

# Nebraska COURT FOR POOR CHILDREN

### Nebraska Supreme Body Makes Ruling in Creighton Will Case.

### LEGALLY IN UPPER TRIBUNAL

Permanent Injunction Secured by Michael Gleason Against Cracker Company Dissolved—Holt Treasurer Must Pay.

(From a Staff Correspondent.)  
LINCOLN, Dec. 10.—(Special.)—One phase of the complicated lawsuit growing out of the distribution of the Creighton estate was passed upon by the supreme court in a decision handed down this afternoon. It is held that the clerk to the county judge of Douglas county had a proper right to sign a certificate purporting to come from the county judge, and further that the clerk signed such certificate instead of the judge himself is no reason to assert that the district court has no jurisdiction in the case.

Count Creighton left \$50,000 to be held in trust by the executors of his will for the establishment and maintenance of a home for poor girls. The heirs attacked the bequest and asked the county court to distribute the money just as if the testator had died intestate. This motion was sustained by the probate judge and the executors appealed. The state got in as an intervenor on the ground that it had an interest in the bequest for the home for poor working girls. The heirs attacked the jurisdiction of the district court and the validity of the certification of the transcript from the county court to the district court. They were overruled in the district court and the case went to a decision. The state appealed from that part of the decision which cut down the bequest for the public home to about \$26,000.

### Supreme Court Position.

The attorney for the heirs moved in supreme court that the case be dismissed on the same grounds which brought out the motion in district court where it was overruled. The supreme court rules the same as did Judge Estelle on this motion. The real point at issue in the case is whether the state has not come up for argument. In passing on the motion the court takes occasion to say concerning the argument that the executors did not have interest enough in the case to be allowed to appeal from the findings of the district court: "The executors would have been shamefully derelict in performance of their duty had they acceded to the order of the county court, which diverted a fortune from the objects of the testator's bounty."

### Injunction is Dissolved.

The permanent injunction secured by Michael Gleason of Omaha against the Loose-Wiles Cracker company forbidding that company to build a raised sidewalk in front of their factory in the wholesale district of Omaha is dissolved and the case dismissed. The court takes the ground that at the time the restraining order was issued by the court there was no basis for giving it, but that at that time the company has changed the plan of erecting this raised and covered platform and there is no further occasion for an injunction. The court had passed an ordinance giving the cracker company right to construct said sidewalk, which is customary in the wholesale district. Gleason owned some lots adjacent to the factory and objected to the sidewalk because it would be dangerous to travel over and because it shut out the sunlight from his lots and the tenants thereon. He asked for a temporary injunction, which was later made permanent by the district court.

### Two Thousand from Saloon Man.

The judgment of \$2,000 given to Eva Selders of Havelock for debauching her husband by saloonkeepers four years ago was affirmed by the supreme court. The district court of Lancaster county gave the judgment two years ago on proof that Selders had been a drunkard but had reformed, and his wife had notified the saloonkeepers of Havelock not to sell him any more liquor. They sold the liquor and the husband had been much addicted to its use since that time. The appeal to the supreme court alleged that the amount of the judgment was too excessive.

### Treasurer Must Pay.

As a result of a political fight several years ago in Holt county, the editor of the O'Neill Pioneer was prevented from publishing the list of delinquencies under the scavenger law and the contract given by the county treasurer to the editor of his political persuasion. The county board had made the first award. The court holds that it had that right and when the treasurer refused to furnish such editor the copy required to carry out his contract he laid himself liable for damages. The disappointed editor alleges he sustained by reason of not getting the legal publications.

### Names W. for Deputy.

Addison Watt, secretary of state-elect, has selected George W. Marsh of University Place as his deputy. Mr. Marsh was secretary of state from 1909 to 1904 and during his term of office Watt came up from Syracuse to be a bookkeeper in the office. He has held on ever since in one capacity or another, and now when his term comes to give out the plums he remembers his former chief, who is now in the real estate business, and calls him back to public life.

