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CHAPTER VI. A Horseshoe For Luck.

SMOKE was for the moment speechless. "You did it a purpose?" Shorty demanded.

"I did it to give the old timers a chance." She laughed mockingly. "You father didn't sprain a tendon, but waited till we were out of sight and then went on?" Smoke asked.

"And you were the decoy?" Again she nodded, and this time Smoke's laughter rang out clear and true. It was the spontaneous laughter of a frankly beaten man.



"Why don't you get angry with me," she queried ruefully, "or—or wallop me?"

kept away from the heat of the fire until noses and cheeks had been rubbed cruelly.

down he had stepped always in his previous tracks. As a result, in the midst of soft snow and velled under later snowfalls was a line of irregular hummocks.

"Look at her!" he cried. "She's the real goods an' the red meat. Look at them moosejaws swing along! No high heels there! She uses the legs God gave her. She's the right squaw for any bear hunter."

"Somebody's been there! See the snow! Look for the blaze! There it is! See that spruce!" She sank suddenly to her waist in the snow.

"Go on, Shorty," Smoke said as he attacked her moosejaws, already stiff with ice. "Face off a thousand feet and place the two center stakes. We can fix the corner stakes afterward."

He slipped his mittens on and for nearly a minute smashed the open hands savagely against his sides. When he felt the blood prickle he pulled off the mittens and ripped and tore and saved and hacked at the frozen garments.

own feet, with the wisdom of the initiated being watchful that the heat of the fire was absorbed slowly.

Shorty returned along the creek bed and climbed the bank to them. "I sure staked a full thousand feet," he claimed. "No. 27 an' No. 28, though I'd only got the upper stake of 27 when I met the first geezer of the bunch behind. He just straight declared I wasn't goin' to stake 28. An' I told him—"

"Well, I told him straight that if he didn't back up plumb 500 feet I'd sure punch his froze nose into ice cream an' chocolate eclairs. He backed up, an' I've got in the center stakes of two full an' honest 500 foot creek claims. He staked next, an' I guess by now the bunch has Squaw creek located to headwaters an' down the other side. Orrn is safe. It's too dark to see now, but we can put out the corner stakes in the morning."

"Good morning. How are your feet?" was Smoke's greeting across the ashes of the fire to where Joy Gastell was sitting up in her sleeping furs.

"You go an' fix them corner stakes, Smoke," Shorty said. "There's gravel under where I chopped ice for the coffee, an' I'm goin' to melt snow an' wash a pan of that same gravel for luck."

Smoke departed, ax in hand, to blaze the stakes. Starting from the downstream center stake of No. 27, he bent at right angles across the narrow valley toward its rim. He proceeded methodically, almost automatically, for his mind was alive with recollections of the night before. He felt somehow that he had won to empery over the delicate line and firm muscles of those feet and ankles he had rubbed with snow, and this empery seemed to extend to the rest and all of this woman of his kind.

"We got it!" Shorty cried, holding out the pan. "Look at it! A rusty mass of gold. Two hundred right there if it's a cent. She runs rich from the top of the wash gravel."

"What's the answer?" "Well, the eastern entrance of the Panama canal is west of the western entrance, that's all."

His gaze chanced to fall on the gold pan. He walked over and gravely looked it, scattering the gold over the landscape. "It ain't ours," he said. "It belongs to the geezer I backed up 500 feet last night. An' what gets me is 490 of them feet was to the good—his good. Come on, Smoke. Let's start the hike to Dawson, though if you're bankers' to kill me I won't lift a finger to prevent."

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PROGRESSIVES ASK NEW LAWS

Bill For Constitutional Convention First on List.

PLAN EDUCATIONAL CAMPAIGN.

Senator Quinby Has Bill to Abolish Capital Punishment—Proposed Stock Yards Regulation Bills—Yardage and Grain Charges Alleged Excessive.

Lincoln—Advance legislation—the kind that men termed "progressives" are wont to law stress on—is coming up in many forms at the present session of the legislature. There is little hope of the backers that it will get through. Their only concern is that it shall come before the people in an educational campaign.

The first bill of this nature is the act calling for a constitutional convention. The measure is an old visitor in legislative halls. It has appeared at the last three sessions and is already on the rolls of the present session. Its fate is unknown, of course, at this early date, but there are many of the solons who are freely predicting that it will not survive the ordeal.

The friends of the measure say that the present constitution is antiquated and broken down and should be shelved. They do not stop to figure, the enemies of the bill say, that the state has prospered quite nicely in the past forty years under this same constitution and that many men have rich been made well-to-do and even rich while tilling the soil and following other pursuits.

The present constitution is a staid old document, somewhat unfitted to the needs of the hour, they say, but the present method of amendment is rather easy. In fact 35 per cent of the voters of any election, providing a majority are for the question, can amend the document as they see fit. The majority of the solons believe that this is sufficient for the time and they are loathe to let a convention make the pace that the people have always in the past been given the right to make.

