PNEILL

NEBRASKA

China's imperial edict against opium is a great blow to the thousands who were slaves to the habit, and all corts were slaves to the habit, and all forts of subterfuges are resorted to by people who think they can not exist without it. The law provides that people over 50 years old are exempt from the new regulations, and consequently the number of patriarchs has increased wonderfully. Sturdy men of 40 and 50 have declared themselves "old" and paint, cosmetics and other artificial means have been employed to cheat the eye. The government was not slow to eye. The government was not slow to discover these frauds, and severe punishment has been inflicted on many offenders. Although women are as much addicted to the opium habit as men, not a single case has been discovered where a woman made herself older in order to be allowed to use opium.

The belfry top of Brooklyn's borough hall has been in a quiescent state for so many years that a good many folks were startled the other day when the bell began to ring as a welcome to the first subway train. Years ago when folks in Brooklyn heard the bell they began instinctively to count its strokes to learn where the fire was, for that was the way the fire alarms were given. At night a red lantern was hung out of the belfry to indicate the direction of the fire. It was the custom also to ring the bell in case Brooklyn's great anniversary day parade of Sundayschool children had been postponed. Even this was discontinued some years Even this was discontinued some years

The old connection between law and literature, the Law Journal of England says, was strengthened by the late Sir Lewis Morris, who practiced as a conveyancer in Lincoln's inn, while he was establishing his reputation as a poet. "There have been several poets who have abandoned the steep places of the bar for the slopes of Parnassus. The present poet laureate was called at Inner Tempel in 1857, and attended the York assizes and West Riding sessions for two or three years. But the late Sir Lewis Morris is the only poet of repute who found the tasks of conveyancer not incompatible with the cultivation of the muse."

"The latest wrinkle in Kansas real estate transfers," said Representative William Reeder, of the Sixth district of Kansas, "is the purchase of top soil from alfalfa fields in north central Kansas, to be shipped by the carload to farms along the Missouri river, where it is difficult to get this excellent forage plant started. Like all legummous plants, alfalfa fertilizes the soil, and in the Kaw valley an old alfalfa field is expected to yield 70 bushels of corn to the acre. Bailey Wagoner, a lawyer of Atchison, recently shipped a carload of top soil from Cloud county to his farm in Atchison county." "The latest wrinkle in Kansas real

Princess Senakofiska has arrived in England, at Chantilly, from Russia, having traveled in an enormous caravan, in which she is making a tour through Europe. The vehicle is drawn by four horses and contains three rooms reserved for the princess, and accommodations for thirteen servants. Whenever the princess leaves the van to take a walk she is escorted by a signatic Cossack wearing a military uniform and several medals. The princess intends to proceed in her caravan to the south of France.

The announcement that King The announcement that King Edward's great diamond probably will be taken to Amsterdam to be cut, and that it may be reduced in weight to 1,000 karats, shows how much these great gems lose in the process of cutting. For moderately large gems the loss is generally reckoned at about half, says the London Globe, but for one of such a size as the Cullinan it is admitted that it cannot with safety be estimated at less than two-thirds.

Consul Walter C. Hamm, of Hull, England, says: "Among the 25,000 or more ships that have entered the Humber river ports during the last seven years there has been only one ship of American register. This was the bark Homeward Bound, from San Francisco, loaded with barley, which reached Hull in March, 1906." No more striking evidence than this probably can be given of the decadence of the American marine.

The owners of the old liberty bell in Philadelphia are four women, sisters. Three of them—Mrs. James B. Mc-Closky, Mrs. G. D. Emerson and Mrs. S. B. Coward, live in Philadelphia, while the fourth, Mrs. S. W. B. Diehl, lives in Washington. The sisters are the heirs of John Wilbank, the maker of the new bell, who was allowed to take the old bell in part payment for his work.

It has been reported to the Camil-ford district council in England that at a house in St. Cleather two of the oc-cupied bedrooms have no windows, but only apertures. It was stated that the house was very clean and that no per-son had died there recently until 80 years of age, and some were 90. The council decided to call on the owners to put windows in each room.

