

## IN THE WHIRLPOOL

### LOSS OF THE STEAMER STRECKER IN THE GREEN RIVER RAPIDS

Many Passengers Narrowly Escape With Their Lives—Thrilling Experience of a Rochester Girl—The Story of the Rescue

The captain of the steamer George Strecker which went down during a blizzard, in the whirlpool of the Green river, had navigated the rapids for over twenty years previous to the fateful trip. The accident occurred soon after the passengers had breakfasted and many of them were on deck watching the troubled waters. Among them was Miss G. E. Redfern, of No. 98 Ambrose street, Rochester, N. Y., and her account of the accident and of her thrilling rescue gives the best story of the passengers' fierce struggle for life.

"When the boat sunk," says Miss Redfern, "some of the men jumped into the water and swam for shore. Others were clinging to floating bales of goods and these were rescued by some men in a long boat. I was caught on a projection of the steamer and went down with her. One of the crew dived and brought me to the surface when somebody threw a life preserver over my head. A young man helped me on a bale of wool which floated past and so I reached the shore."

At the time of the accident Miss Redfern was returning to Rochester from Kentucky but, owing to the shock of the accident, she reached home in an alarming state of health.

"I was covered with ice," she said, "when they brought me ashore. I was black and blue from my bruises and my relatives said they did not think I would live. And for a long time, until I took Dr. Williams' Pink Pills for Pale People, my nervous system was a wreck. Doctors had not helped me and I was very miserable. My health ran down to an alarming degree, I was weak, grew thin and was extremely nervous and irritable. But Dr. Williams' Pink Pills changed all this. In a short time after beginning with them I felt better and, after using a few boxes more, I felt like my old self again."

These pills have become famous all over the world for their wonderful efficacy in cases of nervous troubles, small or great. They have cured when the trouble was more severe than Miss Redfern's and they cure lesser nervous disorders without fail.

At all dealers or direct from Dr. Williams Medicine Co., Schenectady, N. Y., 50 cents per box; six boxes, \$2.50

#### For Sale and Exchange

No. 463. Hardware and groceries, \$4,000; half cash, balance land. No. 469. Huber threshing outfit complete for land. No. 492. General merchandise, \$5,000, small ranch. No. 510. 360 acres in Harlan county for merchandise. No. 511. 160 acres in Harlan county for livery. No. 512. Ranch, \$3,500, for merchandise. No. 513. Hardware, \$3,500, for land. No. 493. General merchandise, \$3,500, at 85c. No. 521. General merchandise, \$5,000, for land. No. 522. 360 acres in Vernon county, Missouri, for merchandise. No. 525. Grocery and confectionary, good country town, \$700. No. 527. General merchandise, \$14,000, at 65c. If you wish to buy, sell or trade, this is headquarters. T. M. Cline, 1238 O st., Lincoln, Neb.

#### Lincoln Hide Market

The Lincoln Hide & Fur Company, 929 R street, Lincoln, Nebraska, successors to S. J. Dobson & Co., quote the following prices, f. o. b. Lincoln, until further notice: No. 1 green salted hides, per lb., 6½c; No. 2, 5½c; bulls and side branded, 5½c; green hides 1c lb. less than salt cured, horse and mule hides, large, each, \$2.35; small, 75c-\$1.50; green sheep pelts, each 40-75c; dry pelts, 5-8c per lb.; dry flint butchered hides, per lb., 12-13c; dry fallen, weather beaten and murrain hides, per lb., 5-10c. Our classified fur list, together with little booklet telling how to trap, skin stretch and handle furs and hides to obtain the best results, will be mailed free to all upon request, also write for tags and general information any time.

Members of Legislature Will Find

## The Hotel Walton

1516 O STREET.

the best and most convenient low priced house in the city. Rates \$1 per day and up.

