

Nebraska

HIGH COURT DECIDES CASES

Holds Man Interfering in Dog Fight Cannot Collect Damages.

ROAD NOT HELD FOR FLOOD

Failure to Make Journey Because of High Water Not Cause of Action on Which Damages May Be Collected.

(From a Staff Correspondent. LINCOLN, March 13.—(Special.)—Supreme court opinions handed down today indicate that the man who gets bit in a dog fight has no redress in court; that water high enough to keep a democrat from a national convention is not sufficient grounds for damages against the Burlington railroad; that religious services can be held in country school houses if not held too often, and that a company which refuses to list its property for taxation must stand for any raise the county board may make. The opinions follow: The court affirms the judgment of the Douglas county district court, secured by August D. Witt, against George W. Caldwell and Lester Drake, contractors who built the Douglas county court house. Witt was engaged in working around a hoisting arrangement for carrying material to the top of the building when the cable became strained. He was directed by the foreman to straighten out the cable and while doing so the foreman gave the hoisting signal and the plaintiffs hand was drawn into the pulley. He sued for \$2,000 and was awarded \$1,500.

Charity and Mechanics Liens. Trustees elected to manage the affairs of a charitable organization cannot enter into a valid contract by which its property may become subject to mechanic's lien without first having obtained an order of the district court for that purpose. The opinion comes from the action of the Western Supply company of Lincoln who filed a mechanic's lien against Trubish home, an institution near Lincoln for aged and infirm people. The opinion states that certain doctors in Lincoln proposed to the trustees of the home to make it a hospital. The trustees agreed with the understanding that none of the expense should be charged to the home. The doctors incurred an expense of \$20,000, and these claims are asserted to be liens on the property. The Lancaster county district court held for the construction company, but the higher court reverses the judgment and remands the case back for trial. Equalization in Court. In an opinion of the state supreme court the action of the district court of Gosper county is upheld in that taxpayers, either corporations or individuals, who fall to give county boards of equalization full data on their property values are estopped from raising kicks later in district court because of alleged over valuations. The case is one brought by J. S. Hatcher & Co., in which the valuation of the company's property was raised from \$10,000 to \$61,000 and a 50 per cent penalty tacked on for refusal to list the property. The district court holds that the county board had the right to make the raise and the supreme court affirms its action. In the same action the supreme court upholds the lower court in that when a county under 1911 legislative enactment abolishes the office of county assessor and puts the duties on the county clerk, the county board is continued in power as a board of equalization. No Pay for Dog Bite. The man who stens in to break up a dog fight takes his life in his own hands and cannot recover damages from the owner of one of the canine combatants when the party damaged assisted in "sloking" on the combatants. This is the opinion of the supreme court in the celebrated bulldog case brought from Hamilton county, wherein Myrl Warrick, a Grand Island hore trader, brought suit against John Farley, son of ex-Representative W. L. Farley of Aurora, for damages sustained from being

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bitten by a bulldog owned by young Farley and known in state university circles as "the Fighting Kappa Sigma dog" and a coach dog belonging to Warrick, which had been the winner in many battles. The court holds that "Where a dog is allowed to run at large and bites the owner of another dog with which he is in a fight and the owner it bitten while negligently trying to separate the animals there is no liability for damages unless the evidence shows that the owner of the dog which committed the injury knew that his dog was accustomed to biting people."

Exemption Upheld. The county court has exclusive original jurisdiction over the administration and settlement of the estates of deceased persons according to an opinion given by the supreme court in the settlement of the estate of George M. Boyer, deceased of Douglas county. Boyer died in 1910 and while the estate was being administered Mrs. Boyer also died. The suit is brought to compel the turning over by the administrator of the estate of Mr. Boyer the \$500 exemption to the administrator of the estate of Mrs. Boyer. The Douglas county court held that the county court had authority to refuse to turn over the \$500 exemption and the high court affirms.

No Verdict for Flood. The Burlington railroad is not held for damages caused by floods in the Salt creek valley and the decision of the lower court is reversed.

The action was brought for damages sustained to property by the flood of 1908, which was so high that democratic delegations passing through Lincoln on their way to the national democratic convention at Denver were unable to proceed. The Lancaster county district court held against the railroad by the supreme court hold an opposite view claiming that as the water was so high that it over flowed the tracks of the road that the flood was unusual and the damage would have been sustained the same as if the track were not there.

Church Services in Schools. Sunday schools can be held in school houses in the country districts according to a decision of the supreme court today, provided that the house is not used so frequently as to interfere with school work or to constitute it a house of worship.

