MRS. EMMA B. MANCHESTER WINS HER CASE

Supreme Guardian Continues to Control Field Work—Judge Fawcett Dissents From Opinion of the Court.

"Woodmen of the World, spare that Manchester tree," is the effect of a judgment of the supreme court of Nebaska in the form of an order of injunction prohibiting the supreme executive council and Dora Alexander and Mary E. LaRocca from interfering with the duties of Mrs. Emma B. Manchester, supreme guardian of the Woodmen circle. The order of the court was issued as the result of litigation between contending factions in the Woodmen circle. It settles the controversy in favor of Mrs. Manchester.

The supreme executive council of the Woodmen of the World had attempted to deprive Mrs. Manchester of the control of certain duties which she has heretofore performed, particularly the control of field work, such as the organization of local groves and the appointment of field wokers, and the control of the official newspaper of the organization.

The council sought to clip the wings of the supreme guardian by passing a resolution giving the field work and certain other duties over to a committee of the three, of whom Mrs. Manchester was one and Dora Alexander and Mary E. LaRocca were the others.

Attorney General Reed started on original action in the supreme court to decide who was boss in the fraternal order. The supreme court holds that he has a right to file such a suit. The court finds that the executive council could not take the action it did take without authority from its superior body, the supreme forest, and the action of the council was void. The court finds that the language of the laws of the organization is ambiguous as to powers and duties of certain bodies adn officers, and when this is the case it holds that in as much as Mrs. Manchester has been performing certain duties she may continue.

Judge Fawcett dissents from the opinion of the court. He holds that the resolution adopted by the council is not legislation that needs the sanction of the supreme forest, but is an order from the council as to how the busines of the oganization shall be managed, that the resolution is within the power of the council which has general control. Judge Fawcett holds that this general control extends over the supreme guardian, and that because no such order had been found necessary in the past does not mean that the supreme guardian, Mrs. Manchester, is independent of the control of the council.

Judge Sedgwick wrote the opinion adopted by the court. Judge Rose did not participate in the case. The opinion of the court says:

1. The authorities of the state, under our statute, are given such control of fraternal beneficiary associations as to require the state to see that the interests of the members are not sacrificed by unauthorized usurpations of authority on the part of officers of the association. Under the circumstances in this case this court has original jurisdiction of an action in the name of the state brought by the attorney general in behalf of the insurance board to determine the jurisdiction and powers of the contending officers of the association.

2. A fraternal beneficiary association must, under our statute, have a representative form of government, that is, the governing powers of the association shall be elected directly or indirectly by the members. The governing body in the defendant association, called the supreme forest, is so elected and corresponds to the board of directors in an ordinary corporation. It is authorized to "enact laws for its own government and for conducting the business of the order generally." Laws so enacted in harmony with the constitution of the association and statutes of the state are binding upon the association and its officers and members.

3. The constitution of the order creates an executive council which is subordinate to the supreme forest. The council could not authorize a committee to conduct "business of the order generally" without the approval of a specified number of the members of the supreme forest, and its attempt to do so is held invalid.

4. When the language of the controlling writing is at some point ambiguous, the practical construction by the parties themselves must control.

In another suit decided by the supreme court Nora M. DeBolt is declared to be entitled to the office of supreme banker, an office that pays $1,500 a year. Ira M. Kelly had refused to give up the office and suit was instituted. The district court of Douglas county dismissed the case. The supreme court now reverses that judgment with directions to enter judgment in favor of the plaintiff who was relator in a mandamus suit to obtain the office. The plaintiff showed that at an election there was a tie vote and Mrs. Manchester ordered another ballot. On the second ballot Nora M. DeBolt was declared elected.

GERMAN TRADERS EXPECTING PEACE

Interned Vessels Ordered to Prepare to Resume Regular Service.

New York, Dec. 19.—Action taken by German shipping interests in evident anticipation of peace was revealed here today when announcements came from the local officers of the two big German trans-Atlantic liners that instructions had been received to make freight contracts for shipments from New York to Germany "after resumption of our regular service."

"We take pleasure in announcing," said a statement issued by the Hamburg-American line, "that we are now open to make freight engagements for shipment upon the resumption of our regular service after the conclusion of peace or such earlier time as the obstacles to such resumption may be removed."

In a notice sent out to freight agents and brokers by Oelrichs & Co., general agents in this country for the North German Lloyd steamship company, a similar announcement was mare for freight contracts between this port and Bremen. It was said that such contracts would not guarantee any date and would be made subject to cancellation in the event conditions would prevent their being carried out.

ENGLAND BEGINS RESTRICTIONS ON FOOD CONSUMPTION

London, Dec. 19.—The first food restriction went into force in England today. Hotels and restauants ae now forbidden to serve more than two courses for breakfast or luncheon and three coursese for dinner.

Little inconvenience was experienced in connection with the first two meals. The Englishman's usual breakfast consists of a cereal and bacon, eggs or fish and except in the more expensive places a luncheon of two courses is the rule. It was in arranging for a dinner of three couses that the caterer experienced the most difficulty, but even in this case few are likely to go hungry as hors d'oeuvres and soup count only half a course and for the two other courses, diners have the choice of fish, entrees or roasts, with vegetables and deserts. Cheese with bread and butter, or crackers is not counted as a couse.

The meatless day which is expected to follow shotly will prove a more difficult problem for restaurants which make a specialty of roasts.

Milk in Winter.

Why do your cows give less milk in winter than they do in summer? Just because nature does not supply them with grasses and green food. But we have come to the assistance of Dame Nature with B. A. Thomas' Stock Remedy which contains the very ingredients that the green feed supplies in season, only, of course, in a more highly concentrated form. We guarantee that this remedy will make your cows give more milk, and better milk with the same feed.

