

Dr. Willard Hayes Resigns. Washington, Oct. 7.—Dr. Willard Hayes, chief geologist of the survey and for twenty years identified with that service, has resigned to enter mining in Mexico.

She Sees a Burglar. At 11 o'clock last night the 16-year old daughter of Mr. and Mrs. I. J. Lane, living with her parents on Park avenue between second and Third streets, was frightened by a burglar who was evidently trying to force an entrance into the Lane home. Miss Lane heard the man prowling around the house and getting out of bed pulled back the lace curtains and looked into the face of a man who was peering in at the window. She quickly let the curtains fall back into place and called her father. Mr. Lane went out of the front door and came face to face with the man. When asked what he wanted the man replied: "I want a drink."

Jack Hayes Found Dead at Gregory. Gregory, S. D., Oct. 7.—A stranger, who it is supposed came here to register, died during the night at the home of City Attorney Morrison. Mr. Morrison had thrown his home open for the benefit of the visitors and the man who died, with three others, was accorded shelter. When the stranger did not get up an attempt was made to awaken him, and it was found that he was dead. Dr. Moran was called and said death was due to heart trouble. No mark of identification was found on his clothes or in his pockets, and the coroner, Dr. Overton, was notified.

To Build New Power House. The Norfolk Electric Light and Power Co. has decided to add further improvements to its property on Seventh street between Madison and Norfolk avenues. A new brick power house is going up, according to Manager C. J. Bullock, who declares the new building will be started at once. Besides this new building the company has purchased a 500-kilowatt unit, heavy duty compound condensing engine and three-phase generator which will be installed here ready for the heavy winter work. This will give the company practically thirteen times the capacity it had ten years ago, and will more than double the capacity now maintained.

FIRE IN CHAFFEE HOME. Starts from Fireplace—Causes Little Damage. Fire last evening partly destroyed a portion of one wall and a small piece of floor as well as some of the fireplace in the beautiful home of C. L. Chaffee, 210 North Ninth street. The fire originated from the fireplace and burned through the wall from the dining room into the kitchen. When the firemen first arrived on the scene it was evident that the wall around the brick fireplace was burning from the top floor to the first story. Much care was exercised by the firemen and only a little damage was done by water. A hole was cut in the floor on the second story of the home and a big hose was inserted and the water turned on.

SANK WITH ALL ON BOARD. Unknown British Bark Goes Down With All On Board. Boston, Oct. 9.—The sinking of an unknown British barkentine said to have sailed from Bridgeton, N. S., off the entrance to the bay of Fundy, on Sept. 29, with all on board, was reported today by Capt. Goodwin, of the fishing schooner Good Luck.

Norfolk Men Go to Church. Should a city of over 6,000 population have more than 610 men in church on Sunday? That is about the number of Norfolk men who attended churches in Norfolk last Sunday and, including about 150 farmers, made a total of 760 men in Norfolk churches of all denominations last Sunday. The German churches of the city show a greater male attendance than the general run of English churches and the attendance of farmers is also more marked in the German churches than in the English speaking churches.

Great Rain in Northwest. Butte, Neb., Oct. 7.—Special to The News: Boyd county has just had one of the best rains that has put in its appearance for the past two years. It is estimated that five inches of rain has fallen. It will put the ground in excellent condition for fall plowing and also bring the fall wheat up in good shape.

Great Rain at Niobrara. Niobrara, Neb., Oct. 7.—Special to The News: One of the heaviest rains experienced in years began falling at 2 o'clock Thursday morning, continuing through the day and Thursday night. The ground is thoroughly soaked. Many landowners from eastern South Dakota have passed through here on their way to Gregory and Dallas for registration.

Four Inches at Sioux Falls. Sioux Falls, S. D., Oct. 7.—During a rain which commenced at 5 o'clock Thursday morning an aggregate of four inches of water fell. The rain was the heaviest for some years. A great deal of damage was done to city streets and by basements being flooded.

Kubelik Insures Fingers. New York, Oct. 7.—Jan Kubelik, the Hungarian violinist, who arrived by North German Lloyd liner Kronprinz Wilhelm, brought with him his Stradivarius, which he calls "Emper-

or," and which he says he bought in London for \$30,000 and would not sell for twice that amount. He also said he had the insurance on his fingers increased to \$235,000. He is here for a concert tour of the United States and Canada. His twin and his wife, who is a countess, will join him later.

