

MEAD SHUMWAY MUST HANG

Supreme Court Refuses Adams Murderer a New Trial.

FOUSE GETS A LIFE SENTENCE

Agrees Commute Death Penalty for Omaha Negro Convicted of Killing Joseph Bowles—New Trial for Callahan.

(From a Staff Correspondent.) LINCOLN, Neb., Jan. 23.—(Special Telegram)—Mr. Mead Shumway, who murdered Mrs. Sarah Martin of Adams September 18, 1906, in a most brutal manner, was denied rehearing today by the supreme court unless the governor intervenes he must hang February 15. Judge Letton rendered the opinion, in which the former opinion of Judge Barnes is sustained as to proofs of guilt and presence of evidence that the accused was deprived of a fair trial.

The court says: "Though the evidence was circumstantial insofar that no witness saw the actual killing, the jury yet the overwhelming mass of incriminating circumstances fully justifies and sustains the verdict."

Judges Barnes and Root concurred. Judge Rose not sitting. Judge Reese, Fawcett and Dean dissented. It requires a majority of members of the court to grant a rehearing and the members sitting were evenly divided. Shumway, after murdering Mrs. Martin, escaped to St. Joseph, Mo., and was captured in the vicinity of St. Joseph. He has been defended by Fulton Jack and R. W. Rubin of Beatrice.

History of Crime. Shumway was a farm hand in the employ of Jacob Martin, husband of his victim, of the crime farm. He was absent from home attending the primary and when he returned he discovered blood stains on the floor. These he traced up the stairs and was horrified to find the dead body of his wife, wrapped in bedclothes and pushed back under a bed. Her throat had been cut from ear to ear.

The alarm was at once given and it was found that Shumway, the hired man, was missing. He had taken the horse and buggy, gun and \$200 in money and started south. The man had been in the employ of Mr. Martin but four days and stated that he was from Missouri. He is now 23 years of age.

Posses started in pursuit and two days later the fugitive was captured in Beneca, Kan. As he was alighting from a train in the custody of two officers, however, he made his escape. A large crowd was on the platform and as soon as he stepped off the car he darted among the curious onlookers and managed to elude the men who had him in charge and who were deterred from shooting by fear of hitting some innocent person. He was chased to a cornfield, but those in pursuit failed to find him.

The hunted man then walked to Superior, Mo., where he took a train for Oregon, Mo., near which place he was captured on September 28. He was working on a farm and had taken a train to hide his identity. He was well known in that vicinity, where he had formerly worked.

Shumway has steadfastly maintained his innocence. On the day of the murder he was working in the field and upon returning to the house discovered that the crime had been committed. He stated that he would be suspected, so he endeavored to make his escape. He was tried and convicted and sentenced to death. His appeal to the supreme court was based upon alleged irregularity in emphasizing the jury and was overruled, as was the motion for rehearing. On the latter the court was evenly divided. The opinion was written by Justice Letton and concurred in by Barnes and Root. Chief Justice Reese and Fawcett and Dean dissented, while Rose, by reason of his former connection with the attorney general's office, was disqualified from sitting on the case. The original date for the execution was January 29.

Pure Food Prosecution. Out of a large number of cases certified from the food commissioner's office to the county attorney, of Douglas county, Assistant County Attorney W. J. Conroy has notified the deputy state food commissioner that he has commenced prosecution against P. Jacobson and M. Swanson, dairymen, furnishing milk to be sold in Omaha, for selling unwholesome milk. Also against Meyer, who was convicted for selling misbranded "Pawnee City Rolled Oats." These packages of rolled oats contain coupons, which are contrary to the Nebraska law. Mr. Conroy also reports that he has commenced prosecutions against the Climax restaurant and the Omaha Central Quick lunch restaurant for selling low grade and unlawful milk, and Aitman & Zive for selling misbranded "Golden Egg Noodles."