## THE M'LUCAS CASE

Charles Wooster Adds to Comments of Mr. Galbraith—Thinks Rehearing Should be Had

Editor Independent: I have read with much interest the letter of Mr. Galbraith in The Independent of March 12 in regard to the late decision of the supreme court in the case of McLucas vs. St. Joseph & Grand Island Railway company. Mr. Galbraith's suggestion that he would like to hear from others in the columns of The Independent reminds me that I had already intended to write you on that subject. As he states, the decision which is to the effect that title to any part of a railroad right of way cannot be acquired by adverse possession, is one of great importance to those whose property joins a railroad right of way, and not only that, but to land owners generally, for no one knows how soon it may be that a railroad may cross his own farm. In a much larger sense, it is a question of great importance to every citizen of the state whether a freeholder or not. For in it is involved the question as to whether the corporations, a creature of the law, is to be preferred to the citizen who makes the law. That that has been done in this case I think would be evident to any unprejudiced person on reading the opinion in the case, written by Commissioner Kirkpatrick, and the briefs of the attorneys, pro and con, as it has been my privilege to do. I have not the opinion and those briefs now before me and therefore can speak of them only from memory.

In reading the briefs of the attorneys on either side I was impressed with the fact that they appeared to be much more solicitous as to authorities, as to what other courts had said in similar cases, than to the real merits of the case in hand. What should it matter to the supreme court of the state of Nebraska what some judge in Kansas, Tennessee, Vermont or Michigan may have said? They are all human. Who knows to what influences they may have been subject, or what favors they may have received from the railway companies in whose favor they decided as against the people? Perhaps, like Commissioner Kirkpatrick, they had been railroad attorneys so that to work for railroads had become a second nature to them. Who knows of the fat fees they may have received from those self-same railroads, now they may have feared the powers of those railroads as to the gratification of their political ambitions, or how, at the time they handed down those opinions, their pockets may have bulged with railroad passes? The arguments and conclusions of learned judges, without doubt, may be profitably studied, but ought not to be servilely followed, and both courts and attorneys would do well to give more attention to the equities of the case in hand and less to musty precedents. We elect our judges (we didn't elect the supreme court commissioners) to administer justice under the constitution and the law, and we would like to have them do it, remembering always that in construing the law they should lean to the side of the weak and defenseless rather than to the side of the great and powerful.

In his opinion Commissioner Kirkpatrick (perhaps it might have been one of the attorneys) held that one occupying a part of a railroad right of way, no matter though he may have been in actual possession for 30 years, was not in adverse possession until such time as an attempt might be made to dispossess him, and that until that time the statutes of limitations would not begin to run, a most absurd proposition and, if held to be of general application, would completely nullify the statute of limitations. But it is a good enough contention for corporation lawyers and judges who wish to make the worse appear the better side.

In determining the question at issue Commissioner Kirkpatrick said the decisive consideration with him was the fact that title to any part of a public highway, meaning a common wagon road, could not be acquired by adverse possession, and that, since the constitution declared railroads to be public highways, that settled it. But the cases are by no means parallel, and the law which applies to the one does not necessarily apply to the other. In case two engines should meet and one should throw the other into the ditch, killing its engineer or fireman, I suppose the very learned commissioner would hold the engineer whose engine remained on the track guilty of murder, for the reason that he did not give half the road as the law requires. In a sense a railroad is a public highway, but in a more particular and exact sense it is the property of the stockholders oper-

