

Nebraska

DUNN GETS SENTENCE TODAY

Omaha Lawyer Will Hear Penalty from Supreme Bench.

SAYS HE MEANT NO DISRESPECT

Tells Judges He Was Tired When He Wrote Brief—City Attorney Burnam Explains for Him.

(From a Staff Correspondent.) LINCOLN, Nov. 15.—(Special.)—J. D. Dunn, assistant city attorney of Omaha, cited for contempt of the supreme court, before that body this afternoon to make his explanation, and was notified to appear at 9 o'clock tomorrow morning, at which time justice will be meted out to him.

The court dismissed the citation for contempt against City Attorney Burnam and Assistant City Attorney John Kane, both of whom said they had nothing to do with the outraged brief.

The city attorney was given fifteen days in which to file new briefs in the case, which is that of "Hessman against the city of Omaha, and to file a new motion for a rehearing.

As constituted at the present time, this is the first contempt case this court has been called upon to try, and the proceedings were very formal and dignified.

When court convened at 2 o'clock, Chief Justice Pease announced that the citations against Burnam and Kane had been dismissed and that the action against the city of Omaha, and to file a new motion for a rehearing.

Mr. Dunn promptly stood before the court and announced that he had little to say other than had been set forth in his written answer, which the court still holds.

The objectionable parts of the brief, he said, were not to be taken as an assault in the presence of the court because the brief had been written in Omaha while the court was not in session; that it is the right and privilege of every citizen, and every newspaper to criticize every decision of a court.

Mr. Dunn then put on the soft pedal and said the brief had been prepared very hurriedly, probably a day being devoted to its dictation and it had been rushed to the printer and then to Lincoln.

"I meant no disrespect to this court or to any member of the court," he said, "and had the brief been prepared under different circumstances I probably would have eliminated some of the things in which the court, I presume, took exception."

Members of the bar are officers of the court, said Judge Barnes, "and a different rule applies to lawyers than applies to individuals."

Burnam Helps Dunn Out. At the conclusion of the Dunn speech, Mr. Burnam claimed the attention of the court.

"Mr. Dunn meant no disrespect to this court or to any member of it," said Mr. Burnam. "I have known Mr. Dunn for a number of years and he is a good lawyer and a good citizen and a gentleman. He is a vigorous lawyer and when the case was decided against his client he was naturally very much disappointed. He has been very busy and there was little time for the preparation of the brief. In fact, I am sure had Mr. Dunn had the time to read it over carefully the objectionable parts would never have been left in it."

"It is the custom," Mr. Burnam said, "to practice law for the losing side to make an attack on the judge who renders the opinion."

"No, indeed, it is not," answered Mr. Burnam, "and I am sure Mr. Dunn meant no disrespect. He is simply a vigorous lawyer and his time was so limited he was unable to read over the brief carefully after it had been dictated."

"The decision will be announced at 9 o'clock in the morning," said Chief Justice Pease. "Court will take a recess."

Several men and women were attracted to the court room to hear the case and paid close attention to the details.

PLAN TO REVIVE INTERURBAN Owners of Omaha and Nebraska Central Line are Busy.

HASTINGS, Neb., Nov. 15.—(Special.)—It is reported here that the men who recently bought the right-of-way of the Omaha & Nebraska Central railroad for a song—something less than \$200—are planning to revive the enterprise. W. H. Fuller of this city, who was chief engineer of the original project, has been in conference with the owners for several days and together they have covered most of the proposed route between Omaha and Hastings.

Carson Hildreth has written Mayor Miles that he will be here Thursday to confer with the Commercial club relative to the possible extension of the Garden City-Stockton railroad in Nebraska. He has been working with the builders of the line,

Official Vote in Nebraska November 2, 1909.

Table with columns for Counties, Supreme Judges, University Regents, and Regents. Lists names and vote counts for various candidates across Nebraska counties.

Total vote, 207,025. Morrill county sent no returns.

Nebraska

Grand Jury Law Defective Since Demos Amend

Nebraska Judge Discovers Body Must be Called Together at One Specific Time.

(From a Staff Correspondent.) LINCOLN, Nov. 15.—(Special.)—The indictment of any person by a grand jury called in Nebraska at this time or at any time since the first regular term of the district court following the adjournment of the late legislature may be seriously questioned in the courts. This state of affairs is due to the action of the late democratic legislature in amending the law providing for calling grand juries, and very likely there can be no more grand juries called legally in Nebraska under the present law.

