

### Nebraska HALL MUST PAY FIRE WARRANTS

Nebraska Supreme Court Rules  
State Treasurer Has No Right  
to Refuse to Do So.

#### FAWCETT AND ROSE ABSENT

(From a Staff Correspondent.)  
LINCOLN, Dec. 3.—(Special.)—The most important of the opinions handed down by the supreme court today was that in the mandamus suit brought by Fire Commissioner W. S. Ridgell to compel State Treasurer George Hall to pay warrants drawn for expenses of that department.

The controversy which also covered about the same conditions in the pure food department resulted in much hard feeling between Hall and the heads of departments affected by the ruling and heightened at one time the closing down of the pure food, oil and fire commission departments, but the food and oil department finally fixed upon the plan of paying expenses of the department from fees collected and turning in the balance.

Can't Refuse Payment.  
In an opinion written by Justice Barnes and concurred in by all judges, but Fawcett and Rose, who did not sit in the case, it is held that State Treasurer George Hall has no authority to refuse payment of warrants drawn in favor of Fire Commissioner W. S. Ridgell for the expenses of that department.

Treasurer Hall had refused to pay warrants contending that there had been no appropriation made by the legislature for the payment of the expenses of the department and therefore he had no authority to pay warrants from that department.

The court holds that the state treasurer cannot raise the question of the unconstitutionality of the act, the insurance companies which pay the tax to maintain the department being the parties to raise that point.

Purpose of Act.  
The court holds that the act creating that fund passed in 1909 was intended to be a continuing appropriation for the payment of salaries and expenses of the fire department and the treasurer may be required by mandamus to pay warrants properly drawn on that fund.

Judges Sedgwick and Letton do not concur in the entire opinion, but only in the concluding section. The decision therefore really hinged on this one section which denies the right of the treasurer to raise the question of constitutionality and is as follows:

By the act in question (laws of 1909) the legislature clearly intended that the money paid to the treasurer under the act should be applied by the deputy commissioner to the payment of his salary and the expenses of his office and performing the duties thereof. The right of the legislature to establish such an office and provide the fund for the necessary expenses, as this act does, is not questioned.

The taxpayers, or parties upon whom the burden is cast, are not complaining. The fund has been provided and the act rendered. If the statute is unconstitutional, and if the taxpayers could demand a return of the money, they are not doing so. They make no objection to the act when the money was called for from them. They have (if the statute is unconstitutional) voluntarily provided this fund.

It is a general rule that parties not affected cannot be heard to challenge the constitutionality of an act of the legislature. We do not think that under the circumstances it is the duty of the custodian of the fund to prevent the application of it to the purposes for which it was provided in accordance with the evident intent of the legislature. We are of the opinion that it is the duty of the respondent to countersign and pay the warrant in question. The writ as prayed for is awarded.

Custer Bank Case.  
Neither the Custer National bank nor John E. Cavanaugh, who was formerly county treasurer of Custer county, can be held now for interest on county funds deposited in the bank during the treasurer's term of office.

Cavanaugh was treasurer from 1906 to 1909 and deposited funds in the bank, collecting only on the amount the bank was entitled to as a county depository. The county sued for interest over this amount in the sum of \$29 and lost the case in district court and appealed.

Judgment is Affirmed.  
In an opinion by Judge Hamer the judgment of the Lancaster county district court is affirmed in a case involving the placing of advertising matter in a food package. The court holds that there is "no reasonable basis of classification which will permit a package to be declared misbranded which contains one form of printed slip and another package not misbranded when it contains a like printed slip of paper merely because its words convey a different meaning. Such an artificial distinction cannot legally be made."

Law of the State.  
"It is the settled law of this state that an order of sale, a sale, and a confirmation of the sale, made after the death of a party to a forcible suit, subsequent to the decree, are impervious to collateral attack," is the opinion of the supreme court in a suit brought by the Omaha National bank against Smith F. Ferguson, executor. The high court reverses the Douglas county district court and dismisses the case.

