

Nebraska

STREET RAIL LINE REFUSES
Omaha and Council Bluffs System
Sidelights Physical Valuation.

WEBSTER APPEARS IN LINCOLN
Lawyer Declares Railway Commission Has No Authority Under Law to Value Property—Northwestern Hearing on Today.

(From a Staff Correspondent.) LINCOLN, Neb., Dec. 18.—(Special Telegram.)—Late this afternoon John L. Webster dropped into the rooms of the state railway commissioners and, while not formally entering any appearance for the Omaha & Council Bluffs Street Railway company, informed the commissioners why the company had made no reply to the request for valuation of the company's property.

The commissioners some time ago sent blanks to the street railway officials, who have not replied, and up to today have not indicated that they would not. Mr. Webster told the commissioners the company contended the act for physical valuation did not apply to street railways. He bases his contention on section 2 of the act which says:

The term public service corporation when used in this act shall mean and embrace every railroad, railway, telegraph, transmission telephone line, railroad, transportation property of stock yards companies.

Mr. Webster asserts that the term railroad or railway does not mean street railway and that courts in other states have so held. For this reason he initiated the Omaha company would not furnish the commission with an estimate of the value of its property. The railway commissioners have not discussed the question sufficiently to decide what they will do in the premises and will probably consult with the attorney general before deciding.

Northwestern Hearing Today.

The State Railway commission, commencing tomorrow morning, will take up the hearing on the physical valuation of the Northwestern railroad in Nebraska. The state's representatives have reported the reproduction value of the company's property at \$38,105,253.21 and its present value at \$31,268,852.40. The present value is obtained by subtracting the depreciation through use and otherwise of the tangible property from its value if new. The company contends the physical value of its property is \$46,754,888.

Those who appraised the property for the state fixed it at the actual cost of the physical property, if reproduced, plus legal, engineering and all other expenses actually necessary for the construction of the road. They declined to consider as entering into its value expenses of promotion, promoters' profits, discount on securities sold or any deficiencies in operation during the earlier periods of the road's existence, though they did allow for interest on investment between the time money was necessary and used and the time when the property was ready for operation.

The Northwestern road has 1,074.63 miles of main track in the state and with the addition of sidings a total of 1,263.30 miles.

The hearing will commence at 9:30 tomorrow and no one has any clear conception when it will be concluded, but indications are that it will be a protracted affair.

Union Pacific Asks Time.

The Union Pacific railroad company, through its attorney, Edson Rich, has asked the State Railway commission for an extension of time in which to complete the hog sheds at stations where more than forty cars are shipped each year. The law passed by the last legislature provided that the sheds should be built by January 1, 1912, but also permitted the commission to grant an extension of time.

The Havens-White Coal company of Omaha has withdrawn its complaint asking that the Great Western railroad company be compelled to put in track scales at Omaha.

Powell's Suggestion Accepted.

U. G. Powell of the railway commission's accounting department has made suggestions which have caused the Interstate Commerce commission to suspend the order establishing a system of accounting for telephone companies. Mr. Powell proposed simpler methods of accounts for small telephone companies, and these suggestions were adopted by the commerce commission.

Allen May Get Place.

No action has yet been taken by the State Railway commission in appointing a secretary to fill the place made vacant by the resignation of Clark Perkins.

A. B. Allen of this city, who was private secretary to Governor Mickey and state oil inspector under Governor Sheldon and at present secretary of the republican state committee, is an applicant for the position. It is generally believed he will get the appointment.

YORK AUTO OWNER MUST PAY FOR SCARING TEAM

YORK, Neb., Dec. 18.—(Special.)—District court has been in session the last two weeks. The first week was devoted to equity cases. Last week the jury was called and two cases disposed of, Lovell against Freut, replevin in a horse trade, wherein the jury found for the plaintiff; the other case was Christian Webber against Ed Johnson, a damage suit. Last summer Webber's team became frightened at Johnson's automobile and Webber claimed damages to the amount of \$250. The jury returned a verdict for the amount asked and added \$5 interest. The jury was discharged for this term.

LUTHER J. BYER, PIONEER OF LINCOLN, DIES SUDDENLY

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Luther J. Byer, a pioneer resident of this city and chief of police more than a quarter of a century ago, died unexpectedly today in the grocery store of his son. Death was due to heart disease. He was 75 years old.

LINCOLN NEWSPAPER MEN TO ENTERTAIN MEN OF PRESS

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Visiting members of the press who will be in Lincoln tomorrow to attend the Taft meeting will be entertained at a non-day luncheon given by the local newspaper men in the Lindell hotel.

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Jury Bribery Case Not Yet Up to Martin

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Attorney General Martin said today that the Omaha street railway charter forfeiture matter growing out of the alleged jury fixing had not reached him, and in advance of such official reference did not care to comment on the case. Asked whether action such as charged against the street railway company would be ground for forfeiting its charter, he declined to express an opinion for the same reason. He said no member of the Omaha Bar association had informally even brought the matter to his attention, and all he knew about it was what he had seen in the newspapers. The Kemmerling case, out of which the present outcry arose, was familiar to the office, as Kemmerling's appeal was argued by Deputy Attorney General Edgerton.

