

DECIDES IN FAVOR OF MRS. PETERSON

State Supreme Court Reverses Bauer Will Case

The supreme court has decided upon the case of Sarah Matilda Peterson of Cass County, in her favor, thus setting aside the will of John H. Bauer and enforcing an oral contract made when the plaintiff was nine years of age and was adopted by him as his daughter. It was proved that he agreed to give her one-half of his estate when he died. Before his death he willed his property to relatives. The court holds that the oral contract is enforceable and the decree of the lower court is reversed and directions given to enforce the oral contract. The plaintiff remained in the home of Bauer for eighteen years. The contract entered into orally was made by Bauer and her father, Samuel Nixon. Judges Faucett and Root having been attorneys in the litigation did not sit when the case reached the supreme court. In this connection H. M. Sinclair has suggested that the clerk of the court should get a rubber stamp and use it on every opinion rendered by the court, the stamp to bear this legend, "Sullivan and Oldham not sitting."—State Journal.

The above case was tried in this county before Judge Paul Jessen whose holding was that the will took precedence over the oral agreement.

The plaintiff claimed half of the estate left by deceased and based her claim upon a contract made between the elder Bauer and her father at the home of the latter in 1871. Plaintiff's father was a homesteader and in very humble circumstances. His name was Nix and with his family he was living in a dugout, while "holding down" his claim and attempting to wrest from the soil a living for several small children, his wife having died the year before. Bauer lived nearby and even at this time was blessed with more of this world's goods than most of his neighbors possessed. His wife was not in the best of health and he had no daughter, though he was the father of a son, the principal defendant in the suit which has just been decided.

When Agreement Was Made.

The testimony which was given in the trial of the suit was to the effect that Farmer Bauer called at the dugout of Farmer Nix one afternoon in

1871 and proposed to the widower that the latter allow him, Bauer, to adopt Nix's nine year old daughter "Tillie." Three witness testified that they were present when the proposition was made and accepted and the bargain entered into. Bauer had said that he wanted a daughter and if Nix would allow Tillie to come, he would adopt her and leave her half of his property when he died. The girl went to the Bauer home and lived there until she was twenty-seven years old. She was known as Tillie Bauer and was baptised under that name; in fact she was always treated as a daughter, was referred to by Mr. and Mrs. Bauer as such, was so generally recognized.

She Performed Her Part.

The opinion of the court recites that the testimony showed the young woman to have been faithful and industrious and to have in every way conducted herself as a daughter should. It was also shown that the supposed foster father had said that she was to have half of his property at his demise. She only left his home when the younger Bauer returned there with his wife. She had then been an inmate of the household for eighteen years and Bauer recognized her right to leave.

The present suit was brought to compel the specific performance of the oral contract made at the time Bauer was alleged to have agreed to adopt the girl and leave her half of his property. The district court found in favor of the defendants and ordered the cause dismissed. The judgement is now reversed and the case remanded. The supreme court says that an oral contract to adopt the daughter of a stranger and leave her property may be enforced by specific performance where she has fully performed her part and establish the agreement by clear and satisfactory evidence. In such a case, evidence that a testator had made an oral contract to adopt the daughter of a stranger and leave her one-half of his estate at his death may be corroborated by his statement to witnesses, of his purpose to do so.

The court further says that whether an oral contract to devise realty shall be enforced by specific performance after it has been performed by the plaintiff, depends upon the facts and circumstances in each case.

MAY GET STATE HOME

Plattsmouth Odd Fellows Working Hard to Land Prize

Plattsmouth is in the race for the state home of the Odd Fellows. This announcement can be made with authority and the local members of the order are sparing no efforts to land the prize. The home committee is now visiting the several towns and cities which are candidates, there being a large number of such places, and they will make a report to the next grand lodge setting their favorite location. The grand lodge will make its selection at the next session.

The order requires not less than one hundred and sixty acres of land and as much more as they may determine to purchase. This land is not to be donated to the order but they desire to make the selection of the location and then buy the land. That they could do better elsewhere than here, cannot be believed as this city is an ideal location for such a home. It is high, rolling land easily drained, healthy beyond criticism and land which is easily in reach of the large cities of the state. A home at this point would furnish ideal market facilities for farm products should the order care to practice farming at its home. It would be within easy reach of the market of this city, Nebraska City, Omaha and Lincoln, something no other city bidding for the prize can point out. For the members of the order who are ill there could be nothing finer than a home in sight of the high bluffs of the Missouri River, bluffs which are a pleasure to the eye at all seasons of the year whether they be clothed in the green robes of spring, the deep foliage of summer, the golden and russet of autumn or mantled in the white folds of winter. To the weary and worn these hills will act as a tonic of nature.

These many advantages should and will be pointed out to the home committee when it reaches this city on its travels and it is to be hoped

the committee will see these as the local members see them.