Remanded for Trial.  
Another Douglas county case reversed, in part, and remanded back for trial involves the title to property purchased by one party and the deed made in the name of another, the court holding that "where one buys real estate for which he pays the purchase price and for convenience takes the title in the name of another, the person taking the title will hold the property in trust for the one who pays the purchase price."

The suit was one in equity to establish a resulting trust in and to certain real estate alleged to have been purchased by August Doll, deceased, and to which the legal title had been placed in the name of his nephew, Charles F. Doll.

### OLD SCHOOLMASTER LAYS FOUNDATION FOR NEW HOUSE

STELLA, Neb., Dec. 3.—(Special.)—William M. Wilkinson of Hoag, near Beatrice, who was at Stella this week, laid the foundation for the Harris school house, five miles south of Stella, and in 1893-94 taught the first school in the district at \$20 a month. A barrel was used for the teacher's desk, and the pupils brought chairs from home for their seats. I. W. Harris, who was the director at the time, was buried yesterday. Robert Wood, the mason, and Dudley Bennett, the treasurer, have been dead several years.

### Nebraska Effect of the Good Roads Meeting Upon Morehead's Plans

(From a Staff Correspondent.)  
LINCOLN, Dec. 3.—(Special.)—Just what the effect of the meeting of good roads boosters will have on Governor Morehead's plans, regarding a third term for governor, will probably show later when the executive has had time to think about it.

With a dozen men boosting him as a good business executive and sounding his praises, while a couple of hundred more loudly and widely applauded the speeches, it might create in the mind of the governor a feeling that he would like to carry his public career farther than just the governorship and launch out for the democratic nomination for the United States senate.

In any event the reception given the governor at the banquet held last night at the Lincoln hotel given by the Lincoln Commercial club and the enthusiastic and even wild demonstration given whenever the governor's name was mentioned, served to make the cold shivers run up and down the back of certain Hitchock men present and gave every evidence that they feared the plans to switch the executive from the senatorial race track to some other track might have miscarried.

### Notes from Beatrice And Gage County

BEATRICE, Neb., Dec. 3.—(Special.)—Articles of incorporation for the May Hotel company, which some time ago purchased the Paddock hotel block, were filed with the county clerk Thursday. The capital stock is placed at \$20,000 and the incorporators are E. L. May, J. V. Harran and J. May, all of Omaha. There will be 200 shares of capital stock, par value \$100. The company is remodeling the hotel and will open it to the public in a short time.

As Miss Corinne Parent and Mrs. Lucille Holbrook were enroute home last evening from the theater a man stepped up behind Miss Parent in front of the Salisbury home on North Fifth street, grabbed her purse and escaped. The purse contained only \$1.50. She described the man as of medium size and well dressed.

Thomas Jensen, a farmer living east of the city, left today for an extended visit to his old home at Denmark, December 1, thirty-five years ago. Mr. Jensen left Denmark for this country. J. L. Schiek, whose son John has been captain of the second foot ball team the last season, gave a banquet Thursday evening for the foot ball squad at Scotty's cafe. Coach Jones acted as toastmaster and responses were made by J. L. Schiek, Prof. Schmidt, John Schiek and Guy Rathbun.

### MADGETT CANDIDATE FOR GOVERNOR OF STATE

(From a Staff Correspondent.)  
LINCOLN, Dec. 3.—(Special.)—William Madgett of Hastings, is now a full fledged candidate for the republican nomination for governor, having this morning filed his personal application to be placed on the primary ballot backed up by a petition with the requisite number of names. Enclosed with the petition were three celluloid footprints, on which were printed, "We pick William Madgett for governor."

### DELEGATES TO STATE IRRIGATION CONVENTION

LINCOLN, Dec. 3.—(Special.)—Delegates to the sixth annual convention of the Nebraska State Irrigation association at Bridgeport, December 7, 8 and 9, are: W. P. Byron, Gothenburg; James T. Whitehead, Mitchell; S. Deane, Kearney; J. A. Hoke, Champion; G. O. Anthony, Waupeta; Edwin J. Ashton, Lincoln; H. E. Babcock, Columbus; Charles P. Ross, Omaha; P. W. Garvey, Beatrice; Samuel Bailey, Fairbury.

