

## LABOR COMMISSIONER'S OPINION OF NEW LAW

Many in This Community Have Been Interested in the Law, and the Sections Below Will Give the Desired Information.

We are printing below the opinion of the state labor commission on certain portions of the workmen's compensation law, which will be of much interest, as many workmen who are subject to the law have made inquiries as to the time it is operative after an injury is received, and this article places it in the proper light before the general public.

In answer to the Dempster Mill company of Beatrice, Labor Commissioner F. M. Coffey has interpreted portions of the workmen's compensation act. His letters is as follows:

"In a letter to this department, of a recent date, you ask for an interpretation of certain portions of the compensation law. One of them follows: 'In the law, it states that the compensation begins on the fifteenth day. We are wondering if this includes Sundays, or does it include only working days?'

"Section 3660 provides that 'Compensation shall begin on the fifteenth day after the injury.' There can hardly be any doubt but what this means that compensation shall begin on the fifteenth calendar day after the injury. This would include in the fourteen days' waiting period, Sunday, and does not mean fourteen working days exclusive of Sundays.

"You also submit the following question: 'If we offer to send a man to a first-class doctor and he refuses to accept this doctor and this hospital and decides to hire a doctor and hospital other than the one we wish him to have, are we responsible for his hospital and doctor bills, and is he entitled to compensation while he is off?'

"Section 3661 provides that the employer shall be liable for reasonable medical and hospital services and medicines as when need, not, however, to exceed \$200 in value, during the first twenty-one days after the injury. This same section contains a modifying clause which provides that if the employe 'refuses or neglects' to avail himself of such medical or hospital services, the employer shall not be liable for any aggravation of such injury due to said refusal or neglect.

"Section 3675 provides that the employer may request or demand that the injured employe submit to an examination during the term of his incapacitation, and the employer may make a doctor of his own selection make the examination, the employer to pay the expense. The injured employe may have present at the examination a doctor of his own selection, and at his own expense. If the employe refuses to grant such an examination, the injured employe shall be denied compensation during such refusal.

"The modifying clause in Section 3661 and the provisions of section 3675 seem clearly to anticipate that the doctor in the first instance will not be the selection of the employer in every case, else there would be no need of those provisions.

"The theory upon which compensation laws are enacted is that when the contract of employment is entered into that there shall also be an agreement as to how much money and hospital and medical services the injured employe shall be entitled to in case of personal injury, or if an injury resulting in death how much money the dependents of the injured employe shall receive.

"It seems clear to have been the intent of the legislature, and a fair interpretation of the law, that the injured employe shall receive medical and hospital services and medicines during the first twenty-one days after the injury, not to exceed \$200 in amount, for which the employer must pay. Of course, these services should be reasonable and proper, and if the employer or the injured employe is dissatisfied with the selection in the first instance either may request or demand an examination by a doctor of their own selection.

"As we interpret the intent of the legislature as written into the compensation law, the right of selection of the medical and hospital services and medicines in the first instance does not rest solely with the employer.

"If the employe suffer an injury for which there is no specific number of weeks for which he shall be compensated set forth in the law, then he would receive compensation during the period of his incapacitation as certified by the attending physician, unless it should appear upon an ex-

amination of a physician selected by the employer that the attending physician was in error."

## E. H. WESCOTT RETURNS FROM EPWORTH LEAGUE CONVENTION

E. H. Wescott, who has been in attendance at the convention of the Tecumseh district of the Epworth League at Elmwood for the past two days returned home last evening well pleased with the work of the convention, which was the most enthusiastic and largest attended of any meetings that have been held in the district. The convention was presided over by Rev. E. A. Wachtel, president of the district Epworth League, and who was for several years pastor of the Methodist church at Mynard, and to his efforts may be ascribed a great deal of the success of the meeting, as he has devoted much effort to creating interest in the movement. There were seven delegates present from Plattsouth at the meeting. The convention was held in the handsome new church which the Methodists of Elmwood have just erected, and all who were in attendance speak in the highest terms of the hospitality of the Elmwood citizens. Rev. Peter Van Fleet, pastor of the church there, was for several years pastor in this city of the Methodist church, and the visit with him was much enjoyed.

