

Nebraska.

AFFIRMS DOUGLAS JUDGMENT

Supreme Court Says Haydens Not Liable in Hurst Suit.

REAL ESTATE CASE IS DECIDED

Lillian Maul Wins in Higher Court in Suit Against Cole-McCague

County Fees Must Be Turned Over.

(From a Staff Correspondent.) LINCOLN, Dec. 4.—(Special.)—The supreme court today affirmed the judgment of the district court of Douglas county in the case brought by Marie Hurst, administrator of the estate of Thomas Hurst who died from blood poisoning caused by stepping on a nail in the meat department of Hayden Bros. of Omaha. Suit was brought against the company and also against Martin Reum who ran the meat business for Hayden Bros. on a percentage. The evidence shows that Hayden Bros. had no interest in the business run by Reum, other than receiving a percentage of the profits, and therefore could not be held.

Real Estate Deal Settled.

The court affirms the judgment of the district court of Douglas county in a judgment secured by Lillian Maul against Raymond V. Cole of the real estate firm of Cole & McCague in which the plaintiff sued for damages sustained because of the withholding from sale of a certain piece of real estate placed his hands for sale, the plaintiff setting out that Cole had attempted to make a secret deal in which he would have made about \$3,000 unknown to her. The district court held for the plaintiff, and the supreme court affirms the judgment giving as its opinion:

1. One who undertakes to act as agent of another for the sale or exchange of real estate cannot defend in an action for damages caused by his fraud in such employment on the ground that his contract of agency was void because not in writing as required by section 74, ch. 21, Comp. St. 1911, the fact that such contract is voidable will not protect the parties thereto in perpetrating fraud upon each other.

2. If the agent receives an offer of exchange which would be advantageous and desired by his principal, and fraudulently conceals the offer and misrepresents it to his principal as being much less favorable than it in fact was, and so prevents an exchange to the benefit of his principal, and a tenant of the principal holding an outstanding lease which would prevent the exchange, without the consent of the tenant has agreed orally with the principal to transfer the lease to the property taken in exchange, if such exchange can be consummated, cannot defend against the action of the principal for damages caused by the fraud of the agent on the ground that the agreement of the tenant to make such transfer was not in writing and was therefore voidable. The fact that the agent has such influence with the tenant that he could induce the tenant to avoid his oral agreement is no defense in the absence of any other motive on the part of the agent than to assist the agent in perpetrating the fraud upon his principal.

Dr. Ludden Champion.

Rev. Luther P. Ludden holds the championship belt as the most persistent church-goer in the country and it is doubtful whether the honor will ever be taken away from him. Last Sunday he completed his fifty-first year of continual attendance at church, and while only 51 years of age has been attending some service ever since he was 4 years old. County fifty-two Sunday to the old. County fifty-two Sunday to the old. County fifty-two Sunday to the old. County fifty-two Sunday to the old.

Fee Case Reversed.

The court reverses action of the district court of Adams county in a case where the county commissioners applied for a preeminent writ of mandamus to compel John H. Uerling as register of

Nebraska.

FEWER CONVICTS IN PRISON

Warden Fenton Makes Report to Governor Morehead.

BRIAN RETURNS FROM TRIP

Rev. L. P. Ludden Completes Fifty-First Year of Continued Attendance Upon Church Services.

(From a Staff Correspondent.) LINCOLN, Dec. 4.—(Special.)—A report for the month of November filed with the governor by Warden Fenton of the state penitentiary shows a small decrease in the population of that institution from the report of last month. There are now 322 inmates to 336 as shown by the former report.

Since the last report four negroes and ten white prisoners have been taken in while two white men and one negro have received their final discharge. Ten have been discharged on parole by recommendation, one furloughed by the governor. Fifteen have been paroled, and nine have been in the hospital during the month.

Brian Returns.

