

ASSERTED WILL WAS ARBITRARY

Mortgage Holder Seeks Payment Though Instrument Gave Instructions

LINCOLN, NEB.—Attorneys for the Northwestern Mutual Life Insurance company tells the supreme court, in a printed argument just filed in support of a Stanton county district court decree that their \$12,500 mortgage is valid, that the other party to the action, John Hilliard Peters, is attempting the impossible of trying to have his cake after he had eaten it.

In the will of his father, John Peters, who died in 1915, there was a provision that none of the land left to his children should be sold for 10 years. John Hilliard, however, got tangled financially, and at one time owed the Stanton National bank in excess of \$36,000. The bank pressed for payment, and he gave a mortgage on the 200 acres he had inherited and upon which he lived. Later, in settlement of all claims back and forth, he deeded the land to Andrew Spence, president of the bank, who borrowed the \$12,500 represented by the mortgage of the life insurance company, and later sold the land to William F. Schulz, now in possession, for \$40,000.

Now comes Peters and asks for a finding that he is the owner of the title because during the time all of these transactions occurred, which included his deed to the bank, the title could not be alienated because of the provision in the will of his father. Hence he had not conveyed any fee simple title, and the mortgage was given by a person without any title to the land.

Attorneys for the insurance company say that while the courts permit reasonable restraint on alienation of a life estate, but it must be for a reasonable time and for a good reason. A court will not, they say, be put in the position of recognizing whims and hobbies as reasonable and thus be required to determine whether the time the whim is to endure is reasonable. A reasonable period, they say, must have something by which to be measured, as until a drunkard reforms, until a flapper daughter gets married, or until a spend thrift reaches a certain age. No reason is given in the will why the land should not be sold for 10 years, and being arbitrary it is against public policy and unenforceable, they argue.

ATKINSON PIONEER DIES FROM FRACTURED HIP

ATKINSON—Edward Jennings, Holt county early homestead and sodhouse dweller, passed away here. He fell and fractured his hip four weeks ago. He was almost 89 years old and was the last of the Jennings family.

Forty nine years ago, before the railroad reached Atkinson, Mr. Jennings came to the United States from Ireland, and to Holt county, where he took a homestead and tree claim. He came alone, leaving his family across the water until he could save enough money to send for them. This he did after four years in the sandhills. Besides taking care of his farm, he worked on the railroad and when the tracks were laid through Atkinson he was a member of the construction crew.

BOY DISAPPEARED FROM TRAIN, BUT NOT KIDNAPED ALLIANCE

HASTINGS—(Special)—Mrs. Hugh Brown of Miles City, Mont., had a bad half hour here when she thought her red-haired, freckle-faced son, 11 years old, had been kidnaped from the train. With the boy and baby, 1½ years old, she was on her way to Lincoln.

The train halted here and the lad climbed out. When it was time for the train to start, the boy could not be found. She feared he had headed for the carnival grounds, which could be seen from the train. For 15 minutes the Burlington train was held and descriptions of the missing boy spread over the city, as railroad officials and employes hunted for him.

The train then left and Mrs. Brown remained. Fifteen minutes later two small boys ran into the station reporting that the lost boy was walking down the street. He was unaccompanied over the excitement he had caused by his disappearance.

HASTINGS WOULD BE RID OF TRANSIENT WORKERS

HASTINGS—(UP)—As the result of trouble with transient workers and harvest hands, Chief of Police John Bramble has issued an order to all such transient workers not having employment to leave town.

When Acy Berry, of Clinton, Ia., ridiculed Dewitt Light, of Dallas, Tex., for the latter's boasts of how he could handle an 8-horse team, Light drew a knife and cut Berry Saturday night. Both were arrested and are held in the county jail pending the filing of charges. Later at the police station.

FARM LANDS ARE BRINGING BETTER PRICES

HARTINGTON—(Special)—The Dietrich Wacker farm of 240 acres north of Laurel was sold to Harry Wacker for \$150 an acre or a total of \$36,000.

Alfred Carlson also bought the Townsend farm adjoining Laurel on the south for \$17,000 or about \$144 an acre for the 129 acres. G. Henry Kohls of northeast of Hartington has sold 160 acres to Ludwig M. Uhing for \$108 an acre, or \$17,330.

PAYS 40-YEAR OLD DEBT AND ACCUMULATED INTEREST

AURORA—A debt 40 years old, incurred for a spool of barbed wire, was recently paid to R. L. Laurie, then one of the Laurie brothers hardware store.

