

## GIVES CITY NOTICE OF INJUNCTION

### Nebraska Lighting Company to Secure Restraining Order

Yesterday afternoon the opening gun in what promises to be a long-drawn out and expensive lawsuit was fired when notice was served upon the city officials including Mayor Sattler, Clerk Elster, Chief of Police Rainey and City Attorney Ramsey notifying them that next Saturday, May 29th., the Nebraska Lighting Company would ask the federal court at Lincoln for an injunction and restraining order preventing them from applying the provisions of the ordinance recently passed by the city council which reduces the price of gas in this city from \$2.10 per thousand cubic feet to \$1.50 per thousand.

The notice which is drawn in accordance with procedure in the federal courts, recites that the ordinance seeks to take the property of the Lighting Company without due process of law; that it is confiscatory in its provisions and is drawn without authority of law. It is further contended that the ordinance is unconstitutional, null and void and that there is no authority in the city charter for passing such an act.

The hearing will be had at Lincoln before Federal Judge T. C. Munger who will be asked to restrain the authorities from prosecuting parties violating the provisions of the ordinance. The ordinance as drawn and passed provided a penalty for any person seeking to collect more than the legal rate for gas fixed by the ordinance at \$1.50 per 1,000 feet, each attempt being made a separate and distinct offense.

The ordinance was recently passed by the council after an agitation started over lighting the city. A demand for cheaper gas rates was made by the people and the council in accordance with this passed the ordinance. At the time it was passed it was believed the company would fight it but later the officials of the company came down to the city from Omaha and held a consultation with the local officials at which they asked the city to repeal the ordinance promising in return that they would use every endeavor to give the people better service and as cheap lights as the city could possibly get. Nothing was done by the city in the matter and the notice of proceedings served yesterday was the initial movement of proceedings

to fight the ordinance. Mayor Sattler, interviewed yesterday afternoon after the notice had been served upon him, expressed his belief that the city should fight the proceedings to the last ditch. He is very confident that the city can beat the company and for this reason he advises fight. Speaking of the proceedings he calls attention to the fact that the court at Lincoln in which he case is brought, only recently held that the ordinance fixing the rates to be charged for gas in Lincoln at one dollar per thousand feet was constitutional and under this ruling, the mayor is quite confident the \$1.50 rate of this city will also be held constitutional. It is said to be the belief of many attorneys in the city including the city attorney and attorney D. O. Dwyer of the judiciary committee of the city council, that the ordinance is constitutional and will be sustained.

It is a matter of regret that the ordinance has been forced into the courts as it means considerable expense to the city with prospects of long continued and uncertain litigation for years to come. It also makes the matter of lighting the streets seem considerable in the future as the two questions have become so wrapped up in one another that the one cannot be settled without the other.

Public opinion as to the wisdom of the litigation is very much divided, many taking the stand that the Nebraska Company is a local concern with considerable money invested here and for that reason that it should receive every consideration from the city. Others contend that the company has been vexatious and arbitrary in its position toward the city and the consumers and for that reason that the city should exercise every power it has to make the rates for gas lower.

The really serious question which is presented by the case, is whether the decreased rate fixed by the council will not cause the company to operate at a loss. Such being the case, under recent holdings in other corporation cases would indicate that the ordinance could not be sustained but would be held unconstitutional. In any event, it is hoped the matter will be speedily determined.

Judge H. D. Travis cleaned up his docket and handed down a few decisions in several cases which he had under advisement and left for his home Saturday evening.—Neb. City Press.

Matthew McQuinn and wife are in the city today being guests at the Perkins house during the next few days of court.

Ralph White, the handsome and popular manager of the Nebraska telephone company, was at Plattsmouth on Sunday on a visit with his parents and incidentally visited with one of the young ladies of that city for a few hours.—Nebraska City News.

WANTED—A stripper at Budig's cigar factory.

## GONE TO REWARD

### Death Claims J. A. Clements, Well Known Citizen of Elmwood

Word was received in this city this morning of the death of J. A. Clements for about fifteen years editor of the Elmwood Leader-Echo and a brother of County Coroner Clements. "Bert" Clements as he was popularly known, was one of the best citizens the town of Elmwood afforded. He was just upon the threshold of a useful life when death claimed him as its own. About the age of thirty-five years, he had already lived long enough in the world to have demonstrated his ability to lead men and make himself a power among them. Born in this county, he was a product of which the county can well be proud. All his life was spent in or near the town of Elmwood and the people of that place cannot fail to mourn the loss of one whom all knew to love and respect. His father preceded him to the better land some six or seven years since and his mother also passed away about one year ago.