The amended law reads as follows: "Section 1 grand jury. Unless otherwise ordered in writing by the court of a judge of the district court, grand juries shall be summoned in the manner provided by law, on the first day of the first regular term of the district court of each county; it shall state."

This section repealed section 584 of the criminal code of Nebraska, which provided a judge of the district court could call a grand jury at any time.

The first day of the first regular term of court has been interpreted to mean by lawyers the first day of the first regular term of court following the adjournment of the legislature, and these lawyers hold that inasmuch as criminal statutes are usually held by the court to mean what they say literally, it is doubtful if another grand jury can be called under the present law.

In fact, the matter has already been put up to one district judge in a county where there was a murder committed, and he has discovered that he has no legal right to call the grand jury, and unofficially he is of the opinion the time has passed when that county can have a grand jury, he having failed to call one on the first day of the first regular term.

The bill providing for the amendment was introduced by Representative Wilson of Polk county.

CENSUS TOTALS ARE TARDY

Results of Religious Enumeration Are Not Yet Ready to Be Made Public.

Members of the Ministerial union, in session at the Young Men's Christian association, heard the report of the census takers in the religious canvass just completed in the city. Rev. E. E. Hoeman, pastor of the Walnut Hill Methodist church, made the report and announced that cards were ready for distribution among the churches giving information about church attendance.

All information has been carefully collated. No attempt, however, has been made to devise a table showing the status of religious work in the city, or give out any totals to the public. Individual cards have been filled out, giving information about single persons. These have been allotted to the churches according to the territory covered by them. They have been indexed and will serve as a ready reference for pastors in looking up certain individuals.

L. T. Crossman, director of religious work of the Young Men's Christian association, read a paper on "Religious Education in the Churches." About 100 men were in attendance at the meeting.

BOY HAS FOLKS SOMEWHERE

Little Pickensian Can't Tell the Judge Where Any of Them Is, Though.

Everett King, a colored boy of 15 years who has been living a hand-to-mouth existence, finally fell into the hands of officers of the juvenile court, who forthwith took him before Judge Estelle. Too much enterprise in the vicinity of Illinois Central coal cars was his real undoing and led to his being sent to Kearney.

Before imposing sentence Judge Estelle inquired of the boy about his parents. The boy said his father was in Omaha, but he did not know just where and he thought his mother was somewhere in Iowa.

"Have you any other relatives?" asked the court.

"There is an uncle," replied the urchin.

"Where is he?"

"Somewhere above Nineteenth street," answered the lad vaguely.

BAKED BEANS GET A HEARING

They and Their Cost Involved in a Case Before Interstate Commerce Commission.

Boston baked beans in Omaha and their cost in placing them upon the table are involved indirectly in a case to be tried before a representative of the Interstate Commerce commission in the city today. Three wholesale grocer firms—Allen Bros., the Paxton & Gallagher Co. and the McCord-Brady Co.—are after the railroad for rebates.

California beans are now shipped into Omaha at a cost of 7 cents per 100 pounds. For three months during the year 1908 the railroad had a higher tariff in effect, amounting to 8 cents. When the rate was lowered the wholesale grocers set about to recover the excess charged them during the ninety days.

DOANE - BELLEVUE SATURDAY

Championship of College Teams to be Settled Then.

CRETE, Neb., Nov. 15.—(Special.)—The game that will decide the championship of the intercollegiate league will take place Saturday afternoon at Bellevue between Doane and Bellevue. Doane is planning to send a large number of rooters to Omaha to win the coveted victory. No one can predict the result. The teams are evenly matched.

Neither team has won a game in the Nebraska intercollegiate series. Doane has beaten Kearney, Peru and Grand Island and has tied Wesleyan and had a draw game with Hastings. Bellevue has had tie games with Hastings and Wesleyan, while Hastings has beaten Wesleyan. Doane's record is not better than that of Wesleyan, as that school simply tied Wesleyan, and that school simply tied Hastings. The result of the game will be true against Hastings. If it will have the effect of beating Wesleyan, that will be a Doane, and also over Hastings, who has not equaled Doane's record.

The annual poultry show is now under way for the annual show of the Trans-mississippi Poultry association, which will be held in the Omaha Auditorium soon after the first of the year. The last two shows have been held in this building and has been great successes. The promoters will give the show on a bigger scale this year than ever before. The stage will be given over to a kennel show the same as last year.