The fact that the convention might evolve from thirty to a hundred propositions upon which the people of the state would later be called to act is the one phase of the affair that does not appeal to the greater share of the lawmakers. They argue that it is better from the standpoint of the people to act upon three or four amendments at each biennial election and to get a thorough understanding of them than to act upon ten times that many and know little or nothing about any considerable number of them.

Investigation of the affairs of the stock yards at South Omaha and of the live stock exchange of the same city will undoubtedly cause a flutter when the time comes for the matter to be acted upon. It is raising a fight that was started in the late campaign and before it has engulfed both houses will likely cause much bitterness.

The first plan of making an out and out investigation was given up because the members did not want to incur the expense and then have to mould legislation afterwards to fit their findings. Under the plan now pursued, they can shape their legislation to meet the apparent requirements of the hour and then can make such amendments as they think, after regular committee investigation, appear to be unfair to the interests concerned.

The charge is made that the live stock exchange is operating a combination in unlawful restraint of the commission business and that the prices for selling are fixed there and those who do not conform thereto are ousted from privileges of the market.

Against the stock yards the charge is made that the yardage and grain charges are excessive and that the concern is making a greater return upon its investment than it should be allowed to under present regulation of public utilities. The latter charge the railway commission recently had before it in argument. It is awaiting the time, in fact, when it can settle that important matter and when it will hand down its ruling on the case.

The present law gives the railway commission the right to regulate the service and prices of the stock yards, and while there have been only one or two minor complaints in the matter there has never been until the late case a chance for the officials to make a ruling in the matter.

The recommendation of the governor that all public utility corporations, including the municipal plants of all kinds over the state, be placed under the state railway commission's jurisdiction, is not meeting approval at the hands of the legislators. The step would be entirely out of sympathy with the fundamentals of the Democratic party, and would hardly fit in with the ideas of any particular division of that party. For instance, it is a step which the World-Herald has been fighting against for several years past and which C. W. Bryan, a member of the Lincoln Municipal Ownership league, has said would be more than unfair to the people of the capital city, to Omaha and to people

of all towns where there are various kinds of public utilities. With these two leaders of the two lines of thought in the Democratic party opposing the move, it is believed that it would have little chance to weather the session. Several Democratic leaders of the house stated that they did not believe a bill covering such changes would be introduced at the present session. Neither the World-Herald nor the leaders of the other division of the Democratic party has taken occasion to rap the governor severely on his recommendation, but they have denoted in an inoffensive way that the governor was not thinking of all the principles concerned when he made the suggestion.

Quinby of Douglas has started a bill rolling that will undoubtedly gather much moss before it has reached the foot of the legislative hill. He proposes to see that a new method is evolved for taxing the franchise value of corporations. He proposes the subtraction of the tangible property value from the value of the outstanding stock and says that the difference shall be denominated the franchise value for taxation purposes. He asks in the collection of data on the subject that all companies make known the number and extent of the various franchise grants and says that this will enable the people to get control of affairs, which the corporations—or some of them—long ago usurped.

The same Douglas county senator has a bill proposing to do away with capital punishment. He does not believe that this form of penalty should be visited upon any criminal, no matter how great his crime. He thinks that life imprisonment is sufficient. The last legislative session cut out the hanging method of doing away with convicts and supplanted this with electrocution. Senator Quinby proposes to go all the way. His interest in humanity, he says, would be shriveled up and puny indeed, if he were to make no effort to remove the means whereby killing of one's fellow beings is legalized.

Plans for building a hospital at the Omaha medical school—the medical division of the state university—are fast rounding into shape. The bill providing for the appropriation is already on its way through the hopper. Dr. Hoffmeister of Chase county is the member who fathered the bill. One strong point in connection with the establishment of this proposed adjunct to the school is the attempt to provide a moderate priced hospital for people of the state—ones just between the high priced institutions and those that are known as charity hospitals. Such an institution could be made to pay its own running expenses almost, and in the belief of many people of the state is sadly needed. Charges could be regulated by the board of regents of the state university. These officials have complete control of the medical school and, of course, would be in a position to dictate the details of its management. Thus the power of levying these charges would never get away from the people. It would always be within the hands of the officials named by the people themselves. The hospital will likely be a bone of contention between the governor and the legislature, as the former has told Dr. Hoffmeister that he would veto the bill when it came to him. The legislator stated that he would make an effort to get enough votes to show that the people really wanted the new adjunct to the medical school. In that event it might be possible that the governor would relent and would be found working for the institution. He believes in infrequent use of the veto power, particularly where the wish of the people is obviously contained in a bill brought to him for signature.

The bill by Anderson of Phelps cutting down the daily time for operation of three newspapers will likely give the legislator something to fight over in lively shape. The measure provides that all saloons in the state shall close their doors at 6 o'clock, instead of 8 o'clock, in the evening. The measure is the product of Anderson's own efforts, he says, and no members of the anti-saloon league or any other temperance organizations are back of it. He simply wants to see what a Democratic legislature will do with the measure and what the Republican who are there will do with it when they have an opportunity to vote on it.

