

SLAYER TO BE GIVEN HEARING

Pardons Board to Hear Plea of Man Condemned to Die in Chair

LINCOLN, NEB.—(UP)—Henry Sherman, sentenced to be electrocuted on the last day of May for the murder of three persons near Rushville last May, will be given a special hearing by the state board of pardons and paroles, May 10.

Sherman a farm hand, confessed he killed Roger Pochon his employer, the latter's wife and mother, attempted to kill a baby by beating it against a chair, and attacked Pochon's 13-year-old daughter. Differences with the rancher over his marriage to the daughter was the motive for the killings, Sherman said.

On June 28, 1922, he was sentenced to die in October but the date was later set for May of this year by the supreme court which refused to commute the sentence.

CONFIRM APPOINTMENT OF SECRETARY BLISS

LINCOLN, NEB.—(UP)—Appointment of Clarence G. Bliss as secretary of the department of trade and commerce was confirmed at a joint session of the legislature shortly after noon Wednesday.

SAYS PROFITS NOT SO LARGE

Speaker Asserts Advocates of Municipal Utilities Use Unfair Tactics

OMAHA, NEB.—(UP)—Profits of municipally operated public utilities are frequently grossly misrepresented with intentional evasion of the truth for the purpose of arousing antagonistic sentiment to privately owned utilities, H. J. Gondek, Chicago utilities publisher, declared in an address before the middle west division of National Electric Light association here.

"These reports," he said, "while they cite low rates and claim profitable revenues therefrom, fail to take into consideration fixed charges and operating costs inevitable whether the business is conducted privately or municipally."

He attacked "bunk dealing newspapers and magazines" whose purpose in printing such stories, he said, is for building up circulation, and paid his respects to "demagogic politicians, corporation baiters, socialists and professional pessimists" for their "various ignoble purposes."

Referring to a pamphlet recently issued by Gifford Pinchot of Pennsylvania, Gondek declared there was not a single fact stated in the publication to support the serious charges made by the former governor.

"If Pinchot had investigated facts on record I am sure he would readily have seen that they completely refute his charges," he said.

Possibilities of small hydroelectric plants, located in rural communities to be used in the spring for farm work and in the winter when work is light to be hooked up with city systems was suggested by C. W. Place, General Electric company, Chicago, in an illustrated lecture.

"Quite soon a lot of the real business of the farm can be done by electrical means," Place said. "The best farms will be the ones which will first do work by electricity."

MANY TO ATTEND FIRE CHIEF'S FUNERAL

OMAHA—(UP)—Hundreds of persons from all walks of life are expected to attend the funeral Saturday morning of John Coyle, 59 years old, chief of the Omaha fire department, who died here Wednesday following an operation for removal of a third kidney. Funeral services will be held at St. Peter's church. The body will lie in state at City Hall Friday.

Coyle, who was made chief in 1927, had boasted that he never was sick a day in his life until he became ill several months ago. He spent a month at Excelsior Springs. Physicians who examined him upon his return found that nature had ended him with a third kidney which was diagnosed as cause of his trouble. He grew weaker and the operation became imperative.

Joining the fire department in 1898 he was appointed captain in 1899 because of meritorious service in several big fires. He had numerous hair breadth escapes from death in fires and explosions.

MIDLAND COLLEGE CHOIR GOES ON LONG TOUR

FREMONT—(Special)—Midland college's A Cappella choir of 50 voices left Wednesday on a tour which will take it over a 2,000 mile route to present 19 concerts in four states within a 16-day period. The tour was to have started Monday with a concert at Columbus, but bad roads leading to Columbus caused the postponement of that concert until May 9.

MAKE SHORT WORK OF ESCAPED COYOTE PACK

BROKEN BOW—(Special)—Excitement prevailed among residents of the north part of Broken Bow when it was known that 10 coyotes had escaped from the pen in which C. V. Foster had kept them. He had raised them from pups. They broke out in early morning.

Citizens armed with guns, and taking hounds along, began a roundup. Seven of the animals were killed and three, recaptured and returned to the pens, were wounded.

