THE BEE: OMAHA, SATURDAY, MAY 21, 1910.

Nebraska Nebraska TAYLOR'S SENTENCE UPHELD idge before passing sentence upon Tayor informed him that a verdict of guilty opinion was written by Judge Fawcett, the had ben found against him as required by court holding there was nothing prejudicial law. Objections raised by the defendants in the trial in the lower court. Supreme Court Decides Minden Man because the jury was taken by the ballift in a body to the Methodist church on Sunday and attended divine worship and that

courts might as well construe it to read

as follows: "If any person shall in the per-

No Power to Fine,

The case has been before the supreme

first degree."

EXECUTION FIXED OCTOBER 28 Judges Reese and Sedgwick Dissent from Opinion-Affirm Verdict

> in Dennison Damage Suit.

Nebraska

Must Die.

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 Rosso and Judge Sedgwick dissented.

The court fixed October 25 as the date of execution. Taylor was convicted in the district cougt of the murder of Pearl Taylor while perpetrating a criminal assault A younger sister of the murdered girl, Ida curred in this

Taylor, age 15 years was left by Taylor for dead, but regained consciousness and gave the alarm. She later recovered. Tay-

lor fied and finally gave himself up to the no authority to fine Gus A. Jugenheimer officers in California and was brought back | \$209 for violating a rule of the Lincoln Exto Minden for trial. cise board the supreme court has dis-After Taylor's wife died, Taylor and his missed the petition in error. The district

dead wife's two sisters lived together in a court had affirmed the judgment of the little house in Minden and it was in this police judge and none of the lawyers called house that the crime was committed. attention of the supreme court to the fact In the supreme court the defendant al- that the police court had no jurisdiction

leged error because the lower court at one and that the affirmance by the district time refused to grant a continuance, recourt was a nullity, but an examination of fused to grant a change of venue, miscon- the record disclosed that condition and the duct on the part of the jury; and comcourt dismissed the action. plained of remarks made by counsel for Two Thousand for Dennison. prosecution in his argument before the The case of Thomas Dennison against the protected. jury, charging that counsel for the de-Daily News Publishing company of Omaha fendant were trifling with the court and in which the district court found for the

jury by presenting the defense of insanity plaintiff, has been affirmed by the supreme and drunkenness when they knew or ought court. to have known that there was no merit in them. court twice, being reversed the first time.

**Court** Overrules Objections.

Dennison first secured a judgment for \$7,500 The court holds that the remarks comfrom which the defendant appealed. On a plained of were within the limits of fair second trial he was awarded a judgment of and reasonable discussion and not suffi- \$2,000 and this judgment is affirmed. cient to require a new trial. In the ab- Dennison sued The News for the publicasence of any showing in the record to the tion of articles which he alleged were licontrary the court assumes that the trial belous, at the time of the destruction of

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.

the Eimer Thomas home by a bomb.

Limit to Liquor License The supreme court has held that th seard of fire and polics commissioners of the court adjourned the trial from Satur-Omaha may issue day night until Tuesday because Monday from January1, 1910 to January 1, 1911. The was Memorial day are not sufficient case came up on the application of Peter rounds for a new trial. Instructions of Johnson of Omaha for a liquor license t the court regarding insanity and intoxication including the legal effect of so-called run for the period mentioned. The board granted the license. J. M. Leidy protested insane delusions are held proper. the issuance of the license because it ex-Chief Justice Reese in dissenting, attacks tended beyond the municipal year which that section of the criminal law relating to ended in May 1910, according to his idea. murder in the first degree and says the

petration or attempt to perpetrate any said: rape, arson, robbery or burglary or by ad-"The mayor and city council of metroministering poison or causing the same to politan cities may, for the purpose of be done, kill another, every person so oficensing and regulating the sale of infending shall be guilty of murder in the toxicating liquors, declare the municipal or license year to be the same as, and co-He said: "By this construction all idea extensiv with, the fiscal year fixed by the of purpose or intent to kill, and all idea terms of the city charter; and the Board of deliberate and premeditated malice are of Fire and Police commissioners of such effectually eliminated. He asserts that this city may grant a license therefore comrule is barbarous. Judge Sedgwick conmencing on the first, day of January and

The district court upheld the police board

and Leidy appealed. The opinion was writ-

ten by Judge Barnes who in his syllabus

terminating on the December 1 of the current year. Because the police judge of Lincoln had

Demurrer in Liquor Cases.

Attorneys for the Burlington and Unior 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 to jurisdiction to attempt to enforce a criminal statute by proceedings in equity. The argued that the petition filed by the attorney general made no averment of any pecuniary injury to the citizens of the itate nor any rights of property to be

Both roads demurred to the petition of the legal department of state, but insist 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 may have to yield, but I am not sure." That is the way Bernard McNeny replied to the question: "Are you going to run for attorney general?" r. McNeny 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. Mc-Nany expects to refile it in the district court of Lancaster county, the home o Mr. Young. W. C. Dorsey of Bloomington, an attorney, accompanied Mr. McNeny.