To Solve Public Land Problem. Boise, Idaho, Oct. 7.—Former Gov. Brady of Idaho promised President Taft to bring thirteen western governors to Washington next winter to help him thresh out the question of the disposition of the public domain. The governor did not elaborate on his idea for the solution of the public lands question, but Mr. Taft himself promised several audiences to do all in his power at the next session of congress to have legislation enacted that will dispose of some of the difficulties confronting settlers on public lands. Such legislation, said the president, would not interfere with the policy of conservation. The principal grievances of settlers, the president found, are the short time in which first payments for land are required, the length of tenure demanded of a settler before he becomes owner of the land, and the fact that even after five years title to the land does not pass.

He did not take up each issue in detail, but declared that there was no reason to doubt that congress would settle them at the next session. Mr. Taft spent the day in Idaho, waking up at Pocatello to "go ashore" from his train and make his first address and practically closing the day's work with a speech to several thousand people. United States Senator Borah and former Gov. Brady accompanied him in the trip across the state.

KILLS HIS WIFE'S FRIEND. Husband Follows Wife to Friend's Home and Kills the Other Woman. Chicago, Oct. 9.—John Tomaseski followed his wife to the home of a friend, Peter Gralak today, shot and killed Mrs. Gralak and mortally wounded his own 2-year-old daughter who had gone with his wife. Then he quietly waited for the police to arrest him. Mr. and Mrs. Tomaseski, who lived on the northwest side of the city, quarreled yesterday and early today she left her home with the child. Her husband followed her to Gralak's home and began firing as soon as he entered the house.

Strikebreakers Put to Work. Sedalia, Mo., Oct. 9.—Work on a much reduced scale was resumed in the shops of the Missouri, Kansas & Texas railway here today for the first time since 1,500 carmen employed by that system went out on a strike Sept. 23. Fifty strikebreakers were put to work by the company this morning in the shops where 700 men were employed previous to the strike. There was no demonstration on the part of the strikers. Twenty men who were held off by a retrenchment the day before the strike, also returned to work today.

Alien and Stephens Open Campaign In That City Saturday. Neligh, Neb., Oct. 9.—Special to The News: The democrats of Antelope county opened the political campaign in this city Saturday evening at the Auditorium. The principal speakers of the occasion were Dan A. Stephens of Fremont and William V. Allen of Madison. Those occupying seats on the stage with the speaker, chairman of the county central committee, Attorney R. H. Rice, J. Q. Ingram, candidate for county judge and E. C. Nyron, candidate for county superintendent. It was a remarkable small attendance that greeted these prominent men, and it was noticed that a number of republicans were in evidence.

Gas Wrecks a Plant. Chicago, Oct. 9.—Gas in a catch basin is believed to have caused an explosion which partly wrecked the plant of the Metropolitan West Side elevated road early today and caused a panic among 100 passengers on a train which was within a few feet of the power house when the accident occurred. The explosion tore a large hole in the side of the building and a piece of the third rail of the elevated structure was hurled several hundred feet. Five men, at work in the boiler room at the time, escaped injury.

Miss Murphy on Trial Soon. Valentine, Neb., Oct. 9.—One of the strangest tales ever spread upon the records of the state, a story of life on the frontier, of primitive impulses and of rudimentary ideas of the rights of self defense, is that of Cherry county, which involves four families prominent in the section of which Cody is the metropolis. No melodrama ever conceived in the brain of Lincoln J. Carter embraces such tragedy and rude justice as this. There is the eternal triangle, a woman and two men, jealousy, unrequited love, a lynching, greed, all the essentials of a dramatic story. Eunice Murphy doesn't look the part

of a murderess. In the first place, she looks too young. Although she is 24 she has the face and form of a girl still in her teens. Yet this mere slip of a girl faces the very gallows, for, as County Attorney John M. Tucker charges, having urged—incited is the legal word—a private lynching party, composed of three of her beaux and her 19-year-old brother to hang another of Eunice's beaux—Charles Sellers, well-to-do ranchman, to a telephone pole one summer evening.

Slavery is Abolished. Rome, Oct. 9.—By Wireless from the Frontier—The Italian authorities at Tripoli issued a proclamation suppressing slavery. Tripoli was the only remaining port on the coast of Africa where slavery still prevailed, notwithstanding the efforts of Great Britain and France to prevent the traffic. Gen. Spingardi, the minister of war, went to Naples to supervise, in conjunction with the Duke of Aosta, the organization of the troops for the expedition.

