

Nebraska

OMAHA WINS VIADUCT SUIT

Case Brought by Missouri Pacific Decided for City.

MUST PROVIDE FOR STREET CARS

Ninety Per Cent of the Traffic at Forty-Fifth and Dodge Streets by Persons in Street Cabs.

(From a Staff Correspondent.)

LINCOLN, Jan. 18.—(Special.)—The case of the Missouri Pacific railroad against the city of Omaha was decided in favor of the city by Judge T. C. Munger in federal court today. The railroad company had sued to prevent the Omaha city council from enacting a law providing for a viaduct over the Belt Line at Forty-fifth and Dodge streets and asserted that their property rights would be violated. The company was willing to build a foot and wagon bridge for street cars, which would cost about \$2,000 more. Evidence in the hearing of the case showed that 99 per cent of the traffic of that point is by persons in street cars going to and from Dundee, and that 28 cars each day cross the tracks at that point.

The court held that the incidental advantage from the viaduct statute to the city from the company is nothing at all against the validity of the statute and cannot be held against it. It is held to be a recognized principle that where several parties using a crossing are responsible for it and any one of them may be made to take the responsibility.

John H. Ames, a prominent lawyer of Lincoln, died at his home today. He had been a resident of this city since 1863, was the accredited author of the Slocumb law, and was, for a term, supreme court commissioner.

Bee Keepers in Session.

Fifty members attended the meeting of the State Horticultural society this morning and it was decided to issue a monthly paper hereafter instead of the bulletin that has been used to spread information. A. J. Brown of Geneva and W. L. Kydd of Ontario, Canada, read papers, Mr. Kydd appearing for C. S. Harrison of York, who was absent. W. A. Harrison of York was elected president of the society, J. W. Hendersson of Omaha, vice president, and Peter Youngers of Geneva, secretary. In the afternoon session, papers were read by Prof. F. J. Phillips, A. O. Williams of Neligh and E. F. Stevens. The State Bee Keepers' association met, elected officers and read papers by Rev. A. J. Kline, Brainard, and J. Albert, Wahoo.

Home Economics Meeting.

The delegates to the home economics meeting met at the women's building at the state farm. Mrs. W. G. Whitmore of Valley, president, was in the chair and papers were read by Miss Vera Barger, Lincoln; Miss Helen L. Davis, Miss Charlotte Templeton and Mrs. H. L. Keefe of Waltham.

State Board Elects Hendershot.

O. P. Hendershot of Hebron was elected president of the State Board of Agriculture at the meeting held this morning and the following other officers were chosen: J. W. Hayes of Kearney was chosen first vice president and Joseph Roberts, second vice president. W. R. Moller of Loup City, was again re-elected secretary of the board and George Dickman of Seward was re-elected treasurer. The following were elected members of the State Board of Agriculture: First District—C. H. Rudge, Lancaster county; W. Leonard, Pawnee, and W. H. Banning, Cass, short term. Second District—John F. McArdle, Douglas.

Third District—W. C. Coles, Knox; Charles Graf, Cumby, and W. W. Cole, Antelope.

Fourth District—C. H. Rudge, Lancaster county; L. J. Gustafson, Saunders; William C. Saline, and H. V. Riessen, Gage.

Fifth District—J. W. Hayes, Kearney; George Jackson, Nuckolls; W. Taylor, Hitchcock and R. Mousal, Frontier.

Following the election of officers the president appointed C. H. Rudge, J. W. Hayes, E. Z. Russell, W. Leonard, and J. A. Ollis, Jr., as the members of the executive board.

Session of Charities Conference.

George Morridge was the principal speaker at the last meeting of the charities and corrections conference and described conditions in Iowa, in the charitable institutions. Resolutions were adopted according to a report of the committee and officers were elected according to the nominating committee. Miss Ida V. Jontz of Omaha talked upon the subject of a state labor colony to take care of the vagabonds of the state.

