### Nebraska

## NEB. CITY RECALL WILL STAND

Supreme Court Rules Proceedings Against Mayor Regular.

KEARNEY LIGHT BONDS INVALID

Decision Reached That Amended Charter as Existed at Time of Election Must Govern Case-Railway Company Wins.

(From a Staff Correspondent.) LINCOLN, Oct. 17 .- (Special.)-The supreme court handed down several opinons today among them the Kearney bond case and the Nebraska City recall case In the forer the court holds that the lighting bond election was illegally held and in the latter that a recall may be

Another case was a nappeal from the district court of Gage county on application of Henry Burrougha for a new trial, Burroughs was convicted of burglary having entered a Rick Island treight car and taken therefrom ten party arrested. The court revises and remands the case back for trial.

Opinion in Kearney Case. On Pebruary 14, 1912, the mayor and council of the city of Kearney submitted to the electors of the city a proposition to issue bonds of the city in the sum of \$40,000 for the purpose of raising money for the construction of a municipal legislation of the city of kearney submitted to the electors of the city a proposition to issue bonds of the city in the sum of \$40,000 for the purpose of raising money for the construction of a municipal legislation and Hamer, J. J., not sitting.

Conservative Life Indiana & Ohlo Investment of Co., reversed and Hamer, J. J., not sitting.

Conservative Life Indiana & Ohlo Investment of Co., reversed and Hamer, J. J., not sitting. for the construction of a municipal lighting plant. Their were 1,053 votes cast of which 618 were in favor of the bonds and 468 against. The council declared the bonds carried and they were issued, registered by the state auditor and delivered to the state treasurer when a temporary injunction was secured against further progress. Ahearing was held before the district court of Buffalo county and the injunction dissolved. The case was then taken on appeal to the supreme court by the plaintiffs who attack the legality of the election, and, also set out that it requires a three-fifths majority vote to authorize bond issue, according to the city charter. The supreme court holds that the amended charter as it existed at the time of the election must govern and this not having State gaginst Several Parcels of Land. charter as it existed at the time of the

charter as it existed at the time of the election must govern and this not having been done the bonds our invalid and the decree of the district court is revised.

Nebraska City Recall.

In the Nebraska City recall case the opinion is written by Judge Letton and concurred in by the entire bench. Proceedings were brought to oust James D. Houston as mayor of the city. Houston was elected as a member of the city commission in April, 1912, and was subsequently selected as mayor by the members of the commission. On May 10, 1913, a petition for his recall was filed. The city clerk certified that the petition continued we per cent of the legal ovters of the court of the legal ovters of the court of the city clerk certified that the petition continued we per cent of the legal ovters of the court is not have the city of the legal ovters of the court is not have the city of the city and Letton, J. J., not sitting.

State against Several Parcels of Land. Seaman W. Hobertsen. Affirmed. Barnes. J. Letton, Rose and Sedgwick, J. J., not sitting.

Forshat against Nebraska Moline Plow company. Reversed unless certificate or c city clerk certified that the petition contained 30 per cent o fthe legal ovters of the city, as required by the Banning act, but the council of which Houston was a member, declined to call the election, claiming the petition was insufficient. A mandamus suit was brought by Paul 8. Topping, who was the candidate for mayor against Houston, and the district court issued a writ directing the souncil to call the election. Houston appealed.

The supreme court holds that there are only two real issues to the case, one sing the sufficiency of the petition and the other whether the petition contained a general statement of the grounds for Houston's removal, both of which the court holds sufficient

funds of the city; manifestly partial, site direction. The occupants were prejudicial and malevolent in exercising thrown to the ground and badly injured, until midnight last night. the prerogatives of the office, incompatibility o ftemperament and a few

In closing the court says "Whether the best public policy is subserved by the statutes in its present form is for the legislature and not the court to consider." Street Railway Wins.