It is understood here that the remains will be brought from the springs in Arkansas where he died to Elmwood tomorrow for interment.

During his long association with the newspaper fraternity in Cass county, Mr. Clements had made himself universally esteemed as a newspaper man and the Journal, in common with the other papers of the county, joins in a tribute to his worth to the community and the country newspaper. Under his able guidance the Elmwood Leader-Echo had taken rank as one of the best country newspapers in the state. The Journal differed widely with Mr. Clements in the theory of government and what was best to be done for the welfare of the people, but it has only kind words for a man who did what his mind believed was the one best thing.

It is to be regretted that Bert Clements did not live longer to fully impress his worth upon the destinies of Cass county and Nebraska. He was a good man and his loss is indeed ill.

For several months he had been in failing health. Bright's disease had fastened its grip upon him and realizing that there could be but little more of this life, he several months ago disposed of the Leader-Echo by lease and made one last effort to recover his health but in vain. In his passing the entire community loses a faithful and good friend.

### Argo-McQuinn Case On.

The time of the district court was being taken up today in the trial of the damage case of Argo vs. McQuinn. This case was tried at the last term of court and resulted in a mistrial, the jury disagreeing. Matthew Gering appears for the plaintiff while Byron Clark represents the defendant. The case arises from an alleged assault which Mrs. Argo claims was made upon her by Mr. McQuinn resulting in a miscarriage and permanent injury to the health of the plaintiff. The defense contends that Mr. McQuinn who was the landlord of the Argos, only used the reasonable methods of defense against an assault by Mrs. Argo. The trouble between them arose over some land which the Argos were renting from Mr. McQuinn and which he sought to dispossess them of. A great array of witness are in the city from Union and its vicinity and the trial of the case is hard fought. It will not probably go to the jury before tomorrow night or the late afternoon. Considerable of the testimony is of a technical nature being that of physicians.

### Murray Will Celebrate.

The good people of Murray and vicinity are going to have a proper celebration of the Fourth of July this year. They have organized an association and have the arrangements well under way for making the day the biggest ever had in that thriving and bustling little city. The association is headed by live, hustling business men who do not know what failure is and that insure success for the affair. The celebration will take place on Saturday, July 3rd. O. A. Davis is chairman of the organization, W. G. Boedeker is Secretary while Jas. W. Holmes has charge of the concessions. Anyone wanting the privilege of operating a stand that day will do well to write J. W. Holmes at Murray and write early for there will be plenty of applicants. It will be a fine celebration.

Dr. G. L. McLeod of Union, is in the city today in attendance upon the Argo-McQuinn case being a witness in the case as a medical expert.

## SCOTTS BLUFF COUNTRY

UP THE

## FAMOUS NORTH PLATTE VALLEY

OF NEBRASKA.

### BEST IRRIGATED LANDS IN THE WEST

Thirty thousand acres fertile land in a splendid climate, watered by one of the biggest irrigation systems in the country. No Nebraska land of equal area will support more families.

Men from the Greeley district of the South Platte country say the advantages of the North Platte are superior—and the prices are one-fourth to one-third less. Read again; think.

Tuesday, May 18th is the date of our second excursion for the sale of the famous Tri-State land at Scott's Bluffs, Neb., said to be the finest single body of irrigated land in the United States, embracing 30,000 acres, of which 10,000 acres will be sold immediately.

This land is owned by the Tri-State Land Company, of which E. A. Cudahy is president, and is under the great Tri-State Canal, one of the largest systems of irrigation in the west, constructed at a cost of \$2,000,000. Six four-horse teams, 24 horses, can stand abreast across the bottom of the canal, which for the first few miles is ninety feet wide on the bottom. It is half again as large as the immense government Pathfinder canal. Its headgates, dams, intakes, waste ways, and drops are wholly constructed of steel and reinforced concrete. Its every part represents the highest achievement of modern engineering skill and workmanship.

The Tri-State Land Co. has practically the first water right out of the North Platte river, and for an immense amount of water. When it is also remembered that the South Platte waters all the irrigated land at Fort Collins, Greeley, Fort Morgan, Brush, Sterling and Julesburg, and supplies only one-fourth as much water

at the North Platte, the sufficiency of water under the Tri-State canal can never be questioned. It is this fact that is bringing so many of the Greeley, Fort Collins and Fort Morgan farmers to the Scotts Bluff country, who all declare its land and water equal or superior to anything in Colorado, while the prices are only a fraction of the Colorado prices. This magnificent body of land at Scotts Bluffs represents the best there is in irrigated land. The two big canals, the government and the Tri-State, represent a combined cost of \$4,000,000, which is an evidence of the value of the lands.