KANSAS AUTHORITIES HOLD ALEXANDER MENARD IN JAIL

Man Accused of Complicity in Beatrice Bank Robbery Must Stand Trial in Case.

BEATRICE, Neb., Jan. 18.—(Special Telegram.)—Alexander Menard, the farmer arrested near Wymore last week on the charge of complicity in the Beatrice, Kan., bank robbery, was today bound over to the district court at his preliminary hearing at Marysville, Kan. Bond was fixed at \$2,000, which he failed to give. Menard stored the automobile supposed to belong to the robbers in his barn for a week after the robbery, although he claims he knew nothing of their connection with the case. The automobile was later attached by Sheriff Schiek of this city and is now in his possession.

M. BUCKLES UNDER ARREST

Man Admits Charge Made Against Him and is Held at Fairbury.

FAIRBURY, Neb., Jan. 18.—(Special.)—Roy Howard Buckles was arrested here last evening and was brought before Police Judge McCloskey this morning, where he pleaded guilty to a statutory charge and was bound over to the district court in the sum of \$500, in default of which he is now in the county jail. According to Buckles' story this morning he was married last August, his wife now being sick at Phillipsburg, Kan. He deserted his wife a few months ago and came to Fairbury. On November 1 he induced Mable Anderson, a 17-year-old girl, his former sweetheart, to leave her home in Oakland, Cal., and come to Fairbury, promising to marry her as soon as he could get a divorce from his lawful wife. They have been living together at a rooming house in this city.

Missing Veteran is Found.

GRAND ISLAND, Neb., Jan. 18.—(Special.)—Alex Ellison, an old soldier and an invalid, accompanied to this city from Sidney to enter the Soldiers' home, and who was missing for several days, was found at the St. Francis hospital, whither he had wandered after leaving the train. Sheriff Daniels of Sidney in the meantime arrived, found that Ellison was not right mentally

Nebraska

FAIRBURY PLANT IS CLOSED

Manager Collier Will Ask for Appointment of a Receiver.

FAIRBURY, Neb., Jan. 18.—(Special.)—Mr. O. G. Collier, principal stockholder and manager of the Fairbury Planning mill, closed his plant yesterday. He gives as the cause his inability to secure money from the banks for carrying on the business. He will go into district court this week and ask that a receiver be appointed. Mr. Collier had undertaken extensive contracts for various concerns in different towns in Nebraska, one being for a government building in Beatrice, which amounted to \$100,000. The Fairbury banks were unable to give Mr. Collier the necessary funds.

STATE SUNDAY SCHOOL MEETING

Many National Workers Will Attend Convention at Grand Island.

GRAND ISLAND, Neb., Jan. 18.—(Special.)—The next convention of the Nebraska State Sunday School association will be held in this city on June 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31. The convention will be held at the Grand Island hotel. The financial end of the obligations to secure the convention and has agreed to cooperate with the members of the different churches to the extent possible to secure the entertainment of the delegates on the Harvard plan—the city to furnish lodging and breakfast, the delegates providing their own dinners and supper. Secretary Lewis of Lincoln and Chairman Wightman of York, representing the executive committee of the state association, promise the attendance of about 1,000 delegates for the three days. The state convention will be held out a week or ten days ahead of the national convention at San Francisco and many of the Sunday school workers of national fame are expected to stop here on their way to the Golden Gate, sidetracking their Pullmans for a day or two and attend the Nebraska gathering.

LOGAN WANTS RAILROAD LINE

Citizens of Gandy and Arnold Are Urging Its Construction.

CALLAWAY, Neb., Jan. 18.—(Special.)—The citizens of Logan county, as well as the citizens of Arnold at the western edge of the county, are holding meetings to devise plans to obtain a railroad. Arnold is some twenty miles northwest of Callaway, while Gandy, the county seat and only town in Logan county, is twenty miles further to the northwest. The people of these localities are compelled to travel this distance to the railroad, usually when the weather is too bad for them to do anything else, in order to market their products and secure their supplies. Hundreds of dollars are spent yearly to get the freight of the inland stores hauled from the railroad. These people want the K. & N. line extended from Callaway to the line from Pleasanton built on up the Sioux Loup valley. They are now in touch with a Canadian construction company, and an expert engineer has been promised by this company to be here shortly and go over the line.