H. M. Soennichsen.
Puls & Gansemer.

L. T. Bonner, the real estate man of Imperial, is in the city attending to some business affairs with W. E. Rosencrans, the local representative of the land company and who has made several very successful excursions from this county to Chase county with land seekers.

E. G. Dovey, who is attending the medical department of the Northwestern university at Chicago, came in this morning for a visit during the holidays with his parents. Mr. and Mrs. H. N. Dovey and family.

Mrs. F. A. Raker of Imperial, Neb., is in the city for a short visit at the home of Mr. and Mrs. W. E. Rosen-

ITALIANS SEE NO BASIS FOR PEACE

No Opening Offered for Negotiations, Says Foreign Minister.

Rome, Dec. 19.—(Via Paris.)—Foreign Minister Sonnino said in the chamber of deputies today that several resolutions which had been introduced in the chamber in regard to the peace proposals of the central powers seemed to be based on the supposition that the government had, or would have, concrete and precise indications as to the basis on which negotiations would be made.

"As I said on the day before yesterday, this supposition does not correspond with the facts," the foreign minister continued. "There is no sign of conditions or basis for negotioation in the enemy's note. I possess no information in regard to eventual conditions of peace, beyond the note from the enemy which I read in the chamber.

"Should propositions be made subsequently, we should consider what to do, but it would be neither practical nor proper to discuss that question today. Moreover it should be understood clearly that no one of the entente allies could take into consideration any condition whatever by hypothesis which might be eventually offered to him under separate form. In the public interest and out of respect to allied governments I cannot communicate to anything whatever as to the substance of the answer we will give to the note of the four enemy powers. The reply to the enemy will be published as soon as it is drawn up.

Wishes Peace.

"We all wish peace and lasting peace. But we consider a lasting peace to be a careful settlement whose duration depends not on the solidarity of the fetters with which one people is held subject to another, but on an exact balance among the states, based on respect for the principal nationalities, rules laid down in the laws of nations and reasons of humanity and civilization.

"If we were in the presence of genuine proposals, with a basis of a nature to satisfy the general postulates of civilization and justice which I have just mentioned, none would reject them abruptly. But there is nothing to show even faintly that this is the case and there are many reasons for believing the contrary.

"I do not desire to use exaggerated language, but the accent of the boastfulness and the lack of sincerity which characterize the preamble to the enemy's note certainly inspire no belief that these mysterious peace conditions which the central empires announce that they have the intention of exposing later on, with the object of quaranteeing the existence, honor and free development of their peoples, do constitute an answer to the postulates we have laid down."

Baron Sonnino appealed to the deputies of all parties in the words of Premier Briand of France not to permit the move of the central powers to "poison the mind of the people," and urged them to refrain from "playing the enemy's game" by giving way to rash or untimely manifestations which might implant the germs of division and discouragement. He asked them not to vote any order of the day which might let it be supposed that the attitude of Italy differed from that of her allies.

Amid an outburst of cheering for Baron Sonnino, the chamber voted the order of the day, pure and simple, implying confidence in the government, and further, ordered that the foreign minister's speech be placarded throughout Italy. The vote on the order of the day was 276 to 49.

NEW BOOK ON CANCER.

This book gives a most comprehensive explanation of cancer and its successful treatment without the knife. Based on actual experience of more than sixteen years and laboratory research covering more than ten thousand cases. The book will be sent free by addressing O. A. Johnson, M. D., Suite 529, 1320 Main St., Kansas City, Mo. Send for a copy today and learn some facts about cancer.

Mrs. George A. Kaffenberger and daughter, Miss Mina, were passengers this morning for Omaha, where they went to meet their daughter and sister, Miss Ola Kaffenberger, who is returning home for the holidays from Cedar Falls, Ia., where she is attending school.

IN PLATTSMOUTH FORTY YEARS AGO.

Mr. Mutz has a new kind of lamp chimney, which is warranted not to break, and will not under ordinary useage, but he put too severe a test on one and it flew into pieces.

We hear the name of Moses Stocking for land commissioner, a new office created by the new constitution. It is an important office, the commissioner having charge of all public buildings and grounds and lands, and no better man than Stocking could be suggested.

Jones is fairly settled in his new stable over on Vine street (along with the Herald), and has got a very nice place to do business in. He has got another new driving team, besides Flora and Queen. Two pretty greys excellently matched both for color and gait, and very nice steppers to boot.

Mr. A. J. Swartz, an old friend of the Herald many years ago, and well known in this neighborhood, having married here, has just moved back to Plattsmouth with his family. Mr. S. is the general agent for the Wheeler & Wilson Sewing machine in Iowa and Nebraska.

Mr. Matthews, book agent, formerly of Greenwood, has moved into town, and will settle here, taking the old G. L. Seybolt house.

Died.

H. E. Ellison, formerly probate judge of this county, died at his residence in Plattsmouth on Sunday morning, December 24, 1876, of typhoid pneumonia. Judge Ellison was 41 years old last July, and was one of the oldest settlers in the county, living at Oreapolis in '56, afterwards moving on a farm near Rush Chilson's. He served two terms as probate judge of this county, previous to the present incumbent. His taking off was rather sudden, although his health had been failing for some time. We understand his financial affairs were not the brightest, and deeply sympathize with the widow and children in their bereavement.

Doing the Work.

W. T. Nanney, Noel, Mo., writes, "Your B. A. Thomas' Hog Powder is doing the work down in this part of the world. It proved to be what we needed to prevent and cure hog cholera and expel worms."

H. M. Soennichsen.
Puls & Gansemer.

Wanted—A married man with small family wants position on farm. Inquire at the Journal office.
12-18-tfwkly