While the Bar association had not communicated with the attorney general's office, there are indications that the street railway company had not been losing any time. One of Attorney General Martin's visitors today was John L. Webster, general counsel for the street railway company. He was closeted with the attorney general for some time, and at the conclusion of the conference both the attorney general and Mr. Webster said the conference was over legal matters of another nature and that the street railway matter was mentioned only incidentally.

Peculiar Epidemic Not Yet Diagnosed

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Physicians here still are unable to point out of the source of the epidemic that has stricken the northeast part of Lincoln. The ailment resembles typhoid poisoning. Probably 300 persons are affected. The symptoms of all the cases are practically the same, the only difference being in the severity of the cases. Most of the doctors are certain that the cause is common. All are agreed that the infection, whatever it may be, is either air-borne or water-borne.

ROW OVER THE BOND OF DODGE COUNTY TREASURER

FREMONT, Neb., Dec. 18.—(Special.)—The county board spent a good part of Saturday straightening out a peculiar situation over the county treasurer's bond. Treasurer Morris Horstman filed a surety company bond, properly executed, some time ago, but changing his mind and wishing to patronize another company he procured the bond, erased his signature and filed a bond in the preferred company. The board decided that having filed a bond he had no right to change it in any way, but allowed him to withdraw the first bond and substitute the other. The board then declined to approve the other bond, because the condition of the company was not satisfactory unless it reissued a part of the risk. In the meantime other agents of surety companies got into the game and wanted to write the whole risk. The matter was finally settled after consultation over the telephone with Attorney General Martin by the second company executing the agreement to reinsure a part of the risk and the approval of their bond.

BROKEN BOW FARMER IS SERIOUSLY HURT IN FIGHT

BROKEN BOW, Neb., Dec. 18.—(Special.)—As the result of a neighbors' quarrel between Charles Willis and Richard Huff, two well known farmers, the latter is suffering from a dangerous wound on the head, inflicted, it is said, by an iron stake. It appears that Huff was leaning some ground of Willis about ten miles southeast of here and the quarrel, which has been of long standing, broke out about a week ago. According to the statement of Willis, Huff was the aggressive party and he struck him with the iron pin in self-defense. Huff, however, says that without provocation Willis seized the weapon and, using both hands, struck him over the head with it. Then after he had fallen jumped on him and continued the assault. Dr. Pennington, who attended the wounded man, says Huff's head is dangerously hurt and that part of the ear is also torn from the head. A warrant has been sworn out for the arrest of Willis.

LINCOLN LAND COMPANY WILL REMOVE ITS OFFICES

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—The main offices of the Lincoln Land company will be moved to Burlington, Ia., some time in February. This was the decision reached by the board of directors at a special meeting this morning. The company will maintain an office in Lincoln, the same as now, but most of the business will be transacted at the offices in Burlington. A. B. Minor, who has been secretary of the company almost since its inception, will have charge of the Lincoln office.

NEBRASKA ALUMNI OF HAMILTON FORM CLUB

AURORA, Neb., Dec. 18.—(Special.)—At an enthusiastic meeting held at the home of James B. Harvey last evening the alumni of the state university organized the Hamilton County club. Secretary George W. Kline of Lincoln was present, as was H. D. Landis of Seward. The following officers were elected: J. B. Harvey, president; Mrs. C. P. Craft, vice president; Mrs. J. B. Harvey, secretary; H. E. Aylesworth, treasurer.

TAFT CLUB ORGANIZED IN HARLAN COUNTY

ALMA, Neb., Dec. 18.—(Special.)—A large gathering of republicans was held at the court house in Alma Saturday evening for the purpose of organizing a Harlan county Taft club. Several townships in the county were represented and the club was organized with a membership of 125. The following officers were elected: President, B. R. Claypool of Orleans; secretary, Arthur V. Shaffer of Alma; treasurer, E. J. Long of Harlan county; will be well represented at the state meeting in Lincoln next Tuesday by delegates chosen at this meeting.

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BISHOP'S SISTERS IN COURT Relatives of Late Thomas Bonacum Sue Over His Estate.

THOUBLE OVER QUARANTINE German Day Will Be Fixture in Celebration at Capital City Next Fall—Health Secretaries' Claims Not Allowed.

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special Telegram.)—Mrs. Margaret Young of Denver and Miss Mary E. Bonacum of Lincoln, sisters of the late Bishop Thomas Bonacum, allege in county court that a note for \$332, assigned by the bishop to his sister, had been altered to read \$132, also that real estate belonging to the bishop had not been scheduled in the assets of the estate. Attorney Doyle for the estate denies that the note had been altered and that the bishop's books show the amount now appearing on its face is the correct one, and also that the property not listed was not in fact the property of the bishop, but belonged to the diocese.

Trouble Over Quarantine.

Dr. W. H. Wilson of the State Board of Health has returned from Utica and Gresham, where there has been some trouble over the quarantining of small-pox patients. The difficulty is said to be due largely to the fact that one doctor insists the cases are not small-pox. Dr. Wilson instructed the health officials to enforce rigidly the quarantine regulations and if necessary arrest violators.

