### COURT CONSTRUES **GIBSON SALOON LAW**

High Judges Hold Excise Board Need Not Go Behind Records of Realty Holdings.

### POSITION OF BODY IS REVERSED

(From a Staff Correspondent.) nion handed down by the supreme court today that body holds in the Hanff-Ence saloon case from Stanton county. invaciving a construction of the Gibson law of 1907, that an excise board need not go behind the records to find out who really owns leased property.

The evidence in the case proved that Mrs. Adolph Storz was majority owner of the stock in the Independent Realty company, the evidence tending to show that this company was merely a holding company for the brewery company.

In the decision the court reverses itself. rehearing having been granted on a former holding. The cash is one appealed from Stanton county by the remonstrants against the granting of a saloon license A. L. Hanff of the town of Stanton. The remonstrants, G. A. Enos and others. were overruled by the district court and appealed. The high court, reversing its former decision, affirms the lower

The court was not unanimous. Judge Sedgwick writes the majority opinion which is concurred in by Judge Barnes. A impenting opinion is filed by Rose, in which Judge Letton concurs.

Suggests Quo Warrante Suit. operty which the applicant pro paged to lease in this case was held by he independent eRalty company. The renonstrators urged the Gibson law upon the excise board. The court holds that the statute does not expressly provide and should not be so construed, that the ex- Frement. cise board shall investigate the title of lessee when it appears fair and reguar on the record. Inquiries as to the good faith of the holder of the property, says the high court should be left to the reguar processes of the law, for instance, s warranto suit against the alleged olding company would be in order.

The excise board, according to Judge Sedgwick, is only an administrative body and it was not the intention of the legislature to give to it judicial functions. Its rulings are subject to appeal to the courts. it is admitted, butthe appellate bodies would be limited to the records put in bar before the administrative body. The rt cites for support the holding of the act, forbidding railroads from owning enterprises not integral to the business of Nebraska Guard rests on the reply common carrier

Judge Rose in his dissenting opinion meets squarely the issue outlined by the majority and argues that judicial functions have for years been assigned to administrative bodies, citing the railway nission among others. Moreover, he ergues the excise boards now examine ioners, whom must be freeholders.

Opinion of Court. The opinion of the court is as follows:

L. Section 2643, Rev. St., 1913, is not imited to conveyances to defraud creditors. It expressly provides that conveyances made to defraud creditors "or percons" are void. The language is broad neugh, in the light of the common law.

Not for Confiscation.

1. While the legislature is not without power to enact a statute in the legitimate exercise of its police power although it might result in injury to some private interest, it is also undoubtedly true that a statute, the purpose of which was primarily and principally the destruction of property, would violate our fundamental law, and we ought not to assume that in enacting such statute the legislature intended a construction which, although unnecessary to the furtherance of the main purpose of the statute, might result in the arbitrary confiscation of property, if the statute will admit of a more reasonable construction.

2. The so-caffed "Gibson act," laws list it might result in the unnecessary destruction of property values, if it is capable of other construction which would serve the purpose evidently alined at.

3. Questions of fraudulent conveyances of property respectively and the purpose of the purpose of the purpose evidently alined at.

4. Questions of fraudulent conveyances of property respectively and the purpose of purpose of the purpose of the purpose of the purpose of purpose of the purpose of the statute of the ciub; "Canking Up.," C. S. Sutton.

5. Charles E. Pearse; "Muffler Explosions," James Nichols; "The Speed Limit," Dr. J. E. Parse, "Muffler Explosions," James Nichols; "The Speed Limit," Dr. J. E. Dou't miss this. Cut out this slip, enclose with 5c to Foley & Co., Chicago, purpose of pur

capable of other construction which would serve the purpose evidently aimed at.

7. Questions of fraudulent conveyances of property are generally investigated by course which are clothed with ample equity powers. They are usually complicated and difficult questions. This attaute provides no adequate means of determining such complicated and important and far-reaching question.

8. There is no direct provision in the statute requiring the licensing board to investigate such questions or 10. refuse a license because of doubts in regard to the good faith of the title of the apparent own must be made by the board, and that no license should be issued where the licensing board should find that there is no license abould be issued where the licensing board should find that there is no license abould be issued where the licensing board should find that there is no license abould be issued where the licensing board should find that the test is not because of doubts in regard to the was fraud or other infirmity in the title of the party from whom the applicant proposed to lease when that title appeared to be fair and regular upon the record, it seems probable that the legislature would not lease when that title appeared to be fair and regular upon the record, it seems probable that the legislature would not like left such intention in doubt. It is a more reasonable construction of this statute that the intention was to leave auch inquiries to the ordinary process of the like into the intention was to leave auch inquiries to the ordinary process of the late more beautiful in the future by leaving the salton.

