STOPS READING OF BIBLE

Daniel Freeman Secures Writ of Mandamus from the Supreme Court.

NO OPINION IN THE REVENUE LAW CASE

Commissioners Promise, However, that It Will Be Produced in the Supreme Court This Morning.

(From a Staff Correspondent.)

LINCOLN, Nov. 20.—(Special.)—The Bible will not be read in the school of district No. 21 in Gage county, and neither will the pupils mingle their voices in singing the good old songs from the Gospel Hymn or from the Pentecostal Hymn book, as has been their wont, for the clerk of the supreme court today mailed to the directors of the school district a copy of a peremptory writ of mandamus to compel the teacher to cut out all such. This is in conformity with an opinion handed down by the court some months ago, which during the recent judicial campaign became state history, but which the directors down in Gage county refused to respect or abide by. Some time ago Daniel Freeman, who brought the original action, came again to the supreme court in a brief and asked for a writ of mandamus to compel the teacher to desist. This was granted, and to make sure that it is right that it should be followed the clerk also sent to the school board a copy of the opinion, the syllabus and the writ. The latter follows:

Whereas, In an action pending in the supreme court of the state of Nebraska, wherein the state of Nebraska ex rel Daniel Freeman, was plaintiff in error, and John Scheve, Henry D. Odell and Matilda Collett, as members of the district board of school district No. 21 in the county of Gage and state of Nebraska, were defendants in error, judgment was duly rendered by said court at the September, 1902, term thereof on the 9th day of October, 1902, in the words and figures following, to-wit:

"This cause came on to be heard, was taken up and argued by counsel, on consideration whereof the court finds there is error apparent on the record in the proceedings and judgment of the district court. It is, therefore, considered by the court that said judgment be and the same hereby is reversed; and, it is further ordered by the court that peremptory writ of mandamus as prayed issue from this court against the respondents and their successors in office; that plaintiff in error pay the court costs incurred herein by it, taxed at $——, and have and recover of the defendants in error all of its costs herein, taxed at $——, for which execution is hereby awarded; that said defendants in error pay their own costs, taxed at $——."

Now, therefore, we command you, immediately upon the receipt of this writ, that you cause and require the teacher employed by you to teach the school in said district No. 21 in said Gage county, Nebraska, to discontinue the practice and refrain from engaging in exercises consisting of reading passages from the Bible to the pupils in said school, and singing religious hymns in said school from the book called "Gospel Hymns" and from the book called the "Pentecostal Hymn Book" and the offering of prayer to the Diety in said school during school hours; and that this writ and the commands thereof be interpreted in the light of an opinion filed in said cause on October 10, 1902, as stated in the syllabus of said opinion, a certified copy whereof is attached hereto and made a part hereof, and a subsequent opinion filed by the court in said cause on January 21, 1903, a certified copy whereof is attached hereto and made a part hereof.

And that you return this writ on or before the 28th day of December, 1903, with your certificate of having done as you are herein commanded. Hereof fail not under the penalty of the law.

No Revenue Law Decision.

Whether the revenue law will stand the test of the supreme court commissioners is still unknown to the outside world. It was stated yesterday that the opinion would surely be handed to the clerk of the supreme court today, and would then be ready for the public. But it was not. It will come down tomorrow, however, without fail, it is stated. Judge Duffie has the opinion, and has notified the clerk of the court that he will arrive in Lincoln at 11 o'clock tomorrow morning, and that he will bring with him the opinion. The delay in handing it down has only served to make the interest more intense and speculation more rife.

In the meantime another law enacted by the late legislature has gone glimmering in the district court of Lancaster county. This is the law compelling the mayor of Lincoln to appoint a plumbing inspector. The mayor refused, and an applicant for the place, who had been indorsed by the Central Labor union, brought mandamus proceedings to compel him to appoint. The result was that Judge Holmes held today that the law was unconstitutional, being contrary to that section of the constitution which says that no bill shall contain more than one subject, and the same shall be clearly expressed in the title.

