

THE BENNETT LABEL CASE

Mrs. Ingalls' Testimony as to Member's Visits to Nellie Sayer.

DR. KING CALLED AND MAKES DENIALS

Argument of the Case Begun by Mr. Day for the State—Followed by Mr. Smeral for the Defense—Kimmerling's Testimony to Come.

John C. Kemmerling, the last witness that the defense desires to call in the Bennett-label case, was not present in the police court yesterday afternoon, and the arguments were begun by counsel, and the understanding that this testimony would be admitted as soon as Kemmerling's presence could be had.

Mrs. Ingalls was recalled to the stand by the defense, and testified that the young man who came to her house with Albert Bennett and was introduced as his cousin was not the man who came there frequently to see Nellie Sayer, and who was known to her now as Mosher. She further testified that ex-Deputy Jailer Horne came to her house at least three times, and came there to have a conversation with the Sayer woman. The witness overheard a part of the conversation, and heard Horne tell Miss Sayer that she must leave the city. After the close of the conversation Miss Sayer told the witness that Horne had told her that she "had got out of town."

Dr. King was recalled by the defense and testified that he never attended a case in the county jail which was required to stop a certain flow of blood.

Attorney Day made the opening argument for the state and talked an hour and a half. He dissected the libelous letter, calling attention to the parts that were libelous per se, and what might come under the head of a privileged communication. Referring to the paragraph relating to King, Day said he was not defending that convicted libeler. He called attention to an article printed in the Register, reflecting upon Judge Berka for his conduct in this case, and said it was to show that the papers in this case were arrogating to themselves rights that did not belong to them. He thought the amount almost to have summarily visited punishment on that paper for printing that article.

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After referring to the paragraph in the libel, in which it was said that George A. Bennett could not excuse himself by the plea that the acts complained of were the acts of his deputies in office, Mr. Day said: "But it does not stop here; it charges against George A. Bennett not only that he knew these things, but that in defiance of law he allowed them to go on in defiance of his oath as a public officer, in defiance of all decency and all regard for the opinion of the community he allowed them to go on. He has charged in this case that upon George A. Bennett something deeper than any crime that could be charged to him, it may be that it is not such a charge as would involve him in punishment, because the violation of an official oath is a thing which it is hard to bring to actual proof, but it charges upon him a thing of heart compared to which the false testimony of a witness in court upon the stand is but a trifle; it charges upon him a blackness of soul which he had true, should consign him to the contempt of the whole community; it charges him with something which, if true, should make him an outcast from decent society; it charges him with something which, if true, should make the people of the state of Nebraska so indignant against him that they would longer live within its limits; it charges him with something which, if true, should cause him to hide himself in some secluded cave and never again show his face to the face of the earth; it charges upon George A. Bennett the deepest and blackest record that could be charged to any man—the violation of an official oath."

The state's attorney dwelt at great length on the testimony of Edna Marshall, seeking to discredit it. He said that she had sworn that she was not a prostitute, while some of the witnesses introduced by the state in rebuttal had testified that she had lived with several men, and that if she would lie about one thing she would not tell the truth at all, and that the whole of her testimony should be thrown out, except so far as it was corroborated by other witnesses. He dwelt on that point nearly half an hour. He stated that he went into this case with a prey of evidence for or against either of the parties directly interested in the case, and said that he had tried the case just as he would try any in which the state of Nebraska was the plaintiff. If the court held to the interpretation of the law as he looked at it himself, and should find over the defendant, he would continue the prosecution in the upper court.

ARGUMENT FOR DEFENSE.

Mr. Smeral opened for the defense. He touched upon the rulings of the court as applying to defamatory articles that were libelous per se and what constituted a privileged communication, and then took up the contention of the opposing counsel as to the rejection of the testimony of the Marshall woman. He insisted that it was all to be thrown out because of the way it differed with her on certain points, the same rule would compel the throwing out of some of the state's testimony. He insisted that he testified that she never called a physician to attend Lila Page in the county jail, but Lila had testified that she had done so. Mrs. Bennett testified that her husband never came to the jail to see Lila, but Lila had testified that he had, and her story was corroborated by one of the jailers. If the rule was applied to the state's testimony as it was applied to the defendant's, the state's testimony must be thrown out.

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"Shave your Soap"

—so the soap makers say, especially if you're washing delicate things. Now, in the name of common sense, what's the use? When you can get Pearlina, in powder form for this very reason, why do you want to work over soap, which, if it's good for anything, gets very hard and difficult to cut. Besides, Pearlina is vastly better than any powdered soap could be. It has all the good properties of any soap—and many more, too. There's something in it that does the work easily, but without harm—much more easily than any other way yet known.

Fielders and some unscrupulous grocers will tell you, "this is as good as" or "the same as" Pearlina. IT'S FALSE—Pearline is never peddled, if your grocer sends you an imitation, be honest—send it back.

James Pyle, New York.

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Table Carnival. You remember that Goliath was very much surprised when David struck him with a stone. Such a thing had never entered his head before.

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