

RELIEVES COUNTY JUDGES

Decision in Supreme Court on Suit for False Imprisonment.

ASSERTS RIGHT TO COMMIT INCORRIGIBLES

Law of Marriage Explicitly Stated in Case of Bigamist Clergyman—Bennett's Bondsmen Defeat Douglas County.

LINCOLN, April 11.—(Special.)—County judges and circuit judges will feel a little better after they digest the opinion just handed down by the supreme court in the case of Lucretia Flowers against N. M. Scott, an action for damages for malicious prosecution and false imprisonment. Scott is an old man, living at Bennett's. He was guardian of the Flowers girl and five years ago filed complaint against her that she was incorrigible. She was tried and sent to the Reform school. In a few weeks she managed to communicate with her sister, who lived near Cheney, and the latter began habeas corpus proceedings to release her. She showed that the action of Scott was taken without any notice to the girl's relatives and that she was not an incorrigible. The girl was released and Scott was soon afterward made defendant in a suit for \$20,000 damages. The jury gave the girl \$2,500, largely on a holding by the trial judge that the law under which she was committed was unconstitutional. An appeal to the supreme court was taken by Scott, and here the decision of the lower court was affirmed. A motion for a rehearing was made and the court not only grants this, but reverses the decision of the lower court and orders the case remanded for another trial.

Meanwhile county judges and prosecuting attorneys throughout the state grew alarmed. Visions of suits for false imprisonment brought by children whom they were instrumental in sending to the Reform school under the old law haunted them, and they grew cautious. Instead of sending boys and girls to the Reform school they bound over to a court of sessions for trial, and in some cases allowed the district court to act. They may now be reassured.

Points Contested. The points contested by the attorneys were: Does the law conform to the constitution, and if not, in what remains valid, and in a county court record?

When a boy or girl of some mind, under the age of 18 years, shall, in any court of record in this state, be found guilty of any crime, except murder or manslaughter, committed under the age of 18 years, or who for want of proper parental care is growing up in mendicancy or vagrancy, or is incorrigible, the court shall cause an order to be entered that said boy or girl be sent to the State Industrial school.

The constitutional provision is as follows: The legislature may provide by law for the establishment of a school or schools for the safe-keeping, education, employment and reformation of all children under the age of 18 years, who, for want of proper parental care or other cause, are growing up in mendicancy or crime. It was contended by Miss Flowers' attorney that the law was void, because it raised the age limit above that fixed by the constitution. It was answered by the other side that, even if it did, this did not render the remainder of the law void.

Judge Norval Dismisses.

Judges Sullivan and Holcomb agree with the latter contention, while Judge Norval does not. In the opinion of the former, he holds that if, after striking out the unconstitutional part of a statute the residue is intelligible, complete and capable of execution it will be upheld and enforced, except in cases where it is apparent that the rejected part was an inducement to the adoption of the remainder. Judge Norval holds that the age limit of 18 was so interwoven with the remainder of the section that if it were struck out the remainder will be unenforceable. Besides, he inclines to the opinion that this was the inducement for the passage of the act.

The court holds, too, that a county court is always a court of record, and that in what capacity the judge acts, and never a justice of the peace, even though invoking his powers and jurisdiction. The defect in the law was remedied by a recent act of the legislature, and the actual intention of the legislature in the reinsurance it gives officers who acted under the old law and feared a swarm of lawsuits if it had been declared invalid.

Law of Marriage.

In the case of Rev. Rowland Hills, the bigamist whose conviction yesterday affirmed, the court lays down some important law affecting the marriage contract. In the syllabus it says: "A wife is a competent witness against her husband in a prosecution for bigamy. A marriage legal where solemnized is valid everywhere. A communication to a minister of the gospel or priest is not privileged where it is shown that it was made in confidence of the relation and was not to be kept as a secret. A marriage solemnized in good faith is not void because the contracting parties previously agreed that it would be invalid."

Other Criminal Cases.

Four other criminal cases were passed upon, three being affirmed and one reversed. O. G. Schofield, a magnetic healer, convicted in Custer county, must pay the fine assessed against him for violation of the law which prohibits the practice of medicine without a permit from the State Board of Health. His defense was purely technical. Daniel J. Trimble, convicted in Merick county of highway robbery, will serve the three years the lower court termed his due. The principal point of contention was that the county attorney had no right to perform the duties of prosecuting attorney, but the court dismisses this as unsound. Jesse George, sentenced to five years in York county for assault, was also disappointed. The sufficiency of the information and the method of cross-examin-

NEW FISH AND GAME LAW

No Effort to Enforce it Until After the First of July.