Speaking of the Irrigated Land, just remember:

First—Irrigated land produces the maximum every year. Your eastern Nebraska and Western Iowa land never produces the maximum, because even if you got just enough rain at the right time for one crop it would destroy part of the other.

Second—On your eastern land you raise 40 bushels of corn on an average at 40 cents per bushel, at a cost of \$8.00, leaving you \$8.00 clear profit. We will take you to many men at Scotts Bluffs who raised 250 to 400 bushels of potatoes per acre and sold them at 40 cents, this year considerably higher than that; 15 to

25 tons of alfalfa at \$8.00 per ton; 100 bushels of oats at 40 cents per bushel.

Third—It is a singular thing that while the majority of farmers who buy irrigated land know nothing of irrigation, you can never interest an irrigation farmer in any other kind of land. He doesn't have to understand all about irrigation to succeed. The ditch rider knows and the farmer soon knows.

Fourth—While your Eastern Nebraska land will go on up to \$150 per acre, it may then stop, or it may go back to \$50 or \$75, like the same land did in Pennsylvania, Ohio and New York. But your irrigated land, increasing its fertility and producing power each succeeding year, will do like the other irrigated land in this country and Europe—go on up to \$200, \$300, \$400 and \$500 per acre, and will not simply "keep you," but will make you rich.

This land lies so perfectly that a flat price of \$70.00 per acre has been fixed on all uncultivated land and \$80.00 upon cultivated land; hence the first excursionists have the choice of the entire land. A regular excursion will be run every two weeks.

All irrigated lands advance steadily to \$300 and \$500 per acre; they never go back. Think once more; act.

One price to all—\$70.00 per acre for uncultivated; \$80.00 for cultivated. First come, first served. No favorites.

For further information call on or write to

## Windham Investment Co.,

Plattsmouth, Nebraska.

Associate Agents with Payne Investment Company, General Land Agents, Omaha, Neb.

### LOUISVILLE.

From the Courier.

C. M. Seybert is having an addition built to his residence on Gospel Hill.

John Gauer, one of Cass county's prosperous farmers, has purchased a dandy new automobile.

Miss Blanch Rothman has returned from her school duties in the western part of the state and will remain at home for some time.

W. F. Diers is having his fine residence on South Main street remodeled, and is building a new porch facing the east and south.

C. H. Hennings has resigned his position at Nichols' store to take effect Saturday. He has not decided as yet what avocation he will pursue.

There is talk of organizing a county base ball league. This is a good idea and will promote a friendly feeling between the towns of the county.

Mrs. Mathews of South Omaha, sister of Mrs. M. N. Drake, was down last Saturday evening to consult with the school board in regard to securing the principalship of the Louisville schools.

Little Margaret Seybert celebrated her eighth birthday anniversary with a number of her little girl friends Monday afternoon. Ice cream and cake was served. Fourteen little girls were present and they all had a nice time.

The Courier is pleased to note that a great many improvements have been made at the cemetery within the past week. Graves of departed friends have been fixed up, plants and shrubbery have been set out and the cemetery generally beautified, preparatory for Decoration Day.

John Argo and wife from near Union are in the city today attending district court.

### Louis and George Born, tomorrow

morning will ship a carload of fine fattened cattle to the South Omaha market. The Messrs. Born are devoting their time and attention to building up a trade in cattle which will be the best in this section and they are well able to do so. They are excellent cattle men and doubtless will find the business a profitable one.

Charles Metteer, one of the best known residents of Nehawka, is in the city today summoned here by the hearing in the Robt. Metteer estate.

### For Constipation.

Mr. L. H. Farnham, a prominent druggist of Spirit Lake, Iowa, says: "Chamberlain's Stomach and Liver Tablets are certainly the best thing on the market for constipation." Give these tablets a trial. You are certain to find them agreeable and pleasant in effect. Price, 25 cents. Samples free. For sale by F. G. Fricke

### Henry Prosser,

Contracting, Plastering, Brick and Stone Work, Concrete Foundations and Walks. ALL WORK GUARANTEED. Phone 107, Elmwood, Neb.

# BROWNIES



....GONKLIN PENS OR KODAKS....

MAKES A VERY APPROPRIATE

## GRADUATION GIFT!

# GERING & CO.