

UNION LABOR CLAUSE IS VOID

Decision of Lower Court in South Omaha Case Upheld.

UNDEMOCRATIC IN ITS PLAN

Supreme Court Rules that it is in Conflict with the State Constitution and Our Form of Government.

(From a Staff Correspondent.)

LINCOLN, Feb. 13.—(Special.)—Friday, the thirteenth, proved to be an unlucky day for union labor this morning, when the supreme court of the state in its decisions handed down declared among other decisions that the law providing for the employment of union labor in cities of the South Omaha class was unconstitutional.

The Douglas county district court decided against the union labor contracts for paying let in South Omaha. The law provides that in all cities in the South Omaha class where work is performed upon the streets, etc., by virtue of any contract the work shall be done by union labor and be paid at the rate of \$2 per day, provided that when skilled labor is employed by the city said labor shall be paid the current scale of union wages; provided that eight hours shall constitute a day's labor.

Suit was brought to enjoin the city from proceeding with the work and that the contracts should be cancelled.

Holding of Court.

The court holds:

"That the said union labor clause is void because it is undemocratic in its plan, in conflict with the constitution of the state and contrary to the spirit of our republican form of government.

"In effect the said provision excludes the unskilled laborer from the work to which he is entitled and compels the taxpayer to sustain the burden of an arbitrary rate not based upon the actual value of labor and without reference to the going wages of the time, place and kind of labor to be performed.

"It takes the private property of the taxpayer without due process of law and is in violation of section 3, article 1, of the bill of rights.

"It undertakes to support a privileged class at the expense of the taxpayer and puts upon the latter a burden not contemplated by the laws of the state.

"It takes the property of one person and gives it to another without attempting just compensation.

"The contracts are not let under such terms as to admit of competition and there is a disregard of that part of section 146 of chapter 11, of the laws of 1908, which provides that the mayor and council shall award such contract to the lowest responsible bidder of the class (of material) so designated."

Child's Inheritance. A decision of the Richardson county district court is affirmed in a case where Angelina Rock, a female child of 3 years, had been taken by John Fenlon and wife, Mary, from the New York Foundling hospital. Seven months afterwards John Fenlon died and his wife assumed the child under the contract from the hospital. Ann Fenlon, a sister of the deceased, claimed the right to inherit the one-half interest in the property of Fenlon as his sister and only heir. Mrs. Fenlon, acting as administratrix of the estate of her husband, applied to the district court to have the rights of the child under the contract defined. The court decided that the child could not inherit and the higher court sustains the lower court.

Murdock Gets Dry. In the matter of appeal from the Cass county district court, which had upheld the granting of a license to G. G. Williamson for a saloon in the town of Murdock, the high court upholds the contention of the remonstrators that the petition was without a sufficient number of signers and overrules the lower court.

In order to secure the required thirty freeholders Mrs. Williamson, wife of the applicant, signed the petition and the court holds that she had no right thereon, leaving the petition one short of the required number.

Drug Firm Wins. A decision affecting the pure food law covers a sale by the Hessie-Ellis Drug company of Memphis, Tenn., to the Harley Drug company of Lincoln of patent medicines misbranded by them and which the latter was prosecuted for selling. The Lincoln firm refused to pay for the misbranded goods and the Memphis firm brought suit, securing a judgment in the Lancaster county district court for \$720.

The higher court holds that the plaintiff should be required to take back the goods and credit the Harley company with the price contracted for.

Control of Stock Yards. That the state railway commission has jurisdiction over the railroads in the construction and maintenance of stock yards and like facilities for loading and unloading stock is held by the supreme court.

In April, 1912, Charles C. Connelly et al., made complaint to the state railway commission asking that the Union Pacific Railway company be required to construct and maintain a depot and sidetrack on its Calloway-Stephens branch at a point called Hoagland. The commission made an order for the construction of adequate facilities as to depot and sidetrack and the Logan Valley Land company secured an injunction in the district court of Logan county restraining the railway company from following the order of the railway commission.

The supreme court now holds that the order of the railway commission is valid as regards the ordering in of sidetrack, etc., for public use, but that for private use, the placing of sidetrack comes under the jurisdiction of the courts.