A generation ago water drinking oc-Scotland. Total abstainers, however claim as a result of the recent fons that 46 Scottish burgs are presided over b, abstaining provosts. The list includes Sir William Bisland, Bart, lord provost of Glasgow, and Lord Provost Gibson, Edinburgh.

An old 'cello, which the owner at Mount Noorah, Victoria, sent to be repaired, was found to bear the label of Nicolo Amati and the date 1624. There was also found a record of the instrument having been repaired by Louis Dandeh, of Versailles, in 1781, for Louis XVI.

Professor Barus, of Brown university, reconstrends as a motive power for skywhips some form of high explosive, particularly those which can be worked up
into wicks and ribbons. He proposes
obtaining a continuity of power values
from nitrogen explosives by using cold

A French peasant to warn nut pickers off his place has posted this notice: "Cavilon: All persons entering this wood do so at their own risk. The Corylus avellana abounds here, as well as other equally venomous snakes." The Corylus avellana is the hazelnut.

The male population of the vicapage of Leyton. England, is distributed because the curate sent to fill a vacancy there could not play cricket as well as the Rev. F. H. Gillingham, an army the plain, for whose services the parish had asked.

Experts have decided that the fa-nors St. Paul's cathefral, in London, safe so long as the bolidings around are not disturbed, and thus ends a long controversy.

British India has the swift at river in the world. The Suil 2 has a descent of 12.060 feet in 150 willed

THE O'NEILL FRONTIER NEBRASKA ROADS NEED 2,000 KEY MEN BY MARCH 4

New Law Forces Railways to Employ More Men, but They Are Hard to Find.

Omaha, Neb., Jan. 7 .- The railroads of Nebraska want 2,000 telegraph operators by March 4, and are straining every effort to fill that number of posievery effort to fill that number of posi-tions which are created by the law passed by the last legislature which re-duces the working hours of telegra-phers. Railroads are doing a great amount of hustling to find enough oper-ators to fill the positions that will be open, and telegraph schools have been notified that all capable students will be accepted, naming a minimum of \$50

a month. Telegraphers profess to believe that what was lost by the recent strike of the commercial telegraphers will be the commercial telegraphers will be gained by the requirements of new men under the provisions of this Nebraska law. One railroad has run its train wires to a large telegraph school in Omaha, with a view to assisting in the work of teaching the art to new men. The Union Pacific and Burlington roads are particularly affected by the new law. The former has a maximum of about \$85 and even at these salaries finding great difficulty in filling the

is finding great difficulty in filling the positions they will have to offer to telegraphers in March.

NEBRASKA GIRL, IN SUISIDE PACT, DYING: MAN DEAD

Chicago, Jan. 7.—Charles G. Brockett, 38 years old, employed as a floorwalker in a State street department store, and Mrs. Ruby Pishzak, wife of a state Mrs. Ruby Pishzak, wife of a state bank examiner, were found unconscious from bullet wounds, in Grant park, in front of the Auditorium annex last night. Notes found in Brockett's clothing showed that the shooting was in pursuance of a suicidal pact, Brock-ett died a few minutes after being taken to a hospital. Mrs. Pishzak was shot above the heart and is in a critical

Mrs. Pishzak's room the police found a note addressed to her father John Furnas, of Brownville, Neb. Brockett came to Chicago from San Francisco a few months ago. He has a brother in that city and a sister, Mrs. DeWitt O'Connell, in Davenport, Ia.

THREE EXPRESS COMPANIES SUEL

Lincoln, Neb., Jan. 7.-Criminal prosenutions were commenced today by County Attorney Tyrreil against the Adams, American and United States Express companies for failure to comply with the Nebraska statute requirements of the commencer of the comme ing a report giving the annual salary rolls of public service corporations. Chairman Winnett, of the state rail-

way commission, is complainant and charges that the defendants have defled the commission for several months, utterly disregarding frequent requests for reports. The statute provides a fine of \$500 to \$5,000.