Plotted at Dance. The plot to do away with Sellers was hatched according to the prosecution, at a dance. Eunice, the Weed boys and Harry Heath held a number of wildered conferences during intermissions, and Sellers, who brought Eunice to the dance, noticed that they were talking about him. "The girl hatched the plot to hang Charles Sellers. She aroused the jealousy of the Weed brothers and Heath, and they followed her bidding to make away with their rival. The girl did it because she thought Sellers had a \$7,000 life insurance policy with herself as the beneficiary, and that he had made his will in her favor," says Prosecutor Tucker.

Dr. Hagey Dies Suddenly. Dr. W. H. H. Hagey, one of Norfolk's oldest and practicing physicians, dropped dead in front of the Norfolk postoffice three minutes after midnight Sunday morning. Apoplexy is given the cause of death. Dr. Hagey went to the postoffice to mail letters for his wife when he was stricken. Besides the widow he leaves a daughter, Miss E. Johannah Hagey, librarian of the Lincoln H. Hagey, and one son, Charles H. Hagey, of Los Angeles, Cal. The funeral arrangements have not yet been made.

13,194 Have Registered. Gregory, S. D., Oct. 9.—Special to The News: Morning trains brought large delegations from Nebraska, Iowa, Kansas and Missouri. Total to date, 13,194—Gregory, 8,002; Dallas, 3,293; Chandlerlain, 2,397; Rapid City, 1,297.

Out With Lie About Elliott. West Point, Neb., Oct. 9.—The attack made upon James C. Elliott, republican nominee for congress from the Third Nebraska district, published in the Sioux City Tribune under date of Oct. 5, and purporting to emanate from Lincoln, has caused a smile of amusement in both democratic and republican circles at West Point. The screed is a labored attempt to show that the so-called progressive element of the republican party in the district resent Mr. Elliott's nomination, and on its face betrays the earmarks of the democratic machine, although it is disguised in

"progressive" clothing. The writer gratuitously assumes and asserts that Mr. Elliott will be overwhelmingly defeated, the wish being apparently father to the thought. From the knowledge already gained of the feeling and attitude of large numbers of democrats in this district, together with the avowed cordiality of the republicans, this statement would seem to be very wide of the mark.

Regarding the assertion as to Mr. Elliott supporting Mr. Dabblin, it is only necessary to state that, in face of the returns and the immense personal popularity of Mr. Dabblin in this county, it took a high degree of moral courage to take and maintain the position in support of Gov. Aldrich which Mr. Elliott consistently sustained during the gubernatorial campaign. During the struggle of last fall the Dabblin sentiment in Cumming county was so strong and overwhelming that his supporters freely offered bets at great odds that he would carry this county by 1,000 or upwards. Mr. Elliott's uncompromising attitude on the question aroused much personal hostility from the Dabblin supporters. That gentleman's majority here was less than 800—his friends lost their money—all due in large measure to the determined stand taken by Mr. Elliott in favor of Aldrich and county option.

The tissue of misstatements contained in this article is so crude and gross as to inspire disgust even among democrats, the fair minded of whom know the facts to be wholly different. Under ordinary circumstances this attack would pass unnoticed and its source taken into account, but the charges are made specifically so that a like specific denial was deemed necessary.

Dr. Hagey was born in Montgomery county, Pa. Dec. 5, 1841. He came to Norfolk in 1888 from Pennsylvania. Dr. Hagey was secretary of the United States pension board of this district; secretary of the royal nyctale legion; examining physician of the A. O. U. W.; member of the Elkhorn Valley Medical association, of which he was president and for many years treasurer; and a member of the Masonic lodge.

Dr. Hagey had answered a few letters and had them ready to mail. Dr. Hagey picked them up from the table and remarked that he would walk across the street and mail them in order that they might not get on the early morning mail. As he put on his coat he took out his watch to wind it and remarked to Mrs. Hagey: "Do you know that this is Sunday? It's exactly midnight!"

He then went to the mail box near the entrance to the postoffice and dropped the letters. Then he let fall the door to the box twice as a signal to Mrs. Hagey, who was waiting for him in his office across the street. The signal on the letter box is one which has been understood between Dr. and Mrs. Hagey for a number of years. Mrs. Hagey heard the signal and prepared to retire when she heard a sound as if someone were knocking. Opening the front door she called to her husband, thinking he had gone next door where she believed a neighbor by the name of Bush and Dr. Tashman were called and they declared that it was either apoplexy or heavy falling which caused the death. Dr. Bush is more inclined to believe it apoplexy.