## COURT HOUSE GIRL EMPLOYEES ENJOY ANOTHER OUTING

From Saturday's Daily. Last evening the young ladies employed in the court house, together with a few of their friends, enjoyed another of their always pleasant picnic parties, and this time selected the wooded grove near the standpipe as the scene of the gathering. All in attendance came well supplied with the good things to eat and time passed very rapidly in the enjoyment of social conversation and visiting among the jolly party of ladies. A large campfire was built and over this delicious coffee was brewed and toothsome waffles prepared for the hungry bunch, who soon made the viands look mighty sick after they had finished with them, and in the gathering twilight the members of the picnic party wended their way homeward.

## JOSEPH TUBBS SELLS SEVERAL SHORTHORN CATTLE

Last week Mr. Proctor of the South Omaha Horse and Mule company was in this county looking after some fine stock for his ranch in Dundy county and secured from the herd of Joseph Tubbs, near Mynard, four young bulls and one heifer of the celebrated Shorthorn variety, of which Mr. Tubbs has been an extensive breeder in the past few years. That this experienced stockman found that these cattle were what he desired is proof that they are certainly as fine stock as can be found in the county. Mr. Tubbs has devoted a great deal of time to securing a fine herd of Shorthorns, which will compare with any in the country.

## THE NEW OVERLAND CAR WITH THE KNIGHT MOTOR

On July 17 the Willys Overland Co. will announce their 84 model. This car will have a Knight motor and will be the first car with this type motor to sell under \$1,500.00, and will perhaps be the most startling announcement of any car in the automobile line. The Knight motor has been used for years in the highest priced European cars, and only the tremendous output of Willys Overland Co., which is second only to one company in the world, enables them to put out a car with a Knight motor at less than \$1,200.00.

In the last month I have sold the following Overland cars: A. G. Cole, Model 80; John Bergman, Jr., Model 80; Frank Bergman, Model 82; John Hitz, Model 83; John Buechler, Model 83. JOHN BAUER.

## Greatly Benefited by Chamberlain's Liniment.

"I have used Chamberlain's Liniment for sprains, bruises and rheumatic pains, and the great benefit I received justifies my recommending it in the highest terms," writes Mrs. Florence Slife, Wabash, Ind. If you are troubled with rheumatic pains you will certainly be pleased with the prompt relief which Chamberlain's Liniment affords. Obtainable everywhere.

## AGED NEHAWKA LADY GONE TO HER REWARD

Another Name Is Stricken From the Lessening Roll of Our Old Settlers.

From Saturday's Daily. Died, at the home in our village Friday evening, June 18, 1915, Mrs. Elizabeth Cunningham, after a prolonged and painful illness, aged 78 years and 6 months.

Elizabeth Manek was born at Corydon, Indiana, January 18, 1837, and on May 20, 1861, she was married to Robert W. Cunningham, to which union nine children were born. Those surviving are: Mrs. Ed Conrad of Pawnee, Oklahoma; Charles and Forest of Nehawka. Besides her own children, Mrs. Cunningham took to raise her granddaughter, Miss Fern Cunningham, at the age of 3 years, who was still living with her until the time of her death. Eight grandchildren survive her.

Her husband died January 22, 1883, and March 21, 1892, Mrs. Cunningham came to Nebraska.

In her girlhood she united with the German Lutheran church, later, after coming to Nebraska, she joined the Christian church. She has faithfully and properly performed the several stations of life as maiden, wife, mother and grandmother—was an earnest and devoted Christian, a kind and considerate neighbor and friend.

After a long, busy and useful life she died as she had lived—honored, trusted and loved. She reared her own monument while she lived in the hearts of all who knew her.

Rev. Hilsley, pastor of the Nehawka M. E. church, conducted the funeral services at the church Sunday afternoon at 2 o'clock, paying a tender and sympathetic tribute to the memory of the departed, after which all that was mortal of this grand old mother of Israel was conveyed to our Silent City, followed by a large concourse of sorrowing friends and relatives, where she now rests in peace.—Nehawka News.

## A. W. WHITE REJOICES OVER ARRIVAL OF GRANDDAUGHTER

From Saturday's Daily. Those who met A. W. White yesterday wondered at the very much pleased expression upon his countenance, but wonder ceased when it was learned that he had again become a grandfather, as a fine new daughter was born yesterday to Mrs. J. C. Thegsson of Nebraska City, a daughter of Mr. and Mrs. White. This is a very happy occasion and the rejoicing of the relatives over the event is most profound and it will be, for it is not often that such good luck comes to a household. The mother and little daughter are both reported as getting along nicely and the father is just as proud as it is possible for anyone to be under the circumstances.