INDEPENDENTS TO HOLD

SESSION AT LINCOLN

Lincoln, Neb., Jan. 7.—A meeting of the state central commission of the people's independent party of Nebraska has been called for January 15, at the control of the manner of the manne 2 p. m., at Lincoln. The manner of selecting delegates to the national convention will be decided later.

ATTACKS WINSIDE'S

HOG ORDINANCE

Winside, Neb., Jan. 7—Into the courts goes Winside's famous "hog" ordinance which prohibits the keeping of swine within the town limits.

Curtis Menshoof, a business man, arrested and fined for violation thereof, has appealed with the best of legal talent to back him up.

This ordinance was passed under a "suspension of the rules," the right given the board if an "emergency" exists. Taking advantage of the "emergency" clause an ordinance can be passed in one night while by the regular method it would take three meetings.

In this particular case the courts will be asked to decide what an "emer-gency" is. Upon its decision rests the legality of the "hog" ordinance and hundreds of others passed in Nebraska towns under like circumstances.

++++++++++++++++++++++++ THREE CENT FARE PREVENTS JOHNSON ATTENDING FEAST.

Lincoln, Neb., Jan. 7.—In a letter received here yesterday Mayor Tom Johnson declines an invitation to the democratic dollar dinner of January 15, for the reason that the 3-cent fare is to go into effect on street car lines of Cleveland the same date. In a letter expressing his regret over inability to attend the Nebraska feast Mayor Johnson says he does not want to be absent from Cleveland just at the culmination of his long fift. tion of his long fight.

EARL OF YARMOUTH TO RESIST ACTION

London, Jan. 7.-The solicitors for the earl of Yarmouth, whose wife, formerly Alice C. Thaw, begun suit for the nullification of her marriage, have given notice that they propose to defend the action. The case probably will not be heard for several weeks. Insanity previous to marriage, nonconsummation of the marriage nonconsummation of the marriage relations. summation of the marriage relation, or an existing marriage are the only grounds upon which, under the Eng-lish law, the marriage may be an

"INCUBATOR BABY" GIVEN TO MOTHER

Topeka, Kan., Jan. 7.-In a decision handed down here today, Federal Judge Pollock announced his court had no urisdiction in the "incubator baby" ase. This leaves the child in charge of Mrs. Charlotte E. Bleakley its mother. Mrs. Janes Barciay, of Illinois, who was given the child by adoption papers at the St. Louis world's fair, will appeal to a higher core!

LINCOLN POLICE BELIEVE CAMPER HAS OLSON GIRL

Says Child Is His, But Author ities Are Suspicious; Description Tallies.

Lincoln, Neb., Jan. 3 .- A French Canadian, member of a party of campers near Adams, south of this city, is under surveillance by citizens of that place in the belief that he has little Lillie Olson, the missing Rosalie girl,

in his custody. The man and the girl were brought to town last evening, and the man subjected to questioning. He speaks but little English, and this may account for his hesitant demeanor, but the suspicion exists that the child may be the one long lost. He says the child is one long lost. He says the child is his, and that he has not been in northeastern Nebraska. The child is too young to speak for herself, but she answers in a number of respects the printed descriptions of the Olson girl. The couple will be watched until the officers of Thurston county are communicated with, and either a picture of the missing girl on a better description. the missing girl or a better description of her than the newspapers gave is

THREATEN PROSECUTION OF EXPRESS COMPANIES

Lincoln, Neb., Jan. 3 .- The Nebraska railway commission threatens to slap the express companies real hard on the wrists if they do not file annual reports as required. The companies have all ignored the Sibley law providing for a reduction of rates, and most of them have failed to file annual most of them have failed to file annual reports that contain the information required by law. The annual reports were due August 1. Some companies presented statements to the commission that were remarkable for the dearth of information. The commission finally gave them until January 1 to file reports or be prosecuted under the railway commission law. way commission law.

Ralph Breckenridge, of Omaha, representing the Adams and the American Express companies, appeared before the commission. F. D. Adams, also representing the American company arrived. Supplemental matter was filed by the American. The Adams company sent a telegram asking for a little time to complete its report. The Pacific company's report is complete. The United States company filed additional information and promised to have more. No word was received from the Wells Fargo.

