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Nebraska COURT ACTS ON CREAM RULE

Supreme Tribunal Holds Food Officials Exceeded Authority.

COUNTY MAY BUILD BRIDGES

Richardson Board Held to Have Acted Within Authority in Deciding to Buy Material—No Pardon for Hawkins.

(From a Staff Correspondent.) LINCOLN, May 13.—(Special Telegram.)—According to the supreme court, which handed down a number of opinions late this afternoon, the state food commissioner exceeded his authority when he made a rule that buyers of cream should not pay for the same on the day of purchase. The regulation was made under the law which provided that cream should be sold under such regulations as the commissioner should promulgate. The court holds this provision is too broad and gives the commissioner legislative power, which the legislature had no right to delegate to that official. The regulation was intended to obtain better testing of cream, as it was held that in the rush of receiving the tester would not properly perform his work and if payment was not made that day a sample could be taken and the test made at leisure.

M. Egan of Richardson county was arrested for violating the rule and discharged, the state appealing. The lower court was sustained.

Gay A. Crook, who sought to prevent the county board of Richardson county from buying material and constructing its own bridges, was held to have acted within its authority in the purchase of material. The county board rejected bridge bids, alleging there was a combine among bidders and the prices were too high and decided to do its own bridge work. Crook sought to have the court compel the county to readvertise and let contracts. The lower court decided against him and this verdict was sustained.

Henry Gering, the Plattsmouth druggist, must try his case over again or lose the \$1 judgment he obtained for malicious prosecution in the case against John M. Leyda. Gering was arrested on a charge of illegal selling of liquor, was acquitted and sued Leyda for malicious prosecution. The lower court gave him a verdict of \$1 damages, which is reversed by the supreme court on the ground the evidence was not sufficient to connect the defendant with the prosecution of Gering.

The supreme court says it is not kidnapping to elope with a 15-year-old girl and marry her if the girl is willing. This opinion was handed down in the case of Fred M. Fitzgerald, convicted of kidnapping. The evidence disclosed the court says that the girl, Alice Barrett, went away willingly, and there was no effort to conceal the fact of the marriage and no criminal intent shown.

The governor has refused to grant a pardon to Andrew Hawkins, sent up for life from Frontier county for the murder of Thomas Jensen in 1897. The pardon board reported adversely on the petition. There was a largely signed remonstrance against pardon, signed by people in Frontier county. Jensen, who was a wealthy man, was killed while near Stockville attending to business affairs. A son devoted several months to the search for his father after the disappearance and finally found his body in a well near the Hawkins home, and on top of the body was a large amount of manure which Hawkins had placed there.

The case caused great excitement in Frontier county at the time and public feeling was intense.

Jerry Atkins, given a three-year sentence in Dawson county on a charge of assaulting a girl, was granted a commutation to two and a half years, making his term expire May 20.

David Newell of Thurston county, who has served six months of a two-year term for giving liquor to an Indian, was pardoned.

Andrew Wilson, sent up for three years from Cass county on a charge of breaking and entering, was pardoned. He was incarcerated July, 1910.

In the action brought by the citizens of Bethany for a 5-cent fare on the Omaha, Lincoln & Beatrice Interurban, the railway commission ruled adversely and ordered that the company must carry baggage free when accompanied by passengers, must make a special rate for children and must sell the round trip commutation tickets on the trains instead of only at the company's office in Lincoln, as now.

Improvements at Weeping Water. WEEPING WATER, Neb., May 13.—(Special.)—The Philoit brothers garage, one of the largest in southeastern Nebraska, is now almost completed. It contains a fine ball above E. A. Jameson has broken ground for a modern residence. The new postoffice building is almost ready for occupancy and the Meier Drug company's fine new quarters will be completed in a few days.

Live wires smoke Permia. 5 cents.

Nebraska Grand Chapter of Eastern Star Meets at Fremont Tuesday

FREMONT, Neb., May 13.—(Special.)—The annual meeting of the Nebraska grand chapter of the order of the Eastern Star begins here tomorrow and will continue until Thursday evening. About 700 women and 100 men will be in attendance.

The opening ceremonies at 2 p. m. will include an address of welcome to the representatives in behalf of Arthur Witsch of Fremont by Miss Pearl Albertson, with response by Mrs. Gamble of Plattsmouth, and in the evening a welcome address on behalf of the city of Fremont by Mayor George F. Wolf.