Five Stolen Horses Recovered.

GRAND ISLAND, Neb., Jan. 18.—(Special.)—The clue given by the warden of the penitentiary to the sheriff of Hamilton county, as a result of which the Hamilton sheriff, Deputy Sheriff Sess and others went to Denver to look after some stolen property, was successful and the two teams, a colt and a set of harness having been recovered, all of the value of about \$1,000. Sheriff Dunkle has ordered all of the recovered property to be shipped here by rail at once. The horses were stole over a year ago.

Poel Refunds Balance Due.

GRAND ISLAND, Neb., Jan. 18.—(Special.)—The final disposition of the case of the state against ex-County Clerk Poel has been made in the entering of a nolle prosequi by County Attorney Cleary, as per the recommendation of the county board, Poel paying up the rest of his costs in the case, and Judge Paul striking the case from the docket.

Cleaver Leaving Mullen.

MULLEN, Neb., Jan. 18.—(Special.)—Frank Cleaver, formerly connected with the Sand Hills Commercial company of this city, sold his household goods and town property at public auction Saturday. Mr. Cleaver and family will move to Canada in the near future.

Nebraska News Notes.

SUTTON—Hugo Ochsmier and Hannah Peterson, married at the Hofer church by Rev. Hofer.

GENEVA—Revival meetings are being held in the Methodist church, conducted by Rev. Hofer.

BEATRICE—William A. Brooks of Sioux City, Ia., and Miss Mabel Dornham of Lincoln were married here yesterday by Rev. U. S. Hofer.

SUPERIOR—Superior has splendid prospects to secure a packing house and those interested are working toward organizing a company this spring.

MULLEN—In the home of Thomas Carr, north of this city five of his family, all boys, died of diphtheria. The family is confined to bed with pneumonia.

SUTTON—The east side meat market, formerly owned by Becker & Son, was last week taken over by Green Brook, who will occupy the same building as the former proprietors.

YORK—A. D. Conner and wife have moved here from Grand Island. Conner has accepted a position as assistant manager of the Nebraska Telephone company of this city.

CLAY CENTER—Jessie McCoy, found guilty on the charge of horse stealing at this time, was sentenced by Judge McCloskey this morning to three years in the penitentiary at hard labor.

SEWARD—Clyde Maria, county surveyor of this county, has been elected to the office of water commissioner by the city council of Friend, Neb., at a salary of \$100 per month. He will take office February 1.

MULLEN—Mrs. D. Boyer, aged 85 years, while out milking late Saturday evening, slipped and fell on the ice receiving internal injuries, which are causing intense suffering that may prove very serious.

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Workmen and Degree of Honor Lodges.

BEATRICE—The annual meeting of the Workmen and Degree of Honor Lodges, of which the city is headquarters, was held at the city hall here yesterday. After installation a banquet was served to 150 members.

WACO—Mrs. Earl Browne, one of the best known and highly respected citizens, is dead. She leaves three children and a husband. One of the children is a cripple, caused by epidemic of poliomyelitis that swept through here in 1908.

GENEVA—William Songster died at 11:30 p. m. Monday. He was 85 years of age. He had been a resident of Geneva several years, coming here in 1904. He was one of the old settlers of this county. He leaves a widow and two sons.

SEWARD—Under the management of the Seward city schools an art exhibit will be held at the Young Men's Christian Association hall, beginning Monday, March 13, and closing Saturday, March 18. This exhibit contains 200 large subjects.

BEATRICE—Postmaster John Lett recently celebrated his twenty-first birthday. Mr. Lett says that of all the patrons twenty-one years ago there are only two left today, one from the home and one from the office.