WILD TURKEY KILLED BY DOG TO BE MOUNTED

HASTINGS—(UP)—When the state game department was stocking certain parts of northern Nebraska with wild turkey, a letter was sent to the chief of the department telling him that in case of an accident to any of the birds, the Hastings museum would appreciate them for mounting purposes. A dog killed one of the large tom turkeys near Benedict recently and the museum was telephoned that it would be left at Grand Island that evening.

When obtained, the bird proved to be an unusually large fine specimen, weighing in the neighborhood of 30 pounds with a total length of 48 inches. It was in good condition except for a few feathers pulled from its tail and a nice piece of mounting was done on the mammoth fowl.

PLANS APPEAL BANKING CASE

Attorney General of Nebraska Still Fights for Guaranty Assessment

LINCOLN, NEB.—(UP)—Claiming Pudge Lincoln Frost's decision in the Abie banking case is contrary to law and was not supported by sufficient evidence, attorneys for the state Thursday filed a motion for a new trial. The move is preliminary to an appeal to the supreme court.

Judge Frost, of Lancaster district court, ruled this week that the special assessments of one half of 1 per cent on average daily deposits to help pay the bank guaranty deficit, was confiscatory and he enjoined the department of trade and commerce from levying the assessment.

Five hundred and fifty eight state banks had brought suit to enjoin the department from levying the December assessment. In giving the decision, Judge Frost enjoined the state from not only levying the December assessment but future special assessments as well.

SAYS STATUTES DO NOT COVER

LINCOLN, NEB.—(Special)—The supreme court Thursday sustained the action of the district court of Lincoln county in dismissing a criminal action brought by the state against Frank Pielsticker, president, and Marshall E. Scott, director of the Maxwell State bank, charging them with violation of the law which prohibits bank officers borrowing from their own institution without having first secured the approval of the board of directors. The county attorney had brought the matter up on exceptions taken.

The evidence disclosed that the two banks were interested in the North Platte Feeding company, which had borrowed \$5,000 without the approval of directors, and the question was, was this the indirect borrowing the law penalized. Justice Day, for the court, says it was not. He said he was of the opinion that the acts of the defendants are as dangerous to sound banking as those acts expressly prohibited, and that probably it demonstrates the wisdom of such a prohibition.

However, no act is criminal unless the legislature has in express terms made it so, and no person can be punished for an act or omission that is not made penal by the plain import of the written law.

The court says that it is not within its province to expand a statute to include a thing equally undesirable to those things prohibited. It might be that a partnership might be used by officers to individually borrow bank money, but that would involve the test of whether they or the partnership actually borrowed the money, a matter for a jury to say. The evidence did not sustain such a finding, and hence the lower court was right in directing an acquittal.

The court says that a partnership is an entity, distinct and apart from the members composing it and for the purpose for which it was created, it is a person having its own assets and liabilities. Any benefit of liability attaching to a member of a partnership results from the partnership relation, and borrowing by it is not borrowing by the individual members. If this were true, one partner could be held for a crime committed by a partner without his having participated in the act.

CONFESSED BANDIT IS SENTENCED AND PAROLED

COLUMBUS—(UP)—Frank Cirian, Omaha, member of the Tom and Roy Kelly gang of robbers, pleaded guilty to burglary here Thursday and was paroled to State Sheriff W. C. Condit for three years, by District Judge Lightner.

Cirian turned state's evidence and it was his testimony which resulted in long prison terms for his former bandit chiefs. He pleaded guilty to aiding in robbery of the style shop here. He has proven invaluable in aiding recover loot taken by the Kelly gang, Condit told the court.

CLEAR AWAY DEBRIS OF HOLSTEIN FIRE

HOLSTEIN—About 60 men of Holstein and surrounding country worked most of the day Wednesday, April 24, in clearing away the debris left by the recent fire which destroyed the Paulsen Produce company building. When the work was completed, the men were invited to Sullivan's cafe where they were given lunch by the Holstein Community club. Mr. Paulsen intends rebuilding.

Mounting Official Costs Fail to Check Increasing Crime Records

From the New York Times.