Other than that, the author thinks the bill will not be worth much. All of which should make the average taxpayer wonder why the legislature meets and what should be the attitude of the members with regard to the introduction of legislation.

The house is determined that the senate shall not spend more than \$10,000 for the salaries of its employees and the members of the upper house are determined in the same proportion that they cannot get along on that amount. Which means that there will likely be a nice little difference of opinion manifested from time to time during the session as to what shall constitute efficiency within the meaning of that word. The senators say that they want to get along without any friction, but that it will take more men and women to do the work than the house members first figured.

Three newspaper publishers in the legislature propose to see to it that all legal notices shall be paid for promptly instead of the publisher being compelled to wait several months for his money. When a legal publication has been made the owner of the newspaper must swear to an affidavit containing this clause:

"Publication fee has been paid to the publisher of newspaper in which such publication was made."

STATE FAIR BOARD CUTS SALARIES

Slashes In Pay of Members Result of Annual Meeting.

ROBERTS HEADS THE BODY.

Fremont Man Elected President and W. R. Mellor Re-elected Secretary. Many Meetings of Organized Agriculture Are Held at Lincoln.

Lincoln, Jan. 21.—Economy ruled at a meeting of the state board of agriculture when the salary of the board secretary was cut from \$3,000 to \$2,500 and the stipends of members of the executive board governing the state fair and all superintendents of departments of the fair were placed on a basis of \$4 per day of actual service, together with hotel bills and traveling expenses.

The change was effected on a report of the special committee to revise the rules governing the board, the recommendation being that the secretary's salary be cut \$500 a year and that of each member of the board of managers from \$300 to \$250 and the treasurer from \$350 to \$300.

Action as finally taken was on a motion by Secretary Mellor that the per diem scale be fixed. The change applies to all connected with the board of agriculture drawing over \$3 a day, except the secretary, whose salary will be at the reduced figure of \$2,500.

In view of the small balance of \$2,600 in the treasury, because of unfavorable years for the fair, it was decided to discontinue the publicity bureau as now conducted.

Officers elected for the ensuing year are: President, Joseph Roberts of Fremont; first vice president, J. A. Ollis of Ord; second vice president, R. M. Wolcott of Central City; treasurer, George F. Dickman of Seward; secretary, W. R. Mellor of Lincoln.

The meetings of organized agriculture are well under way, with sessions being held at the state farm, several thousand farmers being in Lincoln. Sessions today were devoted to cattle breeders. Rural schools will have an inning tomorrow.

House Proceedings.

Needless expense in printing bills in the house, which are duplicates of those in the senate was a proposition which Representative Richmond of Douglas fought against and which he finally got through.

Public warehouse resolutions started a debate which for a time kept things interesting. Tibbets of Adams sent up a resolution asking for the appointment of a committee of three, which should be composed of one lawyer, one farmer and another, who should draft a bill along lines suggested by the Farmers' union.

Mr. Osterman declared that other organizations of farmers had declared against such a bill and Mr. Dau joined with Osterman in declaring that a warehouse bill was not needed.

Tibbets then withdrew his resolution. The house listened to an address by Congressman Reavis of Falls City and then adjourned until morning.

Beal Has Bill to Pension Mothers.

A mothers' pension bill, intended to take the place of bills already introduced, so it is said, was introduced by Beal of Custer in the senate. The bill affects the old law in that it makes it easier for the pension to be secured under the old law the child practically being placed under the custody of the court. The Beal bill provides that a mother or guardian may make application to the county judge, who may issue an order that the mother shall be paid not more than \$10 per month for each child. A special levy is provided.

Sterilization Bill is Lost.

Reisner's sterilization bill met defeat in the house medical committee. The judiciary committee reported out two bills, one increasing the penalty for aiding the escape of a prisoner and the other requiring that a county attorney should be at least twenty-five years of age, live in the county two years and have practiced law at least one year.

The judiciary committee of the senate divided, 4 to 4, on the Gates bill known as S. F. 13.

NAMES MORE COLONELS

Governor Morehead Now Has Staff That Numbers Ninety-two Men.

Lincoln, Jan. 21.—The announcement of three additional colonels as members of the governor's staff were given out. They are Hal Christy of Scribner, H. F. Bohl of Scribner and Paul Wupper of Beemer. The first list announced included the names of eighty-nine.

The State Association of County Superintendents of Education, meeting in Superintendent Thomas' office at the state house, went on record as favoring a change in the date of the annual district school meetings from June to some time in March.

Greenwood Has Oldest Odd Fellow.

Greenwood, Neb., Jan. 21.—H. F. Swanback of Greenwood will be 100 years old March 9. He was born in Germany and claims to be the oldest Odd Fellow in the world. He served against the Danes in the war of 1848.