Insurance Commissioner Brian returned this morning from a two days' meeting of insurance commissioners of the country held in Chicago. Every state in the union was represented and nearly every insurance company by a representative. An effort was made to bring about a reconsideration of the Emmett order which regulates the commissions of agents and which it was claimed put insurance agents out of business in New York and some other states.

Norfolk Firm Incorporates.

The Koenigstein Development company of Norfolk filed articles of incorporation with the secretary of state today. The company is incorporated at \$10,000 in shares of \$100 each and will do a general real estate business. The incorporators are Art J. Ludwig, Jack and William A. Koenigstein.

Niece Contests Will of John Horsley

SIDNEY, Ia., Dec. 4.—(Special.)—The Horsley will case, which is now on trial before the district court, is attracting much attention on account of the prominence of the parties interested and the amount of money involved. John Horsley was one of the oldest residents of the county. He came here from England in 1838. He came without money and was unable to read or write, but he amassed a fortune estimated at \$100,000, most of which consists of Fremont county lands. When his first wife died, some dozen years since, he married a comely and buxom widow, who kept a millinery store in Sidney, Mrs. Pauline Horsley. Mr. Horsley died last year and by the terms of his will his wife became his sole heir. Mrs. Elizabeth Womback, a niece of Mr. Horsley, is now contesting the will on the plea that her uncle was not in his right mind at the time he is alleged to have made the will. Stevens of Hamburg and Stewart of Lincoln represent the plaintiff and W. E. Mitchell of Council Bluffs the defendant. An army of witnesses are giving testimony.

Notes from Beatrice and Gage County

BEATRICE, Neb., Dec. 4.—(Special.)—C. W. Ross of Omaha, general manager for the Iowa-Nebraska Public Service company, presented a proposition to the city council at Wymore Wednesday evening to furnish the current for the street lights and pump the water at the water works plant for 3 cents per kilowatt hour, the minimum price to be \$1,800 per year. He also agreed to maintain the street lines and pump for \$60 per month. A mass meeting will be held Friday night in order to get an expression of the people on the subject.

Joseph Stama of Wymore, charged with being the father of the two children of Miss Florence Noe, was bound over to the district court Wednesday by Judge Ellis. His bond was fixed at \$1,000, in default of which he was lodged in the county jail.

Ralph G. Sandman of Harbine and Miss Gertrude Mae Richards of Janes were married Wednesday by Judge H. D. Walker.

The manufacturers of the city held a meeting Wednesday evening and decided to engage Dr. William J. H. Hoehner, president of the Inside Association of America, to lecture in Beatrice next Wednesday evening.

Three Kearney Pioneers Dead.

KEARNEY, Neb., Dec. 4.—(Special.)—Three old settlers of this county were called to rest on Tuesday evening and all are a direct loss to the community. The oldest settler was J. E. Johnson, president of the Farmers' Elevator company at Pleasanton, who homesteaded in this county over forty years ago. Mr. Johnson was born in Norway, but came to Nebraska when but 20 years old. He was 82 at the time of his death.

J. T. James, who came to this city nine years ago from Stella, was stricken with heart trouble immediately after attending church services Monday evening and died two hours later.

W. M. Godbey, 84 years old, was also taken with heart trouble and died very suddenly. Mr. Godbey came to Buffalo county in 1844 and has been well known in this section of the state.

All three men have been prominent in this section. Mr. Johnson at one time running for state senator and being prominent in politics.

Notes from York.

YORK, Neb., Dec. 4.—(Special.)—J. Stone of Minneapolis, Minn., is in the city for the purpose of revaluing the property of the Lincoln Telegraph and Telephone company in the county.

William Stein filed a suit in the district court yesterday against the Northwestern railway company for \$1,377.77, alleging that fruit and vegetables shipped in 1912 were frozen during delay in transit on that road.

County Clerk Chapin was instructed by the county board to check up the automobile licenses issued by the secretary of state to York county owners. It is believed there are quite a number of machines in this county upon which no license fee has been paid.