GETTING RID OF THE HOPPER BURDEN

Dr. Ross of Leland Stanford Gets a Chair at State University—Excise Board Licenses Lindell Hotel.

LINCOLN, April 11.—(Special.)—It is officially announced at the state house that no attempt will be made by state officers to enforce the new fish and game law before July 1, that being the time when all laws passed without an emergency clause by the last legislature will become effective. An emergency clause was attached to the enrolled copy of the bill through error and without authority, but, although it was signed by the presiding officers of the legislature and by the governor, it cannot be enforced, for the reason that it was defeated in the house of representatives. The official journal of the house shows that the bill was ordered for third reading on March 13 and that on roll call it failed to receive the constitutional two-thirds vote for an emergency clause, thus leaving it subject to a motion to strike out the clause. The motion was made by George Holt county and adopted, as the record shows. The roll was then called on the bill without the emergency clause and as it received the requisite number of votes it was declared passed.

The validity of the emergency clause in this case depends on the regularity of the bill as signed by the governor. The supreme court has held in several opinions given recently that the official record journal, or record of the legislature, may be inquired into to establish or prove the regularity of the passage of any law or act. This precedent having been established by the court it is proper to go to the house journal to ascertain whether the bill passed the house with an emergency clause. The record shows clearly and beyond dispute that the emergency clause was stricken out and that the bill was legally passed without it.

Dr. Ross at University.

Dr. Edward Ross, the professor of economy who was the cause of the recent big row in Leland Stanford university, has been elected by the Board of Regents of the Nebraska state university as professor of sociology at a salary of \$2,000 a year. Dr. Ross has been here for some months, giving a lecture course, for which he is paid \$1,000, and the appointment will simply create a new department.

Tax on Undergraduates.

The action of Governor, Dietrich in cutting off certain of the property taxes has impelled the regents to levy a tax of \$3 a semester upon all undergraduates' residents of the state and \$10 upon all non-residents. It is expected that this will raise about \$100,000 a year, and will pay for improvements and incidental expenses.

Dean Edgren's Successor.

The resignation of Dean Edgren as head of the graduate school and the department of romance languages was accepted and Miss Conklin will act in his place for the remainder of the year. Mr. Edgren goes to Stockholm.

Lindell Gets a License.

After a lengthy hearing the excise board has decided to grant a liquor license to the Lindell hotel. Vigorous objections were made to the board by the temperance element of the city, which insisted that during the legal session the excise law was fractured nightly, but they failed to bring forth any great amount of evidence to prove the charge. The license will be held up, pending the hearing of an appeal taken to the district court by the attorney for the prohibitionists, Mr. Welfinger.

Klamm is Refused License.

A license was refused Jacob Klamm, proprietor of the Klondike saloon, a resort where several cutting affairs have recently occurred.

Politicians Prepare.

Lincoln politicians are preparing for the fall campaign and a formidable array of candidates has already been named. Most of the county officers are serving their first term, but there will be contests on three places. For registrar of deeds Walt M. Dawson, Gus Hyers, Frank Burke, H. W. Davis, T. E. Chonowick and J. H. Ames are entered; for commissioners, C. W. Chambers, Judge Parker, Judge Bergelt and Thomas Carr; for treasurer, Fred Beckmann, Dennis C. Berry and Ben Knight.

Omaha Concerns.

The Aetna Investment company of Omaha has filed articles of incorporation with the secretary of state. The capital stock is placed at \$3,000. The incorporators are E. W. Homan and Charles B. Pritchard. The company will buy and sell real estate.

Death of Mrs. Knight.

Mrs. B. F. Knight, eldest sister of Dr. J. L. Greene, superintendent of the Lincoln insane hospital, died today of pneumonia.

JURY DECIDES MURDER CASE

Hike's Trial at Papillion is Concluded with Verdict of Murder in Second Degree.

PAPILLION, Neb., April 11.—(Special Telegram.)—After a short consultation the jury returned a verdict of murder in the second degree. The date for sentence has not yet been set.

Temperance Lecture at Grand Island.

GRAND ISLAND, Neb., April 11.—(Special.)—A large audience assembled at the First Baptist church Tuesday night to hear Mr. and Mrs. A. J. McCall of Des Moines. Mr. McCall delivered a forcible temperance lecture.