18. The mayor of a city of the second like the intention was to leave a such inquiries to the ordinary process of the late more beautiful in the future by leaving the late of the process of the late more beautiful in the future by leaving the late of the process of the late of

the law.

10. The mayor of a city of the second class having less than 5,000 inhabitants may cast the deciding vote when the council is equally divided.

Council to Use Discretion.

Million Italian Soldiers Perfectly Armed and Equipped Eager to Fight

S .- (Via Paris.)-Italy today has 1.300,000 proportionately, to that of the German first line soldiers under arms. They are from 20 to 26 years of age. They are perectly armed and equipped otherwise "to the last button." General Zuppelli, Italian minister of

war, speaking on the military situation in Italy, said that a miracle had been accomplished in that a country which LINCOLN, April 18.-(Special.)-In an war machines. The change was not easy, General Zupilli said, as was proved wherever the same work was attempted. Great Britain, for example, had faced the same problem, and, though possessing probable action. Snow still lies deep in the legislature that the approval hopper greater resources, was even less pre-

The war minister said the equipment

shall go into effect until thirty days after the passage of the same" does not apply. 15. An ordinance regulating the licensing of the sale of liquors must be enacted be-fore such license can be granted, and the adoption or rejection of such an ordinance is within the initiative and referendum act.

act.

16. The initiative and referendum act of 1897 is not invalid as an attempt to regulate the administration of the affairs of cities and other nunicipalities.

17. If section 10 of the act, Revised Statutes, section 5235, is incapable of a construction in harmony with section 21 of article 1 of the constitution, which we do not decide, it may be disregarded without invalidating the whole act.

## Aviation Corps is Planned for Guard

(From a Staff Correspondent.) LINCOLN, April 16. - (Special.)-Adstant General Hall is planning an aviation corps for the National Guard. The Nebraska Guard now has one flier at

ing mate of Lincoln Beachey, will prob- moting ably bring his machine to the officers' instruction camp to be held in Lincoln in the guard and would prove an able in-

The biplane at Fremont was out in his office at the state house.

Just what funds will be available from the War department for guard aviation Inited States supreme court over the is not known to the local commander. He 'commodities clause" of the Hepburn has written to Washington to find out and the fate of the aviation corps of the

### HIGBEE PLEADS GUILTY SENTENCED FIFTEEN YEARS

COLUMBUS, Neb., April 16.-(Special.)-Sylvester O. Higbee, who shot and killed Thomas Carnik near Monroe March 14. into the title of the real estate of peti- was sentenced to fifteen years in the state penitentiary by Judge Thomas in district court, after pleading guilty to murder in the second degree.

Highes is 37 years of age and not in good health. He is a cripple, having lost a leg. Sheriff Burke took Highee to the penitentiary at Lincoln this morning, where he starts on his long term of serv-

sons" are void. The language is broad shough, in the light of the common law, to include transfers made with the intent and purpose to evade the provision of the "Gibson act" forbidding the leasting of a building for saloon purposes by or from manufacturers of liquors.

3. If a husband who owns substantially all of the stock in a corporation procurse another corporation to be organized and substantially all of its stock to be issued to his wife, and thereupon the first corporation transfers its property to the new corporation, the transfer is equivalen to the transfer of property directly from husband to wife, within the meaning of section 265, Rev. St., 1813.

3. If such transfer is made for the purposes of enabling the first corporation, as saloons, the purpose would be illegal, and if known by the stockholders of the new corporation such corporation might be dissolved by que warranto.

4. "Where a statute is susceptible of two construction, by one of which such a doubtful constitutional questions are svoided, our duty is to adopt the latter." United States against Delaware & Hudson cempany, 213 U. S., 256.

Not for Confiscation.

4. While the latter with the limitation of the purpose of the other of which such questions are svoided, our duty is to adopt the latter." United States against Delaware & Hudson cempany, 213 U. S., 256.

Not for Confiscation.