Backache and Rheumatism Vanish Away. Men and women having backache, rheumatism, stiff and swollen joints are honestly glad to know that Foley Kidney Pills are successful everywhere in driving out these ills. That is because Foley Kidney Pills are a true medicine and quickly effective in all diseases that result from weak, inactive kidneys and urinary irregularities. Rev. C. M. Kishington, Havana, Fla., writes: "I suffered intense pain in kidneys and back, but after taking Foley Kidney Pills all my pains disappeared, and though I am 65 years old, I feel like a young man again."—For sale by all dealers everywhere.—Advertisement.

NORFOLK MAN MAY MAKE RACE AGAINST STEHPENS

NORFOLK, Neb., Feb. 13.—(Special.)—County Attorney Art J. Koenigstein of Norfolk is seriously considering the matter of becoming a candidate for the democratic nomination for congress in the Third district against Congressman Dan V. Stephens this year. He has sent out a number of letters to prominent democrats in the district and has received assurances of support in many counties.

Notes from Lyons.

LYONS, Neb., Feb. 13.—(Special.)—A wedding of unusual interest took place in the "German Settlement" south of this place, in the marriage of William Kohlmeier to Miss Frieda Doeschler, the Rev. J. P. Kuchner officiating, at the St. John's German Lutheran church. The groom is a prominent young man of the community, while the bride is the daughter of Mr. and Mrs. H. Doeschler of this place.

The annual Burt County Sunday School convention closed a very interesting session here yesterday, there being delegates from all parts of the county. Brink brothers, of this place, are putting up about 3,000 tons of ice, besides cutting 5,000 tons for the farmers, and supplying ice for Pender, Craig and Blair. The ice is of good quality and about sixteen inches in thickness.

HYMENEAL

Hessie-Beethe.

TECUMSEH, Neb., Feb. 12.—(Special.)—Miss Ellora Beethe, daughter of Mr. and Mrs. Charles H. Beethe and Herman Hessie, son of Mr. and Mrs. Fred Heuke, were married at the German Lutheran church, southwest of Elk Creek, at 1 o'clock p. m. Thursday. A good-sized company of relatives and friends witnessed the ceremony, which was performed by the pastor of the church, Rev. M. F. Grupe. A reception was tendered the young people at the home of the bride, eight miles south of this city, following the ceremony and was attended by the members of some twenty families. Mr. and Mrs. Hessie will be at home on a farm one mile north of Table Rock after March 1.

Snyder-Gilbert.

REPUBLICAN CITY, Neb., Feb. 13.—(Special.)—A pretty home wedding was that of Miss Cecil Gilbert, daughter of Mr. and Mrs. Gilbert of this city, to Ernest Snyder, son of Mr. and Mrs. Joseph Snyder of Alma, Neb., on Wednesday evening at 8 o'clock in the presence of a number of relatives and friends. The ceremony was performed by Rev. L. E. Lewis of this place.

Brakeman Killed Near Huron.

HURON, S. D., Feb. 13.—(Special.)—Arthur G. Merrill, a brakeman on the Northwestern out of Huron, slipped under his train at James Valley Junction, where he got off to register, his right leg being taken off at the hip, and three hours afterward died at a hospital in Huron. The platform at the junction was icy and Mr. Merrill lost his footing, sliding under the moving train. He had been in the employ of the Chicago & Northwestern since 1905, and for the last four and a half years had resided here. He was a member of the Masonic lodge and the Brotherhood of Railway Trainmen.

Belle Fourche Alfalfa Mill.

BELLE FOURCHE, S. D., Feb. 13.—(Special.)—Last May the Belle Fourche Commercial club conceived the idea of financing an alfalfa mill at this point for the purpose of taking care of surplus alfalfa grown in the valley. The campaign was launched and \$15,000 raised in three weeks. On October 22 the mill was started for the first time for a light run and has been running at full capacity almost constantly since. To date the mill has bought 700 tons of alfalfa, paying \$6,000 for the same, or half of the entire year's run.

New Fair Grounds.

BELLE FOURCHE, S. D., Feb. 13.—(Special.)—Committees from the Butte County Fair association are now busy with the collection of \$30,000 for the purpose of buying the present fair grounds, erecting a bridge across the Belle Fourche river and building the most modern and necessary buildings. The committee say the entire amount will be cleaned up within the thirty days.

ANOTHER REMOVAL PROBLEM

State Board Provides Temporarily for National Guard.

MORE ROOM IS SET APART

Brodegaard's Application, Turned Down by Blue Sky Department, Will Be Taken Before Railway Commission.

(From a Staff Correspondent.)

LINCOLN, Feb. 13.—(Special.)—The proposition of removal of headquarters of the National Guard from Lincoln to Fort Omaha will probably be one of the questions which the next legislature will have to grapple with and will make a lively contest between the metropolitan city of the state and the state capital.