Call for Bank Statement.

Secretary Royce of the Banking board has issued a call for a statement of the condition of state and savings banks at the close of business on November 17. And in the meantime the action of the insurance companies in threatening to refuse to insure banks against burglaries in the small towns, a member of the Banking board believes, will result in the putting in of burglar alarms, and that will be all. It will not drive any bank out of business, this member thought, because they will be able to get the insurance if the banks are properly protected with the right kind of alarms or burglar-proof safes.

Barred Room for Mason.

Superintendent Johnson of the Feeble-Minded Institute at Beatrice was here this morning to see Governor Mickey, to discuss with him what is to be done with an inmate named Mason, who persists in insisting that he is insane, and acting that way, though the Insanity board of that county declared him sane, and refused to send him to the asylum. After conferring with the attorney general, it was decided that Dr. Johnson construct a special cell, with steel bars on the windows, in which to keep Mason. The latter's last escapade happened a few days ago, when he escaped from his room minus his clothing and went to the court house yard and there spent the night. There is no way that Mason could get into the asylum except through the County Insane board or from the penitentiary, so he will have to remain in the home.

Who Pays the Freight?

In the near future probably the supreme court will be asked to decide how the expenses of the junketing party sent out by the Board of Public Lands and Buildings to inspect insane asylums of other states are to be paid. Inasmuch as Attorney General Prout was one of the party he will not hand down an opinion, but will ask the supreme court to decide, the matter being laid before the court, however, not in the nature of a suit.

During the summer, when the board took up the matter of the insane asylum to be built at Norfolk, the Board of Public Lands and Buildings sent Attorney General Prout, Architect Tyler and Dr. Kearns of Hastings to investigate the cottage plan in other states. Their expenses ranged from $108 to $120 or thereabouts and the board then began to cast around for a way to pay them. The auditor was informed of the board's dilemma and stated that he thought it unlawful for the amount to be paid out of the incidental fund. The board thinks otherwise and to decide the question when the board gets around to it the supreme court will be asked to give an opinion in the matter.

Cuts Out Lithographing.

The action of the State Printing board in rejecting the proposals for the printing of a map of the state, including the senatorial, congressional and judicial districts and the various lines of railroads, at the request of the labor bureau, and the further fact that the labor commissioner has filed with the board a second request with specifications exactly like the first, with the exception of the insertion of the word "lithographed" maps, has caused some comment. By this insertion there are only two firms in the state that would be able to bid on the work, these the State Journal company of Lincoln and the Rees Printing company of Omaha.

This matter was called to the attention of the labor commissioner this morning by the representative of a firm that would like to do the job, but which could not bid on the lithograph work. When the clerk of the board, Lew Frazier, was called upon by this representative he was out of town, and the specifications could not be found. A representative of the labor bureau somewhere dug up the specifications and the obnoxious word was stricken out, which leaves the work to be bid on the same as the first specifications.

Supreme Court Call.

These cases will be called for hearing December 1:

Cline against Stock, Hitchcock; Pettis against Green River Asphalt company, Lancaster; Sattler against Chicago, Rock Island & Pacific Railway company, Cass; Osborne against Missouri Pacific Railway company, Douglas; McMahon against State, Boone; State against Culver, Boone; Hitchcock county against Padget, Hitchcock; Moss against Marks, Jefferson; Lavara against McNeny, Webster; Brumbaugh against Jones, Lancaster; Baker against Omaha, Douglas; Tildball against Holyoke, Lancaster; Woodruff against Welton, Lancaster; Hoden against Mier, Saline; McMurty against Englehardt, Lancaster; Petty against Folsom, Douglas; Punteney Mitchell Manufacturing company against Northwall company, Douglas; McCormell against Liggett, Webster; Omaha Gas company against South Omaha, Douglas; Smith against State, Sheridan; Ford against State, Cherry; Schneider against Vogler, Custer; Wentz against Squires, Custer; Henry against Dussell, Platte; Bradley & Co. against Bower, Keith; Epley against Lovell, Clay; Von Dohren against John Deere Plow company, Douglas; Lincoln against Bailey, Lancaster; Lincoln against Shepherd, Lancaster; Lincoln against Alexander, Lancaster; Lincoln against Fitzgerald, Lancaster; Lincoln against Busby, Lancaster; Osgood against Fitzgerald, Lancaster; Falksen against Falls City State bank, Richardson; McConnell against McKillip, Boone; Gosnell against Webster, Harlan; Zeigler against Sonner, Dodge; State ex rel. McComb against Chicago, Burlington & Quincy Railway company, mandamus; State ex rel. Breckenridge against Fleming, mandumus; State ex rel. Palmer against Fleming, mandumus; Sorenson against Sorenson, Valley; State against Scott, quo warranto; Menke against State, Lancaster.

