kerr broke in with a vehement complaint that his wife was the cause of his trouble. He declared that he had always believed in his wife and when he was told that she was untrue to him the discovery drove him distracted. He also said that if his brother, Robert, had been a man of sound mind he would never have taken him to Reid's hotel in the condition of mind that he was in at that time and the tragedy would never have occurred.

SHIELDS READS HIS TITLE CLEAR.

Judge Powell Dismisses County Attorney Contest at Cost of Relator.

The quo warranto proceedings brought by Phil E. Winter to test the right of George W. Shields to hold the office of county attorney were dismissed at the cost of the relator by Judge Powell yesterday. The opinion included an elaborate analysis of the law in the case, and the reading was heard with close attention by a large audience of attorneys and interested parties.

In his opinion Judge Powell first reviewed the contentions of the parties as they set forth in the pleadings. The principal grounds on which Winter asked for a writ of outlaw were: That the name of Shields was printed three times on the official ballot as the pretended nominee of three distinct and separate political parties, when, as a matter of fact, he was regularly nominated by only one of these parties; that the only votes legally cast and entitled to be counted for Shields were those voted under the emblem and in the column marked "Democrat"; that Shields did not receive as many votes as the column marked "Republican" but that the canvassing board wrongfully counted as having been cast for Shields the votes appearing in all three of the columns in which his name appeared, and that the official ballot, as with reference to the office of county attorney, was void because of the use of Shields' name three times gave him an unfair advantage over his opponent, and that by reason of authorizing the use of such a ballot the act of the legislature under which the election was held is unconstitutional and void.

In regard to the first proposition Judge Powell stated that there is no Nebraska decision in point. Several decisions in which it was stated that no candidate was entitled to have his name printed more than once on the official ballot were given in connection with the law of 1891, which was in force before the present law was passed. He quoted, however, from an obiter dictum in the opinion in the case of the state against A. H. H. in which it was stated that in certain other states it is clear that the name of each candidate should appear on the ballot with the ticket of every party by which he has been nominated. Several decisions of the supreme courts of these states were cited in support of this view.

The court stated that his personal inspection of the ballots had indicated that there were 17,563 ballots cast, of which Shields received 9,255 and Winter 8,268, giving Shields a majority of 967. He then advised that every elector is entitled to believe that the ballot is correct as he receives it and that the officials who prepared it have done their duty. He added: "It does not appear from an inspection of the ballots, nor from any other evidence introduced or offered, that any voter was misled or deceived in the slightest degree by the form of ballot used or that he voted, or that his vote was counted for any candidate other than for those for whom he desired to vote, and yet this court is asked to disfranchise 9,267 electors, who, intentionally and in good faith, cast their ballots for Shields, and to declare Winter elected to this office."

This was followed by the citation of numerous decisions relative to the form of nomination and the court ruled that since the official ballot used in this election was prepared and published at least five days before election and the relator had failed to file any objection until after the election, he was then estopped from complaint. Demands Custody of His Child. Jacob S. Bradley has secured a temporary writ of habeas corpus to secure possession of his daughter, Blanche Bradley, who has been in the custody of her mother at 1823 1/2 Half Howard street. The couple were divorced in Louisville, Ky., some years ago, and the father asserts that the influence by which the mother is surrounded are not for the child. The order was granted by Judge Fawcett, pending a hearing of the merits of the case.

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Convict Loon of Vagrancy Judge Gordon Finally Inflicts Penalty on a Man Whom the Police Arrest.

At last the police feel that there is some hope for them, that the clouds are breaking and that Judge Gordon will do something to help them drive out unemployed wanderers. They have not much to base this belief upon—only the conviction of a half-witted negro, Saturday afternoon, of vagrancy. For weeks they have been trying to secure a conviction of some vagrant and they have finally succeeded. He was broken at last. Their efforts were futile until Detective Drummy ran into Tom Williams, who was trying to sell some needles in a Douglas street second-hand store. Williams declined to tell the officer where he got the needles or to give an account of himself. He also refused to go to the station, but with the assistance of his club the officer persuaded him to "come along."

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