Mrs. L. B. Musselman Dead. After a prolonged illness, Mrs. L. B. Musselman, former grand matron of the Order of Eastern Star in Nebraska, died at her home in Norfolk, 1308 Norfolk avenue, at 6 o'clock Sunday

catching a particle of food for forty days, being kept alive on water and blood stimulants since Aug. 30. She had been bedfast the last seven weeks, though ill for a year.

Funeral services will be conducted in the First Congregational church by Edwin Booth, Jr., at 2 o'clock Tuesday afternoon. Interment will be made in Prospect Hill cemetery under the Eastern Star ritual. Members of the Masonic lodge will act as pallbearers.

Mrs. Katherine Nies. Neligh, Neb., Oct. 9.—Special to The News: Mrs. Katherine Nies died at her home at Okadale late Saturday evening after a long illness of curvature of the spine. Mrs. Nies was born in Bas Rhin, France, April 1, 1826. The family are among the oldest settlers of Antelope county. Funeral services will be held tomorrow afternoon at 3 o'clock in Okadale at the late home of the deceased. Mrs. Nies is survived by a husband, three sons and two daughters.

Mrs. Edgar Elliott. Neligh, Neb., Oct. 9.—Special to The News: Mrs. Edgar Elliott died yesterday morning in this city after a short illness. Funeral services will be held at the late home Wednesday afternoon.

Burlington Freight Wrecked East of Lingo, Mo.—Six Boys Dead. Bucklin, Mo., Oct. 9.—A Burlington freight was wrecked half a mile east of Lingo, Macon county, Mo., about 7 o'clock last night. Six boys from New Cambria and Boyler, Mo., are reported to have been killed. They were stealing a ride. Floyd Stammers, of New Cambria, is known to be dead. The other bodies are thought to be under the wreckage.

Joe McKay Gets a Second Trial. Lincoln, Oct. 9.—Special to The News: M. F. Harrington's alleged unsolicited interference in the McKay murder trial in Antelope county is one of the reasons given by the supreme court for its reversal of the verdict whereby Joe McKay was found guilty of the murder of Albert Brown. Harrington assisted the prosecution without being requested to do so by the county attorney or being appointed by the district court.

The court also based its reversal on the ground that the prosecution flouted before the jury bloody garments that proved nothing more than that a murder had been committed. Other errors are involved, including the permission of the trial court that the date of the crime, as charged in the indictment, be changed from Dec. 7, 1910, to Dec. 7, 1909. Judge Favett wrote the opinion, Judge Letton dissenting in part.

The Court's Ruling. 1. An information is fatally defective if it charges the commission of the offense as subsequent to the date upon which the information is filed or on an otherwise impossible date. 2. And in such case it is error for the trial court, after permitting an amendment curing such defect, to require the accused, over his objection, to immediately proceed with the trial, without arraignment under and plea to the only information filed which stated an offense, without giving him the statutory time in which to plead thereto, and before a jury which had been impaneled under a void information.

3. Where one accused of a felony is put upon trial under an information void upon its face, and after trial is begun, the information is amended and the trial proceeded with, held, that the accused is not thereby placed indignantly a second time. 4. Under the provisions of section 29, chapter 7, the compiled statutes, private counsel can only be permitted to assist in the prosecution of a person charged with the crime of felony, when procured by the county attorney, under the direction of the district court. 5. And an order by the district court at the opening of the trial, that an attorney appearing as private prosecutor, under the employment of outside parties, is "permitted" to assist in the prosecution, is not a compliance with the statutory provision. 6. And when timely objection is made by the accused to the participation of such private prosecutor in the prosecution of the case, it is error to overrule such objection. 7. An accused in a criminal prosecution is entitled to a trial upon competent, relevant evidence; evidence which at least tends to establish his guilt or innocence; and evidence which has no tendency, but which, if effective at all, could only serve to excite the jury and inflame the passions of the jury which could not be admitted.

Judge Letton Dissents. Judge Letton in dissenting from the holding that it was reversible error to permit other counsel to assist the county attorney, says he believes the opinion on this point is opposed to former decisions of this court and is against the weight of authority. "When the county attorney allows private counsel to appear with him," says Judge Letton, "and assist him in the trial without objection, it is clear that he desires his assistance, otherwise he could summarily dismiss him from the case, and when the fact that such counsel is employed and his assistance is desired by the county at-

torney, is expressly known and permitted by the court, as the record shows, the defendant cannot complain."