Nebraska

HALF MINUTE STORE TALK

No doubt, you've often passed our door and said to yourself—"Great Store," and given us full credit for making it so. But—did you ever stop to think it is the people outside rather than those inside that makes a store great? We could only find a great store and assist in adding to its greatness by having everything satisfactory to our patrons, but it is your patronage, your good will and that of your friends, that really makes it a great store—accept our thanks for the part you are playing in building a great store.

YOUR MONEY BACK ON DEMAND

King-Swanson Co. THE HOME OF QUALITY CLOTHES

The best store in town to buy Underwear

Because we sell only first-class merchandise (no "seconds") and we price it to you as low as most stores sell "seconds" of the same grade; also, we have it in a variety of dimensions which we carefully fit to men of various builds; in fact, we're "underwear fitters."

Heavy Fleeced Shirts and Drawers, 50c garment. Heavy Wool Shirts and Drawers, \$1.00 up to \$3.00. Guaranteed not to shrink. Perfect Fitting Union Suits, \$1.00 and up.

And a vast assortment of mercerized cottons, pure woads, all wools and silks—priced gradually up to \$20.00; also, we're Omaha agents for Schlichter Linen Health Underwear.

Boy Begg Money to Bury Father

Eight Times He Inter "Poor Old Dad" Under the Name of Smith.

Frank Blank is a slippery slip of a lad, according to evidence brought out in juvenile court. Once Mory Bernstein went to the Blank home after the boy and the fugitive ran upstairs. Waiting until Bernstein had ascended the front room in pursuit, the Blank boy jumped lightly out the window.

Another time two Omaha detectives went after him and then August Blank, the father, is said to have aided the boy to escape.

He was in court because he is charged with having found an easier way to get money than by working for it. His specialty is a subscription paper to "help pay the general expenses for my poor old father."

"He's buried you eight times under the name of Smith," said Judge Estelle to the boy's father.

"So I understand," said Blank père.

The case went over.

WHITE HEARING WEDNESDAY

Is Alleged to Have Cashed Paper and Skipped—Lawless is Put Under Charge.

The examination of John White, charged with grand larceny, has been set for Wednesday morning. White, it is alleged, was in Omaha on Friday night, and was seen by John Achaiz, misappropriated \$60 in checks given him to cash. He left town, but was arrested upon his return.

Tom Lawless, one of the ex-convicts taken in Saturday's raid on a Webster street house, has been formally charged with breaking into, entering and robbing the home of Chris Marks on November 4, taking goods to the value of \$10.

The hearing of Spencer Williams, charged with robbery, has been set for Tuesday morning.

FIREMAN WELSH IS INJURED

Was Thrown to Pavement in Collision with Street Car Which Hit Chief Simpson's Rig.

William Welsh, driver for First Assistant Fire Chief Simpson, is confined to his bed because of injuries sustained when his rig was struck by a southbound street car at Thirteenth and Jackson streets Friday night, while they were responding to

INDIGESTION, GAS AND HEARTBURN GO

Relief in five minutes awaits every Stomach sufferer here.

Nothing will remain undigested or sour in your stomach if you will take a little Diapasein occasionally. This powerful digestive and antacid, though as harmless and pleasant as candy, will digest and prepare for assimilation into the blood all the food you can eat.

Get what your stomach craves, without the slightest fear of indigestion or that you will be bothered with sour risings, Belching, Gas on Stomach, Heartburn, Headaches from stomach, Nausea, Bad Breath, Water Brash or a feeling like you had swallowed a lump of lead, or other disagreeable miseries. Should you be suffering now from any stomach disorder,

you can get relief within five minutes. If you will get from your pharmacist a 10-cent case of Pape's Diapasein you could always go to the table with a hearty appetite, and your meals would taste good, because you would know there would be no Indigestion or Sleepless nights or Headache or Stomach misery all the next day; and, besides, you would not need laxatives or liver pills to keep your stomach and bowels clean and fresh.

Pape's Diapasein can be obtained from your druggist, and contains more than sufficient to thoroughly cure the worst case of Indigestion or Dyspepsia. There is nothing better for Gas on the Stomach or sour odors from the stomach or to cure a Stomach Headache.

You couldn't keep a handier or more useful article in the house.—Adv.

Post Toasties Immensely Liked by Children. A crisp, golden-brown food made of select, perfectly matured white corn. Can be served right from the package. With cream or fruits a comforting treat. Economical Wholesome Delightful. Washburn-Crosby's Gold Medal Flour. For Dec, Jan, Feb, Mar, Apr, May, June, July, Aug, Sept, Oct, and November. Includes an image of a flour sack and a calendar.