Farmer Sent to Asylum.

FAIRBURY, Neb., Dec. 4.—(Special.)—Just because he loaded a shotgun and set it in the corner and said that his whole family, including his wife and five children, might be dead before morning, caused a complaint to be filed against Frank Garton, a young farmer living near Fairbury, in this county. He was arrested by Sheriff Ed Hughes and taken before the insanity board. He was committed to the state hospital at Lincoln, charged with being a dipomaniac.

Many Students at Curtis.

CURTIS, Neb., Dec. 4.—(Special.)—The second semester of the State Agricultural school opened yesterday with a goodly attendance, over 150 being now in attendance, and new recruits are arriving daily. The full measure of success for the school is assured.

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Orkin Bros.' Co-operative Sale of Pianos and Players a Tremendous Success

The November Sale of Pianos and Players was the Largest in the History of the Piano Dept.

There's a reason—The co-operative Plan

The whole co-operative plan gone over so you will know it as well as we know it

- ☐ You get a piano which is worth and sells regularly at three hundred and fifty dollars, for two hundred and forty-eight dollars and seventy-five cents, saving you at the outset one hundred and one dollars and twenty-five cents.
- ☐ When you finish paying for your piano, if bought in the usual way, you still owe from twenty-five to thirty-five dollars interest. Through this co-operative plan, when you have paid your two hundred and forty-eight dollars and seventy-five cents, you have finished paying. There are no further payments to be made, either on account of interest or for any other reason.
- ☐ Instead of paying twenty-five dollars as a first payment and ten, twelve or fifteen dollars a month as you will in a regular way, during this co-operative sale you pay but five dollars to join in this associate movement and then but one dollar and twenty-five cents a week.
- ☐ You get the strongest guarantee ever put on a piano; a joint guarantee signed by the manufacturers and ourselves, giving you protection for five years that is as safe as a government bond.
- ☐ All of the features of this co-operative plan are carried out in offering player-pianos, with the single exception that the terms on player-pianos are two dollars a week instead of one on the piano—one dollar and twenty-five cents a week.
- ☐ You get the privilege of returning your piano at the end of a thirty days' trial and getting your money back.
- ☐ Within one year from the day you get your piano, through this co-operative plan, you may exchange it for any reason whatsoever, without so much as a penny's loss.
- ☐ All payments remaining unpaid are voluntarily cancelled in event of your death—thus leaving the piano free of encumbrance to your family.
- ☐ You get through this co-operative plan an opportunity to earn cash dividends for each and every week's time the life of the co-operative agreement of one hundred and ninety-five weeks is shortened. Through this privilege it is possible for you to earn cash dividends, amounting in all to twenty-nine dollars and twenty-five cents.
- ☐ You are given opportunity to secure others to co-operate in this plan. This still further reduces the cost of your instrument.

ORKIN BROTHERS

MONEY

What is the secret of wealth? People often envy the well to do, thinking them to be blessed with good fortune. But, if you will analyze the wealth of your neighbor you will find the start to have been made by carefully saving and investing a small income. Home Builders offers you an opportunity today. Our preferred shares sell at \$1.08 each until January 1— one or more at a time—and the interest rate is 7%, guaranteed. Home Builders is safe. We do not speculate. Call or write.

AMERICAN SECURITY CO.
Fiscal Agents for
HOME BUILDERS INC.
Douglas and 17th Sts.
Omaha, Neb.

You Will Get An Invitation to a Birthday Party to be given Monday. The invitation will be printed in this paper. Watch for it.

McLEAN IS TWICE INDICTED

Treasurer of New York Demo State Committee in Net.

TOOK CORPORATION MONEY

Grand Jury Votes Two Bills Charging Official Received Campaign Contributions from Building Company.

NEW YORK, Dec. 4.—Arthur A. McLean, treasurer of the democratic state committee, was indicted this afternoon on two counts for receiving campaign contributions from corporations.

