

Nebraska  
TAYLOR'S SENTENCE UPHeld

Supreme Court Decides Minden Man Must Die.  
EXECUTION FIXED OCTOBER 28

Judges Reese and Sedgwick Dissent from Opinion—Affirm Verdict in Dennison Damage Suit.

From a Staff Correspondent. LINCOLN, May 20.—(Special.)—The death sentence of Bert M. Taylor, of Minden, convicted of murdering his sister-in-law, Pearl Taylor, has been affirmed by the supreme court in an opinion written by Judge Barnes. Chief Justice Reese and Judge Sedgwick dissented.

The court fixed October 28 as the date of execution. Taylor was convicted in the district court of the murder of Pearl Taylor while perpetrating a criminal assault. A younger sister of the murdered girl, Ida Taylor, age 15 years was left by Taylor for dead, but regained consciousness and gave the alarm. She later recovered. Taylor fled and finally gave himself up to the officers in California and was brought back to Minden for trial.

After Taylor's wife died, Taylor and his dead wife's two sisters lived together in a little house in Minden and it was in this house that the crime was committed. In the supreme court the defendant alleged error because the lower court at one time refused to grant a continuance, refused to grant a change of venue, misconduct on the part of the jury; and complained of remarks made by counsel for prosecution in his argument before the jury, charging that counsel for the defendant was trifling with the court and jury by presenting the defense of insanity and drunkenness when they knew or ought to have known that there was no merit in them.

Court Overrules Objections. The court holds that the remarks complained of were within the limits of fair and reasonable discussion and not sufficient to require a new trial. In the absence of any showing in the record to the contrary the court assumes that the trial

Nebraska

judge before passing sentence upon Taylor informed him that a verdict of guilty had been found against him as required by law. Objections raised by the defendants because the jury was taken by the baiting in a body to the Methodist church on Sunday and attended divine worship and that the court adjourned the trial from Saturday night until Tuesday because Monday was Memorial day are not sufficient grounds for a new trial. Instructions of the court regarding insanity and intoxication including the legal effect of so-called insane delusions are held proper.

Chief Justice Reese in dissenting, attacks that section of the criminal law relating to murder in the first degree and says the courts might as well construe it to read as follows: "If any person shall in the perpetration or attempt to perpetrate any crime, arson, robbery or burglary or by administering poison or causing the same to be done, kill another, every person so offending shall be guilty of murder in the first degree."

No Power to Fine. Because the police judge of Lincoln had no authority to fine Gus A. Juegenheimer \$200 for violating a rule of the Lincoln Excise board the supreme court has dismissed the petition in error. The district court had affirmed the judgment of the police judge and none of the lawyers called attention of the supreme court to the fact that the police court had no jurisdiction and that the affirmation by the district court was a nullity, but an examination of the record disclosed that condition and the court dismissed the action.

Two Thousand for Dennison. The case of Thomas Dennison against the Daily News Publishing company of Omaha in which the district court found for the plaintiff, has been affirmed by the supreme court. The case has been before the supreme court twice, being reversed the first time. Dennison first secured a judgment for \$5,000 from which the defendant appealed. On a second trial he was awarded a judgment of \$2,000 and this judgment is affirmed.

Dennison sued The News for the publication of articles which he alleged were libelous, at the time of the destruction of

Nebraska

the Elmer Thomas home by a bomb. The opinion was written by Judge Fawcett, the court holding there was nothing prejudicial in the trial in the lower court.

Limit to Liquor License. The supreme court has held that the board of fire and police commissioners of Omaha may issue a liquor license to run from January 1, 1910 to January 1, 1911. The case came up on the application of Peter Johnson of Omaha for a liquor license to run for the period mentioned. The board granted the license. J. M. Leidy protested the issuance of the license because it extended beyond the municipal year which ended in May 31, according to his idea. The district court upheld the police board and Leidy appealed. The opinion was written by Judge Barnes who in his syllabus said:

"The mayor and city council of metropolitan cities may, for the purpose of licensing and the sale of intoxicating liquors, declare the municipal or license year to be the same as, and co-extensive with, the fiscal year fixed by the terms of the city charter; and the Board of Fire and Police Commissioners of such city may grant a license therefore commencing on the first day of January and terminating on the December 1 of the current year."

Demurrer in Liquor Cases. Attorneys for the Burlington and Union Pacific railroads have filed briefs in the supreme court in answer to the suit of the attorney general for an injunction to prevent the sale of liquor on the dining cars of the trains operated by these companies. The companies argued that the court had no jurisdiction to attempt to enforce a criminal statute by proceedings in equity. The attorney general made no averment of any pecuniary injury to the citizens of the state nor any rights of property to be protected.