### Would Issue Certificate.

An appeal to the supreme court from the verdict of an Antelope county jury in a murder case sets forth as one of the allegations of error the fact that the jury listened to evidence for eight days, were instructed by the court, retired and brought in a verdict within three hours. This the attorney for the convicted defendant believes to have been misconduct on the part of that jury.

### U. P. Comes In.

The Manley elevator case, one of the oldest on the docket of the railway commission, has been settled and wiped from the docket and the long-suffering commission. The case, which was a complaint of a farmers' elevator company of the Cass county village to force the Missouri Pacific railroad to build a sidetrack to its elevator, was filed on October 21, 1907. Parallel with the commission's work in the stubbornly fought case, a similar effort was carried through all the courts of the state and the United States. The elevator people lost in the federal courts, but won before the commission. The sidetrack is built.

### Referee is at Work.

Judge E. E. Good, referee appointed by the supreme court to listen to the evidence in the injunction proceedings brought by the state against the Bell Telephone company and two independent companies in the eastern part of the state to prevent

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them merging, listened this morning to the preliminary statements of the attorney, A. W. Field of Lincoln and Deputy Attorney General Grant Martin, representing the state; Byron Clark, representing the Plattsmouth Telephone company, one of the merging companies; Judge Paul Jensen of Nebraska City, representing the Nebraska City company, and E. M. Morseman, representing the Nebraska Telephone company, were present at the preliminaries. The hearing will be continued January 7.

### Returned Too Recently.

Judge T. C. Munger heard a motion to file the federal court this afternoon brought by the receiver of the Independent Telephone company for the issuance of further receiver's certificates, which will be sold and the proceeds used to pay the indebtedness which was incurred by the construction of the South Omaha branch of the plant. The motion is being heard in Lincoln for the reason that Judge W. H. Munger is in St. Louis and was unable to hear the matter, which was set for today.

### Oil Case is Settled.

The Union Pacific railway has been granted the same authority as was granted the Burlington a few days ago. It is allowed to average the weight of carloads of cattle so that where some cars from the same shipper being in the same train, fall under the allowance carload maximum and some fall above it, they may be averaged and thereby possibly no overcharge made. The order becomes effective on January 10. The application to the commission was wholly voluntary on the part of the railroad, it being necessary to meet Burlington competition.

### Supreme Court Decisions.

The following opinions were filed:  
Kurgewell against Kirby. Affirmed on condition that plaintiff remit \$1,500 within thirty days; otherwise cause reversed and remanded; costs in supreme court taxed to plaintiff. Letton, J. dissenting to the order requiring remittance.  
Kapp against Schinck. Reversed and remanded with directions. Root, J. dissenting.  
Shold against VanTrek. Affirmed. Letton, J. dissenting.  
County of Platte against County of Keya Paha. Affirmed. Rose, J. dissenting.  
Fruit against Frost. Affirmed. Fawcett, J. dissenting.  
Cronin against Cronin. Reversed and remanded. Sedgwick, J. dissenting.  
Barnes, J. dissenting.  
Gleason against Loose-Wiles C. and C. Co. Reversed and remanded; plaintiff to pay costs in supreme court. Letton, J. dissenting.  
Seymour against Village of Little Creek. Affirmed. Fawcett, J. dissenting.  
Zweibel against Sehestad. Affirmed. Root, J. dissenting.  
Clark against Davies. Affirmed. Barnes, J. dissenting.  
Swindell against Malone. Affirmed. Letton, J. dissenting.  
Peterson against Andrews. Affirmed. Fawcett, J. dissenting.  
School District No. 11, Thurston county, against Copley. Affirmed. Letton, J. dissenting.  
Young against Rohrbough. Affirmed. Root, J. dissenting.  
McIntosh against Caino. On motion to dismiss, motion overruled. Root, J. dissenting.  
McCreary against Puray. On motion to dismiss, motion overruled. Root, J. dissenting.  
Kitch against Affirmed. Root, J. dissenting.

### Following are rulings on motions for rehearing:

Singer Sewing Machine company against Robertson. Overruled.  
Reams against Cline. Overruled.  
Krusse against Johnson. Overruled.  
Olson against Nebraska Telephone company. Overruled.  
Yeiser against Broadwell. Overruled.  
Ward against city of Lincoln. Overruled.  
Ward against Aetna Life Insurance company. Overruled.  
Anderson against McDonald. Overruled.