Mrs. Carrie C. Wright of Schuyler is the grand matron; Ben L. Terry of Alexandria, grand patron; Mrs. Anna C. Simpson, Omaha, grand secretary. The other officers of the grand chapter are: Associated grand matron, Mrs. Elizabeth Gamble, Plattsmouth; associated grand patron, L. E. Smith, Long Pine; grand treasurer, Mrs. Lou Conklin, Hubbell; grand conductress, Mrs. Floy Roper, University Place; associated grand conductress, Mrs. Sarah Reuling, Wynmore; grand chaplain, Mrs. Lydia Douglas, North Platte; grand lecturers, Mrs. Maud Calhoun, Pawnee City; grand marshal, Mrs. William S. Rowe; organist, Mrs. Rachel Watson, Nebraska City; grand Adah, Miss Catherine K. Piske, Beatrice; grand Ruth, Mrs. Metta Fisher, Randolph; grand Esther, Mrs. Susie I. Matthews, Lincoln; grand Martha, Mrs. Mary Herrick, Columbus; grand warden, Miss Rose Owens, Bloomington; grand sentinel, Richard Matteson, Geneva.

WEeping WATER MAN IS SLUGGED AND ROBBED

WEEPING WATER, Neb., May 13.—(Special.)—J. F. Purdy, night operator for the Missouri Pacific at this place, while starting to work last night at 12 o'clock was held up by two men. One man followed him down the walk toward the depot and as he neared another man, the first called out, "Hey, there." As the operator turned to look back the second man struck him over the head. Then both carried him back in the dark, relieved him of \$55 of his savings and left him. There is no clue to the holdup men.

NEBRASKA MAN TAKES HIGH Y. M. C. A. POSITION

STELLA, Neb., May 13.—(Special.)—Rev. Horace F. Martin has resigned as pastor of the Lutheran church at Iowa City, Ia., to take up work, beginning June 1, under the International Young Men's Christian association committee as religious work director for students at state universities. His headquarters will probably be at Minnesota. The position means a large opportunity with splendid salary. Rev. Martin grew to manhood in Stella and is a graduate of the Western Theological seminary at Atchison, Kan. He is president of the Evangelical Lutheran synod of Iowa.

Cedar Will Have Bumper Crops.

HARTINGTON, May 13.—(Special.)—Farmers in this locality are jubilant over the prospect of a big crop this year. Not in years have conditions been so favorable for all kinds of grain and everybody feels cheerful over the outlook. Frequent rains are forcing the small grain and the pasture land along at a

Nebraska HURON HIGH WINS THE SOUTH DAKOTA MEET

HURON, S. D., May 13.—(Special.)—At the State High School meet yesterday in Brookings, the Huron high school team was the victor. The points were divided as follows: Huron, 5; Sioux Falls, 29; Brookings and Madison each 18; Oelham, 15; Watertown and Aberdeen each 10; DeWitt, Bridgeview and Perry, 1 point each. Markey was the star point winner of the meet, taking first place in the 50, 100 and 200 yard dashes, and in the pole vault. Dickey won many honors, taking first in hammer throw and discus and second in high hurdles. In the discus throw he was a record breaker. After winning the vent in a throw of 106 feet, 9 inches, he tried for a record and buried the discus 121 feet, breaking all state records, and placing himself among the best athletes in this event in the country. The remaining points were won by Broe taking 5, with second in the 100 yard dash and half mile; Baker, 2, with second in shotput; Wright 2, with second in the mile dash and Brock 1, with third in the 200 yard dash.

By winning the meet the Huron team was awarded the loving cup offered as a prize by the state college at Brookings to the team winning the meet three consecutive times.

Motorcyclists Lose Game.

The Ak-Sar-Ben Motorcycle club of Omaha took their ball team to Calhoun Sunday afternoon and played the Calhoun boys, and it turned out to be one of the most exciting games of base ball seen on the Calhoun diamond for some time. The contest was a pitched battle from start to finish, with honors divided about fully between the two twirlers. The batter for the Motorcyclists was Noah and Wheeler and Port Calhoun's Crovets and Slader. The game resulted in the final score of one for Calhoun and none for the Motorcyclists. There was not an earned run made, the only run being scored by Calhoun on Wheeler's error, and it was the only error struck off eighteen batters and Crovets struck out twelve. Each pitcher allowed four hits.

Games Today.

Western League—Topeka at Omaha, Denver at Sioux City, Lincoln at Des Moines, Wichita at St. Joseph. National League—Boston at Cincinnati, Philadelphia at Chicago, Brooklyn at St. Louis, New York at Pittsburgh. American League—Detroit at New York, Chicago at Philadelphia, St. Louis at Boston, Cleveland at Washington. Nebraska State League—Fremont at Hartington, Columbus at Seward, Grand Island at York, Kearney at Superior. American Association—Minneapolis at St. Paul, Louisville at Indianapolis, Columbus at Toledo, Milwaukee at Kansas City. Mink League—Humboldt at Falls City, Auburn at Beatrice, Hiasatha at Nebraska City.

Hanscom Parks Defeat Soldiers.