None of the supplemental reports was satisfactory to the commissioners and a consultation will be held by the commissioners in regard to standing by the statement that the companies in default would be prosecuted.

ASKS RECEIVER FOR INSURANCE COMPANY

Lincoln, Neb., Jan. 3.—Application for a receiver for the Nebraska Mer-cantile Mutual Fire Insurance company of Lincoln was made last night by State Auditor Searle to Judge Frost, of the district court. January 6, was set as the date for the hearing of the application. E. M. Coffin, of Omaha, is president of the company and Chas. T.

Griffin, of Lincoln, acting secretary.

Acording to Auditor Searle the December report of the company showed assets of \$27,859 and liabilities of \$44,-

assets of \$21,855 and habilities of \$44,-741. Agents' balances may increase the assets by \$3,800.

Brennan & Love, an Omaha insur-ance firm, have offered to pay 5 per-cent commission on premiums they rewrite for the coming two years, which

LAID DOWN ON BED TO SMOKE; DEPARTMENT CALLED.

Lincoln, Neb., Jan. 3.-Mrs. T. M. Mosher, wife of a carpet cleaner at 224 South Nineteenth cleaner at 224 South Nineteenth st., lit her pipe, as was her usual afternoon custom, and lay down on her bed yesterday to enjoy a smoke. She fell asleep. When the department arrived they found her, b t supposed it was only a bundle of rags. She was dead. This is one theory. The other is that she deliberately set the bed after and suffocated herself. She was an eccentric woman. an eccentric woman.

GOVERNORS CAN'T

PAY SUBSTITUTE Lincoln, Neb., Jan. 3.-Governor Lincoln, Neb., Jan. 3.—Governor Sheldon cannot turn over part of his salary to Governor Hopewell for services rendered by the latter during the absence of the governor from the state. This was the verbal opinion rendered yesterday by Attorney General Thompson and upheld by Auditor Searle.

BEATRICE MILITIA

COMPANY DISBANDS Beatrice, Neb., Jan. 3.—Capt. Penrod, of Company C. Nebraska National Guard, announced yesterday that the company, comprising 44 men, would be mustered out in a few days. The reason given for the company disbanding is that the appropriations from the state are not sufficient to pay the running expenses of the company.

INDIAN LANDS AT

WINNEBAGO, SOLD Winnebago, Neb., Jan. 3.—The first land sale on the Winnebago reservation, Thurston county, under the act of congress of March 1, 1907, known as the "noncompetent" act, was held iyesterday. Owing to the fact that much of the land first advertised for sale under this act was withdrawn from sale during the past week, only 410 acres were sold. The highest price paid per acre was \$40.30, the lowest \$17.25, and the average price \$29.65. Much more land is advertised for sale on this reservation and no doubt will on this reservation and no doubt will be sold at good prices.

WILL RECTOR'S WIFE **DEMAND RETURN?**

New York, Jan. 3 .- "I will immediately ask for the extradition of Jere Knode Cooke, who eloped with Floretta Whaley, of Hempstead, L. I., just as soon as I receive word from Mrs. Cooke that he is to be made defendant in abandonment proceedings," said Dis-trict Attorney Franklin A. Coles, of

Mrs. Cooke has not expressed a desire to have her husband brought back.

WILL WED MAN AS HE BEGINS A LIFE SENTENCE IN "PEN"

Omaha Girl Insists on Marriage to Show Her Belief in Lover's Innocence.

Omaha, Neb., Jan. 2.-Would yo like to be married in an iron barred

like to be married in an iron barred cell to the girl you loved and one minute after the ceremony was performed whirled away, manacled, to spend the rest of your life within the walls of a penitentiary, leaving your young wife with the prospect of seeing her only now and then?

That is what "Doc" Pumphrey, of Omaha, will do before the end of the year. Pumphrey is under sentence of life imprisonment on a charge of murder, and Miss Anna Parr, his sweetheart, has agreed to marry him before he begins his prison sentence.

