

FIXES RIGHTS OF PASSENGERS

Supreme Court Hands Down Important Opinion in a Damage Case.

HOT FIGHT ON SCHOOL SUPERINTENDENT

State Engineer Dobson Goes to Western Part of the State to Investigate the Complaints of Irrigators.

(From a Staff Correspondent.)

LINCOLN, May 10.—(Special.)—In the damage case of the estate of Charles Sattler against the Rock Island Railroad Company, in which the district court of Cass county gave a judgment in favor of the estate, the supreme court has defined the legal status of a passenger under various conditions. It is held that a passenger on a railroad train does not lose his character as such by leaving his car at a regular station, from motives either of business or curiosity, although he has not yet arrived at the terminus of his journey. Where, however, the train in which the passenger is being transported is run upon a switch to allow the passage of another train, or is stopped at a place other than that used by the carrier for receiving and discharging passengers, and the stoppage is not for the purpose of allowing passengers to board the train or alight therefrom, one who leaves the train must usually assume all the ordinary risks incident to his action.

A train running between Denver and Chicago was pulled onto a sidetrack at an intermediate station in Cass county to allow the passage of another train. The engineer, who was a through passenger, left the car in which he had been riding, crossed the main track of the road and went to a pump for a drink of water. He filled his cup from the pump, but before drinking heard the whistle of the incoming train and started on a rapid run to re-enter the car. When the passenger reached the track the approaching train was about fifty feet distant from him and running at a high rate of speed. The passenger attempted to pass in front of the train, but was struck by the engine and killed. The court holds that under the circumstances he was not "a passenger being transported over the road" and that the railroad company is not liable for damages on account of his death, because of his own negligence.

The court declares that where a passenger leaves his car of his own volition for some purpose of his own not incident to the journey he is pursuing and at a place not designed for the discharge of passengers, he cannot claim the protection of the law, although the carrier may, under some exceptional circumstances, still owe him the duty imposed on it by the common law.

Open Fight on Gordon.

The question of whether or not Superintendent Charles H. Gordon of the Lincoln public schools is to be re-elected is just now agitating the minds of school directors and patrons. Mr. Gordon has finished his third term and on next Monday evening the Board of Education will decide whether or not he is to be retained for another year.

Soon after Mr. Gordon assumed control of the city schools opposition to his administration developed and this feeling has grown steadily until now he is the target of an open, organized fire. The charges against him are numerous. He is alleged to have shown favoritism to certain teachers, to have removed others without cause or justification and to have placed his teachers employed through a favored Chicago agency. It is asserted further that he has shown partiality in the purchase of books and that he has, while neglecting his duties as superintendent, devoted much of his time to conducting a class in pedagogy at the university.

Several members of the Board of Education openly avow that they will vote against him for re-election. Among them are Rev. L. P. Ludden and H. M. Bushnell. Two or three members are known to be in his favor and the others are non-committal, so there is no way of determining which side has the majority. There are nine members of the board and Mr. Gordon, to be re-elected, must muster the votes of five of them.

Mr. Gordon's friends assert that the charges made against the superintendent are unreasonable and without good foundation. They say in the matter of hiring and relieving teachers he has been actuated only by the teacher's qualifications and that he has never shown partiality in favor of any member of the teaching force.

Irrigators Are Complaining.

State Engineer Dobson left tonight to investigate some complaints recently made by irrigators along streams in western Nebraska. He says the supply of water is somewhat below normal, but he does not anticipate any immediate trouble.

"The complaints come from prior appropriators, who say that persons above stream are taking more than their share of the water," said Mr. Dobson. "For instance, here is one case in Custer county, where a prior appropriator happens to be located far down on the stream. Above him are appropriators having subsequent claims. These men are taking out water for irrigation and naturally the supply is greatly diminished at the point of the prior appropriator, who really is entitled to the first right to the water. The trouble is not serious, however, and probably can be straightened out without much difficulty."

"Is the supply in the Platte up to normal for this season?" "It is a little below the supply for this time last year, but there isn't enough difference to warrant its consideration. What

is worrying us is the fact that snows were light in the mountains during the winter. The water of the Platte river comes from the mountains and when the snows up there are light the supply of water is correspondingly light. I have no definite information regarding the conditions in the mountains, but expect to get some light from a government report soon to be published."