### Allen News Notes.

ALLEN, Neb., Dec. 3.—(Special.)—C. E. Utterback & Son of Orchard have purchased the local electric light plant and took possession December 1. These families will move here as soon as they can secure a suitable location. The old P. P. Gaughran quarter section, seven miles northwest of Allen, was sold at public auction Thursday to Charles Bose of near Dixon for \$9 per acre. John W. Barnes and Miss Elyena Beeks, living east of town, were married Wednesday at Dakota City, and will make their home on the old George Barnes farm.

### Jumps from Upper Window of Hotel.

GRAND ISLAND, Neb., Dec. 3.—(Special.)—John Greenwald leaped from the second story of the St. James hotel to the pavement below under the impression that a room full of men were after him. His feet were quite badly lacerated. He was overtaken by officers while running away from the place clad only in a union suit. He was returned today to Hastings, whence he came, and where he has relatives. It is stated that he has been in the hospital in that city for some time.

### Farm Home Burns.

BEATRICE, Neb., Dec. 3.—(Special Telegram.)—Fire this afternoon destroyed the farm house of George Shaffer, three miles southeast of Beatrice. The fire started in the roof from an unknown cause. Most of the contents were saved. The loss is placed at \$2,000, partially covered by insurance.

### The Cause of Rheumatism.

Use Blood Antiseptic and you won't care what causes it. The first application helps. Good for scalds, neuralgia, etc. All druggists.—Advertisement.

### Nebraska Grand Island Rejects Offer of Union Pacific

GRAND ISLAND, Neb., Dec. 3.—(Special.)—After the proposition was before the city council for over a year, the proffered gift by the Union Pacific of certain streets and parts of streets in this city was rejected by the aldermen by a vote of six to two. Ever since the platting of the original town of Grand Island, Front street has been an open thoroughfare. It is part of the original 40 feet right-of-way. Only in recent years has the company desired to extend side tracks along parts of it. Only in recent years, too, has there been a demand for paving it. The quit-claim deed, which was offered, provided, however, that the company could use it for the purpose of trackage on platforms, and that no other railroad could use any part of it, or that any still different use could be made of it without the company's consent. Twice before has the matter been before the council, but no action was taken other than to refer and refer again. Recently the company asked that the deed be returned. It's rejection followed.

### SMALLPOX PATIENT SCARES GRAND ISLAND POLICEMEN

GRAND ISLAND, Neb., Dec. 3.—(Special.)—The police headquarters was somewhat astounded and peevish when Frank Schram, with a well developed case of small pox, walked into the place and demanded papers for himself and family. It appears that he came here a week ago from Kansas City, that shortly thereafter he and his family were found to have contracted the disease, and that he was promptly quarantined. Running out of coal, he had phoned to the chairman of the county board's committee having charge of the matter, and coal was ordered, but it appears it was not delivered in time. Schram also declared that he was short of supplies of food. Hurriedly furnishing the chief of police lost no time in an effort to get into communication with the chairman, to have the man returned to his home and to have the home provisioned.

### BURLINGTON INSPECTOR GIVEN JUDGMENT FOR \$5,000

PLATTSMOUTH, Neb., Dec. 3.—(Special.)—Gus Johnson, car inspector for Burlington railroad, was awarded \$5,000 damages in a suit for personal injuries by a jury in the district court yesterday. He was injured while in the employ of the railroad at its shops here on April 10, 1914. He fell from the top of a freight car breaking his leg in two places, and also mashing his hip, because a grabber iron had not been fastened, when he went to climb over the car to inspect the work safe. Coach Jones acted as toastmaster and responses were made by J. L. Schiek, Prof. Schmidt, John Schiek and Guy Rathbun.