The following case will be called for argument on motion for rehearing:

Woodmen Accident association against Hamilton, Cedar.

TRACE OF ROBBERS AT HOOPER

Men Believed to Be Lyons Bank Looters Take the Train at that Point.

HOOPER, Neb., Nov. 20.—(Special.)—It is almost a certainty that the Lyons bank robbers were visitors to Hooper on Tuesday morning. It was discovered yesterday that the four robbers had taken the road south from Lyons and down to the Elkhorn river bridge, about four miles east of Hooper. Here they unhitched the team, turned them into a pasture of Mrs. William Siebrasse and took the buggy into the woods. They built a fire to warm up and then walked to Hooper. Several farmers along the road saw the four men shortly after daybreak. Coming into town they went to the saloon of F. A. Tillman, where the bartender recognized one of them. After taking their drink they went over to the depot, where they took the Omaha passenger train east. The carriage and horses were brought to Hooper this morning and several empty money bags were found in it.

The team was covered with perspiration when found by the Siebrasse boy on Tuesday morning, who, thinking it was a neighbor's team, drove them out into the road, and it is supposed they have gone home.

Sheriff Bauman was here yesterday and after getting all the information possible has started on their trail.

Charity Ball at Fremont.

FREMONT, Neb., Nov. 20.—(Special.)—The annual ball of the Fremont Charity club was given at Masonic hall last evening and was the social event of the season. The attendance, both of those on the floor and spectators, was large. The hall was tastefully decorated, the scheme being a unique one and very successfully carried out. Bright hued Navajo blankets, Indian burnt leather draperies and other Indian decorations and palms arranged about the hall and in front of the stage took the place of the usual floral and similar designs. The ball programs, which were of an Indian design, were distributed by pages wearing the costumes of the primitive red man. Music was furnished by Hagenow's orchestra of Lincoln. The grand march was led by Mr. and Mrs. Jesse McNish of Wisner and Mr. and Mrs. John Schurman of this city. The ball was one of the most successful financially ever given by this club.

Table Rock Suffragists Gather.

TABLE ROCK, Neb., Nov. 20.—(Special.)—The Woman's Suffrage association celebrated the eighty-eighth anniversary of the birth of Elizabeth Cady Stanton at the residence of Mrs. Elizabeth C. Fellers. An interesting program was readered.

That Fatal Gun Again.

ST. PAUL, Neb., Nov. 20.—(Special.)—Amos Donaldson, a young man of Gage Valley, accidentally shot and killed himself while husking corn. He carried a shotgun in the wagon and in lifting the weapon out, discharged it into his body.

CARTER'S LITTLE LIVER PILLS.

CURE

Sick Headache and relieve all the troubles incident to a bilious state of the system, such as Dizziness, Nausea, Drowsiness, Distress after eating, Pain in the Side, &c. While their most remarkable success has been shown in curing

SICK

Headache, yet Carter's Little Liver Pills are equally valuable in Constipation, curing and preventing this annoying complaint, while they also correct all disorders of the stomach, stimulate the liver and regulate the bowels. Even if they only cured

HEAD

Ache they would be almost priceless to those who suffer from this distressing complaint; but fortunately their goodness does not end here, and those who once try them will find these little pills valuable in so many ways that they will not be willing to do without them. But after all sick head

ACHE

Is the bane of so many lives that here is where we make our great boast. Our pills cure it while others do not.