NEBRASKA CITY—Word has been received of the death of Mrs. Mary Fogarty Smith at Phoenix, Ariz. She was 75 years of age and had been in the hospital for several days. She was a native of Nebraska and had lived in Phoenix for several years.

SUTTON—Miss Anna Harting of Sheridan and Herman Volker of Fillmore county were married here yesterday at the church, Rev. Father Murphy officiating. Mr. and Mrs. Volker left on No. 12 for a visit with relatives in the southern part of the state.

BEATRICE—The case against Samuel Jones, charged with contempt of court, was continued to February 1, yesterday. The child of Edward Jones, whose abduction was the source of the trouble, was ordered kept in custody of the court during the pendency of the action.

SEWARD—The marriage of Miss Zephira Singer and Mr. John Nicholas Kiser took place at the home of the bride's parents, Mr. and Mrs. Alexander Rusnack, at Germantown, Wednesday. Rev. A. Leitch of the German church of Germantown, officiated. Both are prominent young people here.

TIPLER—Edward L. Wilson, a pioneer settler of Johnson county and a well known soldier, died at his home in this city today. He was a native of Ohio and was aged 76 years. Mr. Wilson had been sick but a few days. He is survived by the wife and several children. The funeral arrangements are not yet made.

BEATRICE—The annual meeting of the State Savings and Loan association was held yesterday with a large attendance. The following officers were elected: H. H. McCoskey, president; Fred Anderson, secretary; Louis Graf, treasurer; Dr. T. J. Chidester, of Western, A. E. Weber of Geneva and Dr. J. S. McCreary of Beatrice directors.

HOLDREGE—The Board of Supervisors of Phelps county awarded the county printing for the year 1910 to the Commercial printer, Two bids were filed, one by the Holdrege City, the other by a local job printer. The award of the contract was at least one-fifth less than the one of the local printer, who was granted the contract.

HOLDREGE—Word has been received from Washington that the construction of Holdrege's new postoffice building is soon to be begun. The plans and specifications are now on file with Postmaster W. P. Hall, ex officio custodian. Bids for the erection have been received and will be opened on February 1, next.

SEWARD—C. A. Bemis of this city has been awarded the contract for removing 10,000 cubic feet of earth from the canal at Kansas City, Mo., and covering two and a half miles of the Missouri river banks at that place with a concrete wall. The contract from the War department, for which \$1,500,000 was appropriated for river and harbor improvements.

BEATRICE—Alfred Webber, a member of the Stanbury Construction company's force of bricklayers employed on the Memorial hospital here, died yesterday at 8 p. m. He is survived by two brothers, who live in Sioux City, Ia., and a daughter living in Mexico. The cause of death in the Galveston flood. He was a member of local No. 2, Lincoln Bricklayers' union.

YORK—The Young Women's guild of the Methodist church served dinner to over 100 stockholders of the York County Independent Telephone company. After dinner a statement of the business of the company showed an increase in assets of the company of \$50,000 in the last twelve months, an increase of over 100 per cent in telephone lines. The local company now has assets of \$300,000.

COZAD—Friday morning the Cozad academy held its annual election of officers as follows: President, Dr. Wade of Lexington; vice president, Dr. E. M. Taylor of Geneva; secretary, treasurer, Dr. J. H. Sawyer of Cozad; censors, Dr. J. H. Pochtmann and Dr. E. M. Taylor of Geneva; Dr. Rosenberg of Lexington. The next meeting will be held in Cozad next April.

NEBRASKA CITY—At a meeting of the stockholders of the Nebraska City Building and Loan association the following officers were re-elected: President, Henry Peterson; vice president, M. Seizer, treasurer, H. P. Meyer; secretary and attorney, W. H. Pitzer; auditor, F. M. Cook; trustees, W. F. Steinhilber, H. E. E. Mueller. The cash capital is \$125,315, with \$107,000 in loans. The company had a surplus of \$53,744.