"He is innocent," says Miss Parr, "and I know a good God will never permit an innocent man to remain in a dark cell all his life. Trusting in the justice of the Lord I will wait for 'Doc,' but I want the Lord to know that I have confidence in his innocence and I intend to marry him before he starts for the penitentiary at Lincoln."

It was through Miss Parr that Pumfor the penitentiary at Lincoln."

It was through Miss Parr that Pumphrey was captured and brought to court to answer the charge of murder.

They Worked Together.

Pumphrey is handsome and about 20 years old, while Miss Parr is a year younger. Both worked at a local hotel. Three months ago Ham Pak, proprietor of a restaurant on Douglas street, was found one morning with his skull crushed. Near him in the room, which evidenced a struggle, lay a bludgeon.

Detectives went to work and soon suspected three young men, Pumphrey, Alleman and Mullen. When the trio found they were wanted they disappeared.
Three days later Alleman was picked

up in Iowa as he was traveling toward Chicago. He blamed the other two for the crime. Then Mullen was found in St. Louis

and was brought to Omaha. He ac-cused Pumphrey and said that Pum-phrey had been in St. Louis only the day before his own arrest.

At this time Anna Parr, the sweetheart, told the police that she had received a picture postal card from Pum-phrey, dated Hot Springs, Ark., and that he could be found in that city.

The telegraph was put to work and in a few hours Pumphrey was under arrest and on his way to Omaha.

But Miss Parr relented, and before "Doe" had been in jail 24 hours, the young woman visited him and begged his forgiveness for being the means of his centure.

Girl Witness for Him. Girl Witness for Him.

Miss Parr was one of the principal witnesses for the defense at the trial, and if her testimony had not been overbalanced by that of circumstances, Pumphrey probably would have gone free. Miss Parr testified that on the night of the murder, when Pumphrey was supposed to be trying to purchase chloroform with which to stupefy the old Chinese, Pak, he was really calling on her, and that he remained at her home until a late hour, long after the druggists and others swore that he

druggists and others swore that he tried to buy the drug.

"We are going to be married just as soon as this jury turns me loose," Pumphrey told his lawyer and his friends. And Anna agreed with him perfectly. But the next morning the jury brought in a verdict of guilty, and sentenced him to imprisonment for life in the penitentiary. druggists and others swore that he

in the penitentiary.

Then it was that Miss Parr went to him, placed her arms around him and said

"Never mind, Doc, we will get a new trial and you will be released. And we won't let this awful sentence interfere with our marriage, anyway. Just as soon as we can make arrangements we will have the ceremony performed."

Colonel John O. Yeiser is Pumphrey's attorney, Colonel Yeiser sees just one chance for having the verdict reversed, but he thinks that chance is a mighty good one. He has attacked the law under which Pumphrey was convicted and if his claims hold good, every convict who has been sentenced under that section of the criminal code for thirty as we can make arrangements we

section of the criminal code for thirty years will be set free. "There is no doubt in my mind that the law was never properly passed," says Colonel Yelser. "But, of course, it is a question for the supreme court to pass upon. I have asked for a ruling if my claims are upheld Pumphrey will be free.

Pumphrey is poor, and Colonel Yeiser is fighting his case without hope of re-

GYPSY GIRL NOT LOST ROSALIE CHILD

Rosalie, Neb., Jan. 2,—The theory that Lillie Olson was being taken across the plains by a band of gyrsies was exploded this morning. J. J. Elkins, postmaster and general store-keeper here, received advices from the sheriff of Gage county, Nebraska, that he had stopped the nomads and looked the little girl in question over, and was satisfied that the gypsy's 4-year-old ward was not the lost child of Olaf Oison, the Rosalie renter.

While the gypsy-ward's description tallied in general with that of the lost girl, a personal interview by the Gage county sheriff allayed the suspicion that the two were the same. The fact that

the two were the same. The fact that the gypsies' little girl was fair of hair and complexion, while the two other children in the nomads' band were swarthy, was the thing which aroused suspicions at the outset.