He maintained that since the manufacturer articles of the grist mill, the sawmill and the paper mill minister to the wealth, comfort and happiness of the people, these institutions deservedly receive the protection of the law. But since the groshop is an institution whose manufactured article destroys the prosperity, peace and happiness of the commonwealth it is a public nuisance and has no constitutional right to exist. The work of the law-abiding citizen is to sagitate and educate in order to secure total abstinence for the individual, and the rigid enforcement of existing laws. For over an hour Mr. McCall held the attention of his audience.

Nebraska Bankers' Association.

HASTINGS, Neb., April 11.—(Special.)—The Nebraska Bankers' association, organized in Hastings last night, comprising the counties of Adams, Clay, Fillmore, Webster, Nuckolls and Thayer. The meeting was held in the Bostwick parlors. After the constitution and bylaws were adopted the following officers were elected: J. B. Dismore of Sutton, president; George T. Brown of Hastings, vice president; Charles G. Lane of Hastings, secretary; William Kerr of Hastings, treasurer.

Suit on Account of Choir.

COLUMBUS, Neb., April 11.—(Special.)—A novel suit for damages has just been filed in the district court here. John Krizk, a Polish farmer, sues Frank Capla for \$2,000. In his petition he alleges that the defendant in the presence of divers persons who understood the Polish tongue said in the Polish language that the plaintiff received pay for singing in the choir of the Polish church in the village.

Twenty-Fifth Wedding Anniversary.

HELDRETH, Neb., April 11.—(Special.)—The twenty-fifth wedding anniversary of Sheriff and Mrs. Leach was celebrated at the court house rooms last night. There were many presents in silver and china and after the minister again performed the marriage ceremony lunch was served.

Extra Damp Weather.

HUMBOLDT, Neb., April 11.—(Special.)—The residents of this section are experiencing the longest spell of damp weather that can be remembered and farmers are disheartened at the drizzling rain which began yesterday and is still falling.

Soaking Rain at Wallace.

WALLACE, Neb., April 11.—(Special.)—A steady rain has been falling here for hours, and the ground is thoroughly soaked. This encourages the farmers and they are anticipating great results this year. The grass is beginning to grow.

Work on New School Building.

ELK CREEK, Neb., April 11.—(Special.)—Work on the Elk Creek school building is retarded by the wet weather. Mechanics say that when finished it will be one of the most up-to-date buildings in this part of the county.

Losses Part of Finger.

GIBBON, Neb., April 11.—(Special.)—Thomas Lecone, a farmer living northwest of town, lost half of his right forefinger while trying to take some straw out of the grain in his feeder. The bone was cut off.

Steady Crop-Annuating Rain.

GIBBON, Neb., April 11.—(Special.)—A steady rain has been falling here since yesterday afternoon. The ground now gave better promise for crops than it does this spring.

Good Rain at Pierce.

PIERCE, Neb., April 11.—(Special Telegram.)—It has been raining nearly all day and it is needed for newly planted wheat.

OMAHA IS TO REMAIN WET

Forecast Gives No Promise of Clearing Skies and Warmer Weather Before Saturday.

WASHINGTON, April 11.—Forecast for Friday and Saturday: For Nebraska—Friday: Saturday: fair; easterly winds, becoming variable. For Iowa—Friday: Saturday: fair; westerly winds. For Missouri—Friday: Saturday: fair; westerly winds. For South Dakota—Friday: Saturday: fair; westerly winds. For North Dakota—Friday: Saturday: fair; westerly winds. For Wyoming—Friday: Saturday: fair; westerly winds.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, April 11.—Official records of temperature and precipitation compared with the corresponding day of the last three years:

Table with 4 columns: Year, Maximum temperature, Minimum temperature, Precipitation. Rows for 1901, 1900, 1899, 1898.

Record of temperature and precipitation at Omaha for this day and since March 1, 1901.

Table with 2 columns: Station, Precipitation. Rows for Omaha, Grand Island, Hastings, Papillion, Fremont, Kearney, Lincoln, Council Bluffs, Omaha, Nebraska.

STATIONS AND STATE OF WEATHER.

Table with 2 columns: Station, State of Weather. Rows for Omaha, Grand Island, Hastings, Papillion, Fremont, Kearney, Lincoln, Council Bluffs, Omaha, Nebraska.