The debt was one by a Menonite farmer. He was then worried by debts, for most of which his father had gone as security. For the barbed wire, \$6.35, he gave a note without security. Hard pressed by other obligations, he did not pay, and the debt was outlawed. Later he did other business with Laurie, but the barbed wire debt remained nearly forgotten and unpaid.

A few days ago the farmer spoke to Laurie, and asked if the old note was still in existence. Laurie said the amount was \$6.35, though he thought he could find the note. Toews insisted on paying interest, and Laurie figured it at 6 per cent simple interest, and the old note was settled for \$21.15.

Laurie is now 65 years old. The farmer is 70.

COMBAT HORDES OF ARMY WORMS

Farmers of Thurston County Successful in Battling Pests

WALTHILL, NEB.—(Special)—Army worms, millions of them, attacked fields of small grain and corn in different parts of the county last week. For a while it looked as though destruction by the invading hosts would be complete. All of the damage done was in the districts that had been hit by hail during June. Some fields of oats were completely taken but the corn was only slightly damaged.

Three methods of combat were used by the farmers. Poison bait along the line of march of the pests proved quite effective. Plowing of a furrow with the soil thrown toward the oncoming worms proved to be very effective. The army would fall into the furrow and would be unable to climb the steel wall left by the coulters. When the furrow became well filled with worms a log was dragged through it to crush the worms. Spraying grass and foliage along the line of march with arsenate of lead proved to be partially effective.

Hot weather played an important role in checking the advance of the army and by Friday evening the county agent and O. S. Bare, entomologist from the college of agriculture discovered an insect enemy of the worm present in great numbers. When this parasite was found the men concluded that the battle was over and that the army worm was going to come out of the battle second best.

The parasite is called "Winthemia quadripustulata" but in spite of its name it is much feared by the army worms.

Army worms have been damaging crops in Cumming, Pierce and Thurston counties in Nebraska and in several northwestern Iowa counties. There is no record of army worms working in the same neighborhood two years in succession.

LIFE INSURANCE MAN TURNS DOWN STATE JOB

LINCOLN—M. L. Palmer, Lincoln life insurance general agent, from whom a reluctant consent to allow his name to be submitted as a candidate for state insurance commissioner was wrung by a group of representative insurance men, has written the governor that under no circumstances will he accept the place.

The governor had asked him if he would take it, and he had said that he would. This was a month ago, and all efforts of insurance men to induce the governor to act since then have been fruitless. Mr. Palmer, who was taking a job that pays less than his general agency, discovered that the mutuals and a group of companies who are charged by competitors with unfair practices were bringing pressure to bear on the governor not to name him, and he promptly wrote the governor that if he felt any responsibility for the half offered made him that he could consider himself free to name anybody he wanted.

In the letter he said that sufficient time has elapsed for consideration of his name, and he wanted to withdraw any intimation that he would accept even if tendered the position now.

SUES LINCOLN BANK FOR CONSERVATION FUND

LINCOLN—(Special)—The state banking department has sued the Continental National bank of Lincoln for \$13,580, the amount of money that bank had contributed, when holding a state charter, to the bankers' conservation fund, designed to finance as going concerns the failed banks taken over by the guaranty fund commission. The bank was one of the depositories for the commission, and after the commission was put out of existence late in April the department sought to draw out its balance in the Continental bank. The bankers withheld and still refuse to pay the conservation fund contribution.

NEBRASKA WOMAN IS APPOINTED CONSTABLE

CHADRON—As far as can be determined the first woman constable in Dawes county is Mrs. H. E. Beringer, at Marsland, in the southwest corner of the county. Mrs. Beringer was recently appointed by the Marsland justice of the peace. C. P. Sera.

While filing her bond with the county clerk, Oscar Johnson, Mrs. Beringer said, "It is impossible to live in Marsland without someone to keep the peace."

WEEKLY SUNDAY SCHOOL LESSON

The Courage of Faith



Text: Daniel 6:10, 11, 16-23

Now when Daniel knew that the writing was signed, he went into his house; and his windows being open in his chamber toward Jerusalem, he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime.

Then these men assembled, and found Daniel praying and making supplication before his God.

Then the king commanded, and they brought Daniel, and cast him into the den of lions. Now the king spake and said unto Daniel, Thy God whom thou servest continually, he will deliver thee.

And thou was brought, and laid upon the mouth of the den; and the king sealed it with his own signet, and with the signature of his lords: that the purpose might not be changed concerning Daniel.

Then the king went to his palace, and passed the night fasting; neither were instruments of music brought before him; and his sleep went from him.

When the king arose very early in the morning, and went in haste unto the den of lions.