The band was immediately supposed to have come from the direction of the

to have come from the direction of the renter's shanty near Rosalle, and the-orists presently had their suspicions ser on solid rock.

"ANDY" DONATES ANOTHER LIBRARY

Fairbury, Neb., Jan. 2.—Notification, was received yesterday from Andrew Carnegie that he had donated \$10.— 000 for a public library for Fairbury, under the usual conditions—the donation of a site and appropriation of \$1,-000 a year for maintenance.

MISTAKES ACID

FOR WHISKY; DIES Lincoln, Neb., Jan. 2.—Henry Kel-kenburg, a Lincoln contractor, mistook a bottle of carbolic acid for whisky, yesterday, swallowed half the contents and died before medical assistance could be secured.

REOPEN BURLINGTON

SHOPS AT HAVELOCK Havelock, Neb. Jan. 2.—The Burlington machine shops at this place will reopen Thursday, after eight days of dileness. Nearly 700 men will be emission.

CARRIE NATION TO "REFORM" MEXICO

Hatchet Reformer Plans to Be International Character, If Possible.

Washington, Jan. 4 .- Mrs. Carrie Nation, who made Kansas famous and rescued the hatchet from oblivion after, the cherry tree incident had fallen into disrepute with historians, is going to

Mexico.

Mrs. Nation has been in Washington

Mrs. of the time for some months-most of the time reforming things. It may be mere co-incidence, but since she has been here a movement to prohibit the liquor traf-fic in this district has gained ground so fast that there is serious concern about It among folks who believe in personal lik rty and sympathize with Vice President Fairbanks in his cocktail troubles.

State Department Worried. Mrs. Nation is going to be an interna-tional character, if possible. She pro-poses to carry the war against booze into the country of Diaz, and there is strong suspicion that she will get herself into troubles enough to justify sending a fleet of airships to bombard Vera Cruz, if this government is look-ing for an excuse in that direction-Report is that the state department is already getting its papers and files brushed up in anticipation of a call to protect its distinguished citizen from the indelicate attentions of the Diaz ad-

Mrs. Nation has announced no cam paign scheme by which she proposes to reform Mexico. With the strategy of a great commander she is keeping her plans to herself. She is going to take the Mexicans by surprise.

Needs New Start.

Needs New Start.

The truth is that there have been difficulties in the last year or two about getting Mrs. Nation's exploits on the first page. She has not drawn well with the news editors. What she needs is a new stunt, and going to Mexico has been adopted as the right one. She will leave very soon, according to her announcement, and she proposes to make the rum power "go some" after

her announcement, and she proposes to make the rum power "go some" after she arrives. When informed that they don't use rum in Mexico Mrs. Nation opined that they used something equally bad, and that she would get busy putting it out of commission.

When Mrs. Nation hatchastizes her first saloon across the Rio Grande it is calculated there will be a real experience. They do things differently in Mexico, and if the woman doesn't get real trouble, instead of profitable publicity, there will be surprise. And that is why the state authorities are wondering about the nature of our next complication with our Latin-American friends.

JAPAN'S ANSWER SATISFACTORY

Washington, Jan. 4.—Secretary Root today received from Ambassador O'Brien at Tokio a transcript of a reply of the Japanese government to the memorandum submitted by him some time ago in relation to the regulation of Japanese immigration into America. The reply is very long, discussing Ambassador O'Brien's propositions in the

greatest detail.

So far Secretary Root has not had opportunity to carefully consider a reply, but it is stated that in the opinion of the state department it exhibits a disposition on the part of the Japanese government to meet the desires of America in a satisfactory manner. Mr. O'Brien coincides in this view of the Japanese response

DR. NICHOLAS SENN, SURGEON, IS DEAD

Chicago, Jan. 4.—Dr. Nicholas Senn, me of the most widely known surgeons n the United States, died here today. 'Dr. Senn was born in Switzerland'in 1844 and was brought to this counin 1844 and was brought to this country by his parents in 1853. For an umber of years he practiced medicine and surgery in Fond du Lac, Milwaukee and Chicago. In 1898 he was appointed chief surgeon of the Sixth army corps during the Spanish war. He was professor in numerous medical colleges and the author of many medical works. During the last two years lill health had prevented much active. ill health had prevented much active