Life Sentence for Fouse. The sentence of death imposed on William Fouse, colored man, who was convicted of murdering Joseph Bowles in Omaha December 11, 1908, was commuted by the court to life imprisonment. The court holds the crime was committed in that part of the city inhabited by degenerates

and said that Bowles had been drinking and had money when he visited the place in that section, and it is possible, although not probable, that Fouse did not kill the deceased, or that Bowles was the aggressor, or that robbery was an afterthought. There was considerable evidence, the court holds, to prove that Fouse was an indolent man and generally bore a good reputation as a law-abiding citizen.

Governor Appoints Delegates. Governor Shallenberger has appointed the following delegates to the National Tariff commission convention to be held at Indianapolis, Ind., February 18 to 18: John A. Maguire, Lincoln; Ed P. Smith, Omaha; James P. Latta, Tekamah; Charles F. Gilbert, York; Fred W. Ashton, Grand Island; W. H. Westover, Rushville.

Delegates to the Dry Farming congress, to be held at Cheyenne, Wyo., February 23 (Omaha Young Men's Association, Fred Peter Younger, Geneva; H. W. Campbell, Bethel; H. C. Bossmann, Lincoln; Prof. Ernest Morrissy, Valentine; O. Hill, Alma; G. L. Shumway, Beatrice; J. H. Anderson, Imperial; Lou C. Dees, Kearney; James E. Clumby, Fremont; George W. Lindsey, Red Cloud; Charles A. Shoggy, Holdrege; W. H. McDonald, North Platte; C. C. Ventum, Stratton; Robert Graham, Alliance; — Persinger, Lodge Pole.

New Trial for Callahan. Daniel Callahan, the Omaha man convicted in Douglas county of procuring a man named Clark to open graves in Prospect Hill cemetery in January, 1906, with out the knowledge of relatives of the deceased, was given a new trial. The court holds Callahan's instructions to the grave digger, as superintendent of the cemetery, were not such as to incite the man to disinter the bodies of the dead, other than as would be done in his ordinary duties. The court reversed the case.

Watson Not Disbarred. John C. Watson, the well known Nebraska City attorney, is found by the court not guilty of conduct such as to warrant judgment of disbarment or suspension from practice, though it was not such as to be commended. The disbarment proceedings against him are therefore reversed and dismissed.

Watson was charged with attempting to deceive the court by causing a false affidavit to be made, forged and fraudulently used of the sensational suit of Charles D. Butterfield against Mintree E. Carton. An affidavit which had been dictated to a stenographer in the presence of A. G. Graham, which was not sworn to, was presented above the signature of the latter upon a piece of paper, was later found to be incomplete and had additions made to it. The signature of the affiant later appeared, not where written, but at the foot of the extended affidavit. Disbarment proceedings were instituted and were pushed by William Hayward. A commission consisting of District Judges Frost, Good and Keller found Watson guilty and ordered him suspended from practice for one year.

The court finds that in the absence of any attempt to make use of the paper the conduct of Watson, which is not to be commended, was not such as to warrant the judgment against him.

Hits Saloon Men. The judgment for \$1,700 obtained by Leslie Acken against Fred Tinglehoff and other Lincoln saloonkeepers and their bondsmen is affirmed by the court. Mrs. Acken sued for herself and her minor children, alleging that her husband had been ruined and rendered incapable of earning a living for his family by reason of the liquor furnished him by the defendants. She secured a judgment for the amount stated and appeal was taken. The court finds that in cases of this kind it is competent to introduce the mortality tables to show the expectancy of life when there is sufficient foundation by evidence that the man's inheritance has permanently impaired his earning capacity.

Other Opinions by Court. Sixteen opinions were handed down this morning by the supreme court, two of these being in murder cases and three others being state cases. The list is as follows: Buereletta against Buereletta, reversed and remanded; Epperson, C. Fee against Chicago, Burlington & Quincy Railway Company, affirmed; Good, C. Davis against Borland, reversed; Duff-Jesse against Brown, affirmed; Good, C. Acken against Tinglehoff, affirmed; Epperson, C. Shultz against Chicago, Burlington & Quincy Railway Company, reversed and remanded; Fawcett, J. Hibbs against Brown, reversed and remanded; Good, J. Reese, C. J. dissenting; Dean and Rose, J. J., concur in dissenting opinion; Moosis against Miller, affirmed; Reese, C. Mott against State, reversed and remanded; Barnes, J., Root, J., and Reese, C. J., dissenting; Rose, J., not sitting; Callahan against State, reversed; Letton, J., Rose, J., not sitting; Fawcett, J., not sitting; Fawcett, J., not sitting.