Saloon Keeper Liable.

The supreme court has again held that a saloonkeeper is liable to the full extent for loss or damage resulting from his sale of intoxicating liquors. The decision is in the case of Garey against Kelly, appealed from Dodge county. In the trial court a judgment was given against Garey for \$400 and this judgment is affirmed by the higher tribunal. In giving the decision the supreme court passes upon several important legal questions, as follows: "Instruction that plaintiffs in action against liquor sellers are entitled to compensation for loss of support caused by the husband and father's intoxication from all who sold or gave him the liquor causing such intoxication, held not to assume improperly and continuity of such intoxication."

"Instruction that 'support' in the statute as to intoxicating liquors does not mean the bare necessities of life, but such means as would enable plaintiffs to live in a style and condition and with a degree of comfort suitable and becoming their station in life," held proper.

"Instruction that the furnisher of any part of liquor causing the loss of support is liable to the full extent of the loss, sustained,"

In the case of Moore against the state, appealed from Custer county, the supreme court passes as follows upon questions involving or arising from the sale of liquor on general election days: "To justify a conviction under Section 14, Chapter 50, compiled statutes of 1901, it must appear that the defendant, either by himself or his employee, sold or gave away intoxicating liquors on the day of a general or special election, or on the first day of the week, commonly called Sunday. Such a sale by a servant without the express or implied authority of his master is not a sale by the master within the meaning of said section. Whether instructions by a master to his servant not to sell or give away intoxicating liquors on Sunday, or on an election day, were colorable only, or were given in good faith in the expectation of that they would be obeyed and with the intention that they should operate as a limitation upon the servant's authority, is a question for the jury."

The supreme court has held in the case of Van Auken against Mizner, appealed from Saline county, that the statute of limitations does not begin to run against an action to cancel a deed, constituting a cloud on the title of real estate, but not delivered, which is taken from his possession and filed for record, without his knowledge or consent by the grantee named therein, and is not notice to such owner that such grantee asserts some right or title under the deed.

Rest on Equalization.

The State Board of Equalization today enjoyed a respite from its labors, an adjournment having been taken from last night to Monday morning. It is likely that the task of fixing the valuation of all railroad and telegraph property will not be completed until the latter part of next week. The board has held two sessions daily since Monday, but has accomplished little. The valuation of some of the minor roads has been fixed, but the figures will be withheld until the task is entirely completed.

Al Beard, alias Arthur Inman, the man arrested in Kansas City yesterday on complaint from St. Paul, Minn., charging him with the murder of Policeman Meyer in the latter city, is well known in Lincoln, having been under arrest here on several occasions. By the local authorities he is regarded as a particularly dangerous character. Rewards aggregating \$1,500 were offered for his apprehension. He was released from the Nebraska penitentiary in July, 1901.

Social Events at Harvard.

HARVARD, Neb., May 10.—(Special.)—Thursday evening the young men of this city gave an entertainment and banquet at Stokes' opera house, at which 150 were in attendance. Friday afternoon Mrs. Kate M. Barbour entertained a party of women in honor of her friend, Miss Mary Hurd of Kalamazoo, Mich., who is visiting here, while enroute to her new home in Los Angeles, Cal.

Friday evening Dr. J. R. Sample and mother gave a reception to his brother, Clarence L. Sample, who comes to Harvard to practice dentistry.

Young Prisoner Acts Queer.

HASTINGS, Neb., May 10.—(Special Telegram.)—Lawrence Spohn, who was arrested yesterday, had two warrants sworn out against him today. Roy Van Fleet and Eugene Scherick each filed a complaint, charging him with robbery. Young Spohn has been acting as if he were demented and has told the officers that he frequently has spells when he does things of which he has no remembrance of having done. He will have his hearing before County Judge Dungan Monday morning.

Mayor of Stanton Injured.