The case of Elia Kelley, executrix of the fast will and testament of George E. Bradford, killed by being crushed between an electric motor car and a freight car on the tracks of the Omaha & Councli Bluffs street railway at Twenty-second and Nicholas streets in Omaha, in which judgment of \$7,500 was asked against the company, the lower court found for the company and the case was appealed by the administratrix. The supreme court sustains the action of the lower court, which found that Bradford was himself responsible for the accident. going between the cars after being ordered to "get out of there" by both the foreman and motorman.

Following are the opinions filed: Young, against city of Broken Bow, re-

# Roots Barks Herbs

That have great medicinal power, are raised to their highest efficiency, for puri-fying and enriching the blood, as they are combined in Hood's Sarsaparilla. 60,368 testimonials received by actual count in two years. Be sure to take

Hood's Sarsaparilla Get it today in usual liquid form chocolated tablets called Sarsatabs.

> THAT BIG SALE

**BRANDEIS** 

**STORES NEXT MONDAY** 

Watch Sunday Papers

### Nebraska

versed and remanded with instruction to enter judgment of reviver. Fawcett, J. Hamer, J., concurring separately. Letton, J., concurring in part separately. Rôze, J., dissenting. Sedgwick, J., dissenting separately. Reese, C. J., not sittle.

dilligan against the John Gilligan Co., affirmed. Letton, J.: Hamer, Sedgwick and Rose, J. J., not sitting.

Randall against McClain, affirmed. Pawcett, J.: Sedgwick, J., dissenting.

Kine against Krenek, affirmed. Rosse.

C. J. Letton, Rose and Sedgwick, J. J.:

not sitting.
Jacoby against Prudential Insurance Co.,
of Omerica, affirmed. Barnes, J.: Letton, Rose and Sedgwick, J. J., not sit-

ton, Rose and Sedgwick, J. J., not sitting.

Oty of Afbion against Boone country, affirmed. Fawcett, J.; Letton, Rose and Sedgwick, J. J., not sitting.

Village of Cedar Hapida against Boone county, affirmed. Fawcett, J.; Letton, Rose and Sedgwick, J. J., not sitting.

Village of Petersburg against Boone county, affirmed. Fawcett, J.; Letton, Rose and Sedgwick, J. J., not sitting.

Village of St. Edwards against Boone county, affirmed. Fawcett, J.; Letton, Rose and Sedgwick, J. J., not sitting.

Kelley against Omaha & C. R. Street Rallway Co., affirmed. Rose, J.; Barnes, Fawcett and Hamer, J. J., not sitting.

Hall against the Crawford Co., affirmed. Rose, J.; Barnes, Fawcett and Hamer, J. J., not sitting.

Walker against Hoken, reversed and remanded with directions to enter a decree forselesse.

sacks of sugar to the value of \$61. The appeal was taken on the construction of the law relating to arraignment of the wick. J. J. not sitting. Davise against the American Invest-ment and Trust Co., affirmed Barnes, J.; Letton, Rose and Sedgwick, J. J., not sitting.

State ex rel. Topping against Houston Affirmed. Letton, J. Pollowing are rulings on motions for rehearing: Armstrong against Randall. Overruled Payne against Risser. Overruled.

#### THREE MEN HURT IN AUTO UPSET AT NORTH LOUP

NORTH LOUP, Neb., Oct. 17 .- (Spetheir automobile was overturned about though, suffering no broken bones. They were able to go to their homes the next register in the land drawing contest. An average of thirty automobiles have passed through this village every day

this week, all heavily loaded, carrying land seekers to Broken Bow to register in the land opening. place for their choice for postmaster. Clem Meyers was the lucky man, secure

ing just as many votes as both his op-

ponents received.

Yankton Elks Dedicate New Home. YANKTON, S. D., Oct. 17 .- (Special.)-Yankion's new Elk home, which cost \$25,000, and has been pronounced a truly most creditable building, especially in its interior arrangements and appointments was fittingly dedicated on Thursday. Most imposing ceremonies were held, the address of the day, a magnificent presentation of Elk teachings, was given by J. U. Sammis of LeMars, past grand exalted ruler. The attendance for the dedication was very large, with Elks present from all surrounding towns and large delegations from Stoux Falls and Sloux City.