Trace of precipitation. I. A. WELSH, Local Forecast Official.

MILLION YEARS' SUPPLY

Salt Company President Assures Commission of New York's Capacity.

SMELTING COMPANY ALSO REVIEWED

Elverton Chapman Tells of Actual Value of Properties Secured and Margin Representing Goodwill.

WASHINGTON, April 11.—The salt industry of the country received the attention of the industrial committee today. Archibald S. White, president of the National Salt company, being the witness.

He said that the annual consumption of salt in the United States amounts to about 13,000,000 barrels, of which the National company supplied last year between 8,000,000 and 9,000,000 barrels. He said his organization had taken in thirty-six plants, of which six had been closed. He also stated that the object of effecting the consolidation had been economical. Previous to the combination the competition was so sharp that there was no profit in the business and much inferior salt was made. In Michigan, for instance, salt was sold for 25 cents a barrel, the barrels alone costing 20 cents. One great saving, he said, had been effected in supplying salt to the districts in which it was made. As a rule, he said, the men previously employed had been retained in the plants, but occasionally it had been necessary to let out some employees. Probably 20 per cent of the salesmen had been dispensed with as such. There also was a saving of commissions to dealers.

Would Cut Out Middlemen.

"We try to get as near the consumer as possible," he said. "We would hand out the bags to individuals if we could arrange to do so. We should like to cut out all middlemen." In the company's business Mr. White said that the country is divided into districts, the head of each district being required to make a monthly report. The effect of the consolidation, he said, had been to advance wages to the extent of 20 to 30 per cent. He considered a monopoly impossible in any industry except in cases in which it is protected by the state through patent rights or otherwise.

American Smelting Company.

Mr. Elverton R. Chapman, a New York banker, who has been largely in recent years in financing companies, was a witness this afternoon before the industrial commission. Among the companies he has financed is the American Smelting and Refining company. Mr. Chapman said this company issued \$2,500,000 preferred and the same amount of common stock, the vendor companies receiving cash or preferred stock at par and 70 per cent of the common stock, the remaining 30 per cent going to pay the expenses of the negotiations incidental to the organization. The preferred stock represented the actual value of the properties secured, and the common stock the goodwill.

Working Capital of the Consolidation.

The working capital of the consolidation which had been subscribed and paid in was \$5,000,000. The consolidation had been effected to reduce expenses and eliminate competition. It was calculated, he said, that over \$5,000,000 would be saved annually on freight charges alone.

Veterans Elect Omaha Man.

COLUMBUS, Neb., April 11.—(Special.)—The second day of the reunion of the Veterans of Shiloh was devoted almost entirely to a business meeting. The following officers were chosen for the ensuing year: President, John Lett, Benedict; vice president, C. M. Haverly, Omaha; secretary and treasurer, R. B. Ball, Omaha. The reunion will be held at Omaha April 6-7, the anniversary of the great battle, and an invitation will be extended to Shiloh veterans in western Iowa and South Dakota.

First Spanish War Claim.

In Filed by Maria Soler E. Martinez, Wife of Naturalized Citizen.

WASHINGTON, April 11.—The first claim presented to the Spanish war claims commission was filed today. The claimant is Maria Soler E. Martinez and the amount is \$215,608, the stated value of personal and other property connected with a sugar plantation in Cuba which was destroyed during the late insurrection in the island. Mrs. Martinez makes the claim by virtue of the naturalization of her husband as a citizen of the United States.

Epworth League Convention.

San Francisco, Cal., July, 1901.

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Do You Wear The Gordon Hat?

August Fuchs, who has charge of a brick yard at Fremont, placed a large water wheel in the Platte river, expecting to derive power therefrom with which to run his machinery. The wheel was put in the evening and by the next morning the river had moved away from it.

A meeting was recently held at O'Neill for the purpose of organizing a local telephone exchange and to build a new line to several neighboring towns. A committee was appointed to draft articles of incorporation and Stull stands an excellent chance of being connected with the outside world.

Charles Rock is expressing considerable discontent regarding the tardiness of the institution of its rural mail route. The assurance was given that the route would be established by last November and the town routes applied for discontinue their other has expressed with dissatisfaction with the delay. The act has been started in neighboring portions of the state.

The Armour Packing company has decided to locate a plant at Auburn for the curing of hams, poultry and hand-dressed meat. The plant will be employed from the start and more will be employed as occasion demands.

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