STANTON, Neb., May 10.—(Special.)—A telegram received here yesterday evening stated that Dr. E. C. Underburg, mayor of Stanton, had met with an accident at Pierre, S. D., one of his legs being broken and sustaining other injuries. Mrs. Underburg left for Pierre on the evening train. Dr. Underburg has recently purchased land near Pierre and is arranging to engage in the stock business there.

KELLEY, STIGER & CO.

Fashionable White Goods for Waists and Dresses.

White! White! White! Is the constant and unending demand made at our counters, This store has first call and the reasons are obvious, we carry an assortment larger than all Omaha stores combined. Our styles are all the very best procurable, and our prices, well, they are much lower than what you would willingly pay for inferior kinds—The best time to buy is now before assortments are broken, later you may be disappointed.

- 32-in. White Basket Weave Cheviots for suits and waists, at 15c, 18c, 25c yd.
Fancy Marseilles and Pique, light and medium weight, for suits, etc., 25c, 30c yd.
Black on White Imported Oxford Cheviots, double fold and all neat designs, 35c yd.
Mercerized Etamine, sheer and lustrous, will not muss, 40c yard.
Mercerized Sea-Moss Madras, all in handsome designs with momie grounds, 45c yd.

White for Graduating Dresses In our west show window we have on display a representative line of fine, sheer and fluffy fabrics, but this display is just an index to our store, inside are to be found mountains of snowy white at money-saving prices. We heartily invite comparison.

- 32-in. Sheer French Mull—a-La-Suisse, at 25c, 30c, 35c, 40c and 45c yard.
32-in. Britannia Mull, soft finish and as lustrous as silk, 45c and 55c yard.
32-in. Persian Lawn, at 25c, 30c, 35c, 40c, 45c, 50c, 60c and 75c yard.
48-in. French Lawn, very sheer and washable, 30c, 35c and 40c yard.
48-in. French Opera Batiste, at 40c, 45c, 50c, 55c, 60c and 70c yard.

Colored Wash Goods Laces, Belts, Fans Handkerchiefs & Neckwear

- Everything that is up-to-date, stylish and desirable is found on our counters. Never in any case do we sacrifice quality in order to make prices sound cheap. If you want the best at lowest prices we have them.
36-in. Shirting and Shirt Waist Percalé, also new styles in Gingham—12c yard.
Queen and Holly Batiste, very desirable patterns for garments of every kind—15c yard.
Sheer Scotch Dimity, in all the new and most stylish designs and colorings, 15c yard.
Mercerized Madras and Anderson's Scotch Madras for shirt waists, 25c yd.
Embroidered Swiss Plumets and Embroidered Tissues, sheer and fluffy, 25c yard.
All our 35c, 45c and 50c Shirt Waist Linens, in one lot, 30c yard.
45-in. Embroidered Tissue, in rich and beautiful designs, 50c yard.
32-in. Silk Batiste, with pearl white stripe, also 46-in., plain, all linen colors, 60c yard.

Household Linens

- 2 yds. wide, all linen, unbleached, regular 75c grade—58c yard.
2 yds. wide, all linen, bleached, Irish make, regular \$1 grade—75c yard.
2 yds. wide, extra fine quality, regular \$1.35 grade—\$1.00 yard.
Pattern Table Cloths, in 2x2, 2x2 1/2 and 2x3-yard lengths, at \$2.35, \$3.00 and \$3.50 each. Dinner Napkins, to match, \$3.50 dozen.
Another 5 cases of Russia Crash to be placed on sale at 5c yard.

New White Shirt Waists Fine Muslin Underwear Black Chinchilla & Escorial Lace Gowns

- Made of swell materials; the workmanship and fit equal to any waist specially tailored to order at double our prices—wholesale range from \$1.00 to \$4.50.
Good fitting, dainty, durable and inexpensive. Just a few illustrations of the many bargains we are offering.
Fine Cambric Night Gowns—V yoke, trimmed with torgon lace insertion, tucking and lace ruffles, only 85c each.
Fine Nainsook Night Gowns—Round neck, short sleeves, neck and sleeves finished with embroidery beading and Val lace, only \$1.00 each.
Fine Nainsook Night Gowns—Square neck, finished with embroidery insertion and edged with embroidery ruffle, only \$1.25 each.