#### SUFFRAGE ASSOCIATION MAKING MUCH PROGRESS

Plans for the petition work this fall were discussed yesterday afternoon at the regular meeting of the Omaha executive committee of the National Woman's Suffrage association. The meeting was held in the council chamber in the city

The officers of the organization are Mrs. W. C. Sunderland, city chairman; Mrs. H. C. Sumney, city secretary, and Miss Dalay Doane, treasurer. The association meets every two weeks. Much progress is being made in behalf of woman's suffrage by the association, and the members are encouraged by the promising outlook.

### PERSONAL PARAGRAPHS.

Judge and Mrs. Joseph Oberfelder of A. I. Biggerstaff, formerly one of the well known retail shoe salesmen of Chi-cago, has accepted a position with the Alexander Shoe company, 1512 Douglas

Home-Keeping Women acca Health and Strength.

The work of a home-heeping woman makes a constant call on her strength and vitality, and sickness comes through her kidneys and bladder oftener than she knows. But if she takes Foley Kidnew Pills their tonic-strengthening effect will invigorate her, and pain and weakness in back, servousness, aching joints and irregular bladder action will all disappear under the comforting influence of this good and honest medicine. Tes them. For saic by all dealers everywhere.-Advertisement.





# **Buy Your Winter Supply** of Underwear Tomorrow

There's a lot of active buying in our underwear section these days. Wise fellows choose while the stocks are at their best-you should do the same.

Cotton Union Suits .... \$1 to \$3.50 Wool Union Suits ..... \$2 to \$5 Silk and Wool Union Suits .... \$5 Cotton Separate Garments,

at......50c to \$1.50 Woolen Separate Garments, at.....\$1 to \$3.50

Shawl Collar Sweaters \$3.50 An extra special value; warm as

toast; all desirable colors-French knit. You'll be asked \$5 for similar grades elsewhere.

# Perplexed Clothes Buyers

should come direct to this great store, it's a course that thousands have followed to complete clothes satisfaction

# At every price from \$10 to \$40 we can meet your clothes ideas satisfactorily

Eliminate all chance work in Clothes Buying-get in line with the thousands of well dressed men of Omaha-men who are style-wise, who know values, men whose judgment is final in matters of dress. This store enjoys the patronage of a great majority of these men and we're gaining others daily. Our Fall Showing embraces the very height of Clothes perfection presented to you in many thousands of as choice an array of Suits and Overcoats as has ever been assembled under any one

To be classed as one of Omaha's well dressed men this winter, necessitates that you wear a King-Peck.

# CHINCHILLA OVERCOATS

Already we've placed heavy re-orders for these popular Overcoats, regardless of the fact that today we have many hundreds of Chinchillas to offer you, the selling during the past two weeks has been so active as to prompt this move. Every good dresser favors them; they are warm, stylish, dressy—a coat for young men as well as their elder as-sociates. Our prices are moderate. You'll enjoy seeing our remarkable display.

Saturday we feature three

special value Chinchilla

O'coats at \$15, \$20, \$25

\$15, \$20, \$25 and up to \$45 and \$50



# Get Style in Your Hats

-not only style, but the "right style", your individual style. This is an easy matter here because of the wonderful assortments from which you may choose.

\$2.00, \$2.50, \$3.00, \$3.50, \$5.00

Nearly All Respond to Governnr's Call for Parade Duty.

SAVE DAY AT LINCOLN SHOW

Detective Murphy's Claim for Trav eling to Spokane Trimmed Down by Deputy Auditor Minor

Before Allowance.

LINCOLN, Neb., Oct. 17 .- (Special.)-German day exercises closed last night with concerts by visiting bands in difcial.)-George VonOsdol, Joseph Shartze, ferent portions of the city. One of the Morton Swanson and Thomas Dunn, liv- bands which seemed to be in great deing near Greeley Center, met with a mand was the Central City musical or-

from Omaha and, had it not been for and Deputy Minor cut off \$8.87 more for the Omaha colonels, the governor would meals. have been without an escort. Those present in line from that city were: Colonel The democrats recently voted at this ingham, Colonel Thomas Byrne, Colonel thority over the matter of making a City and Colonel W. E. Straub, Lincoln, reaching O by the way of M and Thirwith General Phil. L. Hall as chief of teenth.