## FINED FOR RAISING DISTURBANCE AT GERMAN HOME

Last Saturday evening there was considerable disorder and trouble occasioned at the dance at the German Home, when several disturbances were staged that this morning resulted in quite a large amount of business for Judge Archer in police court and three young men were fined for their part in the disturbance. Andrew Eabb, Jr., and Frank Blotzer, Jr. were each fined \$5 and costs, amounting to \$8, on a charge of being drunk and disorderly, while George Murray, on the same charge, was given \$20 and costs, which was secured for payment. A young man named Gilmore, from the vicinity of Murray, was also mixed up in a fight there and notified the police that he would pay whatever fine was placed on him for his offense.

The authorities at these dances desire to preserve order in every way, and Officer Max Pries, the special police, exercised the greatest efforts to quiet the boys before they got into their difficulty, but without success, and was compelled to place them under arrest in order to preserve the peace, and will see that there is no further disorder.

## Funeral to Be Tomorrow.

The funeral of John Nickolitti will be held tomorrow morning at 10 o'clock from St. John's Roman Catholic church in this city.

## EXPECTS TO DRIVE NEW AUTO HOME FROM OMAHA TODAY

From Saturday's Daily. This morning P. T. Becker departed for Omaha, where he goes to look after securing a fine new 1916 Hudson automobile, which he will put to his own use. Mr. Becker is the agent of this company in Cass county and has already disposed of quite a number of the Hudson machines, which have given the utmost satisfaction and service to the purchasers. Mr. Becker expects to drive the new machine home with him.

## TWO MEN ARE STRUCK BY TRAIN AND BOTH KILLED

Two Trains Passing in Opposite Directions When Both Men Hurled From One Track Onto Other.

This morning when No. 15, the west-bound passenger train which leaves this city at 8:16, was rounding the bend at Swallow Hill, it struck two men who were endeavoring to escape over the west-bound track from freight train No. 70, which was coming eastward. As far as can be learned the men, after being struck by the passenger train, were hurled some distance into the onrushing freight train, and as a result one of the men, a tramp, was instantly killed, while the second man, John Nickolitti, an Italian section hand belonging to the gang of Con Gillespie, was injured so severely that he died at 11 o'clock at the office of the Burlington surgeon, Dr. Livingston, where he was taken.

As soon as the accident occurred the passenger train stopped and the body of the injured man, Nickolitti, was brought back to this city and hurried to the office of the surgeon, but it was apparent that his hours were few, as the fluttering pulse of the victim indicated that he was doomed to die as the result of his injuries and the shock. His left leg was almost entirely severed between the ankle and knee-joint and the splintered bones projected from the wound and apparently he had suffered internal injuries as the result of the accident. That the man was apparently in a dying condition was at once recognized, and John Schiappacasse was summoned to converse with him in his mother tongue, and his name was learned, as well as the fact that he desired the services of a priest of the Catholic church, and Rev. Father Shine was called and administered to the dying man the last sacrament of the church, and from this on he gradually grew weaker until his death.

From all indications Nickolitti and the stranger must have been engaged in conversation at the point of the accident, which is on a very sharp curve where it would be difficult for the train crew to see the men until they were right on them, and the two men, in attempting to get out of the way of No. 70, the east-bound freight, stepped right into the path of the passenger train, which striking them hurled both over into the path of the rapidly moving freight, where they received their injuries. The tramp apparently was struck in the forehead, as his entire head was mashed to a jelly, and only a part of the skull is left to tell that it was ever a human head, and he also received a severe cut on the right arm, as well as bruises on different parts of the body. The only marks of identification that could be found on the body was a slip of paper folded in the hat band bearing the name F. Pipiroy, 3308 Franklin avenue, Toledo, Ohio, which it is thought probably is his name, as well as his former home.

Coroner Brendel was notified of the killing of the men and came up and summoned a coroner's jury, which viewed the scene of the accident, as well as the body of the stranger, which had been left there awaiting the arrival of the authorities, and following this the body was taken to the Streight undertaking rooms, where the inquest will be held at 10 o'clock tomorrow morning over both of the bodies.

Nickolitti came here from Chicago about a year ago and is thought to have a wife in Chicago. The stranger killed was a man of good size and from the hair, which is about the only thing left of his head, is straight and black and resembles that of a Greek or Italian, as does also his name, and it is thought that he probably is one of these nationalities. Besides his name on the slip of paper there was little to show who he was or where he might have lived.

## A LARGE ATTENDANCE AT THE A. O. U. W. MEETING

The Visiting Officials Meet With a Warm Reception, and Address the Members of the Order.