It will be a big thing for this city should it land this rich gift. The Odd Fellows the largest fraternal body in the world and extend their scope to include every country on the globe. In genuine charity and help this order is without a peer and too much praise cannot be given it. It would aid the community largely by its coming to establish a home among us and every citizen should do all he can to see that the advantages of the city as a location are appreciated.

Neighborhood favorite.

Mrs. E. D. Charles, of Harbor, Maine, speaking of Electric Bitters, says: "It is a neighborhood favorite here with us." It deserves to be a favorite everywhere. It gives quick relief in dyspepsia, liver complaint, kidney derangement, malnutrition, nervousness and weakness and general debility. Its action on the blood as a thorough purifier makes it especially useful as a spring medicine. This grand altedative tonic is sold under guarantee at F. G. Fricke & Co's drug store. 50c.

HAD QUIT WORK READY TO GIVE UP IN DESPAIR Restored to Health By Vinol
"I was sick, run-down and finally had to give up work. After trying a number of remedies and several physicians, I was just about ready to give up in despair. I saw Vinol advertised and decided to try it, and it has done more good for me than all other means combined. It has built me up and restored my strength until I now feel twenty years younger, and am able to attend to my work again as usual." Job Jeavons, 1036 Lind street, Wheeling, W. Va.
The reason Vinol is so successful in such cases is because it contains tonic iron and all of the strengthening blood-making and body-building elements of cod liver oil, but no oil. Vinol is unexcelled as a strength creator for old people, delicate children, weak, run-down persons, and after sickness—and is the best known remedy for coughs, colds and bronchitis.
We return your money if Vinol fails to give satisfaction.

GERING & CO., Druggists,

FRIEND OF LINCOLN

T. J. Pickett Instrumental in Securing Nomination for President

Burlington Agent W. L. Pickett has a proud distinction this year. As all know this year is the centenary of the birth of Lincoln. He was born on February 12, 1909, just one hundred years ago next Friday. At the time when Lincoln was first coming into prominence in public life, the father of Mr. Pickett, T. J. Pickett by name, edited a paper in Rock Island, Ill., then a flourishing country town. He was an ardent republican in politics and his paper was the brand of his editor. Taking so keen an interest in political affairs, the elder Pickett conceived the idea of organizing the republican editors of the state of Illinois into an association. For this purpose he was back of a meeting called for Rock Island.

During this period the famous Lincoln-Douglas debates took place and the country was ablaze with partisan rancor. The mutterings of the coming storm which was later to shake the republic to its foundation and drenched the soil in fraternal blood, were to be heard upon every hand. Fired with the spirit of the times, the elder Pickett had listened to the debates and in Lincoln he saw the coming man of the hour. To his mind Lincoln appeared as the logical candidate of the occasion and he yearned to hoist his name at the head of his paper as the candidate for the presidency of the then new and vigorous republic.

He conceived the idea of having Lincoln come to the Rock Island editorial meeting and address the editors whom he had gotten together. As the aftermath of this speech Lincoln's name was to be sprung upon the country as a candidate for president.

With this scheme in mind Mr. Pickett on April 13th, 1859, addressed Mr. Lincoln a letter a portion of which is set out in Nicholas and Hay's Life of Lincoln, as follows:

"I would like to have a talk with you on political matters, as to the policy of announcing your name for the Presidency, while you are in our city. My partner and myself are about addressing the republican editors of the state on the subject of a simultaneous announcement of your name for the Presidency."

On April 16th, 1859, Mr. Lincoln answered the letter as follows:

"Springfield, April 16, 1909.

"T. J. Pickett, Esq.

"Dear Sir:

"Yours of the 13th is just received. My engagements are such that I cannot at any very early date, visit Rock Island to deliver a lecture, or for any other object.

"As to the other matters you kindly mention, I must in candor say I do not think myself fit for the Presidency. I certainly am flattered and gratified that some partial friends think of me in that connection; but I really think it best for our cause that no concerted effort, such as you suggest, should be made. Let this be confidential."

A. Lincoln.

This letter was retained for a long time by Mr. Pickett who eventually disposed of it to an autograph hunter who in his turn disposed of it to a historical collection which contained a rare number of Lincoln's letters. In all complete lives of the lamented President wherever an effort was made to discover who was first responsible for the suggestion of Lincoln for the Presidency, credit is always given to Mr. Pickett as being the original Lincoln man.

W. L. Pickett recollects well having seen the letter which has now become historical, many times and he has always greatly regretted it getting out of the family. It has now a great value as a piece of writing in a great measure responsible for the course of the republic in later years.

Reason Enthroned.