3. While the lasting two he common and the latter with the lasting two here the starts on his long term of serving the propose of their property of the least of the new for the property of the new for the purpose of property to the new corporation the new corporation and the first corporation and the property of the purpose of the purpose of manual banquet of the Madison Commercial club occurred this evening at Haskins opera house, the ladies of the Mothodist Episcopal church serving.

Not for Confiscation.

Not for Confiscation.

ON THE ITALIAN FRONTIER, April of the army with munitions was superior,

army at the beginning of the war Eagerness of the soldiers concentrated along the frontier to begin action is so great that their officers are compelled to hold them closely in check for fear of Loan Shark Measure Will Not Be disturbing border incidents.

In view of the extensive preparations which have been made, the question is asked with increasing frequency why for about twenty years had maintained Italy does not enter the war. Men in a a military organisation merely for the position to speak with authority say that preservation of peace, had created what a majority of the people prefer and the se termed one of the most perfect of government still hopes to obtain territorial concessions from Austria without

rupture of friendly relations. Weather conditions in the Alps mus the mountains and the cold is intense. Most of the passes are still closed by snow and fee.

Obligations on Which They Were Given.

### OTHER RULINGS OF HIGH COURT

a Staff Correspondent.) LINCOLN. April 16 .- (Special.)-The name of Thomas H. Matters of Omaha, recently convicted and sentenced in connection with the wrecking of the First National bank of Sutton, appears prominently in a supreme court opinior uanded down today in the case of F. F. By General Hall McElhinney against John H. Harte. The case is one appealed from the Dongina county district court. The high ourt affirms the judgment of the lower ourt, which was for the defendant and

against the plaintiff in his suit on three promissory notes for \$6,560 each. The notes were given to Matters and by him assigned to the plaintiff. They Aviator Schaffer, now residing at Alvo were for stock in the Nebraska Mausowith his parents, who was a former fly- leurn company, which Matters was pro-

The notes were conditioned upon a de June. He has signified his desire to join posit of \$49,000 being made with the Nebraska company and an indemnity bond being filed guaranteeing the validity of the patents under which the company ommission through an accident at the was to operate. The patents were held time of the maneuver camp at Waterioo by the Iowa Mausoleum company and last summer. General Hall has recently the new company was to have the Nereceived a model of it, which he has httng braska rights in them. Matters, as the court finds, was an agent for the Iowa company in financing the Nebraska con

> The cash deposit was never made and the bond was not filed. As a consequence according to the evidence, the stock of the Nehraska company was rendered valueless, and the consideration for the notes totally falled. The supreme court quotes the testimony of H. K. Burket, as pres ident of the Nebraska Mausoleum com pany. The court notes that one of the patents was later held void by the United States courts.

Bridge Must Be Built. high court holds that the Farmers' Irrigation district must build a bridge across its ditch for Peter O'Shea. In o doing it reverses and remands the both sides after the ditch had been dug. ference. Moreover, it says that the requirement is constitutional, insemuch as the liability to build the bridge is part of the consideration for the valuable right of eminent domain. .

Wire Company Luaca Case. That the Western Union Telegraph company was liable to C. B. Nash company of Omaha for failure to deliver a telegram marked "rush," even though its business nature was concealed by the fact that it was written in cypher, is the decision of the supreme court in a Douglas county case. The telegram to New York brokers directed them to sell certain stock for the plaintiff. The telegram was not delivered. The stock dropped five points in the meantime. The

gave the plaintiff \$700 damages. Higher Valuation Stands.
The supreme court upholds the verdict of \$3,916 given to Fred Grimm against the Eikhorn Valley Dramage district. The verdict was secured on appeal from the sward of the board of appraisers, which allowed Grimm but \$600. Sedgwick and Letton dissent from the majority of the court, holding that the verdict should

Note May Be Sold. The supreme court reverses the district court of Madison county in the case of the Farmers Loan and Trust company against Walter Planck and holds that a note is not rendered non-negotiable by a provision for a discount of 6 per cent if paid in full within fifteen days from date. The note, for \$587, was given for jewelry and assigned by the payes to the plain-

Autmala Must Be Cared For-

state more beautiful in the future by pleasant to look upon by the planting of planting trees, shrubs, etc. The proc- trees and thus adding to the beauty of lamation is as follows:

"The season again admonishes us that the day set apart as Arbor day is near soal of the state, this 18th day of April,

the landscape.

"Given under my hand and the great

City Council to Use Discretion.

It is confided to the discretion of the city council to determine the location of a saloon licensed by the council.