Shortly after an insurance company statistician had reminded the American people that the murder rate in this country has doubled since 1900, Police Commissioner Whalen is out with a report showing that New York City is keeping well up in the municipal crime procession. Although over \$2,000,000 more was spent on the police department in 1922 than in 1927, the results were not discernible in keeping down criminal impulses. There were 339 cases of murder and manslaughter, as contrasted with 278 in the previous year, and nearly all other forms of crime moved upward in the scale. The city seldom realizes its own size until it glances at its conduct report card, as made out annually by police commissioners. That 1,110 persons were killed and 45,955 injured in New York City traffic accidents in a year reads like a page out of barbaric history.

Crime is on a percentage increase in this country, and what is going to be done about it? In Chicago the judges were trying to reach an agreement to deal with criminal cases only for six weeks, leaving civil actions to rust. Everywhere in America bar associations are seeking ways to speed and cleanse criminal court machinery. The president is approaching the appointment of a federal commission out of which, it is hoped, some effects in better public order will come. Meanwhile, the court calendars are cluttered with charges (such as selling liquor) which are not malum per se but have been legislated into crimes. And what seems like a deterrent one year is swept away by the following year's statistics. The only credible comment on the situation is furnished by the incredible facts themselves.

No checking of the effect of punishment on crime is obtainable because in so many cases either no arrests have been made or convictions have not been obtained. Yet New York, as American cities go, has rather a modest murder record—6.7 per cent. Detroit with 16.5 looks like a shambles in comparison, and it has passed Chicago's substantial figure of 15.8. The insurance company statistician ascribes Detroit's unenviable eminence to the large increase in its negro population, and it is a fact (as the statistics of Southern cities reveal) that where there are large negro groups homicide flourishes. Negroes often carry weapons; they fall easily to quarreling; the conditions in which drink must now be purchased tend to lessen police control of city negroes; and when they move to a new town, as to Detroit, they are excitable and fall quickly to "carving." This is especially true when southern negroes come among unfamiliar social conditions, where they mistake all the whites for "trash." Even on home grounds the southern negroes continue to be quick on the trigger and rapid with the razor. Memphis with a percentage of 60.5 and Birmingham with 54.9 again lead the civic murder lists.

Impractical Muddle.

From New York World.

Attorney General Mitchell's ruling that Mr. Hoover is required to proclaim the national-origins basis for immigration quotas as effective July 1 left the president, as he at once recognized, no choice. But the special session of congress on immigration, and it is desirable that it should be postponed or repealed the plan it will meet the evident wishes of the country. In the last campaign both Mr. Hoover and Governor Smith declared against the national-origins basis, and had general party support in doing so. Congress has since voted a postponement; the House this spring voted for it again and the Senate would have concurred but for a filibuster.

There are two valid arguments against the present application of the national-origins plan. One is that, based as it is upon statistics and historical information which are fiercely disputed, its adoption will cause much racial jealousy and heart burning. It cuts drastically the German and Irish quotas, and its additions to the British quota would do England no good, for her quota is unfilled. In the second place, there are grave objections to upsetting the present quota system without exigent reason. We are used to it, and usage in such matters means ease. European nations, our consular offices, our immigration officials, the steamship lines, our foreign language groups are adjusted to it, and readjustment might be painful. Since no quota plan can satisfy everybody, it is wise to let well enough alone.

Cash Talk.

From Time.

One of the 12 richest men in Europe is Belgium's picturesque, choleric Emile Francqui. Like the late great Cecil Rhodes, he found his fortune and lost his temper beneath the blazing sun of Africa—Belgian Congo. Three years ago, as finance minister, he won world fame by "saving" (stabilizing) the Belgian franc. For the last month he has represented Belgium on the Second Dawes committee which is striving at Paris to revise the Dawes plan. Recently a news leak from the secret committee sessions revealed that of all the Allied delegates only Mr. Francqui has roughly bailed and tried out cross examination methods on Germany's correct and stiff-necked "Iron Man," famed Dr. Hjalmar Schacht, chief German delegate and governor of the Reichsbank. Typical was the reply of Belgian Croesus Francqui, when correspondents imperiously asked whether the Belgian government is paying his expenses in Paris.