## HUMBOLDT FARMERS' INSTITUTE

### Leaders in This Branch of Work Discussed.

HUMBOLDT, Neb., Dec. 10.—(Special.)—The annual farmers' institute was held at the city hall, beginning at noon Thursday and closing Friday night. N. F. Chase spoke on "Corn Production" at the opening session. "Agriculture in Rural Schools" was strongly advocated by County Superintendent Oliver, and "Soil Fertility" was handled by L. S. Huron. Mr. Chase also spoke on "Good Roads" and the evening address was given by L. S. Huron.

## OTOP POULTRY SHOW CLOSURE

### Partial List of Prize Winners at the Big Exhibit.

NEBRASKA CITY, Dec. 10.—(Special.)—The Otoe County Poultry and Pet Stock show, which has been held in this city, closed last night. There were many exhibitors and among the winners of the prizes were: H. G. Leigh on White Leghorns, George Zeiss on Silver Spangled Hamburgs, Howard Seymour on Buff Leghorns, H. J. Burns on Black Minorcas, J. G. Poling on Black Minorcas, E. A. Duff and F. M. Cook on Buff Orpingtons, Mrs. Frank Black and A. B. Hucks on White Orpingtons, Thomas Kastner on Buff Plymouth Rocks, M. J. Burns, Rich Bobbitt and F. P. Majors on Rhode Island Reds; T. E. Wheeler on Golden Wyandottes; C. H. Bethe on White Wyandottes; G. L. Freeman on Dark Brahmans; J. C. Atson, Jr., on Buff Cochins; Bantams, John Wirth on pea fowls and White Holland turkeys; F. F. Leghorn on numerous breeds; Homer Gleason, John C. Watson won grand trophy cup on ten highest scoring of one breed and highest scoring cock, hen, cockerel and pullet. F. P. DeLong of Syracuse, trophy cup for highest scoring bird. The show was a success and entries were made by bird raisers from all over this part of the state and western Iowa.

## Dead After Fall Under Train.

COLUMBUS, Neb., Dec. 10.—(Special Telegram.)—As the Union Pacific passenger train was pulling out of Platte Center yesterday morning, John Foreman, 33, was on the train, fell under the wheels and had both legs cut off. He was brought to the hospital in this city, where he died early this morning from the shock.

## Abbot Wants to Trade Jobs.

NEBRASKA CITY, Dec. 10.—(Special Telegram.)—C. A. Abbott of the Institute for the Blind, who retires on the appointment of the new superintendent, H. C. King, has announced his candidacy for county superintendent, which will be left vacant by Mr. King resigning to take his new position. Prof. Charles K. Morse of the

# OPCHARD & WILHELM

## Tomorrow—Monday Morning—The Beginning of Our Holiday Oriental Rug Sale

We have given the assembling of this collection more than ordinary study and attention in our effort to offer the best specimens of the various grades produced by the different countries and provinces of the Orient. It has always in the past been our custom to price our Oriental rugs on the same basis as our regular merchandise, but for this sale there will be added pleasure in that the prices will be a feature as well as the rare beauty in design and high quality of the rugs— We invite your inspection of this superior showing.

