

s to deliver the prisoners, the mob fired the Douglas county court house. When firemen attempted to put out the fire the mob cut the hose. At no time was the fire too m
not been hampered by the mob. Prisoners on the roof, believing they were going to be burned, finally delivered the negro to the mob, overrunning Sheriff Clark.

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tion nor the exemption from liability is charged by a small incidental revenue derived from the rental of city buildings used in connection with the public park or the municipal bench.
Williams vs. State. Error, Douglas. Affirmed. Opinion by Morrill.
1. It is not error for a trial court to refuse a requested instruction even though in proper form and supported by competent evidence when he gives substantially the same instruction on his own motion.
2. On the trial of one charged with having committed the crime of murder in the first degree it is the duty of the court to

der cannot predicate error on the refusal of the trial court to require counsel for the state to offer in evidence the dying declaration of the deceased when the record fails to show that such a declaration was made.
Stone vs. State. Error, Douglas. Affirmed. Opinion by Morrill.
A defendant in a felony case has the right to exercise the statutory number of peremptory challenges and in order to exercise this right understandingly it is proper for him to ascertain, as nearly as practicable, the disposition of the juror toward him, and toward the subject-matter of the

rogatories propounded on abstract questions is within the sound legal discretion of the court, and where an abuse of such discretion is not shown the ruling of the trial court will be sustained.
Woznak vs. State. Error, Douglas. Reversed and remanded. Linton, Dean and Aldrich dissent to paragraph 5 of the syllabus. Linton dissenting separately. Aldrich and Dean concurring in dissent. Opinion by Sedgwick.
1. An information which charges only that the accused kept intoxicating liquors "for unlawful purposes" is too indefinite to charge a felony under section 11, ch. 187,

served upon the defendant at least one day before the trial.
2. When defendant objects to going to trial because no copy of the information has been given him, and the objection is overruled without any suggestion that such copy has been served, and such ruling cannot be sustained unless the record affirmatively shows such service.
3. If the briefs do not quote nor refer to such evidence in the record, the court will not presume that such evidence exists.
4. A judgment of conviction for felony will not be affirmed unless the record shows that the accused was arraigned and given an opportunity to plead before the trial

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