The following are rulings on motions for rehearing: Arthur against Glover, overruled; City of Chadron against County of DeWala, overruled; Kingman Implement Company against Kingman, overruled; Hatten against Klamm, overruled; Kasebach against State, overruled; State against Martyn, overruled; State against Hartigan Company against Faulhaber, overruled.

Causes continued: Smith against Hofeldt, Smith against Insurance Company, Ogden against Wood, State against Albin, State against Albin, State against Graham, State against Union Pacific. Holmes against State; suspension of sentence allowed. Boddy against State; suspension of sentence allowed. State ex rel. Ledwith against Brian; leave to docket, alternative writ allowed. On recommendation of the Bar commission Willard Eddy was admitted to practice.

Oral opinion was ordered for February 15 in the occupation tax case by the Nebraska Telephone Company against City of Lincoln.

Commercial Club Luncheon. The first formal Saturday noon luncheon of the Lincoln Commercial club was held today. At 12 o'clock about seventy-five business and professional men were seated. The feature of the occasion was the speech of the governor on "Nebraska."

National Guard Election. Major F. J. Mack Albion was elected colonel, and Captain Hugh E. Clapp of Steele City, lieutenant colonel, of the Second Nebraska regiment, of which Adjutant General Hartigan was colonel before his appointment.

Church Celebrates Anniversary. BRUNING, Neb., Jan. 23.—(Special.)—This week has been a gala one for the Trinity Lutheran church, synod of Ohio, of this city. It has likewise been a festival week for the town as, in an unusual degree, the population is aligned actively with the work of the church—so much so that on Tuesday, the twenty-fifth anniversary of the organization of the congregation, every business place remained closed. The organization is composed largely of German people and was perfected in 1884 by Rev. C. Buechler, a missionary of that denomination, who organized a score of congregations in the southern and central parts of the state. The missionary is at present still in the service on the Pacific coast and the congregation insisted on his coming half way across the continent to

deliver the first of the jubilee sermons, of which there were four—by the organizer, the pastor of the mother church at Carleton, Rev. Mr. Voss; the present pastor, Rev. Mr. Engelford, and a child of the church, Rev. Mr. Keen, a young minister reared as a youth in the church. The organization has a fine church building, a parsonage costing \$2,000, a school and a teacher's residence, a parochial school having been maintained for the last five years. It has 107 voting (male) members, 30 communicants and 60 souls, in the terms of the official report.

MANY AT THE OLSON FUNERAL. Whole County Near Axtell Turns Out at Obsequies of Wreck Victims. MINDEN, Neb., Jan. 23.—(Special Telegram)—One of the largest and saddest funerals ever held in this community occurred yesterday afternoon, when Dr. and Mrs. Orville A. Olson, two of the many killed in the wreck at Dotsero, Colo., took place at the Swedish Lutheran church, two miles east of Axtell. Over 2,000 people were present to view the bodies at the church. The church is the largest country church in the state, but could not begin to seat all the people present. Over 600 teams were tied about the church in the afternoon. Not before the services of the church have there been seen so many cut flowers as were given by friends at this funeral. All of the business houses were closed at Hildreth, as well as at Axtell, throughout the entire day.

The doctor and his wife were on their way to Washington when they met death in this wreck. Their 2-year-old son, Emerald, escaped with a broken leg, and is cared for now by his grandparents, Mr. and Mrs. Nyquist, who reside at Axtell, comfortably at this time. Mr. Nyquist, father of Mrs. Olson, has been in poor health all fall and was not able to attend the funeral. Mrs. Olson leaves a father, mother, two sisters and three brothers. The doctor leaves his foster parents, Mr. and Mrs. John Nelson of Axtell, besides cousins and one uncle and aunt.