- Bale 1**—Contains a fine line of Hamadan, Anatolian & Shervan mats suitable for single doors, or small nooks. Values from \$6.50 to \$10.00, choice, each. **\$5**
- Bale 2**—Consists of a lot of extra heavy Genja Rugs, in size about 3-6x4 ft., bright pretty colors. Values up to \$15.50, choice of lot, each. **\$9.95**
- Bale 3**—Contains a lot of Kazack and Genja Rugs, assorted in fine colorings of browns, soft reds, sizes up to 3x5 ft. Values up to \$18.50, choice of lot. **\$12.50**
- Bale 4**—Small Khivas, extra fine in quality, colorings soft shades of rose, blues and reds. Values from \$18 to \$20, choice from this bale. **\$14.75**
- Bale 5**—Gendji and Kazack Rugs; these are best suited for halls and vestibules or places getting very hard wear, as they are made with extra heavy warp and very high pile—sizes ranging from 3x5 to 4x6 ft. Values up to \$25, choice. **\$15.95**
- Bale 6**—Soft, silky Belouchistans—probably the best known as well as one of the best values in Oriental rugs, very dark soft shades of blue and wine colorings. Values in this bale are regular sellers at \$27.50 up, choice. **\$16.95**
- Bale 7**—Contains extra large sizes of Belouchistan rugs; values up to \$31.50 each. Many very choice pieces in this bale, choice of each. **\$19.95**
- Bale 8**—Moussoul and Kazack Rugs, in splendid sizes for reception halls or large doorways, made near the Tigris river, with a long nap, which acquires a wonderful luster the longer it is used, very dark rich tone of color. Value up to \$40, choice. **\$26.50**
- Bale 9**—A very choice collection of Shevan and Sena rugs consisting of many very beautiful pieces suitable for music rooms, sitting rooms, or to be used with large Mahal or Meshed Rugs, these are many colors of blues, browns and yellows, relieved with ivory in alovers and medallions, choice. **\$33.50**
- Bale 10**—Kirmanshah Rugs; every one familiar with Oriental rugs know the values of these rugs, the shortest nap and very close texture, combined with the softness of the ivory pink and light blues used in its coloring give it the appearance of fine tapestry. Sizes are about 4x7 feet. Choice of many beauties. **\$75.50**

## Room Size Oriental Rugs

- Muskabad Rug**—Size 12-10x8-9, dark red ground, large detached figures in blues and bronze greens. Value \$125, specially priced at. **\$95**
- Muskabad Rug**—Size 13-2x10-5, an extra large rug terra cotta ground all over pattern. Regular value \$165, special. **\$127.50**
- Mahal Rug**—Size 13-10x9-8, beautiful rose-red ground relieved with light ivory in border: a splendid rug for wear; light blues in figures, special. **\$145**
- Tabriz Rug**—Size 12-2x9-2, a truly Oriental piece having not only the Oriental colors, but showing in vivid outline the birds, animals and vegetation of the Orient. A very closely woven rug. Valued at \$375, special price. **\$295**
- Meshed Rug**—Size 13-10x9-3, extra heavy pile, dark greens, blues and reds and large set patterns throughout the rug. Value \$210, special. **\$175**
- Meshed Rug**—Size 13-10x10-6, large all-over center of ivory broken in oriental colors, corner pieces of shaded blues and brightened with reds. Notice the unusual large size. Special price of. **\$245**
- Tabriz Rug**—Size 12-8x9-3, large camel hair center relieved with small broken patterns carried out in the borders and motif corners. Special. **\$345**
- Meshed Rug**—Size 13-1x10-6, large all-over center in maroon reds, very small pattern of blues and other shades broken throughout. Value at \$236, special at. **\$195**
- Shah Abbas**—Size 11-6x8-8, beautiful soft blues and old rose coloring in medallion pattern, small patterns and line work in detail. Valued at \$395, special. **\$345**
- Kerman Shah Rug**—Size 15-4x9-3, one of the richest in our collection, splendid size, beautiful in its soft colorings and broken all-over, medallion pattern. Former price, \$525, special. **\$495**

Many new arrivals which we cannot separately itemize have reached us, among them Khivas, Cashmeres, Saruks, Kermans and hall runners. If you have a large room to furnish we have the rug for it as the sizes are from 6x9 to 11-3x11-10. Look these over at your earliest opportunity.

## Bric-A-Brac Bedding Department

- A wonderful collection of interesting art objects that you will find you and your friends will enjoy.
- For the Smoker—Ash and Match Holders; price—each. **20c to \$50.00**
  - Desk Supplies—Note Pads, each, from. **25c to \$3.00**
  - Stamp Boxes.
  - Desk Set, complete with pad, ink knife, in various styles, from. **\$4.75 to \$40.00**
  - Book Racks, each, from. **\$2.75 to \$10.00**
  - Trays—Mahogany, ebony, with Cretonne and Japanese embroidery.
  - Rock Crystal Cut Glass—in every conceivable style— from. **\$1.95 up to \$15.00**
  - Bronze Japannese, in grotesque shapes, **\$1.00 to \$50.00**
  - Egyptian Pottery, each, from. **50c to \$3.50**
  - English China Tea Sets, Dinner Sets. They will interest you.