> Omaha Firm Enlarges. £c- \$200,000.

Allison

pany, with headquarters at Lincoln, files emergency exists.

Saturday Last Day of

**DEMONSTRATION of** 

\$8.90 set of "Wearever" Aluminum Utensils

given with each range sold this week.

Women's Exclusive Wearing Apparel

At Moderate Prices

New Goods Arriving Daily.

OMAHA COLONELS TO FRONT its articles of incorporation. The comloading grain from the shock. The capital of the company is given as \$100,000 and the incorporators are William R. Linch, Lewis F. Trullinger and Warren Linch.

KING-PECK CO

"HOME OF QUALITY CLOTHES

Found Dead in Bed. A man, apparently & or 70 years of age, was found in a Lincoln rooming l-ouse dead in bed yesterday. He had a Ploof, South Omaha, Neb. No money was found about his person, but he had tiring the night before.

Cuts Down Murphy's Bill. put in a claim for expenses to Spokane, nothing of that kind would be allowed tert E. Cross, wanted in Omaha for wife must be turned in to the state. serious accident Wednesday night when ganization, formerly the Second regiment abandonment, will not be able to draw a band of the National Guard. They made voucher for the full amount claimed by clerk up to that time was \$1,200 a year a mile west of this village. They had excellent music in the parade and their bim, Deputy Auditor Minor having cut and his income from the extra fees been speeding and, it is supposed, the willingness to play at any time needed down the amount from \$216.05 to \$200.18. amounted to something over \$300 more. Charges Against Houston.

driver lost control of his car, with the made them popular. They entertained a public, which was published by The Bec. he was grossly extravagant with the righting itself and turning in an oppo- hotel, the Lindell hotel and to an inside that Murphy had made a pleasure trip crowd at a big hall at Ninth and M streets out of the journey and at different times islative committee to raise the salary had incarcerated him in a bullpen when- of the bond clerk to \$1,500 a year, with Another feature of the parade yester. ever the officer wanted to stop all night day was the escort furnished Governor in a city and take in the sights. Murphy day. They had been to Broken Bow to Morehead by his staff. Of the entire finally agreed to cut off two days from number of colonels, nearly all here were the nine charged in the bill at \$5 per day,

> Rail Board Holds Back. Attorney General Martin has ruled that John H. Mithen, Colonel Everett Buck- the State Railway commission has no au-Arthur Metz, Colonel William F. Stoeker, street car company build tracks. The Colonel A. V. Dresher, Colonel Adolph ruling came from an effort on the part Storz, Coionel J. J. O'Connor, Colonel of East O business men in Lincoln to Sophus Neble, Colonel George Rogers, have the city commission require the Colonel Gould Dietz, Colonel J. C. Heafy, street car company to extend its tracks Colonel Henry Rohlff and Colonel Peola, on Sixteenth street direct north two Colonel John R. Golden of Nebraska blocks to O, instead of turning at M and

> Today Food Commissioner Harman held his annual fall experience meeting Klopp & Bartlett, an Omaha printing with the deputies under his department firm, have filed with the secretary of and twelve of them responded to the call. state amended articles of incorporation When asked if political instructions were increasing their capital stock from \$150,000 given those traveling out through the Fifth district, Mr. Harman said nothing The Ailison Realty company, another was doing politically in his department. Omaha corporation, also filed articles of It is the intention of Mr. Harman, whenincorporation with the secretary of state ever occasion demands it, to call his morning. The authorized capital men together and hold a meeting for stock is given as \$365,000, the incorporators the purpose of each getting better ideas being Charles C. Allison and Katharine of the requirements needed. Two meetings will be held each year regularly and The Shock Loader Manufacturing com- a special session may be called when an