Because meats are so tasty they are consumed in great excess. This leads to stomach troubles, biliousness and constipation. Revise your diet, let reason and not a pampered appetite control, then take a few doses of Chamberlain's Stomach and Liver Tablets and you will soon be well again. Try it. For sale at F. G. Fricke's drug store. Samples free.

Old Fashioned People.

The Women's Auxiliary of St. Luke's church will give an old-fashioned concert at the home of Mrs. E. W. Cook, Tuesday evening, February 16. An excellent program has been prepared, and a good time is looked for. The admission will be 25c, and all are invited to attend, and all are requested to dress in old-fashioned costumes.

F. A. Cremer, one of the Jurymen, is registered today at the Hotel Perkins, coming in this morning.

Peculiar Accident.

Harvey Harger who works for John P. Fritsch southwest of the city, Monday afternoon was the victim of a peculiar accident. He was quite fortunate in not sustaining any very dangerous injuries but he was severely bruised and had a few small cuts to show for his experiences. He was going home from the city in company with William Gilmour, the two gentlemen riding in a spring wagon of the latter, and Mr. Harger leading his team which was hitched to a lumber wagon, behind the spring wagon. From some cause his team became frightened and pulled him out of the spring wagon. As the team started to run away, he fell directly in their path and they passed over him. Fortunately the horses did not strike him fairly, one of them alone stepping on his foot which was cut a little and bruised but the wagon passed over his body about the abdomen and back and badly bruised him up. He was brought to this city by Mr. Gilmour at once and taken to a physician's office, where his injuries were pronounced to be not serious but very painful. The team ran on to the farm of Aug. Steppat where they were caught. Neither they nor the wagon were injured. It will be quite a little while before Harger can get around in good shape again.

TO SOUND MEMBERS

Democratic Caucus to Find How Members Stand on County Option

The opponents of county option in the house have become alarmed over some recent developments, and they propose to make an attempt to either find out how the majority of the democratic majority stands on the question and possibly make opposition to any legislation against the liquor interests a party measure.

A call was being circulated this morning by Col. Bates, representing the district composed of Cass and Otoe counties, for a caucus of the house at 8 o'clock Wednesday evening. The object of the gathering is to find out just where the majority stands. While there is a number of the members who made their fight at the polls on this issue, there is a considerable number who are not committed definitely one way or the other on the proposition, and the caucus is for the purpose of enabling those friendly to the liquor interests to find out where these men stand and who they are before the matter comes up on the floor of the house or before it is definitely decided whether it is best to choke off consideration of this legislation.

Another object of the caucus is to put a curb and bit upon the independent democrats in the house who have not taken kindly to the efforts of some of the members to make everything possible a party issue and line up the house on partisan lines. Some comment to the effect that the republicans are running the house through a combination and working agreement with the republican minority has been heard, and this has led to these democrats being termed insurgents. The caucus will attempt to repress insurgent tactics, and force these recalcitrants whose offense seems to be that they do their own thinking to follow the direction of the leaders. It is figured this can be done by making certain matters party questions. Whether it is the intention to attempt this on county option, with the democrats taking the anti side is not definitely known, but as the most active men are against county option, this inference is being made.—Lincoln News.

Keeping Open House.

Everybody is welcome when we feel good and we feel that way only when our digestive organs are working properly. Dr. King's New Life Pills regulate the action of stomach, liver and bowels so perfectly one can't help feeling good when he uses these pills. 25c at F. G. Fricke & Co.'s drug store.

Fruit Tree True to Name.

I am the agent of the E. L. Watrous Nursery, of Des Moines, Ia., the most reliable institution of its kind in the west. Every tree tested in the nursery before being sent out. I have dealt in nursery stock for years and can say this stock is correct in every respect and prices right. If in need of anything drop me a postal card and I will call.

First class ornaments of every description.

C. C. Despain.

Suffering and Dollars Saved.

E. S. Loper, of Marilla, N. Y., says: "I am a carpenter and have had many severe cuts healed by Buckley's Arnica Salvo. It has saved me suffering and dollars. It is by far the best healing salve I have ever found." Heals burns, sores, ulcers, fever sores, eczema and piles. 25c at F. G. Fricke & Co.'s drug store.

WORK THAT TELLS

Plenty of It Has Been Done Right Here in Plattsmouth

Waiting doesn't pay. If you neglect the aching back, Uranyl troubles, diabetes, surely follow. Doan's Kidney Pills relieve back-ache. Cure every kidney ill. Plattsmouth citizens endorse them.

E. M. Buttery, corner Sixth and Walnut streets, Plattsmouth, Neb., says: "It did not require a long use to prove to me that Doan's Kidney Pills are a remedy of merit. I often had pains in my hips, so severe that I could hardly work and there was also a lameness across my loins. I had reason to believe that these troubles were caused by disordered kidneys, and hearing Doan's Kidney Pills so highly spoken of, I made up my mind to try them. I procured a box at Gering & Co.'s drug store and they brought prompt and effective relief." (Statement given June 19, 1906.)