The pallbearers were: C. B. Abrahamson, Arthur Anderson, Ed J. Peterson, Herbert L. Carlson, William Nelson, Frank E. Danleison, Fred Elm, Gust V. Peterson, Mons H. Monson, Fritz Monson, William A. Berkman and Andrew G. Eldlund.

MOTHER KILLS BABES AND SELF. Father Returns from Trip to Town and Discovers Bodies. HASTINGS, Neb., Jan. 23.—(Special Telegram)—Mrs. Charles Mock, wife of a farmer living about six miles south of Glenville, in Clay county, killed herself and three children this afternoon during the absence of her husband, Mr. Mock, who had been at Fairfield with his oldest child, returned during the afternoon to find the bodies. The mother had been in poor health of late which is ascribed as a cause for her action. The oldest child killed was about 4 years of age, and the youngest was a babe 1 month old. The child left alive is a daughter of 8 years.

EFFORT MADE TO IDENTIFY LONG. Omaha Prisoner Taken to Scene of Bank Robbery. GIBBON, Neb., Jan. 23.—(Special Telegram)—C. E. Long, alias White, arrested in Omaha, was brought down here this morning on No. 14 by Sheriff Walter Sammons of Kearney to see whether he could be identified in connection with the robbery of the Commercial bank, which occurred last month. They returned to Kearney on No. 13 this afternoon. Nothing definite could be learned as to what was accomplished.

ASYLUM PHYSICIAN QUITS PLACE. Dr. Guttery of Pilger Appointed to the Place. NORFOLK, Neb., Jan. 23.—(Special Telegram)—Dr. G. W. Dishong, first assistant physician at the Norfolk insane hospital, telephoned Governor Shallenberger his resignation this afternoon. He will leave for Chicago February 1 to take post-graduate work. Governor Shallenberger later in the day announced the appointment of Dr. Guttery of Pilger.

New Move in Hotel Case. BEATRICE, Neb., Jan. 23.—(Special.)—A new step was taken yesterday in the case of Mrs. Marie Colby, owner of the Padlock hotel, against the Kenner Hotel company, when the attorneys for Mrs. Colby served notice upon the company of an action to secure the appointment of a receiver to take charge of the building and personal property therein.

The plaintiff claims that the hotel company has no lease and is remaining in possession only to compel plaintiff to buy the personal property; that plaintiff is responsible for the furniture and fixtures of the hotel, and the same are falling into a state of disrepair owing to the hotel people's carelessness, resulting in much damage to plaintiff. The plaintiff asks that P. B. Sheldon of this city be appointed receiver. The case is set for hearing before Judge Raper at Pawnee City January 28.

In an action brought recently by Mrs. Colby to eject the Kenner Hotel company from the building, the hotel company appealing the case to the district court.

Auto Owner in Court. ARLINGTON, Neb., Jan. 23.—(Special.)—John Dulaney of Fremont, as "next friend" of Flossie Potoff, has brought suit in the district court of Washington county against William A. Wilson of this city for \$500. Last fall Mr. Wilson and George Marshall were returning from Fremont when they met Flossie Potoff driving home from school. The horse became frightened and the girl was thrown from the buggy, sustaining injuries for which damages are sought. County Attorney J. C. Cook of Fremont and his father, W. S. Cook, of this city will represent the plaintiff.

Beatrice Papers Consolidated. BEATRICE, Neb., Jan. 23.—(Special Telegram)—Today Munson & Edgcomb, who recently bought the Beatrice Daily Express, purchased the Beatrice Weekly Times of Colonel W. S. Tilton, who has published the paper for the last twelve years. The Daily Express will be consolidated with the Times plant and will soon be moved from Ella street to Court street in the building occupied by the Times.

Arlington Mill Sold. ARLINGTON, Neb., Jan. 23.—(Special.)—The roller mills of this city have changed hands and the new owners expect to put it into operation after an idleness of several years. One of the owners was here recently trying to make arrangements with the electric light company for power to run the mill and steam for heating and steaming the wheat.