## Toys! Toys! Basement Suggestions

- Percolating Coffee Machines in copper and nickel, from. **\$6.00 to \$15.00**
- Five O'clock Teas, in nickel, brass and copper. **\$2.50 to \$10.50**
- Chafing Dishes, copper, brass and nickel. **\$3.75 to \$24.00**
- Tea Ball Tea Pots and Tea Samovars, nickel, copper and silver plated, from. **\$3.00 to \$9.75**
- Trays in round, square and oval, all finishes, from. **25c to \$7.50**
- Silver plated ware, knives, forks and spoons and special pieces. A large assortment of carving sets, the celebrated Twin Brand pieces, prices per set. **\$1.50 to \$40.00**
- Our basket department offers a very choice assortment of fancy wicker baskets, work baskets and baby bassinets.
- Bread makers. **\$2.00 and \$2.50**
- Food Choppers. **\$1.00 to \$1.45**

- Smoking Stand (Like cut)**—Solid mahogany top 8 1/2 inches square, 24 inches high. Has drawer. **\$6.00**
- BRASS CIGAR AND MATCHBOX HOLDER**. **\$3.00**
- PEDESTALS**—Golden weathered oak, mahogany finish and genuine mahogany. **\$3.00 to \$30**
- BOOK BLOCKS**—Mahogany and oak. **\$4.50 to \$11**
- CANDLE STICK**—Solid mahogany, per pair. **\$1.75 to \$20**
- GRANDFATHER CLOCKS**—Oak and mahogany. **\$11.25 to \$250**
- TABOURETTES**—New line oak-mahogany finish and genuine mahogany. **75c to \$15**
- FOOT STOOLS**—Mission style, fumed finish Spanish leather top. **75c to \$11**

- LIBRARY TABLE (Like cut)**—Beautiful colonial design, in genuine mahogany, dull finish, top 27 inches wide, 24 inch long. One good sized drawer with mahogany side and bottom. Note pretty scroll base. This is a heavy, substantial table, best made. Special at. **\$36.00**
- CELLERETTES AND CHAFING CABINETS**—New line in golden and fumed oak, unique designs. **\$13.50 and up**
- SERVING TRAYS**—In mahogany glass tops. **\$3.75 to \$25**
- DINNER WAGONS**—Plain and inlaid mahogany **\$30 to \$65**
- CLOCKS**—For desks or dressers, very pretty patterns, mahogany and inlaid satin wood frames. **\$3.50 to \$16.00**

Auburn public schools is also a candidate, but Mr. Abbott has received the endorsement of all of the democratic organizations of the county, and the members of the Board of County Commissioners being democrats, he stands a good show of receiving the appointment when the time comes.

### Nebraska News Notes.

**YORK**—Charles Baer & Son, dealers in furniture, have changed their name to W. C. J. McGuire; past sachs, D. W. McCallum; C. of R. M. W. Nelhart; K. of W. H. Thurman.

**NEBRASKA CITY**—E. C. Belden, an insurance solicitor, who passed several checks on business men in this city, when he had no money in the banks, was arrested at Omaha, but released when he paid the checks and the expenses of the officer who went there after him.

**NEBRASKA CITY**—Nebraska city camp No. 1, Modern Woodmen of America, have elected the following officers: Consul, G. Maylon Leddick; advisor, Emory Arrison; banker, R. O. Marnell; clerk, F. C. Nicholson; watchman, Theodore Kline; secretary, Jesse Adams; manager, William Brewer.

**NEBRASKA CITY**—Lizzie, wife of George Frost, died yesterday at Glenwood, Ia. She was formerly a resident of this city and a daughter of Mr. and Mrs. Peter Hill. The remains were brought here today for burial and the services were held from the home of her grandfather, Peter Fitzkeam.