RUNAWAY PIG SAVES LIFE OF NEBRASKAN

Central City, Neb., Jan. 4.—A pig which is was carrying in his arms probably saved the life of Henry Horstman, a salononkeeper at Clarks. A blow from a vicious horse which would have landed in his stomach was stopped by the body of the pig, which was killed instantly. Horstman had turned the horse out to

exercise in an inclosure. While he was prossing the lot, bearing in his arms a small pig which had escaped from its pen, the horse began plunging and struck out at him with both hind feet. One of the animal's hoofs struck the

struck Horstman between the eyes, break ng his nose and both cheek bones. wounds were cared for at once by a surteon, but it is probable that he will be listigured for life.

BALLOON TRIP FROM OMAHA TO BOSTON

New York, Jan. 4.—It is stated that Charles J. Glidden, the motorist, or-ginator of the Glidden automobile tour, ner from Omaha to Botton, a refunction and tissues.

Mr. Glidden will make the flight in

the hope of capturing the Lahm cup-one for the longest aerial trips in this country. If he should succeed, Mr. Glidden will have broken all records for the United States and the world.
The world's record was made by
Count De La Veaux, the French aerolaut, who sailed from Paris to a point 'n Russia, covering a distance of 1,283

EIGHT YEARS FOR KILLING A WOMAN

Des Moines Ia., Jan. 4.-Elroy Howard, convicted of manslaughter, for shooting Mrs. Martha Picay with a bullet aimed at her sister, Mabel Adair, was given an indeterminate sentence in Anamosa not to exceed eight years, by Judge Brennan, who overruled a motion for a new trial.

The north star is estimated to shine with a light 190 times that of the aug

TEXT OF COURT'S **OPINION IN SO. DAKOTA** PURE FOOD LAW

Pierre, S. D., Jan. 4.-The text of the supreme court's opinion, handed down by Judge Fuller, in the pure food law test case against R. F. Brown, of Sioux Falls; a wholesale druggist, which is of vast interest to manufacturers and druggists, is

as follows:

The complaint shows that on the 2d day of December, 1907, at the city of Sloux Falls, R. F. Brown did then and there, being a druggist engaged in the business of selling drugs and medicines, willfully wrongly and unlawfully offer and expose for sele, and unlawfully sell to A. H. Wheaton certain prepared medicines, towit: One bottle of Peruna, one bottle of Hamburger's Drops, one bottle of Chamberlain's Diarrhoea Remedy, one bottle of Piso's Consumption Cure, one bottle of Dr. King's New Discovery; all of said prepared medicinesbeing then and there misbranded, in that none of the said medicines bore a quaintative statement of what it was composed. Whether the act complained of constitutes a public offense depends upon judicial power to supply certain terms claimed to have been inadvertently omitted by the legislature and which subject the petitioner to the operation of a penal statute in which the word "druggist" does not appear.

tioner to the operation of a penal statute. In which the word "druggist" does not appear.

Section 2 authorizes the food and dairy commissioner to appoint and fix the compensation of the department analyst, and such inspectors and office assistants as he may deem necessary to carry out the provisions of the act.

Sections 3, 4 and 5 define the duties of the force and provide for their payment.

Without any reference to either drugs or medicines the four succeeding sections of the act are devoted to a legislative definition of the term "food" and a recital of what constitutes its adulteration or misbranding, and immediately following is section 10, which reads as follows: "It shall be unlawful for any person acting for himself, or as the servant or agent of any other person, firm or corporation to manufacture, sell, offer or expose for sale any article of food which is adulterated or misbranded, within the meaning of this act. The possession by an innkeeper, hotelkeeper, restaurant keeper or boarding house keeper of any food or drug which is adulterated or misbranded within the meaning of this act shall be deemed to be the keeping of such food or drug for sale.