"You parade your ignorance, Messieurs!" said Mr. Francqui, irate. "Even as a minister of the Belgian crown I have never accepted a centime for service to my country."

When Dr. Schacht proceeded to dwell again on the palpable inquiry of expecting Germany to pay reparations for 62 years, the five fingers of Croesus Francqui's right hand were observed to tap impatiently on the committee table. As the governor paused for breath the Belgian leaped up, fire in eyes.

"But why not 62 years, Dr. Schacht?" he challenged. "Don't you

THOSE CORN BORERS

In some places in the corn borer control areas where the infestation was heavy, high pressure oil burners have been necessary because they furnish the only way to control borers by burning. The pressure burner gets 99 per cent. of the borers. Crucial railroad barbs kills only a few borers, but stubble beaters get 98 per cent. of the pests.

Q. When were treaties involving extraterritoriality first made with China? J. H. C.

A. As early as 1689 China and Russia entered into a treaty providing for a modified form of extra-

territoriality. The existing system of extraterritoriality, however, had its origin in a number of treaties between China and the powers, commencing with 1843 in which year the treaty with Great Britain was negotiated. This was followed in 1844 by treaties with the United States and France, in 1847, Sweden and Norway, 1871, Japan. By 1918 these countries and in addition Denmark, Italy, Belgium, the Netherlands, Portugal, Spain, Sweden, Germany, Austria-Hungary, Peru, Mexico, Brazil, and Switzerland had concluded similar treaties. Germany and Austria-Hungary lost their rights as a result of the World war.

Q. What is the capacity of the elevator recently installed in the Washington monument? S. B.

A. Thirty five passengers.

Twain's News Fakes

Walter Pannell, in Inland Printer

Mark Twain was in his day one of the boldest and most adroit news "fakers" in existence, although he did not crave that title, but had it thrust unwittingly upon him. Two of his "fakes," the "Petrified Man" and the "Massacre at Empire City," originally written as burlesques, but published along with the general run of news in the paper at Virginia City, Nev., which Twain, as a young man, edited "went over big" as newspaper fakes and were reprinted in thousands of papers as the unvarnished truth, such to the embarrassment of the young editor.

The "Petrified Man" was written as a burlesque to expose the "petrified man" hoax that held sway in the west during the middle of the last century. Mark Twain says: "Maybe it was altogether too delicate, but nobody ever perceived the satire part of it at all."

The "Massacre at Empire City," another burlesque, which had a "trade at home" moral attached, was also swallowed, bait, hook and sinker, by the gullible public and the moral lost track of.

California newspapers were advising the public to dispose of its Nevada silver mine stock and invest in California gold mines. The burlesque "massacre" was penned by Twain in an effort to thwart the anti-local patriotism propaganda. "The story of a man who had followed the 'foreign papers' advice and then, reflecting on what he had done killed himself, his wife and nine children, was the most exciting news story of the age, and was reprinted from coast to coast. 'The idea,' Twain wrote in later years 'that anybody could ever take my massacre for a genuine occurrence never once suggested itself to me, heaved about as it was by all those headline abusers and impossibilities.'"

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SUES GOVERNMENT FOR WAR RISK INSURANCE

LINCOLN—(UP)—His claim refused by the veterans bureau at Omaha, Vladimir Jisa, of Lincoln, has filed suit in federal court here to compel payment of his war risk insurance.

He enlisted in the S. A. T. C. at Creighton university, October 1, 1918, and before his discharge in December, had applied for the \$10,000 war risk insurance offered by the government. He hasn't a policy but is constructively the holder of the printed form prepared by the government and "in legal contemplation issued to all applicants."

Jisa, became afflicted with multiple sclerosis about November 1, 1920, his petition set forth, which cost him the use of his arms and legs and deprived him, partially, of speech, sight, hearing and mental ability.