And when he came to the den, he cried with a lamentable voice unto Daniel: and the king spake and said to Daniel, O Daniel, servant of the living God, is thy God, whom thou servest continually, able to deliver thee from the lions?

Then said Daniel unto the king, O king, live for ever.

My God hath sent his angel, and hath shut the lions' mouths, that they have not hurt me: forasmuch as before him my innocency was found in me; and also before thee, O king, have I done no hurt.

Then was the king exceedingly glad for him, and commanded that they should take Daniel up out of the den. So Daniel was taken up out of the den, and no manner of hurt was found upon him, because he believed in his God.

BY WM. E. GILROY, D. D. Editor of The Congregationalist.

What we have heretofore said concerning the Book of Daniel applies, also, to this lesson. Whether the book be an apocalypse like the Book of Revelations, or a transcript of literal history, the character of the man who stands forth in these pages and in this incident is clear. Daniel is the type of man who knows no fear where duty is involved.

So far as actual life is concerned it was never, perhaps, altogether a right teaching that the man who does right will never suffer for it, or will always be miraculously delivered from the persecutions of his enemies even though his danger be that of a den of lions. The New Testament at some points, especially in its story of Jesus Christ, corrects some of the philosophies that have been too readily based upon the prosperity and happiness of those who follow the way of truth. The story of Calvary reminds us that there are real crosses in life and that there is such a thing as suffering for conscience sake.

Willing to Suffer
The real point about this story is not Daniel's deliverance, but Daniel's willingness to suffer and die, if need be, for the sake of his conscience. On the whole it is amazing in life what deliverance comes to such men. Sometimes the cross which they are willing to bear is spared them, but there would be no meaning in the deliverance if Daniel had been fearful of the result or had hesitated for a moment in the performance of his duty.

The teaching of the New Testament re-enforced by the experience of Jesus and the experience of his early disciples is that, no matter what befalls a man, and with him and right is triumphant. Here in the lesson we have set before us the things that may sustain a man in his purpose to do right and in his attitude of courage. Daniel's life was founded in real religion. He found a helpful discipline in prayer and in the reverence for sacred things. His windows were open toward Jerusalem—that is, there was the love of spiritual Zion in his soul.

A man cannot ever rise very high in whose soul there is no sense of holiness. Nor did Daniel merely kneel in the prayer of petition and request. Like Paul at a later time, he mingled thanksgiving with prayer. There is strength in the man who can always find something in life for which to be thankful.

This religious faith and attitude lifted Daniel above any convention and in a sense above law. It is one thing to be lawless and quite another thing to live above law. Daniel dared to disobey a command that impinged upon his religion; but his religion led him to practice the sort of life that could not be described as lawless.

There are many people who do not make that distinction today. It is one thing to disobey a law simply because one does not happen to like it, and altogether another thing to live a life of such holiness in relationship to God and man that one's course of conduct cannot in any way injure another.

There will never be much danger to society from men who disobey a law for conscience sake if they have the same sort of conviction that Daniel had.

The King's Weakness
Perhaps one of the most interesting portions of the lesson is in the reference to the king. He appears before us as anxious for the safety of Daniel and with a sort of faith that Daniel's God will deliver him, and yet he had been weak and unheroic enough to allow Daniel to be cast to the lions. Is not that something like men and women who are always hoping that God will bring things out differently from their own plan?

In reality the king stands before us as a despicable fellow, well disposed toward Daniel and hopeful for his safety, but utterly lacking in the courage that Daniel had for himself and therefore unwilling to risk anything for the safety of the youthful hero. Here also is that element of contrast to which we have referred. We take our stand in the modern world with the weakness of the king or with the strength and resourcefulness of Daniel. It is much better to be Daniel than to be ruler of an empire. "He that ruleth his own soul is better than he that taketh a city."

TELL ME BROTHER SUFFERER
If your wife don't fear the devil, nor yet the devil's hosts,
But of thunder and of lightning is fearful as of ghosts;
If the day has been as hot as you barely could abide,
And the thunder and the lightning for the night are prophesied;

Did you ever lie abed that hot and humid night,
The sweat just rolling off you, but your nightie sticking tight?
But one window in the room that the breeze was getting by,
And it weren't for that breeze you knew that you would die?

Did you e'er on such occasion see a distant lightning flash,
Followed in a second by a distant thunder crash?
See your wife jump out of bed and slam that window to?
Then tell me, brother sufferer, what did you ever do?

—Sam Page.