Both roads demurred to the petition of the legal department of state, but insisted the demurrer is only intended to present the legal issue defined for decision and its admission of the allegations are not made with any other end in view and the rights to take issue on the facts should the court hold it has jurisdiction are not waived. Both roads set up that liquor is served for the benefit of passengers, who in nearly every instance are through travelers.

Still Being Urged. "They are still urging me to get in the race and the demand is very insistent and I may have to yield, but I am not sure." That is the way Bernard McNeeny replied to the question: "Are you going to run for attorney general?"

r. McNeeny was in Lincoln today to look up some matters connected with the suit of Cora Whittaker against Frank Young for damages for breach of promise. The suit was originally filed in the federal court at Denver and later dismissed. Mr. McNeeny expects to refile it in the district court of Lancaster county, the home of Mr. Young. W. C. Dorsey of Bloomington, an attorney, accompanied Mr. McNeeny.

INJUNCTION AGAINST HAVELOCK STRIKERS

Judge T. C. Munger Grants Order Against Burlington Shop Holders. LINCOLN, Neb., May 20.—Judge T. C. Munger of the federal court today granted an injunction against the striking hold-out makers at the Havelock shops. The Burlington officials alleged that the strikers had established pickets and had assaulted several non-union men. The strikers are restrained against using violence or interfering with the property of the company.

BOY MANGLED BY ENGINE

Andrew Swanson of Osceola Caught in Machine and Dies from Injuries. OSCEOLA, Neb., May 20.—(Special.)—Bernard Swanson, the 19-year-old son of Andrew Swanson, living three miles southwest of Osceola, was fatally injured in a gasoline engine last evening and died within a few hours. The young man was grinding feed and had attempted to reach across the engine to adjust something when his arm was caught in the governor and he was thrown against the machine, his arm badly cut up and he received a concussion of the head. The doctors amputated the arm within a short time. His death was due to injuries received about the head.

DAVIDSON ACCEPTS OFFICE

Chancellor of Nebraska Wesleyan University Will Go to Garrett Biblical Institute. (From a Staff Correspondent.) LINCOLN, Neb., May 20.—(Special Telegram.)—William J. Davidson, chancellor of Nebraska Wesleyan university, today accepted the professorship of religious rhetoric at the Garrett Biblical Institute at Evanston, Ill., an affiliated college of Northwestern university. The appointment takes effect September 1.

Stolen Goods Recovered. PLATTSBOUTH, Neb., May 20.—(Special.)—Sheriff Quinton has a large stock of merchandise in his possession awaiting an owner. Fred Blunt and Sampson Karnes informed him where he would find the goods, a portion of them under a bridge a few miles north of the Missouri Pacific depot in this city and more in a vacant house. The goods consist of bolts of dress-goods, bundles of overalls, neckties, coats, skirts, etc. The officers are of the opinion that the goods were thrown from the Missouri Pacific freight cars while they were about half way between this city and the Platte river, and that they had removed and disposed of what they desired and turned the remainder over to the officers. While the officers were getting the goods the men made their getaway to Iowa. The railroads have had the same kind of business to contend with for several years and have landed several offenders in the state penitentiary from this county.

Beck Wins Scholarship. EDGAR, Neb., May 20.—(Special.)—The twenty-second annual commencement of the Edgar High school was held in the opera house last evening. The graduates were: Frances Nevins, Grace Hart, Beverly Winston, Genoa Hayes, Gladys Deffenbaugh, Wesley Beck, Florence Boden, Elsie Hart, Florence Messopian, Ollie Northrup, Osta Jennings and Milford Carlson. A \$100 scholarship in Deane college was presented to the student passing the best examination and was won by Wesley Beck.

Pioneer Woman Dies. ST. PAUL, Neb., May 20.—(Special.)—Mrs. Anna Christensen, wife of L. P. Christensen, died yesterday after a week's sickness. She was about 62 years of age and one of the early settlers of Howard county, having come here in 1874.

Commencement at Creighton. CREIGHTON, Neb., May 20.—(Special.)—The high school graduating exercises will be held in the opera house on Friday, May 27th. This year's class consists of the following named pupils, Inou Simons, Eva

OMAHA'S ONE MODERN CLOTHING STORE  
**King-Swanson Co.**  
16th & HOWARD STS.  
The Home of Quality Clothes

**Substantial Savings**  
in Spring Suit Spendings  
--keeps the crowd coming to King-Swanson for their good suits—suits that have every element of worth—suits with goodness to appreciate and sightliness to admire. Suits that make other stores similar priced suits look high in comparison.