### BROKEN BOW BANK GIVES RECEPTION IN NEW HOME

BROKEN BOW, Neb., Dec. 3.—(Special.)—Opening of the new Security State bank building, in course of construction for some time past, was the big event of the week. The bank threw open its doors at 2 o'clock Wednesday afternoon, and from then on until 9 o'clock at night a continual stream of visitors from town and out in the county were entertained in a lavish manner. Refreshments were served and all guests received bouquets and boutonnières as mementos of the occasion. An excellent

### The Store of The Town

### Browning, King & Company

TO-DAY affords you a last opportunity to join the hundreds who have bought one or more of these \$25, \$28 and \$30 Suits for \$17.50

The response has been most generous, but we expected it and prepared accordingly. There remains a full assortment of sizes. You couldn't pick a bad pattern if you tried. Genuine imported Tweeds, Worsteds, Cassimeres and Fancy Twist Cloths in every fashionable shade. These Suits will not be on sale at this price after today.

Browning, King & Company  
GEO. T. WILSON, Mgr.

### Nebraska Germany Seizes Danish Cattle On Way to Austria

LONDON, Dec. 3.—A Copenhagen dispatch to the Reuter Telegraph company says that Germany has stopped all transit of cattle from Denmark and the Scandinavian countries to Austria. Local Austrian buyers state that all their transports of live cattle to Austria in the last fortnight have been seized by the German authorities.

### Christian Church Meet.

LOGAN, Ia., Dec. 3.—(Special.)—Special meetings will be conducted at the Christian church here through the greater part of February by Rev. P. A. Sward of Leanak, Ill., according to information given by members of the local church.

### STEEP DODGE HILL WILL BE CUT DOWN

Petition for Grading Dodge from  
Seventeenth to Twenty-Second  
Filed with City Clerk.

### ALSO CUT DOWN SIDE STREETS

A petition for the grading of the Dodge street hill and Eighteenth, Nineteenth and Twentieth streets, Douglas to Capitol avenue, was filed yesterday afternoon at the city clerk's office by Scott King, civil engineer.

### Grade to Twenty-Second.

Tentative plans show that it is proposed to grade Dodge street from Seventeenth to a point 125 feet east of Twenty-second street. The deepest cut would be twenty-three feet at Nineteenth street and the cut at Twentieth street would be twenty-two feet. At Eighteenth street a cut of ten feet would be made. The grading of Eighteenth, Nineteenth and Twentieth streets, Douglas to Capitol avenue, would be necessary to lower those streets to meet the cut in Dodge street.

### Volunteer Bomb Corps Makes Rapid Progress in Practice

(Correspondence of the Associated Press.)  
LONDON, Nov. 28.—The London Volunteer Training corps, a home defense militia of middle-aged men who occupy their late afternoons and Saturday half-holidays training in the London squares and parks, have become far enough advanced to begin practice with mimic bombs.

In Hyde park, or Russell square, or any other of the numerous grass plots, the volunteers may be seen on any afternoon now, standing behind make-believe trenches constructed of park benches and brushwood, winding themselves up with all the contortions of a professional base ball pitcher and then mauling at each other curiously contrived blocks of wood.

In a sense these are mere dummy bombs; yet they are to be regarded with a certain amount of respect, for they have real fuses warranted to go off with a sputter, a bang, a flash and a little cloud of smoke.

### LONG-PENDING WATER SUIT SETTLED BY AGREEMENT

PUEBLO, Colo., Dec. 2.—A compromise in the Kansas-Colorado water suit, involving the rights to use the water of the Arkansas river for irrigation purposes, which has been in the courts for several years, has been virtually agreed upon, it was learned here today in authoritative quarters. Only details remain to be adjusted.

## Do Your Christmas Shopping in KING-PECK Better Valued, Hand Tailored Clothes

Most extraordinary displays of super-styled Suits and Overcoats, recognized as \$20 to \$35 garments here at.....

# \$15-\$20-\$25

Christmas won't seem just right in your old clothes. Arrange to enjoy this happy season to its fullest extent. KING-PECK clothes will help a lot. Saturday is the opportune time to make selections.