German Day a Fixture.

German day again will be celebrated in Lincoln next fall. This decision has been reached by the German alliance of this city. According to present plans, the celebration will be a two days' affair. Preliminary arrangements are to be started without delay.

Robbers Break Window.

Robbers gained entrance to the Chapman drug store, Tenth and O streets, by throwing a brickbat through the plate glass window at an early hour this morning. They escaped with \$10 worth of merchandise. A glass box containing about \$2 in contributions to the Nebraska Children's Home society was also taken.

Governor Disapproves Claims.

Governor Aldrich today declined to approve claims amounting to \$182.30 presented by Dr. C. F. Fall, secretary of the board of secretaries of the State Board of Health. The claims represent two months' salary for Dr. Fall and his stenographer, office rent and supplies. The governor takes the stand that such claims should be paid from fees collected in the granting of licenses to physicians over the state and not from appropriated funds. On the other hand, members of the health board insist the claims should be paid from the appropriations.

Cards From Church Howe.

The familiar and unique signature of Church Howe attached to Christmas cards has been received by many Nebraskans who were friends of Mr. Howe in the old days when he was up to his neck in state politics in this state. Mr. Howe is United States consul at Manchester, England, and this year his cards bear a picture of

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Cherry County Men Ask Sellars' Probe

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Requesting Governor Aldrich to appoint a judge in Cherry county thoroughly to probe the Sellars case, citizens of that county have sent more than 300 petitions to the chief executive's office. The governor is also asked to appoint a county attorney to aid in the investigation.

The governor says he has no right to make such appointments. He will refer the petition to the Cherry county attorney. He says if the county attorney will make a statement in court that the judge is prejudiced another judge will try the case. Charles Sellars was hanged last June by Alma and Harry Weed, Harry Heath and Kenneth Murphy. Mas Eunice Murphy was accused of inciting the hanging. The boys are in the penitentiary for life, while the girl is with friends at Independence, Mo.

BOY KILLED BY FREIGHT TRAIN NEAR LONG PINE

LONG PINE, Neb., Dec. 18.—(Special Telegram.)—Hazel Oliver, son of S. J. Oliver, section foreman on the section east of Long Pine, was run over by local freight No. 64 at 7 o'clock this morning. Both legs were severed above the knee and he died about four hours later. Mr. Oliver had been in the habit of closing the switch for No. 64. This morning he closed the switch as usual, but the brakeman, not knowing this, dropped off to close it and the train left him. When he was discovered missing the train was stopped and started back. Mr. Oliver, his son and the brakeman were following close on the handcar and did not hear the back-up signal nor see the train until it was almost on them. They stopped the handcar and jumped, but in some way the boy slipped and fell under the train. Dr. Dawson was in attendance almost immediately, but to no avail.

CHARGE AGAINST PLAMONDON IS NOT TO BE PRESSED

(From a Staff Correspondent.) LINCOLN, Dec. 18.—(Special.)—Peter Plamondon will not have to answer the charge of violating the speed law of Nebraska. County Attorney Strode today dismissed the charges pending against the man in a justice court.

Scully Estate Pays Tax.

BEATRICE, Neb., Dec. 18.—(Special.)—Samuel Hinkler of this city, attorney for Mrs. Angelica Scully, widow of the late Lord Scully, Saturday paid into the treasury of Gage county the sum of \$19.23 as inheritance tax on the Scully lands in Gage county.

WORTH BILLION AND HALF

Final Estimate of Value of Corn Crop is Given Out.

WASHINGTON, Dec. 18.—The final estimates of the Department of Agriculture on the production and value of the principal farm crops of the United States for 1911, announced today, were as follows:

Table with 3 columns: Crop, Bushels, Value. Rows include Corn, Winter wheat, Spring wheat, All wheat, Oats, Barley, Rye, Buckwheat, Flax seed, Potatoes, Hay, Tobacco.

GRAND ISLAND BASE BALL ASSOCIATION MEETS

GRAND ISLAND, Neb., Dec. 18.—(Special.)—The board of directors of the Grand Island base ball club held a meeting Saturday and started preparations for the coming year. About a dozen applications were received for the position of manager. Ray Bohner, the Fremont catcher, seems to be favored by the majority, and he may be secured to lead the third city leaguers the coming season. Harry Welch and players of other teams in the Western league were applicants for the place. The club is seriously considering the securing of other grounds within a block of the present location. Applications are coming in fact for positions on the team and indications are that ball players will be plentiful.

Missionary Rally at Table Rock.

TABLE ROCK, Neb., Dec. 18.—(Special.)—The missionary rally held at the Methodist church called out quite a large audience. In the morning Rev. Albert Parker of Baroda, India, filled the pulpit, and in the evening Doctor J. B. Trimble of Kansas City, assistant secretary of the Board of Foreign Missions, preached. Other speakers were Rev. Jacob Post of Chungking, China; Rev. H. R. Calkins of Chungking, India; and Miss Viola Troutman of Topeka, Kan. The evening meeting was held at the opera house and was crowded.

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