KELLEY, STIGER & CO., CORNER FARNAM AND FIFTEENTH STS.

THOMPSON STARTS A PAPER

Not Satisfied with the Course Pursued by Those Now Printed in Lincoln.

STOCK COMPANY FORMING TO BACK IT

Circular indicates that Care is to be Exercised in the Selection of Stockholders of the New Company.

LINCOLN, May 10.—(Special.)—The long-discussed project for another Lincoln newspaper not controlled by the State Journal and committed to a more liberal policy than that paper, promises to materialize shortly through the efforts of D. E. Thompson and his political associates. The plan has been unfolded today in the following letter given out for publication by Mr. Thompson:

LINCOLN, May 10.—To the People of Nebraska: From the general comment throughout the state, and particularly in Lincoln, it would seem there is need of a strong and aggressive evening newspaper that in politics would advocate republican doctrines and principles and the constant effort of which would be to help in the upbuilding and betterment of Nebraska, particularly its capital city, Lincoln. So much encouragement and substantial aid is proffered to promote such an enterprise that I have concluded to take the initiative in helping to organize a company of stockholders, whose purpose it will be to publish such a paper in Lincoln.

As soon as a suitable location can be secured, the necessary machinery bought and installed and the necessary operating force selected, a stock company, as above outlined, will publish an afternoon and evening newspaper in Lincoln. The paper will be provided with all Associated Press privileges and have such other telegraph facilities for collecting news as have all up-to-date newspapers in this country. The company will be organized with a capital of \$50,000, divided into shares of \$100 each, fully paid at the time of organization. The right will be reserved to reject any subscription for shares of stock, also to reduce the amount subscribed to one share if so desired. No payment on stock subscription will be required until after the time operations are commenced, and when a call for the full amount subscribed will be made. The stock should be subscribed for under the belief that for a time the property will not be dividend paying. Ultimately, however, I believe that under proper and economical management it will be a desirable investment.

The above proposed, is respectfully submitted with an invitation to those who feel interested in promoting such an enterprise to subscribe for one or more shares of stock. Yours truly, D. E. THOMPSON. It is understood that a request was made to the State Journal people to have this letter published in their papers, the Evening News and the Journal, coupled with an offer to pay for its insertion at regular advertising rates, but only to meet a re-

TWO SUICIDES AT CRETE

James Frolik Does Self-Destruction with Revolver Saturday and Fred Herman Hung Friday.

CRETE, Neb., May 10.—(Special Telegram.)—Two suicides in two days is a bad record for Crete. Yesterday Fred Herman hung himself and today James Frolik shot himself. Frolik was discovered lying on the floor of his bedroom in a pool of blood with a revolver by his side.

The deceased was a Bohemian of 25 years of age, engaged in the harness business. He has borne an excellent reputation. He was told by his physician lately that he had an incurable case of heart disease. This is supposed to have caused despondency, which resulted in his untimely end. He was well off and financial difficulties could not have prompted the deed. Two brothers and three sisters survive him.

Horses and Carriage Stolen.

HASTINGS, Neb., May 10.—(Special Telegram.)—At an early hour this morning thieves visited George Marti's farm and stole a fine team of horses and a two-seated carriage. The horses belonged to John Wilkins, who was staying at the Marti home, and the carriage was the property of Mr. Marti. A reward of \$25 has been offered for the arrest of the thieves.

Fire Fighters Name Officers.

WEST POINT, Neb., May 10.—(Special.)—The following firemen were elected to office by the fire companies of the city for the ensuing year: Chief, Leonard Malchow; assistant chief, Theodore Schwartz; secretary, Dr. S. A. Sammons; treasurer, Ed Bauman. These appointments were ratified by the council in executive session.

Cuming Republicans Meet in June.

WEST POINT, Neb., May 10.—(Special.)—The republicans of Cuming county will hold a convention in this city on June 4 to elect delegates to the state and congressional conventions. Ninety-four delegates are called for. A later convention will be held to nominate a county attorney and representative to the legislature.

Hastings Instructors Elected.