The State Board of Public Lands, which yesterday took up the matter, has decided that for the present the headquarters will be given additional room across the hall from its present quarters in the room now occupied by the Board of Charities and Corrections. This room will be used by Adjutant General Hall as his private quarters and will enable the clerks in the present cramped quarters to spread out into the room now occupied by General Hall and his stenographer.

The governor and the board finally concluded that the matter of removal was something that the legislature should handle and so for a time at least the proposition is settled.

Brodegaard Stock Case.

Fred Brodegaard, an Omaha jeweler, who was denied the privilege by the blue sky department of the railway commission to incorporate a wholesale and retail corporation and sell stock to himself, has applied to the railway commission for a chance to appear before the commission and make a showing of his claims to a right to sell the stock. The hearing will not take place until Chairman Clarke returns from Washington, where he is attending a hearing before the Interstate Commerce commission.

David City Hearing.

Railway Commissioner Hall was in David City today conducting a hearing on the complaint of the citizens of that city against the present conditions surrounding depot facilities at the Burlington station in that town. The complaint covers a charge of general unsanitary and inadequate accommodation for the public in the old depot.

Contest Over Printing Paper.

The Kuhl Printing company obtained in the district court of Lancaster county an injunction restraining the student board, which has charge of student publications and the Daily Nebraskan, from delivering any more copy to the Western Newspaper union or to pay any money to them. The company sets out that it has a contract with the board covering the printing of the Nebraskan and has carried out its contract for a period from September 13, 1913, to January 27, 1914, but since the latter date the paper has refused to deliver to them any more copy, but have since been having the Western Newspaper union print the paper.

Dealers Gathering Big Harvest of Ice

With continued cold the ice harvest is going on night and day, without interruption, and with every indication of an average and perhaps a bumper crop.

Friday morning the Burlington took out seventy-five men for Swift & Co. for the fields at Ashland. One hundred or more additional men were put to work at Seymour lake, cutting for the Cudahy company. The Omaha Ice and Cold Storage company is laying its plans for putting a big force at work on Carter lake Monday morning.

Ice dealers now express the opinion that should the weather stay cold the ice pack will be practically completed next week.

FUNERAL SERVICES ARE HELD FOR MRS. F. A. SMITH

Funeral services for Mrs. Wilhelmina Fowler Smith, wife of General Frederick A. Smith, who died Wednesday, were held at the home, 1908 South Thirty-second avenue, Thursday afternoon. Rev. Dean



Here Are Facts Worth Reading

Alexander Pope said: "Blessed is he who expects nothing, for he shall never be disappointed." It's the disappointed man we are looking for. The man who has been drawing lemons elsewhere. That has accepted in good faith the "bunk" handed him until all confidence has been destroyed. That's the man we think will appreciate our masterpieces of clothing, that are becomingly stylish and retain that dressed appearance, and give ease and comfort to the body of a man as long as he wears them.

"Kuppenheimer" and "Society Brand" are the most wonderful examples of this kind that man has yet perfected.

And Don't Forget That They Are Just 1/2 Their Original Price Suit or Overcoat, \$7.50, \$9, \$10, \$11.25, \$12.50, \$15, \$17.50

This week will be about your last chance to make great savings in our boys' department. Three special prices on Boys' Suits and Overcoats: \$1.90, \$2.45 and \$3.45. These are garments that sold up to \$7.50.

Table with columns for Men's Hat and Cap Sale, Winter Underwear, Odd and Extra Trousers, and Shirt Sale, listing various items and prices.



BERG'S FINAL COAT CLEAN-UP THE LAST AND BEST OPPORTUNITY TO GET YOUR WINTER COAT AT A FRACTION OF ITS COST

Advertisement for Berg's Final Coat Clean-Up featuring four lots of coats with prices ranging from \$4.95 to \$35.00. Includes illustrations of coats and promotional text.

Large advertisement for Sunny Brook Pure Food Whiskey, featuring an illustration of the Inspector and text: 'The Inspector is Back of Every Bottle'. Includes contact information for Grotte Bros. Co., Wholesale Distributors.

Advertisement for Rectal Diseases—Cured, mentioning a mild treatment and Dr. Yarry at the Bee Building—Omaha.

Advertisement for Two Clean Papers for the Home, The Youth's Companion and The Evening Bee, including subscription rates and contact information for Tyler 1000.