Omaha Team Is Outplayed. Although steadily outplayed by the visitors, the Norfolk high school football team played the pinhead sort of a game here Saturday afternoon, showing superior science at every stage of the struggle. Rev. D. C. Colgrove, Norfolk's coach, declares that if Referee Dan Ringer had known the rules of the game Norfolk would have won. "I wish Mr. Colgrove threatened to take his team off the field because of such decisions. The Omaha fans used the strictest tactics ever seen on the Norfolk gridiron. They seemed to penalize five times for foul plays, while Norfolk never was penalized. The final score was 11-0 in favor of Omaha, which was virtually a victory for Norfolk when the handful of twenty-five points to the team is considered."

Referee Ringer carried a rule book in his hip pocket, consulting it upon many occasions, but not following it closely enough even at that to give fair decisions, it is claimed. Omaha used the forward pass frequently. A number of Norfolk's trick plays, which had been worked up with great care, were useless because the referee allowed the Omaha team to get outside and block the play in its formation. The first touchdown was made during the first three minutes of play, Omaha missing a goal. The next was in the last quarter, Rector kicking goal. Omaha's goal was twice endangered.

The lineup: Norfolk. Position. Omaha. Odiome, center; E. G. Smith, fullback; E. G. Gideon, left halfback; E. E. Golden, right halfback; L. E. Ruchman, quarterback; E. G. Ballman, left end; E. G. Peterson, right end; E. G. Badridge, left tackle; S. E. Selby, right tackle; E. E. Rector, left guard; L. H. Munniske, right guard; E. E. Bowman, center; D. C. Colgrove, coach; E. G. Burnett, Omaha substitutes—Carlson, M. H. Crocker, Rittenger, Delemeter, Mosler, Referee—Dan Ringer, South Omaha. Umpire—Supt. Tyson. Timmer—Thomas, Norfolk; Reed, Omaha; Lincoln—Erskine, Norfolk; McFarlane and Chase, Omaha.

Atkinson 6, Neligh 0. Neligh, Neb., Oct. 9.—Special to The News: The first football of the season was played here Saturday afternoon at Riverside park, between the high school boys of Atkinson and Neligh. Weather conditions were ideal, and a fair sized crowd turned out to see the game. Four quarters were played, and not until the first half of the last quarter were the visitors able to score a touchdown, and this was accomplished by a forty-yard run from the field by a forward pass made by Jenkins of Neligh, who lured the ball in the arms of the Atkinson player, which was intended for one of the home boys. Although the visitors outplayed the Neligh bunch to a man, the ball was continually in Atkinson's territory. Score: Atkinson 6; Neligh 0.

Following is the lineup of the players: Atkinson. Position. Neligh. Flanagan, center; E. G. Miller, left halfback; E. G. Miller, right halfback; E. G. Bulmer, quarterback; L. E. Peterson, left end; E. G. Conroy, right end; E. G. Lazott, left tackle; E. G. Powell, right tackle; E. G. Van Allen, left guard; E. G. Powell, right guard; E. G. Van Kirk, center; E. G. Jenkins, left halfback; E. G. Griffin, right halfback; E. G. Griffin, center; E. G. Griffin, left end; E. G. Griffin, right end.

Wayne Normal 10, Madison 0. Madison, Neb., Oct. 9.—Special to The News: The Wayne state normal football team met the Madison high school team at the Madison gridiron Saturday afternoon with a score of 10 to 0 in favor of the Wayne normal.

The lineup is as follows: Madison. Wayne Normal. Robertson, center; D. D. Dederman, left halfback; E. E. Whitthill, right halfback; E. E. Lamberson, left end; E. E. Margee, right end; E. E. Barker, left tackle; E. E. Lewis, right tackle; E. E. Doering, left guard; E. E. Foster, right guard; E. E. Cress, center; E. E. Cress, coach.

The game was remarkable for forward passing by Madison boys. The sensation of the game was Cress' line plugging, and runs and all around playing. In fact, he played the game for the Wayne normal boys. Another feature was the punting of Smith of Madison. Madison ends recovered five different punts. There were two touchdowns with no goals. Officials: Hunter of Wayne normal and Findley, principal of the Madison high school.

Other Football Scores. Minnesota 5, South Dakota 0. Nebraska 17, Kearney 0. Chicago 23, Indiana 6.