# Bond Clerks "Extras" Turned Into Coppers

(From a Staff Correspondent.) LINCOLN, Oct. 11 .- (Special.)-In past years it has been the custom in the auditor's office to allow the bond clerk, house dead in bed yesterday. He had a C. E. Lawrence, to keep all fees taken letter in his pocket addressed to John S. in by him for furnishing information to bonding companies and other like matters which did not properly come under raid 50 cents to the proprietor of the the head of the regular work of the rooming house for his lodging before re- office. L. has been able to do this outside of his regular work, but when Auditor W. B. Howard took charge of Detective Frank Murphy of Omaha, who the office he notified the clerks thata Wash., where he went to bring back Her- and that all fees coming into the office

The salary of Mr. Lawrence as bond With the understanding that the fee should be turned in to the state Auditor Howard prevailed upon the legthe understanding that all fees should be turned over to the state.

While the bond market has to some

extent been shot to pieces since the new order went into effect, Mr. Lawrence has so far turned into the state con siderably more than the amount of the increase in salary amounts to. It is said that in other states the bond clerk receives a salary ranging from \$2,000 to

Sloan Will Speak at Seward. SEWARD, Neb., Oct. 17 .- (Special.)-Congressman Charles Sloan will speak at the dedication of the Young Men's Christian association here on October 23. On October 25 an indoor circus will be put on by Lincoln Young Men's Christian association men and Beward slack-wire artists. Seward is the smallest town in the state which has a Young Men's Christian association building.

Ames Logan of this city, who has been \$45.00 sive patterns coupled government at Manila for the last elever years, arrived in San Francisco Tuesday and will be stationed at Chicago.

The "good roads" workers at German town removed eighty-three loads of dirt one day and eighty-seven another day from the top of a high hill to fill in at the base. Fifty-one men did the work. The Persistent and Judicious Use of Newspaper Advertising is the Road to ATISFAC-TION spells a lot to most men

> and in the matter of clothes a great many are willing to pay most any price JUST TO BE SATISFIED.

Here you get excluthe highest order, yet our prices are most reasonable.

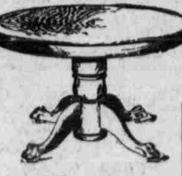
MacCarthy Wilson Tailoring Co. 304-306 Bouth 16th Street.

# Orchard & Wilhelm Co.

\$39.00, \$49.00 and up.

\$29.00 and up.

of furnishing.



DINING TABLE

A solid quartered oak table, golden finish, 48-in, round top, 6-ft. extension, with pedastal base—an excellent \$21.00 value ..... \$21.00

Saturday is the last day of our Stove Demonstration

Round Oak Heaters

and Base Burners and Copper-Clad

Malleable Ranges

Are being shown and their many desirable features explained by special factory representatives

IN OUR BASEMENT

### Odd Chairs Dining Chairs Drop Fatterns at Special Prices In some patterns there are only one or two; in

others full sets will be found. The lot includes golden oak, fumed oak and mahogany finish, with both padded and slip seats in genuine leather.



tration, with padded seat, in genuine No. 1 black leather. There are 8 in the lot; regu-\$3.00



given the selection of our medium and low-priced furniture as is

devoted to the purchase of the expensive suite. Here quality com-

bined with reasonable pricing spells true economy. We call your

Medium Priced Dining Room Furniture

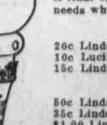
All quartered oak in golden and fumed finish, attractive designs, fitted with cupboards, linen drawers and silver drawer; \$26.00, \$29.06, \$33.00,

DINING TABLES.

Quartered oak, in golden and fumed finish, handsome pedestal bases with round tops, in all sizes—\$10.00, \$15.00, \$20.00, \$22.50, \$23.50, \$25.00,

CHINA CABINETS AND CHAIRS

A full line in golden and fumed oak, in style and price to suit any scheme



\$1.00 Lindsay

Lamp .. 50c

A final opportunity to take advantage of these ridiculously low prices. Anticipate your needs while you have the chance.

GAS MANTLES GAS LAMPS

50c Lindsay lamp, complete....... 25c \$4.50 gas table lamp and stove, com-

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