TAKING CENSUS BEING PLANNED

Nebraska to Be Divided Into 11 Districts for Federal Count in 1930

OMAHA, NEB.—(UP)—W. M. Stewart, national director of census, has decided to divide Nebraska into 11 districts in enumerating the 1930 population, Congressman, W. G. Sears has notified friends here. About 1,000 enumerators will be employed for the work with supervisors in each district.

Headquarter cities for the 11 districts will be Alliance, O'Neill, Norfolk, North Platte, Kearney, Columbus, Omaha, Lincoln, McCook, Hastings and Beatrice, Sears said.

Although congressional lines have been disregarded in dividing the state, each congressman will have appointment of supervisors and enumerators in his own district. Supervisors, who will devote six months to the task, are to receive from \$1,500 to \$2,500 each for the job. Enumerators will be paid \$5 to \$8 per day and must live in the district to which they are appointed.

The Lincoln district will comprise Lancaster, Sarpy, Cass and Otoe counties. Hastings will count noses in Hall, Kearney, Adams, Franklin, Webster, Nuckolls and Clay. Columbus' territory is Platte, Nance, Merrick, Boone, Butler, Saunders, Polk, Hamilton, York and Seward.

The Kearney supervisor will have charge of Custer, Buffalo, Blaine, Loup, Wheeler, Garfield, Valley, Sherman, Howard, Greeley and Dawson counties.

McCook's district is Chase, Perkins, Hayes, Harlan, Frontier, Furness, Cooper, Red Willow, Phelps, Hitchcock and Dundey.

Omaha enumerators will take care of Douglas county only.

NEW HIGHWAYS FOR NORTHEASTERN NEBRASKA

LINCOLN—(Special)—North-eastern Nebraska fares well in the report of the senate committee on roads, which adds to the many new state highways contained in the house bill a number of other roads. Some of the house highways were stricken from the bill, including one commencing at Ainsworth and running through Johnstown to a point on the highway south of Valentine, commencing at Ewing and connecting with a state road west of Amelia, commencing at Verdigray and running west to connect with highway from O'Neill to Spencer, from West Point to a connection with No. 144 south of Stanton and east of Madison, commencing two miles east of Pilger and running south to highway south of Wayne, and No. 112, placed on the list in 1927, from Norfolk to Pilger.

In the new roads added are these: From West Point to a point on state highway south of Stanton; commencing at Spencer and running north to South Dakota line; commencing at Long Pine and running thence south and east to connect with state highway south of Bassett; commencing at St. Edward and connecting with state highway near Platte Center and from Lindsay to a connection with No. 45; commencing at Chadron and running north and east to South Dakota line; commencing at Seneca and running to a direct connection with Valentine-Mullen highway; commencing at Petersburg to connect with state highway north of Newman Grove; commencing on federal highway south of O'Neill and east of Chambers running near or through Chambers to a point on No. 45; commencing on state highway east of Niobrara running near or through Crofton to a point on the state highway near Fordyce, and one commencing at Atkinson and running north of Butte.

Putting these on the list does not mean that there is any immediate prospect of their construction. As the system was first built the main roads connect county seats, and since then it has been a scramble between legislators as to which roads will be listed for future construction.

BULLET IN HIS HEAD BLAMED FOR ILLNESS

OMAHA—(UP)—Believing that his system may be poisoned by a bullet which he has carried in his head for several years, Inspector of Detectives Ben Denbaum today entered a hospital for a complete examination. He has been suffering from acute indigestion for several weeks. Denbaum was shot by a crazed negro who stood off the crime police department and who was dislodged and killed only after a house in which he had taken refuge was burned to the ground.

WHEAT POOL TO BE ORGANIZED

Promoters of Idea in Nebraska to Get Together at Lincoln, Tuesday

LINCOLN, NEB.—(UP)—The Nebraska wheat pool is expected to be formally organized Tuesday at a mass meeting in the Liberty theater, according to an announcement Monday by Philip Cross. Marketing of corn and coarse grains will also be discussed at the meeting.