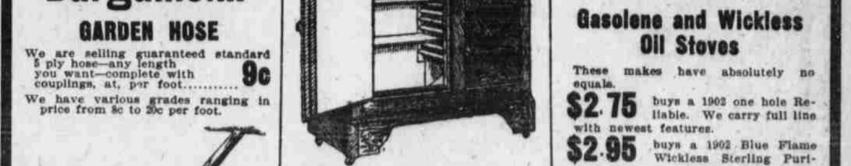
HASTINGS, Neb., May 10.—(Special.)—At a meeting of the new school board this week Jacob Bailey was elected president. The following named teachers were elected for the ensuing year: High school: Miss Kelley, principal; Prof. Banghart and Nelson, Misses Hull and Jacobson. Grammar schools, Misses Mockridge, Mesion, Dugan, Alford, Feltheim, Nowlan, Carpenter, Wineyard, Nye, Hayzlett, Thompson, Casto, Holmes, Schies, Jones, Mansfield, McClelland, Bluchter, Clark, Power, Faxon, Eckels, Park, Mason, Bowles, Birdwell, Butterfield. Miss Burnham was elected teacher of drawing and Miss Raven instructor of music.

Corps of Teachers for Geneva.

GENEVA, Neb., May 10.—(Special.)—The teachers elected for the Geneva schools for the coming term are: Superintendent, C. W. Taylor; principal, Miss Nettie Henry; Vivian Strickland, Anna Knox, Cora Owens,

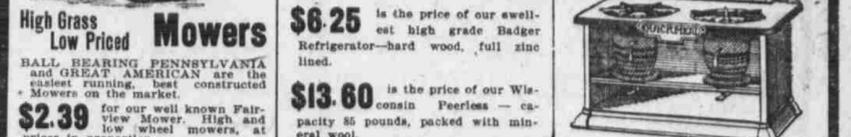
Lawn Bargains... GARDEN HOSE

We are selling guaranteed standard 5 ply hose—any length you want—complete with couplings, at 2 1/2¢ per foot. We have various grades ranging in price from 8¢ to 20¢ per foot.



White Enamel and Wisconsin Peerless Refrigerators

are the COLDEST—CLEANEST—CLEVEREST. \$8.25 is the price of our swellest high grade Badger Refrigerator—hard wood, full zinc lined. \$13.60 is the price of our Wisconsin Peerless—capacity 85 pounds, packed with mineral wool.



Milton Rogers & Sons Co., 14th and Farnam Streets

Quick Meal and Reliable Gasoline and Wickless Oil Stoves. These makes have absolutely no equal. \$2.75 buys a 1902 one hole Reliable. We carry full line with newest features. \$2.95 buys a 1902 Blue Flame Wickless Sterling Puritan Oil Stove. Surer than a lamp and as cheap to operate. Will Address Hastings Graduates. HASTINGS, Neb., May 10.—(Special.)—Hon. W. E. Andrew, auditor of the United States treasury, has accepted the invitation to deliver the commencement address for the Hastings High school. The exercises will be held the last week in May. Boy Wounded by Revolver. GENEVA, Neb., May 10.—(Special.)—Emma Kelley, a 15-year-old boy, while handling a revolver accidentally shot himself below the knee. Dr. George Moses probed for the bullet, but did not locate it. The wound is a serious one. Moravec Awards District Court. PIERCE, Neb., May 10.—(Special.)—Frank Moravec, who is alleged to have possessed liquor for business purposes at Foster, was bound over to the district court in the sum of \$250. Folk County Debt Decreased. OSCEOLA, Neb., May 9.—(Special.)—The decreased indebtedness of the county of Polk for the month of April, 1902, amounted to \$19,861.02.

When the Blood is Impure Everything goes wrong. The digestion is bad. The head aches. The brain is dull. The nerves weaken. And the skin is nearly ruined. Your doctor knows what medicines will cure these troubles: the medicines that are in Ayer's Sarsaparilla. Consult him freely. "Five years ago I had hanches come out on my head and had a breaking out on my body. I tried different remedies without relief. I then tried Ayer's Sarsaparilla. Before I had taken half a bottle the hanches and the rash were gone, and I felt like a new man."—M. A. WALL, Bentley Creek, Pa. J. C. AYER CO., Lowell, Mass.