Carter's Little Liver Pills are very small and very easy to take. One or two pills makes a dose. They are strictly vegetable and do not gripe or purge, but by their gentle action please all who use them. In vials at 25 cents; five for $1. Sold by druggists everywhere, or sent by mail.

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Practically unlimited opportunity to save money.

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$30, $25, 22.50, $20

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$40, $35, $30, $25, $20,

The Stanton Suits—in worsteds and tweeds, $15 values, choice at..... 10.00

Best suit ever sold for..... 7.50

The STRATFORD OVERCOAT, at..... 10.00

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THE BEST TROUSER STORE.

Paragon worsted trousers in rough and smooth effects, great variety, all sizes waist 29 to 50 inches at..... 5.00

Lester worsted trousers, silky, beautiful weaves, solid wearing, very dressy, worth $5.00—special at..... 3.50

TOM HORN EXPIATES CRIME

Former Scout and Cattle Detective is Hanged at Cheyenne.

NECK IS BROKEN AT FALL OF TRAP

Denies Guilt to Last and Says Attempt Was Made to Get Him to Kill Nickell, Which He Refused.

CHEYENNE, Wyo., Nov. 20.—Tom Horn, scout, Indian fighter and cattle detective, went smiling today to the gallows, where he expiated the murder of Willie Nickell, aged 14, who was shot and killed, July 18, 1901, at Iron Mountain. The trap dropped at 11:08, Horn's neck was broken and sixteen minutes later he was pronounced dead by the physicians.

With almost his last words he spoke to his intimate friend, Charles Irwin, a spectator at the execution. Horn denied that he had confessed to the murder for which he was to die. He made no speech on the scaffold.

The condemned man was game to the last. Ten minutes before going to the gallows he lay on his cot smoking a cigar. After leaving his cell he was permitted to shake hands with Charles and Frank Irwin. Earlier in the day Horn had sent for his old employer, John C. Coble, manager of the Iron Mountain Cattle company, and Coble was allowed to visit him in his cell.

After the spectators, about forty in number, had been admitted to the jail and Horn had come out of the cell, the execution was delayed while Rev. George H. Rafter prayed and Charles and Frank Irwin sang the cowboy's old railroad song, "Keep Your Hand Upon the Throttle and Your Eye Upon the Rail,' bringing tears to the eyes of all listeners except those of Horn himself.

Urges Horn to Die Game.

At the conclusion of the song came an interview between Horn and Irwin.

"Be game," said Irwin.

"You bet I will," replied Horn, who then assisted Under Sheriff Proctor and his assistant to adjust the straps, noose and black cap. His last words were spoken to County Clerk Joseph Cahill, who assisted him to mount the trap door. They were:

"Ain't losing your nerve, are you, Joe?"

Soon after the trap fell the spectators passed out, each one shaking hands with Under Sheriff Proctor and congratulating him on the faultless execution. All had been searched for firearms before entering and guards armed with rifles kept their eyes fixed on Horn's friends throughout the proceedings. Thousands of people were congregated in the vicinity of the jail and the militia remained on guard until the execution was over and the crowd had dispersed. There was no disorder.

In a letter to John C. Coble, Horn details his movements in the Iron Mountain country at the time of the Nickell murder and makes the sensational admission that two men tried to have him kill Willie Nickell but he denied his alleged confession of the crime to Joseph Lafors, which led to the arrest.

Governor Deaf to Appeals.

Governor Chatterton was aroused before 6 o'clock this morning by friends of Tom Horn, who again sought a reprieve for the condemned murderer. The governor listened to the arguments of Horn's friends for some time and then said emphatically:

"There is no use, gentlemen, this execution will take place at the time set by the law. I will not interfere in the case. This is final."