Norfolk Paper Quits. NORFOLK, Neb., Jan. 23.—(Special Telegram)—The Norfolk Times-Tribune, a weekly newspaper started as a daily in 1896 to boost Bryan in his first campaign, today announced its discontinuance, due to the death of the editor, C. S. Evans.

Injury Results in Death. NORFOLK, Neb., Jan. 23.—(Special Telegram)—Aly Carlson, the young man whose arm was torn completely off in a cornsheller Thursday, died today.

Nebraska News Notes. MCCOOK.—The manager of the place of McCook has resigned his position. He was

ORCHARD & WILHELM, 414, 416, 418 South Sixteenth Street.

For this, the last week of our January Sale, we are going to make some surprising prices on Brics-a-Brac. Many choice pieces that we have decided shall be sold at a small part of their regular value. In this lot are 11 pieces of Carved Italian Marble reduced to one-half the regular price, or about the cost of the duty paid to the United States government at the time of their importation. There are busts from 10 to 15 inches high, suitable for window pieces as well as for mantels. Reduced for January sale from \$20.50 to \$10.75; from \$8.25 to \$4.75; from \$5.00 to \$2.50. Embossed Jardinieres, Fern Dishes, varieties of size and design, very desirable. Reduced for January sale from \$4.25 to \$2.50, and from \$2.95 to \$1.75. High Class Ink Wells, sell regularly at \$1.85, now 95c.

Table with 3 columns: Item, Price, and Description. Includes Fern Dishes, Electric Lamps, and Electric Bronze Figures.

JANUARY CURTAIN SALE

The last week will be one of greater bargains than ever. We are determined to close out all goods bought for this sale as well as all goods set aside from our stock to be sold during January. We have made prices on all odd lots so low that to see them is to buy. Many additional reductions for this week.

Table with 2 columns: Item and Price. Includes Bagdads, Portieres, Remnants, and various types of Curtains.

Table with 2 columns: Item and Price. Includes various types of Lace Curtains and Madras Curtains.

Table with 2 columns: Item and Price. Includes various types of Nottingham and Cable Net Curtains and Curtain Swiss.

The Last Week of Our Big Special Furniture Sale

If you buy now you profit by as much as one-third. Every item in this sale a bargain, styles the latest, quality the best. A large and well assorted stock to choose from. The following are all good values, we have lots of others.

Table with 3 columns: Item, Price, and Description. Includes Mahogany Morris Chair, Library Tables, and Mahogany Music Cabinet.

We Are Omaha Agents for the Mendel Wardrobe Trunk—Always in Stock.

recently promoted to that place from conductor on the McCook division. OSCEOLA—The Polk County Farmers' Insurance company has elected the following named officers: L. J. Merrick, president; M. L. Kennedy, vice president; C. D. Strout, secretary. Hon. Charles Krumbach, treasurer; M. L. Kennedy, J. J. Merrick and A. A. Jones, directors. NEBRASKA CITY—George Pfann, who has charge of the acetylene gas plant at Dunbar, tried to find a leak in one of the pipes yesterday and as a result he was badly burned about the face, hands and arms. It is feared that he inhaled the fumes and his injuries are serious. NEBRASKA CITY—Lincoln Memorial day will be duly observed in this city by the school children and the public in general. The services will be held at the Overland theater and will be under the direction of G. E. Martin, superintendent of the public schools, and the Commercial club. HUMBOLDT—Several important real estate deals have taken place in Richardson county this winter, and prominent among these was the sale of the Welch home, eighty acres belonging to John Cassidy, east of this city, to his neighbor, Cornelius Matten, the purchase price being \$99 per acre. BEATRICE—J. Neumann, C. E. Reiser, C. W. Robertson and Edward Thiessen, four Wynore merchants, were in the city investigating the new delivery system recently adopted by the grocers of this city. It is said the Wynore merchants intend to install the same service, that of having one man do the work. NEBRASKA CITY—County Attorney D. W. Livingston has begun suit in the county court against the heirs of Claus Broderhoff for the inheritance tax. Just prior to the death of Mr. Broderhoff he undertook to

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