Neither the term "druggist" nor "medi-

Neither the term "druggist" nor "medi-

Neither the term "druggist" nor "medicine" was employed by the legislature in this provision, and the unlawful possession of the adulterated or misbranded "drug" mentioned only in the final sentence is unaccountably limited to the dispensers of food.

Section 35, consisting of eight subdivisions, is declarative merely of what conditions are essential to constitute misbranded or adulterated drugs or articles of food, but no language is used therein tending in the slightest degree to evidence a legislative intent to make abything unlawful or justify the infliction of a penalty for the sale of prepared medicines, bearing no qualitative statement of what it is composed.

Druggists Exempt.

Druggists Exempt. While this section regulates nothing, and is merely descriptive of the articles of food and medicine mentioned therein, and is in-

is merely descriptive of the articles of food, and medicine mentioned therein, and is incapable of transgression by any person, the provision immediately following, being section 36, declares that "any person violating any of the provisions of the preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10 or not more than \$100, or by imprisonment in the county jail not to exceed 30 days, or both such fine and imprisonment for such offense."

Were it to be assumed, as contended by the counsel for the food and dalry commissioner, that the expression "preceding section" might authoritatively be changed ito "preceding sections" this prosecution would not be maintainable for the reason that there is nothing in section 10, nor in any other provision of the "pure food law" authorizing the arrest of a druggist, or making anything that is charged in the complaint a penal offense. According to the elementary rule of construction the statutory enumeration of persons of the same class, by specific terms, such as inn, hotel, restaurant or boarding house, must be restricted to that class of individuals, and no consideration of the mischief to be remedied by the passage of the act is sufficient to justify the interpolation required to bring within its operation another class of persons whose business is distinctly different.

There being no legal authority for the process under which the petitioner is restrained of his liberty, nor general law to justify a conviction, his application to this court for a discharge on habeas corpus is granted.

OWEN PROPOSES TO STAND PAT

Washington, Jan. 4.—Robert L. Owen, United States senator from the new state of Oklahoma, is under investigation by the interior department and Secretary Garfield proposes to institute suit in the federal courts to cancel certain deeds held by the senator in violation, it is alleged, of law. Two inspectors were sent to Okla-homa for the purpose of establishing homa for the purpose of establishing facts in connection with Senator Owen's alleged acquisition of some 4,-000 acres of land, situated in the richest section of the new state. The report of these inspectors now is in the hands of Secretary Garfield, and it has been the subject of a preliminary conference between the secretary and the Oklahoma senator.

Senator Owen claims that in acquiring the lands he did absolutely noth-

Senator Owen claims that in acquiring the lands he did absolutely nothing unlawfully. He insists that the deeds were obtained legitimately by agents, he merely furnishing the money and he does not believe the action can be questioned. In any event, he holds that the law is unconstitutional and he has expressed his willingness to have the matter tested in the courts.

CHILD SLAYS MOTHER WITH RIFLE; ACCIDENT

Strudsburg, Pa., Jan.4-Little Lewl Hohenshitt, shot and killed, 8-year-ola son of Mrs. George Hohenshitt, shot and killed his mother while playing with a Flobert rifle, which the boy bought with his own money. Mrs. Honenshitt is from Scranton, and, with her boy, was spending the holidays at the home of her father, Samuel Edinger, of Pocono Heights House, at Mount.

The family was in the kitchen, when Mrs. Hohenshitt was called to the telephone to talk to a friend. Just as the talk was finished and she as about to talk was finished and she is about to hang up the receiver a report was heard and Mrs. Hohenshitt fell to the floor. She lived only two hours and was conscious all the time. The boy was in the garden shooting at a target and supposed the gun unloaded when he pointed the barrel at his mother.

GOTHAM SOCIAL LEADER SHOOTS SELF; ILL HEALTH

New York. Jan. 4.—Marquis C. Gasper, aged 85, a tea merchant, formerly
a member of the produce exchange,
prominent in riding and driving circles,
was found dead today in the bedroome
of his residence with a bullet in his
right temple. It is believed Casper
committed suicide because of continued
in health.