On December 29, 1908, Mr. Buttery said: "I still have a good word to say for Doan's Kidney Pills. I heartily confirm the statement I made over two years ago in their favor."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—Doan's—and take no other.

Mules Ran Away.

Jim Lee Monday evening was the central figure in a fine runaway which spilled him along Main street with several loud and resounding bangs and crashes. James is the proud possessor of a team of long eared mules which he had driven to the city during the day and which he thought he would drive home in the gloaming. To this end he got into the wagon and started for the hearthstone. Near the Boeck building at Sixth and Main streets the team took fright and hurried down the street depositing James upon the hard and stony way. At Bach's store on lower Main street Will Ferguson corraled the fiery steeds and endeavored to drive them to their stable. In this he, also, suffered a dire fate in that he too spilled upon the hard and cold earth while the team galloped madly away in the night. The team was found yesterday morning in the door yard of William Burke in South Park, having celebrated to their heart's content. Neither team nor wagon were injured. Lee was considerably bruised up from the violence of his lighting while Ferguson also sustained minor bruises. They were both lucky in their escape.

Snow Plow Goes in Ditch.

A Burlington snow plow, after bucking the drifts all day yesterday on the O'Neill-Sioux City line went into the ditch last night near Warham. No one was injured but it was thought it would take several days to restore the O'Neill line to a condition where traffic could be handled without delay. In some cuts the snow was eighteen feet deep. In many places the engines pushing the snow plow got stuck and it was necessary for the men to shovel their way out.

It was reported that two engines and a snow plow on the Omaha road near Emerson were in the ditch, and that the road would be tied up there for several days.

Reports from the lines in north Nebraska indicate a much worse storm than in this vicinity as much more snow fell and the drifts the very deep. Even along the main line of the Union Pacific in west Nebraska there was more trouble than here. One Union Pacific passenger train was stalled for several hours in a drift near Wood River.

Snow plows yesterday opened the K. C. & O. line of the Burlington, getting through to Alma about 5:30 p. m. The trip was a difficult one and in many places the engines got stuck.

Plows got through on the lines north of Aurora last evening, reaching Burwell and Sargent about 5 p. m. Drifts were very deep in this section. These lines will be opened to day for regular business. Only westbound business was handled on these lines yesterday.

Trains from the east on the roads were behind time yesterday, the effects of the storm in Iowa and Illinois causing them to reach the Missouri river late. The weather had cleared in the west and the temperature had risen rapidly. Barring a few branch lines in the state tied up by drifts traffic will move with regularity today.—State Journal.

Farm for Sale.

I am offering a farm for sale two miles southwest of Mynard at ninety dollars per acre. Also one 3¼ miles south of Murray.

Earl V. Cole, Mynard, Neb.

T. W. Vallery, the lightning rod man of Murray, came to the city today to take out a load of material which he ordered a few days since from Council Bluffs. He discovered on checking it up that he had not received all he had ordered and his work will be tied up in consequence. He is rather distressed and exasperated at the mistake as it meant loss to him.

NOTICE TO CREDITORS.

State of Nebraska, Cass County, ss. In County court: In the matter of the estate of August Stohman, deceased.

Notice is hereby given that the creditors of said deceased will meet the Administratrix of said estate, before me, County Judge of Cass County, Nebraska, at the County Court room in Plattsmouth, in said County, on the 8th day of March, 1909, and on the 8th day of September, 1909, at 10 o'clock a. m. each day, for the purpose of presenting their claim for examination and allowance.

Six months are allowed for the creditors of said deceased to present their claims, and one year for the Administratrix to settle said estate, from the 8th day of March, 1909.

Witness my hand and seal of said County Court, at Plattsmouth, Nebraska, this 8th day of February, 1909.

Allen J. Beeson, County Judge.

NOTICE OF PROBATING OF WILL.

In the County Court of Cass County, Nebraska.

In the matter of the estate of John B. Meisinger, deceased. TO ALL PERSONS INTERESTED OR CONCERNED: You are hereby notified that a petition has been filed in the County Court of said Cass County to probate a will purporting to be the last will of John B. Meisinger, deceased, and for the appointment of the executors named therein. There will be a hearing upon said petition at my office in the Court House in the City of Plattsmouth, Cass County, Nebraska, at ten o'clock a. m. on the first day of March, 1909, and all objections thereto must be filed prior to said hour, and at said time such orders will be made in the premises as the Court may deem just and proper.

Allen J. Beeson, County Judge.

D. O. Dwyer, Attorney.

Dr. Price's Cream Baking Powder

A pure grape cream of tartar powder. Its fame is world-wide. No alum, no phosphatic acid. There is never a question as to the absolute purity and healthfulness of the food it raises.