F. W. Ramson, secretary of the Winnipeg wheat pool, will make his second visit to Lincoln to address this meeting. Delegates representing 13,000 wheat growers in Nebraska and Wyoming will incorporate and elect directors and officers to carry on the marketing activity which begins July 1.

RIVER NAVIGATORS FINALLY REACH PORT AT OMAHA

OMAHA—Sure, the Missouri's navigable from Yankton to Omaha. Lieutenant R. E. Smyser, army engineer, proved it by rowing, pulling and pushing a 22-foot cabin launch the 350 miles in 10 days flat. Most of the time, Smyser said, was spent in pulling the tiny craft off of sandbars, or tinkering with the engine which went on strike as soon as Smyser had left Yankton enroute for Kansas City.

He and his companion, Charles Chappelle, did fairly well until one oar they had brought along for emergencies broke and the other was swept away in the current. After that it was just a case of drifting along.

Tired and dirty, they arrived here Monday. Repairs were made on the motor and they expected to resume their journey, probably tying up at Nebraska City Tuesday night. Smyser was inspecting re-vestment work and denied that he was studying the channel in the interest of navigation.

RAILROAD FACES NEW KIND OF DAMAGE SUITS

LINCOLN—(Special)—With a \$28,000 damage suit against a railroad, the Northwestern, on its hands in which an employe claimed \$40,000 damages because a snake bit him while he was working in an engine pit in the Chadron roundhouse, the supreme court is now asked to say whether the Burlington railroad company should pay \$50,000 to the family of Samuel Diller, late its agent at Wilber, because, as they charge, his death was due to typhoid fever, and that he caught the fever because the depot was full of rats and these crawled over and poisoned his food that he brought in a lunch box.

The lower court held that this was one of the risks assumed by Diller when he took the job, and dismissed the case. In the snake bite case, where Herbert R. Brannan recovered \$40,000, the court cut the claim of \$28,000, and later permitted a reargument of the case. The same firm of attorneys represent both claimants.

WAS WIDELY KNOWN IN INSURANCE CIRCLES

LINCOLN—(Special)—Joseph W. Walt, former Lincoln insurance man who accidentally killed himself in Los Angeles Saturday night, was one of the outstanding casualty insurance men in the west. He was well known in Nebraska and Iowa, and was the founder of the Lincoln Life and Accident Insurance company, which he sold out to the State Life of Des Moines seven years ago. He was also one of the men responsible for the standing of the Union Fire company, a mutual of Lincoln, that he took when small, and developed into one of the largest in the middle west.

Walt started the Union Automobile company here 12 years ago as one of a group of his companies, and found it so much more successful than the others that he assumed entire charge of it, moving it to Los Angeles in 1923, its largest business being on the coast and location there saved much money in handling claims. He raddled in real estate there, and made nearly \$1,000,000 at it, nearly everything he purchased greatly increasing in value. He had but recently completed a magnificent country home and estate.

BANKER GROUP HEADED BY NEWMAN GROVE MAN

NORFOLK—(Special)—At the close of Monday's convention of Group 3, Nebraska Bankers' association, B. Gerhardt, of Newman Grove, was elected president; R. L. Ley, of Wayne, vice president; Fred Muller, of Norfolk, secretary, and A. J. Zulke, of Bancroft, treasurer. About 400 bankers attended the convention, which ended with a banquet which was presided over by C. E. Burnham, of Norfolk.

LIGHT RAIN FALLS IN NORTHWESTERN NEBRASKA

BLOOMFIELD—(Special)—Light rain was falling in this territory Tuesday morning. Though crops of all kinds have made excellent start, the grasses especially, the additional moisture will be of great benefit to the soil.

EXTENSION CLUBS TO HAVE ACHIEVEMENT DAY

LYONS—(Special)—The extension clubs of Burt county will hold their achievement day here, April 25. There are 25 clubs in the county.

CASHER AT LAUREL, NEB., ANNOUNCES RESIGNATION

LAUREL—(Special)—A. A. Soderstrom, cashier of the Security National bank, has resigned and his place has been taken by C. A. Abel, of Elk Point, S. D. Mr. Soderstrom has not announced what his plans are.