It if, upon application for saloon license, the remonstrants allege that the surety company executing the bond tendered was not licensed to do business in this state, or becoming such surety was not within the power of such bonding company, the burden is upon them to make such proof.

It The fact that the applicant for license declines to answer incriminating questions is not conclusive that he is not a man of respectable ch scare and standing the victors in the case establishes that the applicant is gualified.

It The order of the licensing board straining tim license is not an ordinance as defined in section 627, Revised Statutes section 123, that 'no ordinance as defined in section 627, Revised Statutes are set of the state of Nebrasia set spart, Thursday, it is located to the state of Nebrasia set spart, Thursday, it is located to the state of Nebrasia set apart. Thursday, it is located to the state of Nebrasia set apart, Thursday, it is located to the state of Nebrasia set apart. Thursday, it is located to the state of Nebrasia set apart, Thursday, and urgently request that at least a part of the government of any city of this day be set aside by all the public.

"The season again admonlshes us that the day of April, 1915, day of as a special of the state, this 18th day of April, 1915, Arbor day.

"Given under my hand and the goal of the state, this 18th day of April, 1915, day as a special of the state, this 18th day of April, 1915, and the state of the state, the state of these which is beautiful, but realizing we have been declined in section 127, that 'no ordinance are dec

Nebraska

## FORTY BILLS STILL HELD BY GOVERNOR

Effective Until First of July.

### SOME IMPORTANT ONES SIGNED

(From a Staff Correspondent.) LINCOLN, April 16.-(Special.)-Goverfor Morehead has yet about forty bills which have not been signed. So many also be remembered in considering Italy's came down in the closing moments of was clogged.

The loan shark bill, which bore the emergency clause in the title lacked that clause in the bill, so that its operation will not go into effect until July 1. NOTES SUED ON HELD INVALID Whether more bills have suffered by the ush at the close has not been disclosed. Among the bunch of bills signed by Mausoleum Company Did Not Fulfill the governor this morning, were some important measures, among them the fol-

lowing:

H. R. 435-The Broome-Richmond-Hegley-Hunter-Paimer bill, strengthering the
corrupt practices law and giving candidates for office needed latitude in expense matters.

H. R. 795-County clerk to perform
coroner's duties, when regular officials
charged therewith are out of county.

H. R. 235-The Van Duesen bill, giving
cities and villages right to make levy
for street oiling.

H. R. 524-The Hunter bill, exempting
Spanish-American war veterans from
laxation.

Spanish-American war veterans from taxation.

H. R. 610-Makes mandatory on court to investigate bribery and perjury or evidence of such, county attorney to file and prosecute complaint. Bill prepared and supported by Parriott of Nomaha.

H. R. 358-Provides for an lowa-Ne-braska boundary line commission, same to work between Pottawattamie and Daugias counties. Members to be appointed by the governer on behalf of this state.

H. R. 514-The Lanigan bill, putting cost of transporting prisoners from other states here, or from counties of this state to the state prison, upon the counties and removes expenses from state at large.

ties and removes expenses from state at large.

H. R. 697—The Dalbey bill, providing for registration at Fremont, York, Hastings, Grand Island, Norfolk, Beatrice, prior to spring election of 1916 and every six years thereafter.

H. R. 229—The Torren's optional land title registration law. Subject to adoption by people of county, and then optional with owners as to adherence thereto.

### Council of Knights of Columbus to Be Started at Madison

Madison council No. 1788, Knights of Co-April 18, with a charter membership of ciple, "For God and Country."

towns in northeast Nebraska. The knights B. W. Gill, Madison. case to the district court of Scott's Bluff and candidates will meet at the opera county. The district had contended that house at 10 a. m. and march to St. Leonthe statute did not apply in this case, ard's church, where they will attend high can be rented quickly and cheaply by a ecause O'Shea had bought the land on mass celebrated by Rev. Father Marcus Bee "For Rent" Ad.