Last evening there was a very large attendance of the membership of the Ancient Order of United Workmen present at the meeting of Trio lodge No. 84, in this city to greet the new master workman, Frank L. Anderson, who was paying his first visit to the lodges in this city since his elevation to the office, and in honor of the event the members of the four lodges here joined in greeting him, as well as Grand Recorder Frank L. Evans and ex-Congressman Silas R. Barton of Grand Island, who was for several years grand recorder of the A. O. U. W. in Nebraska, and one of the prominent figures in the work of the order.

The members were well pleased with the able and talented gentleman who has been chosen as the master workman and his appearance and remarks to the members of the order were clear and concise and gave a very pleasing impression to all who heard him.

Mr. Anderson explained at length to the membership the necessity of the raised rates, which became necessary for the safety and stability of the order, and how they would operate on the members at the different ages and how, in spite of the increase in the rates, which was very small on each \$1,000 of insurance, the insurance issued by this order was still far in the way of the cheapest and best that could be secured, and the change in rates made it absolutely first-class in every way and safe from all chances of losing in value through the increasing age of the membership of the order, as many had already done in the past few years.

E. C. Phillips, deputy master workman of the order, was also in the party and took part in the meeting and was heartily greeted by the membership, as he has been engaged in the work of the A. O. U. W. for a number of years and was here looking after the securing of new members several times, and expects to engage in the work of advancing the interests of the order in this city in the near future.

The next speaker introduced was Grand Recorder Evans, who talked along the lines of fraternity and drew a beautiful picture of life and co-operation.

Silas R. Barton was then introduced and he also talked on the fraternal side, and talked from experience, as he admitted the A. O. U. W. members had been instrumental in electing him auditor of state and later on to the U. S. congress, and he would always have a warm spot in his heart for the fraternal side of the A. O. U. W.

The meeting was then thrown open to general discussion and brothers from the different lodges represented were called upon to give expression as to how their members looked upon the increase in rates, and no one present had any serious objection to offer, for they all knew the time had arrived for the increase, as no order could long exist when they were paying out more money than they were taking in.

The following lodges were represented: Plattsouth lodges Nos. 8, 81, 84 and 297; Trenton No. 20; Lincoln No. 80; Cedar Creek No. 172; Union No. 254; Weeping Water No. 369; Nehawka No. 385. At 11 p. m. the meeting closed by singing the closing ode and the benediction by the grand master.

The meeting as a whole was of a great deal of interest to the members present and all were well pleased with the manner in which the new officers made clear the new rates and their effect upon the order.

## MRS. F. L. RHODEN GOES TO OMAHA FOR AN OPERATION

This afternoon Mrs. F. L. Rhoden departed for Omaha, where she will enter the Immanuel hospital to undergo an operation for an illness from which she has been a sufferer for some time. Mrs. Rhoden was accompanied to Omaha by her husband, and her father, G. W. Shrader, as well as her sisters, Mrs. Wolf and Mrs. Charles Creamer. That this lady will progress nicely will be the wish of her many friends in the county.

Wall Paper, Gering & Co.

## RAY McMAKEN RECEIVES INJURIES FROM MOVING ICE

From Saturday's Daily. This morning while Ray McMaken was assisting in securing a load of ice at the ice house on Washington avenue he was so unfortunate as to have the ankle of his left leg rather badly mashed by having a large cake of ice fall on it. The ice was being loaded into the wagon from a chute, and as a large cake came down the chute it struck Ray's leg as he was standing near the wagon assisting in putting the ice into the wagon and caught the leg between the cake of ice he was handling and the one coming and mashed the ankle, although, fortunately, no bones were broken. He is resting easy at last accounts and the injury will only inconvenience him for a few days.



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INSTALLATION OF A. F. AND A.

M. OFFICIALS FRIDAY NIGHT

Last Friday evening Plattsouth lodge No. 6, A. F. and A. M., held their installation of officers, with a large attendance of the membership present to assist in the ceremonies, which marked the raising of the officers to their stations in the order. Those who were installed were:

- Oliver C. Dovey, W. M.
- Chester W. Baylor, S. W.
- William J. Streight, J. W.
- Carl G. Fricke, treasurer.
- Michael Archer, secretary.
- Wiley G. Brooks, S. D.
- Michael Mauzy, J. D.
- Thomas S. C. Dabb, tyler.

## Chamberlain's Colic, Cholera and Diarrhoea Remedy.

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