The best Suits, bar none, ever sold at our Prices—  
**\$10, \$12, \$15, \$20 and up to \$35**  
Every one carrying an absolute guarantee of \$3, \$5 and even \$10 saved.

**King-Swanson's "True Blue" Serges**  
Beautiful in tone—satisfying in service—the very limit of blue serge excellence. Slightly models by experts who know how to make a solid color garment. If you buy a blue serge suit without seeing our "True Blues" you'll regret it every time you meet a fellow whose good judgement directed him to us. Come in and look at them.  
**\$15.00 and \$20.00**

A visit to our Boys' Department on 2d floor will repay any economical person.  
Whether they're inclined to buy the finest clothes obtainable or any one of the little wearables in the boys' furnishings, there is money to be saved and satisfaction to be gained.  
**VERY SPECIAL SUIT OFFER—**  
A Pair of Knickerbockers—Sizes 7 to 17 years. Unusual fabrics from the view point of service-ability—splendid assortment of colors including mixtures, checks and several grays—coats are bottom faced and knickerbockers are full leg top—  
Regular \$4.50 value **\$3.50** for

The deeper one goes into the virtues of Franklin air cooling the more unfavorable water cooling appears.

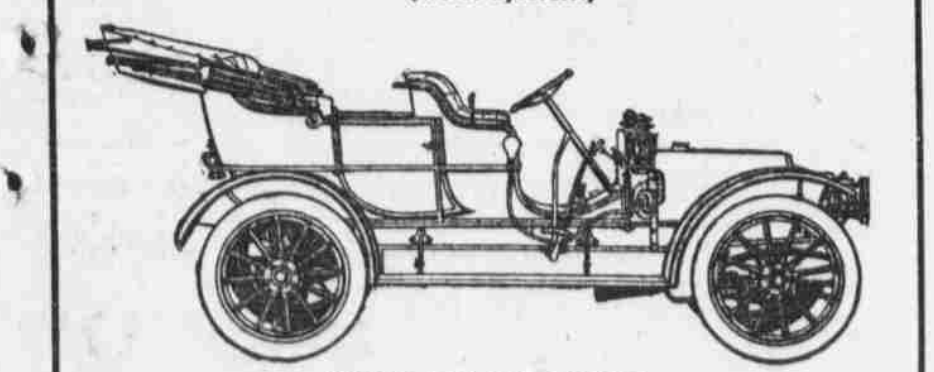
Franklin air cooling not only equals water cooling but in addition has virtues not possessed by water cooling. The water-cooled motor consists of two separate mechanisms—the engine and the cooling system. If one gets out of order the other is disabled. The Franklin motor is one mechanism—the engine. The cooling system is not a mechanism; it is not anything separate or distinct from the engine. It utilizes the fly wheel, the engine boot and the hood but does not add mechanism.

There is not a single condition of water cooling the Franklin can not meet, but there are a number of conditions in which the water-cooled automobile can not meet the Franklin.

The Franklin can meet the water-cooled automobile in any road test fast or slow, mud, sand or hills, and if the work is severe enough the Franklin will outdo the water-cooled automobile every time.

The Franklin cooling system is unaffected by cold or hot weather; it does not require any attention.

- Model H, 42-horse-power, seven-passenger touring car, \$3750.
- Model D, 28-horse-power, five-passenger touring car, \$2800.
- Model G, 18-horse-power, four-passenger touring car, \$1850.



MODEL D TOURING CAR  
GUY L. SMITH,  
2205 Farnam Street, OMAHA, NEB.

**Stout Men**  
We just received some new clothes, specially made for the season's wear. Right styles and right prices.  
**\$25 and \$20**  
clothes, for men and young men to stay young.  
"Slip On"—you slip one on and the rain slips off.  
**VOLLMER'S**  
Expert Clothes Fitters  
107 S. 16th St.

**EVERY** advantage of quality in materials, workmanship and efficiency in the new Rambler will be found in Rambler Fifty-three. A reproduction in smaller size of the forty-five horsepower Rambler.

has such advantages as the offset crank-shaft, straight-line drive, Spare Wheel, engine accessibility and 36-inch wheels, besides a neat and durable aluminum front foor.

Its convenient size and exceptional power make it an economical car—a car easier to get about with and easier to drive.

We will gladly send you a copy of the Rambler Magazine or catalog with description.

**THE NEW Rambler**  
Coit Automobile Company  
2209 Farnam St., Omaha, Neb.