No less than a dozen attempts were made during the afternoon of yesterday and last night to have the governor delay the execution for even a few days. He had but one answer for all and that was that the law must take its course.

Horn apparently was hopeful all along that in some manner he would escape the gallows, but last night he wrote a farewell letter to John C. Coble, manager of the Iron Mountain Cattle company, by which he was employed for ten years, his business being to prevent rustling or thefts of cattle.

"If I go, I want John to have this letter," he said.

The letter was devoted to saying goodbye to Coble and making a few requests as to what should be done with the personal property he should leave.

Charles Irwin, the stockman who has been one of Horn's closest friends, renewed his efforts to see the condemned man early today, but admission to the jail or even to the court house was denied him by the sheriff.

Had an Invitation from Horn.

"I'll be down in time for the execution, however," Irwin said. "I have an invitation from Horn."

It was reported that Irwin, failing in his effort to see Horn alone, would ask him on the gallows if he killed Willie Nickel.

Sheriff Smalley said that he would not permit any of the spectators to speak to Horn while he was on the gallows.

John C. Coble, who came to Cheyenne last night, was an early caller at the jail. He did not ask to see Horn, nor did he speak to anyone of the guards who were standing in the doorway. He soon departed.

Police Captain Delaney of Denver mingled among the police, sheriffs and militia at the jail. "I expected any moment to see a riot started last night," he said. "I can't understand the reasons for Horn's friends not attacking the jail as planned. I guess their leaders decided that it would be only courting death to attack the jail."

Adjutant General Stitzer, after a conference with Governor Chatterton this morning, decided to place more members of the militia around the jail. This was caused by the early arrival of the crowd. Even before daylight persons came to the vicinity of the jail and took the best points of observation. Every second brought additional arrivals, until the vacant lots in the vicinity were crowded.

Yields to Last Request.

Once more Charley Irwin came to the jail, this time in answer to a hurried message. Horn had sent for Coble, saying he wanted to talk to him before he died.

"I can't refuse him this last request," said Jailer Proctor, "but anyone that enters the jail will be searched and Coble must talk to Horn in my presence."

Irwin patiently waited for the arrival of Coble. "I will make John let me go in in his place," he said. "He knows Tom will tell me more than any other person. I must talk to Tom Horn before he dies. Remember, I do not think he is guilty."

But when Coble arrived at the jail he went on in, remaining with Horn but a moment.

"Goodbye, Tom," he said in a choked voice. "Tom, I can't stay. I came to say good bye. I'm sorry, Tom, but die like the man I know you to be. Tom, fate's against you. You must die. Goodbye, God bless you, goodbye, Tom."

"Well, John," said Horn, "I'm glad you came. Can't he shake hands?" pleaded Horn of the keepers.

Sheriff Smalley hesitated, then opened the door of the cell for the first time since the death watch was placed. Coble and Horn clasped hands in the cell.

"Goodbye, John," Horn broke the spell. Coble murmured a faint "Goodbye" and walked away.

Story of Horn's Supposed Crime.

The nature of the crime for which Horn hanged was such as to leave little room for sympathy. Willie Nickel, the unoffending son of Kels P. Nickel, was shot and killed July 18, 1901, at the Nickel home in the Iron Mountain district, not far from Laramie. The senior Nickel was a sheepman, offensive to the cattle barons, who are alleged to have employed Horn months previously to drive out all sheepmen by intimidation and by deliberate destruction if necessary, the salary for each murder to be $600. First, Horn murdered old man Lewis by shooting him in the back in Lewis' cabin, whither Horn had been invited by his unsuspecting host for the sake of old-time friendship. The cattlemen wanted Lewis' land.

Horn's next known victim was William Powell, a one-armed man killed in his hay field at Brown Park, Colo.

Then the Nickel Tragedy.