Q. What is meant by E. and O. E. A. G.
A. The abbreviation means Errors and Omissions Excepted.

radios three times a week. The state and public libraries lend books in English at a nominal fee of a few cents a month.
An English weekly magazine is published in Prague and a newspaper will soon be started for the benefit of thousands of English and American tourists who visit Czechoslovakia's spas.
He'll Take the Second.
From Tit-Bits.
Magistrate: The best thing you can do is to go home and make up with your wife.
Husband: And what's the second best thing?

"BOOTLEG" GASOLINE ACROSS NEBRASKA-KANSAS LINE

FALLS CITY—(UP)—Bootleggers who ply their nefarious trade at night between the two states of Kansas and Nebraska will be the object of a war here instituted by the state treasurer's office. These "leggers," however, are not engaged in the liquor traffic but in hauling gasoline.

According to word which has reached the office of Fred E. Erickson, deputy state treasurer, the pastime has become so popular that it is worthy of the attention of Sheriff Lewis Davies, whose cooperation he asks in stamping out evasions of the Nebraska 4-cent gasoline tax.

FIXED HOLDUP, SHE CONFESSES

Om-ha Waitress Wanted Sparkler on Customer's Finger and Got It

OMAHA, NEB.—(UP)—Mrs. Kathleen Randolph, pretty waitress, pleaded guilty to covetousness and was given a two-year suspended sentence by District Judge Fitzgerald, Tuesday.

The girl, scarcely out of her teens, said she coveted a valuable ring worn by Charles Vuldella, farm hand. She spied the sparkler while waiting on Vuldella and "dated him up."

She telephoned a friend, Archie Blivens, and arranged a fake hold-up. Coming on the couple from behind, Blivens stuck his finger in Vuldella's ribs, made him believe he held a gun and made him disgorge the ring.

Detectives became suspicious upon hearing the story and arrested Mrs. Randolph, her husband and Blivens. The ring was found on Randolph but she was dismissed when she explained his wife had given it to him. Blivens also drew a two-year parole.

DEFECTIVES TO RUN GAUNTLET

LINCOLN, NEB.—(UP)—A board of examiners of defectives who will have charge of enforcing Nebraska's new law for sterilization of criminals or insane was appointed Tuesday by the state board of control.

The five members of the board are: Dr. D. G. Griffiths, superintendent of the Lincoln state hospital, chairman; Dr. G. E. Charlton, superintendent of the Norfolk state hospital, vice chairman; Dr. J. H. Mathal, superintendent of the Lincoln orthopedic hospital; Dr. J. A. Burford, superintendent of the hospital for feeble minded at Beatrice; and Dr. J. Blaine Babcock, superintendent of the Hastings state hospital.

Between now and October 1, the board will organize and then, October 1, as provided by the law passed by the last legislature, superintendents of the institutions for the feeble minded, the hospitals for the insane, reformatory for men, reformatory for women, the industrial home and the ward of the penitentiary, shall submit to the board the names of all inmates who are feeble minded, insane, habitual criminals, moral degenerates, or sexual perverts.

The board finds that the traits of these inmates can be transmitted to their children, an order shall be obtained from the district court, directing that an operation for sterilization be performed.

WIDOW SUCCEEDS HUSBAND AS HEAD OF BANK

BATTLE CREEK—(Special)—Mrs. Herman Hogrebe, widow of the late president of the Battle Creek Valley bank, has been named head of the bank to succeed her husband. All of his shares of bank stock passed to her at his death.

She will take no active part in the management of the bank's affairs, but she is believed the only closely approaching the \$1,000,000 mark.

EPWORTH LEAGUE OPENS SESSION AT LINCOLN

LINCOLN—(UP)—Several hundred Nebraska Methodists poured into Epworth Lake park here Wednesday for the 33rd annual Epworth assembly, scheduled to open Wednesday evening.

MERIDIAN HIGHWAY HAS ITS ANNUAL ELECTION

MADISON—(UP)—W. H. Kelermeier, of Bruning, Neb., was elected president of the Nebraska division of the Meridian Highway association at the annual meeting held here Tuesday. Other officers are: Ernest Raasch, of Norfolk, vice president; I. N. Dawson of Madison, secretary-treasurer.

Dr. F. A. Long, of Madison, international vice president, and the past president, F. G. Humphrey, of Norfolk, were elected delegates to the national office of the association in North Dakota to make arrangements to hold an international meeting at some central point along the highway.

GOVERNMENT FAILS TO PROVE CONSPIRACY CHARGE

OMAHA—(UP)—Gene Livingstone, alleged alcohol baron, made a mistake when he jumped a \$3,000 bond to flee from a liquor charge in which he was jointly indicted with George Kubick and George Johnson, it developed here Tuesday.