Everett P. Fowler of Kingston, the alleged Tammany "bossman," already under indictment for extortion, was again indicted, charged with soliciting a campaign contribution from the corporation.

The indictment of McLean makes the third growing out of the district attorney's investigation of John A. Hennessy's charges of graft in the state highway department.

The first count against McLean, whose home is in Newburgh, was based chiefly on the testimony of Mathew Van Alstyne of Albany, an officer of the Shaughnessy Construction company, who had testified he had sent a campaign contribution of \$1,000 in the form of a bank draft to McLean in October, 1912, and received therefore McLean's receipt. The other count was based on testimony of Harold V. Owens, secretary and treasurer of the Dale Engineering company of Utica, that in the same month he had sent a check for \$400 to McLean as a campaign contribution for his corporation.

The new indictment against Fowler was based on Owens' testimony that Fowler had solicited the contribution from him. Under the laws either the solicitation or the acceptance of a campaign contribution is a misdemeanor punishable by a year's imprisonment and a fine of \$1,000. No warrant was issued for McLean's arrest and it was understood that he would be given an opportunity to give himself up.

CHEF FINED FOR BREAKING CONTRACT LABOR LAW

NEW YORK, Dec. 4.—Joan Milton, head chef at a fashionable hotel, was today fined \$300 for violating the immigration law by bringing three assistants here under contract from France. Milton here under contract from France. Milton here under contract from France. Milton here under contract from France.

DEATH RECORD

George Fair. YORK, Neb., Dec. 4.—(Special.)—George Fair died Tuesday evening, aged 94 years. He was one of the oldest settlers in York county. The funeral was held at the Methodist church at McCool at 1 o'clock today.

Kansas Wheat Average Large.

TOPEKA, Kan., Dec. 4.—F. D. Coburn, secretary of the State Board of Agriculture, in a report issued today said the fall sown wheat in Kansas averaged 32,000 acres, the largest acreage in the state's history. He placed the condition of this wheat at 87.6 per cent, the highest since 1910.

Salts Fine for Aching Kidneys

We eat too much meat which clogs Kidneys, then the Back hurts.

Most folks forget that the kidneys, like the bowels, get sluggish and clogged and need a flushing occasionally, else we have backache, and dull misery in the kidney region, severe headaches, rheumatic twinges, torpid liver, acid stomach, sleeplessness and all sorts of bladder disorders.

You simply must keep your kidneys active and clean, and the moment you feel an ache or pain in the kidney region, get about four ounces of Jad Salts from any good drug store here, take a tablespoonful in a glass of water before breakfast for a few days and your kidneys will then act fine. This famous salts is made from the acid of grapes and lemon juice, combined with lithia, and is harmless to flush clogged kidneys and stimulate them to normal activity. It also neutralizes the acids in the urine so it no longer irritates, thus ending bladder disorders.

Jad Salts is harmless, inexpensive, makes a delightful effervescent lithia-water drink which everybody should take now and then to keep their kidneys clean, thus avoiding serious complications.

A well-known local druggist says he sells lots of Jad Salts to folks who believe in overcoming kidney trouble while it is only trouble.—Advertisement.

Get There First!

It's in the blood of every American and really it's a very practical thing if the old saying "time is money" counts for anything.

Much depends on punctuality, therefore business men in a hurry, those who want to make sure of connections with trains beyond and all other hustlers use the Great Western and Twin City Limited.

To St. Paul and Minneapolis

Leaves Omaha 8:30 p.m.
Arrive St. Paul 7:30 a.m.
Arrive Minneapolis 8:05 a.m.
Day train leaves Omaha 9:30 a.m.
Use Your Telephone—It's Handy.

Ask P. F. BONORDEN, C. P. & T. A.
1522 Farnam Street Omaha, Neb.
Phone, Douglas 260

Chicago Great Western