INJUNCTON AGAINST HAVELOCK STRIKERS Judge T. C. Munger Grants Order

Against Burlington Shop Boilermakers.

Son Marries His Father. TECUMSEH, Neb., May 20.-(Special.)-Mr. S. P. Tingle, for forty-two years a resident of this community, and Mrs. Nancy C.

high school has turned out.

Webb of Pasadena, Cal., were married at LINCOLN, Neb., May 20.-Judge T. C. Munger of the federal court today granted an injunction against the striking bollerthe Tingle home, south of this city, Sunday her 11-year-old daughter, Rubie, arrived Ida Grove district. makers at the Havelock shops. The Burlington officials alleged that the strikers from the California city that evening. had established pickets and had assaulted

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The Home of Quality Clothes

Substantial Savings

Keller, Elsie Hazen, Blanche Stingley, Fern considerably encouraged Witwer, Vern Witwer, Thuri Strain, Thos. Youce, Dwight Lyons, Gordon Saunders, making one of the largest classes that the

suits look high in comparison.

and look at them.

to admire. Suits that make other stores similar priced are full peg top .--are full peg top.-negular 84.50 values \$3.50 The best Suits, bar none, ever sold at our Pricesand up to **\$10, \$12, \$15, \$20** 

A visit to our Boys'

Depart ment

on 2d floor

will repay

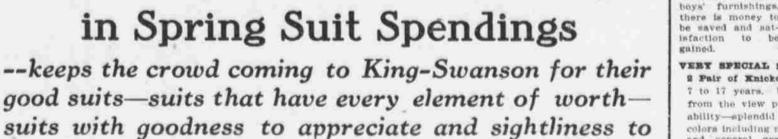
economical

Whether they're

inclined to buy the finest clothes

person.

any



Every one carrying an absolute guar-

antee of \$3, \$5 and even \$10 saved.

**King-Swanson's** 

**"True Blue" Serges** 

lence. Sightly 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

\$15.00 and \$20.00

Beautiful in tone-satisfying in service-the very limit of blue serge excel-

obtainable or any one of the little wearables in the boys' furnishings. be saved and sat-

VERY SPECIAL SUIT OFFERand several grays -- coats are botom faced and knickerbockers

\$35

2 Pair of Enickerbockers-Sizes 7 to 17 years. Unusual fabrics from the view point of serviceability-splendid assortment of colors including mixtures, checks

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.

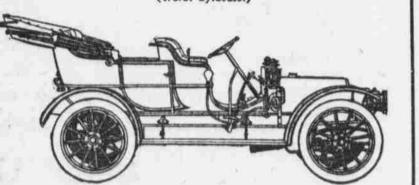
The Franklin can meet the water-cooled automobile in any road test fast or slow, mud, sand or hills, and if the work is severe enough the Franklin will outdo the water-cooled automobile every time.

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. (f.o.b. Syracuse.)



MODEL D TOURING CAR

GUY L'. SMITH,

2205 Farnam Street,

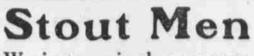
OMAHA, NEB.

WE

FIT

ALL

SIZES



We just received some new clothes, specially made for the season's wear. Right styles and right prices.



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.

ceremony, which was performed by a son restrained against using violence or in of the groom, Rev. O. P. Tingle, also of terfering with the property of the com-Pasadena.

MANGLED BY ENGINE BOY Andrew Swanson of Osceola Caught

pany.

in Machine and Dies from Injuries.

EMERSON, Neb., May 20 .- (Special.)-The graduation exercises were held last evening, the following receiving diplomas: J. Russell Flauto, Clyde Isenberg, Raymond Pearce, Misses Nellie Jones and Winifred Curran. Prof. Lawrence Fassler of the State uni-

Commencement at Emerson.

There were but a few witnesses to the

OSCEOLA, Neb., May 20.-(Special.)-Bernard Swanson, the 19-year-old son of Andrew Swanson, living three miles south-west 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 am-wutstated the arm within a short time His oncussion of the head. The doctors am- guilty was found by the jury. Judge Coch-

putated the arm within a short time. His ran will not render the sentence for several death was due to injuries received about days. the head.

## Nebraska News Notes.

CREIGHTON-W. H. Green has about completed the excavating for his large 60x50 automobile garage and opera house. DAVIDSON ACCEPT S OFFICE

CRAIG-A class of thirty new recruits to the local Modern Woodmen of America lodge went to Omaha today for initiation.

(From a Staff Correspondent.) LINCOLN, Neb., May 20.-(Special Tele-gram.)-William J. Davidson, chancellor of

CREIGHTON-Mr. F. C. Largen has just returned from Omaha with a car load of automobiles, which he has disposed of to

HOLDERGE-Mr. and Mrs. David C. Blackburn yesterday celebrated their

PLATTSMOUTH-The seniors of the Plattsmouth high school put on "Cupid at Vassar," in the Parmele theater last even-ing to a crowded house.

merchandise in his possession awaiting an owner. Fred Blunt and Sampson Karnes informed him where he would find the condet a protion of them under a bridge

skirts, etc. The officers are of the opinion that the goods were thrown from the Mis-souri Pacific freight cars while they were about half way between this city and the Distor store and that they between this city and the for business in a few days.