Schludecker, O. F. M., of Humphrey, and bear a sermon by Rev. Father Muenich of St. Leonard. The choir will render Wiegand's festival mass, with orchestra accompaniment, under the direction of Father Muenich, with Miss Ella Adelmann at the organ. At 1:45 p. m. the institution of the new

Sampeck

lumbus, will be instituted on Sunday, council and the initiatory ceremonies will occur at the Knights of Pythias hall. At fifty-three. Preparations indicate an \$:45 p. m. a banquet to the members of eventful occasion for the parish and the the council and the visiting knights will city. Decorations of the national colors be served by the women of the periah are conspicuous and the predominant ex- P. F. O'Gara of Hartington will preside emplification of the order's inherent prin- as toastmaster and toasts will be responded to by Rev. Father Walsh, Battle There is assurance of large visiting Creek; Thomas F. Redmond, Omaha; delegations from Omaha, Lincoln, Fre- Hugh J. Boyle, O'Neill; Judge E. A. Coumont. Schuyler, Columbus and many fal, David City; T. J. Doyle, Lincoln, and

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Blizzard Refrigerators are made with special regard to sanitary features and economical ice consumption. There are no inside seams and the sanitary wire shelves, drain pipes, etc., are quickly removed so that every corner is easy to access when cleaning. Every Blizzard Refrigerator has a well finished and well made hardwood case. They are interlined with mineral wool, they are made with white enamel or plain zinc provision chambers, either of which are rust proof. Blizzard Refrigerators are guaranteed to be absolutely odorless. They are all priced very moderately, ranging according to style and size at \$7.50, \$9.75, \$12.50 and up to \$32.50.

### Have the Central Figure on Your Furniture Bill

The most economical ice cream freezer, requiring less ice and work than any other freezer.

The Simplest Freezer CMI A Child Freeze Cream

Kitchen

Utensil Not Basement or Back Yard Freezer

ful four room home outfits, furnished throughout with The quickest ice cream freezer on the marquality furniket, freezes ice cream in five minutes, absoture, everything lutely sanitary, no solder on the inside of

cream can, our price 49¢. complete \$110. You Make Your Own Terms at the Central

# Among men who can atford any price for a suit you will find many who insist upon having Sam Peck or Stein-Bloch models.

IF you are a young man we advise you to come in and try on a few Sam Peck models, and our mirrors will show you your ideal suit.

If you have a mature figure its one of Stein-Bloch models that will point the way to the greatest clothing satisfaction you have ever known-style, fabric and workmanship.

### You See, Men, Its the Specialist Idea.

Every conceivable pattern that a gentleman might wear this spring is to be found in our cases-and our prices range from-

Unconditional guarantee with every suit

# BENSON & THORNE (Q

# Brandeis Stores

## Extra Important Saturday Events

Hair Switches Much Reduced We secured an exceptionally fine lot of natural wavy switches at a surprisingly low price, which means a great saving to you also. You may choose from all shades Special for Saturday.... \$2.95 except gray. Ordinarily the price is \$5.00.

Transformations—Reaching all around the head; regular price \$2. An unusual value, for ... \$1.45 Other Big Values in Switches

Another lot of fine hair switches at prices far lower than usual. Note the following: 30-inch at 65e 24-inch at \$1.98.

22-inch at \$1.50 28-inch at \$3,25.

26-inch at \$2.48. Shampooing, singeing, hair dressing, manleuring and ice-pack massage by experienced operators. Appointments made by

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These goods are made of pure aluminum, nothing to flake or chip off; outlast tin or enamelware. Light in weight, but strong and durable; heat quickly, save fuel and will not scorch food. 500 Pleces for Saturday-Con-

sisting of rice boilers, preserving kettles, sauce pans, coffee pots, covered kettles, OL etc.—worth to \$1.50;85C choice for ......

### Quartet of Wall Paper Spec'ls

Four big lets from the large purchase of the Thybone & Bauxton stock, Chicago, secured by us at 50c on the

Thybone & Bauxton's Kitchen and Bedroom Papers—A hig selection; worth 5 %c. Saturday, Thybone & Bauxton's Parior, Dining Room and Hall Papers—With borders to match. Regu-Domestic Oatmeal Papers-In blue,

red, green, tan and brown. 30 inches wide. Sold with borders. Regular 20c values, a roll ..... Liquid Gold Papers-For living rooms, reception halls and library



# Candy Specials for Saturday

Chocolate Black Walnut Clusters—With cream centers. Regular 40c grade. a pound......25c Special Pompelan Chocolate Bitter Sweets and Swiss Style Milk nut centers. A pound. . . . 29c

Delicious Fresh Maple Con-fections—For Friday. a pound ......20c Cream Peanut Nuggets-Vanilla, strawberry and choco-late. A pound Special Nut Brittle-Walnut, filbert, almond, pecan and brazil nuts. A pound.... 29c Black Walnut Taffy-A pound .....