HOLDREGE—At the meeting of the Scandinavian Mutual Fire, Lightning and Tornado insurance company the following officers were elected: President, Fred Anderson; secretary, Oscar Bloom, secretary, Ed Peterson, treasurer. This company has a membership of 1,000 and an insurance in force amounting to \$2,410,335. The company has been in existence more than twenty years.

COZAD—The Commercial club held its annual election of officers Monday evening, electing the following: President, Dr. J. H. Sawyer; vice president, Fred Anderson; secretary, Dr. C. F. Farrell; treasurer, Dr. M. Thornton. The club was organized to get water and light for the town and insurance in force amounting to \$2,410,335. The company has been in existence more than twenty years.

CLAY CENTER—The case of Harvey McLachlan against the Burlington Railroad company was decided in favor of the plaintiff for \$1,000. This action was for damages sustained by McLachlan in the loss of a carload of hogs in a wreck between Dorchester and Crete last July. The defense of the company was that the hogs were moving under an interstate shipment, having been consigned at St. Joseph. The jury held the company liable for the value of the hogs.

SEWARD—The county Treasurer Murfield paid off \$1,000 of the county bonds and \$500 of the original issue of \$100,000 yet to be paid. Mr. Murfield says he will be able to take up \$5,000 more of the bonds in June. This does not take into consideration the \$10,000 in bonds that were held in trust for Mrs. Moffitt during her lifetime, but which have been lost or stolen. The bonds have been called for by the treasurer, which stops the interest on them, but they were not presented for payment.

ALBURN—Following the assurance of a water supply and the arrival of the passenger train for the fire fighting, Alburn organized two companies for handling the water when the fire comes to fight fire. A meeting was held in the town hall, the organization of one company in each end of the city. D. K. Kishman, who has had the company since the fire in Nebraska City, was elected chief, and J. C. Yoime was elected assistant chief. A full complement of organization officers was also elected.

ALBURN—A fire department is an established fact. COZAD—Injunction proceedings to determine the power of the town council to oust the treasurer from office without a hearing were terminated this week, the decision being in favor of the council, which ousted the city treasurer at a regular meeting some weeks ago on account of the failure to file a report. The case will be carried to the supreme court, the outcome following the refusal of the treasurer to issue checks on the proceeds of the bond sale which had been made in an Omaha bank contrary to his wishes and which had never been turned over to him.

SOUTH ALBURN—One of the saddest deaths in many years in this county was that of Miss Mabelle Ryan, which occurred in the hospital in Omaha Sunday. She had been suffering from a long illness of ex-ophthalmic goitre. For a few days preceding the operation her friends here entertained her at the home of her sister, Miss Joseph's cathedral at 5 o'clock Wednesday morning. Father Feeney officiating, and the body will be taken to Dawson for burial.

HOLDREGE—The annual meeting of the Holdrege town council was held at the usual hour. Directors were elected as follows: F. A. Deane, C. A. Galloway, Ed Smith at Phoenix, J. E. Nelson, G. Engstrom, Max Tullig, J. J. Schwing, H. E. Erickson. Preliminary work of boosting for proposed agricultural college was arranged. The club endorsed the new charter, which provides an appropriation of \$50,000 to the establishment of the school. Petitions have been received from the southwest part of the state, which, when signed will be presented to the state legislature. While the school bill is pending the question of a location is not mentioned, but Holdrege is after the location.

Nebraska

Morrisey Appears in Rate Case for Railroad Employees

Labor Leader Contends that Transportation Companies Are Entitled to More Revenue.

WASHINGTON, Jan. 18.—Speaking in behalf of 250,000 employees actively engaged in railroading, P. H. Morrisey, president of the American Railroad Employees and Investors' association today made a formal statement to the Interstate Commerce Commission in support of the proposed advance in the rates on the railroad.

Mr. Morrisey is the chairman of a committee representing the employees, consisting of George Brophy, conductor; H. E. Kilpatrick, conductor; H. F. Smith, baggage man, and R. N. Bullock, locomotive engineer; T. J. Dolan of Chicago, general secretary-treasurer of the International Brotherhood of Steam Shovelmen, also joined in the statement. Scores of favoring petitions from various branches of the organized railroad labor were submitted to the commission.