The case was brought from Saline county by John W. Gilbert and John M. Simmons to compel the school board of district No. 12 of that county to close the building for use on Sunday for religious purposes. It was shown that when the school house was built their was an understanding that it was to be used for religious purposes, but the evidence disclosed that it had been used very frequently. John Gilbert, one of the complainants was not a resident of the district, but paid taxes therein.

GAGE COUNTY PAYING OFF DEFUNCT BANK ACCOUNT

BEATRICE, Neb., March 13.—(Special.)—At a meeting of the Gage county Board of Supervisors Thursday steps were taken to pay off the defunct bank account, and it was ordered that the sum of \$7,939.27 be transferred from the general fund to apply on this account. The defunct bank account amounts to \$30,939.27, and is the outcome of bank failures in 1888, when this sum of money deposited by the county was lost. As the county does not carry a profit and loss account this sum could not be charged off and had to be carried from year to year.

Kearney Sells Pitcher

KEARNEY, Neb., March 13.—(Special.)—Roy Plympton, the star pitcher of the Capitalist team last year has been sold to Charlotte, N. C., by President Kibler and has gone to the southern point for practice. Several good players have been signed and it is believed that practice will commence on schedule time this season, with a good line of players in the field.

Throat and Lung Troubles

quickly helped by Dr. King's New Discovery. The first dose helps. Best remedy for coughs, colds and lung diseases. 50c and \$1. All druggists.—Advertisement.



Berg's clothes service for men, women and children are marked by their points of superiority—their drape and swing that make them fastidiously correct

Gentlemen--

If you want to make your spring choice now come in and view the advance spring fabrics; it's the greatest stock of high grade clothes for young men and progressive mature men to be found anywhere.

They are clothes that awaken the wearer's ambition to be somebody and view life from a different angle. Narrow shouldered English models, semi-English and the broader shouldered American styles--

\$10, \$12.50, \$15, \$18 \$20, \$22.50, \$25, etc.

"Mid-Season Blue Serges"

When your winter suit is a bit uncomfortable or a little shabby there is nothing like a blue serge. We've all grades from \$7.50 to \$35.00; and silk lined from--

\$15 up

"Spring Top Coat Fashions"

Soft and rough fabrics, in grays, mixtures and Scotch effects; Balmuccians and Raglans are the coats for real dressers.

\$15 to \$22.50

CHILDREN'S WASH SUITS Grand time now to pick out the pretty patterns and styles for the youngsters. Everything is complete and it's well worth looking over. 95c up to \$10.00

Berg's Clothing Co. advertisement for women's suits and hats. Includes text: 'Splendid Low Priced Trimmed Hats \$5.00', 'Women's Spring Suits \$22.50', and 'NEW LINGERIE WAISTS FOR SPRING 85c'. Features illustrations of a woman and a hat.