Then came the Nickel tragedy. Horn secreted himself in a pile of brush near the Nickel home to pick off Kels Nickel on his way to a watering place, but Willie, the 16-year-old son, was the first to come that path and chanced to detect Horn in his hiding place. Horn, fearing that if he allowed the boy to escape to the house a general alarm would be sounded, or at least the old man made so wary that Horn could not carry out his object, shot the lad on his horse. The boy wheeled about and, with all his ebbing strength, urged the horse into a gallop for the house, but Horn shot again and this time with immediately fatal result.

There was much excitement and some suspicion of Horn, but no arrest for some time. Finally Victor Miller, an acquaintance of the Nickel boy, was charged with the crime and went through a trial before his innocence was established.

Lemar Nickel Is Shot.

About two months later the senior Nickel was shot, one Sunday afternoon, in the thigh and left arm, but not fatally, and suspicion began to center in Horn. After a wait so prolonged that it was commonly supposed the whole matter had been dropped Joe LaFors, a deputy United States marshal, pretending warm friendship for Horn, got him into the marshal's office one afternoon when Horn was quite drunk, and there Horn, answering dexterous questions, admitted his murders, said they had been committed for cattle men under the guise of ridding the country of rustlers and that he received $600 per victim, his method of identifying his work being the placing of a small white stone under the chin of each man he murdered and facing the body to the sun that decomposition might set in as rapidly as possible. Also he said he burned empty cartridge shells larger than the bore of his gun to defeat detection.

Stenographer at the Crack.

While Horn was telling these things Court Stenographer Onhauss lay on the floor of the adjoining room with his ear to the crack below the door and took down all that was said, while Deputy Sheriff Leslie Snow lay at his side to hear and to guard Onhauss. The arrest was not made until some days afterward, when Sheriff Ed Smalley and Deputy Sheriff Snow caught Horn at an unguarded moment in the office of the Inter Ocean hotel at Cheyenne. At the trial a desperate effort was made to prevent the admission of the confession as testimony, on the ground that Horn was merely drunk and bragging, but the attempt was unsuccessful.

A few months ago Horn and another prisoner escaped from the Cheyenne jail, but were recaptured in a very few minutes. At that time Horn attempted to kill Jailer Proctor, from whom he wrested a revolver, but the weapon had a catch trigger new to Horn and Proctor's life was saved.

Tom Horn was born in Scotland county, Missouri, November 21, 1860. He was a celebrated army scout, Indian fighter and cattle detective. He was the scout in charge of the party that captured Geronimo and was chief of scouts under General Miles in his Porto Rico campaign.

In 1893 Horn participated in the raid against the cattle rustlers of Johnson county, Wyoming.

Horn was a self-educated man. He spoke German, Spanish, Apache and a number of Indian languages fluently. Last summer he wrote a 100,000-word history of his career. This book he left to his friend, John Coble of Boxler, Wyo.

Takes Prisoner to Iowa.

BEATRICE, Neb., Nov. 20.—(Special Telegram.)—Deputy Sheriff Jones, armed with requisition papers, arrived in town today from Valley Junction, Ia., after Roy Heffelfinger, who was arrested here several days ago on a charge of stealing a suit of clothes and overcoat at that place. The officer returned home tonight with his prisoner.

RELEASE PARKER BROTHERS

Grand Island Men Testify to the Good Character of the Suspected Men.

GRAND ISLAND, Neb., Nov. 20.—(Special Telegram.)—The two brothers, Parker, arrested by Sheriff Taylor of this county and Deputy Sheriff Afferbaugh of York county near Phillips a few days ago, were released from custody today on the recommendation of County Attorney Horth after two men quite well known here as reliable citizens testified to having known the men in Wyoming and that they were respected citizens there. When arrested letters were found on the men speaking of their "getaway" in Wyoming and of their organizing a "gang" to go to South America, and their identity was being investigated. They had with them when arrested two heavy revolvers, two bowie knives and a rifle, though they had not taken these to the fields with them in husking corn. They had $200 in cash and a certificate of deposit on a Broken Bow bank for $1,200. Their attorneys explain the letters by stating that the men got out of Wyoming in the manner they did in order to evade some creditors.

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