In presenting the statement and petitions Mr. Morrisey said: "The petitions and other expressions were secured without connivances or coercion. They include both union and nonunion men. They represent the free expressions of the employees."

"This may be technically true, but the employees have a good general idea of industrial conditions in our country and they have observed the conditions which have impressed them in a common-sense way with the belief that the railways are entitled to greater compensation."

"In no other industry in your country is labor so largely employed as on the railroads and none in which so large a proportion of gross earnings goes directly to labor. Labor got \$1,066,249,364 from the railroads in 1909, about 41 per cent of their gross earnings. It is estimated that labor will get at least \$2,000,000 more when the increases for 1910 are added."

"The right of the railway worker to a voice on a question that vitally concerns his welfare cannot be denied, nor can he remain disinterested when theories are being exploited which involve his relation to his employer, his safety or the earnings that are the reward of the activities of his brain and muscles."

"These active operating employees get in a comparative labor sense 'good pay,' and they will continue to ask for more if the economic conditions of the country continue to develop as they have in the last ten years."

"They know that transportation has not been a serious element in increasing the cost of living, because rates generally have not been increased. They have learned the small percentage the freight rate bears to the selling price of the commodities they eat and wear, and they reason the freight rate is not an important factor in influencing the price paid by the ultimate consumer."

"Employees are vitally interested in the earnings of the roads. It is the concern of every man to know that the institution which employs him is kept in condition to meet every obligation to him. This may be styled selfish reasoning, but it is intensely human and practical."

Referring to the arguments advanced by Louis B. Brandeis in support of the introduction of methods of scientific management of railway properties, through which Mr. Brandeis believes \$1,000,000 a day could be saved by the railways, Mr. Morrisey, as a practical railroad man, said he did not believe that American workmen would labor under such conditions as he thought such a system would impose on them.

When the submarine, three hours after it sank, had been brought to the surface by the salvage ship Vulkan yesterday and twenty-seven of its men had made their way to safety through the torpedo tube, the captain and two lieutenants elected to stand by their ship until it was once more master of itself.

The three men were in the conning tower "L," which remained submerged when the vessel rose obliquely. Here the men might have stayed without danger for some time, as the boat had a considerable supply of oxygen but for an accident that shut off this supply from the tower.

Word was sent out that the raising had been successful and that the crew was safe. The work was continued, when suddenly a ventilator gave way, permitting the water to rush into the submarine, forcing the tower and cutting off the oxygen upon which the three officers were dependent.

With the rush of water the bow of the ship rose quickly, but the stern, where tower "L" is located, sank deeper. Recognizing the peril of the officers, the rescuers worked desperately to reach them. It was sixteen hours before an entrance to the tower could be effected.

Long before that time the men had died of suffocation. Artificial respiration was attempted, but the futility of this was soon evident. Lieutenant Fischer was married a week ago.

The loss of the officers is peculiarly distressing, as the fatalities are attributed to a too hasty attempt to raise the boat with a small crane. The crane lifted only the bow, and after twenty-seven of the crew had made their escape the crane released the submarine to permit the Vulkan to operate. A rising sea complicated the operations, which were conducted throughout the night with the aid of a searchlight.

The heavy sea is held responsible for the giving away of the ventilator, the immediate cause of the tragedy.

CUDAHY HEADS THE STATE FIRE INSURANCE COMPANY

Officers Are Elected at the Annual Meeting Held in Omaha Tuesday.

The State Fire Insurance company of Omaha held its annual meeting Tuesday and elected: E. A. Cudahy, president; C. F. McGraw, vice president; Luther Drake, second vice president; A. J. Love, secre-

\$500 PIANO FREE

FIRST PRIZE



20 Years Guaranteed. Gentleman's Gold Watch.