The Hanscom Parks defeated the Signal Corps at Ft. Omaha, Sunday in an interesting game, by the score of 7 to 2. Bogatts was on the mound for the Parks, and had the soldiers at his mercy at all stages of the game and have had a shut out to his credit but for a wild peg and two errors. Score: R.H.E. Parks 7 0 0 0 1 2 7 4. Soldiers 2 0 0 0 0 0 0 2 2. Batteries: Parks, Bogatts and Lebr; Soldiers, Payne and Montgomery. Three base hits, two errors. Two base hits, Boyle, Frong. Double plays: Bogatts to Bando to Cavanaugh; Frong to Collins, Stolen bases: Bando, 2; Collins, Clark, Morehead, Umpire, Halabe.

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BUTT NOT SENT TO VATICAN

President Taft Gives Out Denial of Report to This Effect.

GIVEN LETTER OF INTRODUCTION

Went Abroad for Health and Sought to Have Formal Audience with Pontiff—Conspiracy in Arouse Prejudice. WASHINGTON, May 13.—At the White House tonight a personal statement by President Taft was given out categorically denying that Major Archibald W. Butt, the president's military aide, who was lost on the Titanic, had gone to Rome on any mission whatever from the president to the Vatican. President Taft's signed statement follows: "Among the insidious methods of attack pursued by some against me is the attempt to arouse religious prejudice on the charge that I am in some manner unduly favoring the Roman Catholic church. It has been my official purpose, first as the governor general of the Philippines; second, as secretary of war and, third, as president, to encourage every church as far as possible, where this does not involve invidious distinctions and does not depart from the rule, which separates our state from official relations to all churches. I have unduly favored no church, but have treated them all with absolute impartiality.

"In 1902 I visited Rome and conferred with Pope Leo XIII. in an attempt to settle the friar land controversy, which had arisen in the Philippines, while I was governor general, and after a time I succeeded in doing so. When last March, my aide, Major Butt, set out on a trip solely for his health and proposed to visit Rome, he asked me for a letter of introduction to the present pope, that he might have the privilege of an audience, and I gave him such a letter.

"The letter contained nothing, but a statement of who Major Butt was and an expression of the hope that he might have the honor of being received. The only note or letter from the pope or any representative of his in answer to this letter of introduction, which I have received is a cablegram of condolence for all concerned, sent by Merry Del Val, by direction of the pope at the time of the Titanic disaster and making an inquiry as to the fate of Major Butt.

The letter introducing Major Butt contained no reference to the recent appointment of American cardinals and no comment on or reference to the Catholic church or any matter relating to it. The stories circulated that I have made another inquiry or have taken anywhere at any time, any part, or manifested any interest in questions of social precedence of the recently appointed cardinals are wholly without foundation.

Evidence of Conspiracy.

"The evidence that there is a conspiracy for the purpose of arousing religious prejudice against me is shown by the fact that at the instance of some one unknown to me it was reported in a great many respectable newspapers that I sent a message of welcome and congratulation to the newly appointed apostolic delegate by wireless to the incoming steamer, which was bearing him to New York. No such message was sent by me or by any one by my authority. A denial of the published report was issued from the White House, but the denial obtained no publication.

"The statement that I suspended an order made by the Indian commissioner affecting the garb of the teachers in certain Indian schools, which have been transferred from the Catholic church to the government, is true. I did this for

the reason that the commissioner had issued the order after consulting with the secretary of the interior and without awaiting his conclusions. The propriety of the order has now been made the subject of an open free discussion by all parties in interest and the decision of the secretary of the interior will soon be handed down. I say nothing of the merits of the controversy except that the order reversed a condition which has existed for years and affected thirty or forty teachers who, as nuns, had been long before my time incorporated in the service of the government and who would be in effect expelled from that service by the order should it prevail. They were therefore, entitled to a full hearing. WM. H. TAFT."

Officers Decoyed and Then Shot Down

GAINESVILLE, Fla., May 13.—(Special.)—Charles White of Archer, Fla., was decoyed to a lonely spot near there at 7 o'clock this morning and assassinated. J. A. Manning, another deputy, feigned death and escaped after being wounded. He shot one of the murderers, capturing him and his three sons, who are now in jail.

Ben Stokes, a notorious "blind tiger" operator, was shot and killed by Marshal Slaughter several months ago. Slaughter, it was declared, was forced to shoot in self defense.

Athlete Breaks Ankle.

NORTH PLATTE, Neb., May 13.—(Special.)—Alec Huntington, a high school student of this city, sustained a broken leg today, the result of a heavy fall. He, together with other members of the track team were working out on the school grounds and just as they were finishing work for the evening young Huntington attempted to turn a hand spring and in doing so fell heavily on his right leg, breaking both bones just above the ankle.

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