From Our Near Neighbors

Valley. Mr. and Mrs. Henry Freeman were transacting business in Fremont Tuesday. P. O. Harrier purchased a new five-passenger Ford car of George Cowles Thursday. Mrs. Margaret Holdsworth went to Omaha Tuesday to spend the day with her sister, Mrs. Turk. Mrs. Bronson went to Benson Tuesday to visit her daughter, Mrs. Alex. S. With, until Thursday morning. Rev. E. A. Pyle left for Bancroft, Neb., Monday morning to assist Rev. Mr. Clark in a series of special meetings. Mrs. Emerson of Omaha came out Sunday evening to spend a few days with her daughter, Mrs. R. M. Erway. Miss Mabel Doherty of Waterloo spent Saturday evening with Merle Doherty and both girls spent Sunday in Fremont. Miss Desdemona Baldwin of Elkhorn was the guest of Mrs. Cecil Moore Wednesday. She sang at the school entertainment in the afternoon. Mr. Smith of Omaha Theological Seminary will supply the pulpit of the Presbyterian church Sunday morning and evening in the absence of Rev. Mr. Fye. Mr. and Mrs. W. S. Eddy sold their residence property to Mr. and Mrs. Fred Whitmore. Eddys have rented the John Wodin property and will move April 1, 1914. Mrs. Isaac Noyes and Priscilla came from Dundee Sunday for a visit with Mr. and Mrs. Gardner. Mrs. Noyes returned Tuesday and Priscilla will spend the week with her grandparents. The Nebraska Picture company of Lincoln, Neb., has an art exhibit of over 200 pictures on exhibition in the class room and laboratory of the Valley High school. A very pleasing program was given from 2:30 o'clock to 4:30 o'clock under the auspices of the school the four afternoons of the exhibit, Tuesday, Wednesday, Thursday and Friday. Miss Parson's room, grades fifth and sixth, received the picture given by the company to the room whose pupils sold the greatest number of season tickets. The regular meeting of the Busy Bees was held in the Doherty hall Wednesday afternoon. Mrs. Charles Barber and Mrs. Enfield were received as new members. Mrs. S. Jensen, Mrs. W. S. Eddy and Mrs. Henry Freeman were hostesses. Over 100 members and guests were entertained. Bennington. John Timperley visited Omaha last Monday. Mrs. Gus Glantz and daughter, Mabel, were in Omaha Tuesday. Wayland Magee of Summer Hill farm, has returned from his trip to the south. Charles Cirau attended the Meyer sale of Poland-China hogs at Hooper, Neb., Saturday. St. Patrick's day will be celebrated with a dance at the Modern Woodmen of America hall. Rev. and Mrs. Ahrens and Mrs. Henry Tiedje spent last Saturday at the Henry Neumeier home. Mrs. Nora Sumner, teacher in district thirty-four spent the week end at her home near Waterloo. The Bennington Plattdeuter Verein gave one of their successful dances March 8, at the Modern Woodmen of America hall. George Dirks has retired from the farm and is now at home in the Dr. Lingensfelder property, which he purchased some time ago. English services will be held at the Modern Woodmen of America hall Sunday evening, March 15. Rev. Leidy of Omaha will officiate. Mrs. Anna Boyer is delegate from the local camp of Royal Neighbors to the state convention of that order, which holds its triennial meeting in Omaha March 18. Farmers are taking advantage of the good roads and the leisure time before work begins, and are marketing their hogs. Six carloads were delivered to local buyers Tuesday. Elkhorn. Henry Bay and family went to Omaha Tuesday. Mrs. C. W. Baldwin was in Omaha the first of the week. Mr. and Mrs. H. A. Nolte were Omaha visitors Monday. Miss Desdemona Baldwin was at Valley Wednesday and Thursday. Earl Baumgardner and family are moving this week into the Denker house. Mrs. Herman Hansen entertained the Women's Kennington club last week. Mrs. Van Camp went to Omaha Thursday to visit a friend in one of the hospitals. Henry Meyer and family were at Omaha Tuesday to have a family photograph taken. Mrs. J. G. Seefus entertained the C. C. club Thursday. Mrs. G. H. Goodhand won first prize. Miss Goldie Haney of Gretna visited her aunt, Mrs. B. F. Calvert, Saturday and Sunday. Fred Carlson and family have moved to the country to make their home with Paul Pfeiffer. Mrs. Dave Kouhi entertained for her daughter, Miss Violet, Thursday, in honor of her birthday. C. A. Nowness was in Omaha several days this week. While absent Roy Doherty kept store. The little son of Mr. and Mrs. Hans Wendell fell last week on a door hinge, cutting a deep gash on his head. It requires several stitches to close the wound. The home talent play given for the benefit of the Women's Kennington club Friday evening by the young people was well attended and netted them about \$60. Henry Fallon and Miss Mary New were married Wednesday at the home of the bride's parents. A reception was held in the evening. They will make their home on the farm of the groom's father north of town. Weeping Water. A. J. Ralston left last Tuesday for Boyd county. Mrs. Turner Zink departed Wednesday for Wacounda, Kan., where she will take treatment for her rheumatism. Born to Mr. and Mrs. Henry Ruhks, who live south of town, a daughter, weight seven and one-half pounds. Rev. William Ellinger and M. M. Reedebaugh went to Wahoo Tuesday as delegates from the Congregational church to assist in the organizing of a church in that place. Forty-seven members of the brotherhood of the Congregational church surprised Thomas Murty on Wednesday

Guckenheim advertisement for whisky. Features a large illustration of a bottle and a landscape with a train. Text includes 'GUCKENHEIMER Pure Rye Whisky', 'BOTTLED IN BOND', and 'A. Guckenheimer & Bros. Co., Freeport, Pa.'.

Kimball Pianos advertisement. Features large text: 'JUST RECEIVED 3 CAR LOADS of the world-famous KIMBALL PIANOS'. Includes a list of piano models and prices, such as 'Kimball Grand Pianos \$650 up' and 'Kimball Upright Pianos \$265 up'. Ends with 'A. Hospe Co. 1513 Douglas Street Kimball Representatives for 40 Years'.

Cascarets advertisement. Text: 'Children Need "Cascarets" When Sick, Cross and Constipated—Dime a Box'. Includes an illustration of a box of Candy Cathartic Cascarets and the text 'PRICE 10 CENTS'.