Electri and disposed of what they desired and Light and Power company are contemplat-turned the remainder over to the officers. ing the rebuilding of their water dam at the Lower Mills, and furnishing Creighton with day and night service.

the men made their getaway to Iowa. The railroads have had this same kind of busi-pess to contend with for several years and have landed several offenders in the state penitentiary from this county. CREIGHTON-The Creighton Roller Mills

Beck Wins Scholarship. EDGAR, Neb., May 20.-(Special.)-The were sold last week to Frank Jirous of Clarkson, Neb., who will be here next twenty-second annual commencement of the throughout and put in new machinery. MINDEN-G. H. Winters, a relative of Mrs. J. S. Canaday, was run over by the Borlington train early thursday morning and instantly killed. He was deaf and dumh and could not hear the warning of the train whistle.

CREIGHTON-The Creighton base ba

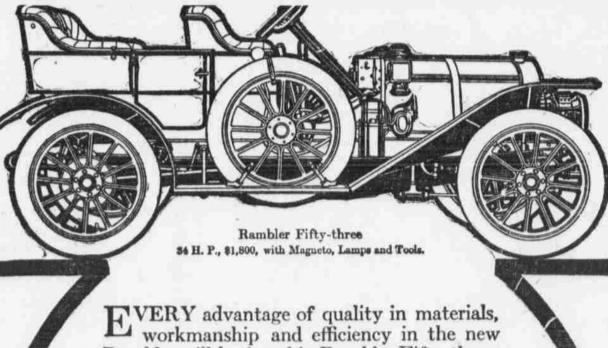
was won by Wesley Beck. Pioneer Woman Dies. ST. PAUL. Neb., May 20.-(Special.)-Mrs. Anna Christensen, wife of L. P. Chris-tensen, died yesterday after a week's sick-ness. She was about 62 years of age and

ness. She was about 62 years of age and one of the early settlers of Howard county, having come here in 1873. Commencement at Creighton. CREIGHTON, Neb., May 20.—(Special.)— The high school graduating exercises will

The high school graduating exercises will be held in the opera house on Friday. May lith. This year's class consists of the fol-lowing named pupils, Iono Simons, Eva

the banquet, also. BEATRICE-A young man named Dar-ling was arrested and lodged in jall at Wymore on a charge of trying to pass a worthless check on Julius Neumann, a merchant at that place. The check was made out for \$10 in favor of Darling and bore the signature of W. Cook. As no such man as Cook lives at that place the authorities are inclined to think it a case of forgery. Darling will be held pending an investigation. He has been employed on the Burlington for a few weeks at Wymore. FREMONT-The jury in the case of

 and some the southeastern between the kitches who were in the kit or torgery. Darling will be held pending an investigation. He has been employed on the Burlington for a few weeks at Wymore. FREMONT-The jury in the case of Mary Wright, administratrix, sgainst the Union Pacific Railroad company in the district court of Dodge county brought in a verdict use evening for \$1299.99, being the full amount sought to be recovered. Wright was killed in December, 1998, by being struck by a west bound train on the west bound track of defendant's right-of-way. A nephew of his was killed at the



Rambler will be found in Rambler Fifty-three. A reproduction in smaller size of the fortyfive horsepower Rambler.



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

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.

Coit Automobile Company 2209 Farnam St., Omaha, Neb.

Nebraska Wesleyan university, today accepted the professorship of religious rheoric at the Garrett Biblical Institute at Evanston, Ill., an affiliated college of

Northwestern university. The appointment takes effect September L. Blackburn yesterday celebrated their golden wedding anniversary at their home northwest of this city. Stolen Goods Recovered.

PLATTSMOUTH, Neb., May 20-(Special. Sheriff Quinton has a large stock of

goods, a portion of them under a bridge a place.

skirts, etc. The officers are of the opinion Platte river, and that they had removed While the officers were getting the goods

the men made their getaway to lowa. The

Edgar High school was held in the opera nouse last evening. The graduates were: Frances Nevina, Grace Hart, Beverly Winston, Genoa Hayes, Gladys Defibaugh, Wesley Beck, Florence Boden, Elsie Hart, Florenca Messopian, Ollie Northrup, Osie Jenence Messopian, Olle Northrup, Oaie Jen-nings and Milford Carlson. A \$100 scholar-ship in Doane college was presented to the student passing the best examination and was won by Wesley Beck. Statistic comparison of the state of the s was won by Wesley Beck.

ness. She was about 62 years of age and one of the early settlers of Howard county, having come here in 1873.

Chancellor of Nebraska Wesleyan University Will Go to Garrett Biblical Institute.

Creighton parties.

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, corsets, kirst etc. The officers are of the continuon

CREIGHTON-The Creighton