Whatever your idea of a suit might be, it can be realized from our splendid stocks. Daring styles, extreme conservative styles and all the variations between. Patterns and fabrics a plenty.

Overcoats for motoring, Street Wear, Service Coats and Dress Coats. Surprisingly attractive styles, patterns and fabrics. Never have assortments been greater or values better than now.

## World's most distinctive \$30-\$35-\$40 Styled Suits and Overcoats

If you are a man with a hankering for the best the clothing world affords, then, sir, you are bound to be deeply interested in these clothes. Superior in every detail, and they cost but about half what your tailor would ask. Why not see them Saturday?

## What Better Gift for a Boy than a Mackinaw Coat

None that we can suggest just now. It combines service, warmth and is as practical a gift as any boy ever received. Our extensive stocks afford a rare field for choosing; special values, at.....

# \$3, \$4, \$5, \$7.50

## Boys' Two Knicker Norfolk Suits, \$5.00

Comparison will never reveal the equal of these suits in Omaha. Sturdily built from service fabrics, into smart Norfolk styles. Two pairs full lined Knickerbockers with every suit, no extra cost.

### IT'S TIME FOR WARMER UNDERWEAR

—and this is the one store best prepared to care for your underwear needs.

Woolen Union Suits.....	\$2 to \$5
Cotton Union Suits.....	\$1 to \$2.50
Wool Separate Garments.....	\$1 to \$2.50
Cotton Separate Garments.....	50c to \$1.00

### EXCESS SATISFACTION IN FOOTWEAR

Style, comfort and long wear are features identified with all K. P. Shoes.

Cloth Top Shoes.....	\$4 to \$6.00
English Styles.....	\$3 to \$6.00
Comfort Shoes.....	\$4 to \$5.00
Hi-Top Shoes.....	\$3 to \$7.50

## Dominant Values in Fur Lined—Plush Lined and Fur Overcoats—Omaha's Greatest Showing

This store is prepared as never before to serve your needs in these type of overcoats. Assortments are double those of former seasons and values decisively better than you'll encounter elsewhere.

Northern Mink Lined Overcoats, Seal or Astrakhan Collar.....	\$150
Canadian Black Rat Lined, Otter Collar.....	\$100
Russian Otter Lined Astrakhan Collar.....	\$65
Blended Muskrat Lined, variety of collars.....	\$30, \$35, \$45 and \$50
Blended Marmot Lined, Near Seal or Astrakhan Collar.....	\$25
Silk Plush Lined, Opossum Collar.....	\$20 and \$25
Plush Lined, Fur Collar.....	\$15
Quilted Lined Overcoats, Opossum Collar.....	\$15 and \$25
First Quality Fur Coats, all hides.....	\$15 to \$69.50

# KING-PECK

Omaha's Largest Investment Goods Store

## A STORE FULL OF GIFTS, THE VERY SORT MEN AND BOYS WOULD CHOOSE FOR THEMSELVES

### SOME SUGGESTIONS

Give something Practical, something He is sure to appreciate. Our Xmas stock is the solution to most of your gift problems.

Toilet Sets.....	\$1 to \$12.75
Military Brushes.....	\$1.50 to \$3.50
Collar Bags.....	\$1.00 to \$3.00
Leather Novelties, up from.....	50c
Silk Shirts.....	\$3.50 and \$5.00
Boxed Handkerchiefs.....	\$1.00 to \$1.50
Combination Sets.....	\$1.00 to \$1.50
Xmas Neckwear.....	50c to \$3.50
Mufflers.....	\$1.00 to \$1.50
Gloves.....	\$1.00 to \$1.00
Bath Robes.....	\$3.50 to \$10
Lounging Robes.....	\$10 to \$15
Smoking Jackets.....	\$5 to \$15
House Slippers.....	\$1.50 to \$4.00
Silk Hose.....	50c to \$1.00
Fur Caps.....	\$2 to \$10
Gift Pajamas.....	\$2 to \$10
Traveling Bags and Cases.....	\$2 to \$25
Sweater Coats.....	\$1 to \$10