Federal Judge Woodrough threw out the conspiracy count and ordered Kubick rearrested on a possession and transportation charge. The court held that the government failed to produce evidence of conspiracy.

FRANCHISE TAX IS BIG QUESTION

Public Utilities in Nebraska Seek to Evade Law Fixing Values

LINCOLN, NEB.—(UP)—While the state board of equalization Wednesday was hearing protests of utilities to the proposal to collect a franchise tax, Attorney General C. A. Sorenson in an opinion given Governor Arthur Weaver, declared the board has power to levy such a tax.

Although the law providing for the taxation of franchise value of companies engaged in street railways, water works, electric lights, gas works, natural gas, mining, express, telegraph, telephone business in the state, was passed in 1921, it appears that only the Western Union Telegraph company and the express company have paid the franchise tax, Sorenson said.

The attorney general expressed the opinion that millions of dollars worth of franchise values of power and telephone companies had apparently escaped taxation.

The hearing was partly the result of the request of companies which had stated that if the board fixed franchise values, they desired a hearing on the amount and method of arriving at franchise values.

Thorne A. Browne, of Lincoln, was at the meeting to represent John F. Cordeau, of McCook, a representative of the Nebraska Light and Power company, of McCook, who said the notice of the meeting reached him too late to permit his coming to Lincoln.

Among other companies represented were the Central Power company of Grand Island, represented by William Stur; the Nebraska Power company, of Omaha, by Roy Page; the Iowa-Nebraska Power company, of Lincoln, by George A. Lee.

SMALL GRAIN YIELDS ARE ABOUT AVERAGE

BLOOMFIELD—(Special)—Small grain harvesting is almost completed in this territory. Some threshing has been done. Barley is yielding good, but oats were somewhat damaged by rust. However, the yield is about average.

TO ORGANIZE FIGHT ON M. W. A. RATES

BEATRICE—(UP)—The next step in the fight to prevent the Modern Woodmen of America increasing rates to members as planned by the head camp in Chicago will be the promotion of more state wide conventions, it is pointed out here.

Conventions are to be held in about a dozen states and it is expected that resolutions will be adopted at each of these, backing the Beatrice camp in its fight, it was learned.

A convention for Iowa Woodmen is scheduled for August 7 at Des Moines, to be followed immediately by a Kansas convention at Topeka. Later, a convention will be called for Illinois camps, to be held probably at Walnut. Similar meetings are being planned for Missouri, Wisconsin, Minnesota and South Dakota.

Plans for these conventions are being worked out by O. B. Hatch of Lincoln and several others in the employ of the Beatrice camp. It is their purpose to have every state form an organization to function under the direction of the Beatrice committee.

The Woodman office here receives large stacks of mail daily, many letters containing money contributions to the fight and others assuring moral support. Illinois, especially, is enthusiastic in its support.

SAYS SEARCH BY DRY AGENTS MADE HER ILL

OMAHA—(UP)—Mrs. H. Marcus, wife of a south side merchant, complained to authorities that she had been made ill when liquor agents insisted on searching her home for a still. After searching the place from cellar to garret they drove away. Later they found the still half a block down the street. James Marino was arrested and his 50-gallon whisky apparatus seized. Agents said they had smelled the still and thought the fumes were emanating from Mrs. Marcus' home. The woman claimed they did not have a search warrant. Mrs. Marcus claimed to have been confined to her bed for two days as a result of the raid.

FORMER WAYNE PASTOR EXPIRES AT LINCOLN

LINCOLN—(Special)—Rev. Walter William Theobald, who was minister of the Baptist church at Wayne, for eight years prior to 1902, died Wednesday at his home in University Place. He was 69 years old, and had twice been mayor of the Methodist suburb of Lincoln. He was instrumental in erecting new church edifices at Wayne and Tecumseh, where he later had a pastorate. He had previously served Wisconsin churches. At one time he was district secretary of the Baptist conference. He is survived by his wife, one son and one daughter, and has four brothers, two of whom, S. R. Theobald and H. W. Theobald, reside at Wayne.

Rev. Mr. Theobald engaged in merchandising after leaving the ministry.

YOUTH TO FACE CHARGE OF MURDER ATTEMPT

PLATTSMOUTH—(UP)—Assured that Miss Mildred Fleming, 22 years old, Plattsmouth school teacher would recover, County Attorney Kieck filed charges of assault with intent to murder against Ralph Hiner, 16.

Hiner, who is held for safe keeping in county jail at Omaha, is accused of striking the girl seven times with a club Saturday night. He will be arraigned here this week. Miss Fleming's condition is reported good in an Omaha hospital.