**NEBRASKA CITY**—Silas Morris, who is working for E. W. Banks, two miles south of the city, in ten hours shucked 140 bushels of corn, hauled it one and a half miles and cribbed the same. This is a record, broken so far as this section of the county is concerned.

**BEATRICE**—Beatrice lodge No. 35, Knights of Pythias, met last night and elected these officers: Archie Schuita, chancellor commander; Fritz Kee, vice chancellor; M. F. Radebaugh, prelate; W. H. Robbins, master of finance; Thomas Leddick, master of exchequer.

**BEATRICE**—Mayor Rutherford, Councilman Sage Smith and Rhin returned home yesterday from Hastings and Grand Island, where they have been inspecting the lighting and water plants in use in those cities. It is very likely they will recommend to the city council the municipal ownership plan.

**NEBRASKA CITY**—The Elks will hold their annual Christmas tree and have appointed all of the committees to handle the affair, and a large committee has been appointed to gather up all of the poor children on that day and to bring them to the home, where they will be fed and clothed and given a fine musical entertainment.

**NEBRASKA CITY**—Dr. Claude Watson and his wife, formerly Mrs. Sarah Wedelhouse, who were married at the home of the bride's sister at Lincoln, arrived home yesterday and were given an informal reception at their home last evening. Dr. Watson is one of the leading medical practitioners of this city and one of the oldest physicians.

**HASTINGS**—The congregation of the First Presbyterian church is making a campaign to raise \$500 for Christmas for its new house of worship, which will cost about \$2000. The church expects to realize about \$500 in salvage and insurance on the burned structure. Construction work will not be started until the entire amount necessary is available.

**REPUBLICAN CITY**—Louis Fritz, aged 85 years, an old resident of Harlan county and living northeast of this city, was buried in Cedar Grove cemetery yesterday. Funeral services were held in the German Lutheran church in University township, conducted by Rev. Comph. He leaves three sons, two residing in Harlan county and one in Colorado.

**BROKEN BOW**—A transfer has lately been made by which William E. Owen of



This department is new with us and has met with a hearty support from our many friends—the qualities are the best, the prices the lowest. Blankets in cotton from 85c to \$3.75 a pair—blankets in wool from \$4.75 to \$21.50 a pair. Comforts from \$1.25 up to \$13.00 each. All colors and qualities. Bed Spreads—all sizes—\$1.19 up to \$6.95. Some have bolster covers to match.



Whitney, receiver; C. H. Fankson, guide; Alex McMillan, I. W. Paul Rambo, C. W. Dr. O. J. Valliott, physician; Clem Manz, trustee.

**HUMBOLDT**—Word comes to Humboldt relatives that Emory Stanley, who a few years ago was married to Miss Eva Cooper of this place, has been ordered back to the Philippines as expert accountant at the military station at Cavite, where he served three years in the navy prior to his marriage. They have lived in Brookings since that time.

**TECUMSEH**—It is expected that drainage district No. 1, Johnson county, Nebraska, will let the contract for excavating along the Nemaha river in the neighborhood of Tecumseh, Neb., in the neighborhood of \$50,000. It is presumed that the company to receive the contract will begin work within thirty days, using perhaps three dredges on the main ditch of twenty-three miles and one dredge on the laterals of some seven miles. With this number of machines at constant work, fully one year's time will be required to complete the big job.

**YORK**—Tom P. Owen, inventor of Owen's Jewelry drill and slot machine that sells postage stamps, is one of the greatest inventive geniuses in the west. On exhibition in one of the store windows, the latest invention of Mr. Owen is daily keeping large crowds who watch what they suppose is a real man who proves his feet, head, hands and talks so nicely that for some time every one is deceived into believing the man is really alive and that he is gotten up to represent an automatic dummy moving his eyes this man picks up various advertising cards and displays them. Besides automatic men, boys and girls, Mr. Owen is also making automatic women who will walk, display new gowns and

Eat Cream of Harley for health and a good strong stomach. At grocers.