ated solely for their own pecuniary benefit. While the law very properly gives a railroad corporation the right of eminent domain, it limits the corporation to taking "so much real estate as may be necessary for the location, construction and convenient use of its road" with the proviso that the land so taken shall not exceed two hundred feet in width, and the constitution provides that "the exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of the property and franchises of incorporated companies already organized, or hereafter to be organized, and subjecting them to the public necessity the same as of individuals," from which it would seem that the framers of our constitution intended, insofar as practicable, to place railway corporations on a level with private individuals. If then a railway corporation takes more land than it can use, and non-use for ten years should certainly be sufficient time to establish that fact, it ought to lose what it has not used, and in what better way than by the operation of the statute of limitation? In good conscience and sound sense, what good and sufficient reason is there why, in this matter, a railway corporation should be put above a private citizen? But, says Commissioner Kirkpatrick, in substance, if this were permitted it might result in so restricting railway companies that they could not operate their roads. A sufficient answer to this point is that never in the history of the state has such a thing occurred, and could not occur for the reason that while land was being used by a railway company no one else could use it, and if a railway company at any time needed land which it lost, or never had, it could take it by the exercise of its right of eminent domain. The proposition that thousands of farmers, and others, should be eternally kept out of the use of millions of acres of land because some railway companies might, at some time or other, wish to use a few of those acres, or be continually bothered by pestiferous railway officials and underlings if they do use it, is utterly unreasonable. For example, the Union Pacific railroad crosses my land. For more than 30 years I have continuously cultivated portions of their right of way, paid taxes on the same for the entire time, always claimed it as my own and always refused to cease cultivation when the company from time to time notified me so to do. And yet Commissioner Kirkpatrick would claim that I have thereby acquired no rights which the Union Pacific Railway company is bound to respect and that they might dispossess me at will. This is contrary to reason, and Blackstone says that what is contrary to reason is contrary to law, and I believe that this is contrary to our law of limitations, Commissioner Kirkpatrick to the contrary notwithstanding.

While I regard the decision in the above entitled case as bad, a railroad decision of an aggravated kind, I cannot agree with Mr. Galbraith in his condemnation of the supreme court for giving it. I very much doubt that any one of the three judges ever read Commissioner Kirkpatrick's opinion, or even looked at the briefs of the attorneys. It is true they approved and signed it, but, I apprehend, that was done as a part of their regular routine. It is a physical impossibility that they should review all the opinions of the nine commissioners, while at the same time busily engaged in preparing opinions of their own. I quite agree with Mr. Galbraith that the decision ought not to stand. But, if it is not to stand, there must be a rehearing. I sincerely trust the McLucas Bros. will ask for a rehearing, that it will be granted and that next time the matter will be heard by the supreme judges themselves who were duly elected by the people for such purposes. A case of so grave import to thousands of citizens ought not to be determined by a department of an unconstitutionally constituted body of commissioners created by act of the legislature. CHAS. WOOSTER, Silver Creek, Neb.

A federal judge at Indianapolis sent two lawyers, David A. Sachs and W. W. Watts, to jail for sixty days for contempt of court. The men are prominent attorneys of Louisville, Ky. When a workingman disobeys an injunction he is tried, without a jury, for contempt of court and sent to jail. That has worked so well that the federal judges are beginning to try it on lawyers. None of the lawyers ever protested when a workingman was treated that way. Now that two of the guild are treated to a dose of the same medicine, we will see what they have to say. The power of the federal judges is being extended every day.

# Fits

Baby Had Two to Six Every Day.

Suffered Terribly—Doctors Failed.

Dr. Miles' Nervine Cured Him.

Weak, nervous, fretful, puny children require a treatment such as only Dr. Miles' Nervine affords. When neglected these symptoms lead to epileptic fits or spasms. Every mother should strengthen her own and babies' nerves with Dr. Miles' Nervine, a true specific in all nervous disorders. Read the following:

"When my little boy was 18 months old he had cramps in his feet and hands. They would be drawn out of shape for two or three days. At first liniment seemed to help but in about two weeks nothing did any good the doctor gave him. We called another doctor but his medicine did no good so we changed to another who called it spinal disease. By this time the child's body was drawn out of shape; his backbone was curved to one side and his hands and feet out of shape. His sufferings were terrible, and he was having from two to six fits a day. I was taking Dr. Miles' Restorative Nervine for nervous trouble and saw it was recommended for fits, so I thought I would see if it would help him. All three doctors had given him up. One-half bottle stopped the fits and his limbs straightened, and another bottle cured him. He is now a strong, healthy boy going to school. I have waited to see if the old trouble returned, before writing you, but it never has. I cannot praise Dr. Miles' Nervine enough, as I know it saved my boy's life."—MRS. URIAH NELSON, Lansing, Iowa.

All druggists sell and guarantee first bottle Dr. Miles' Remedies. Send for free book on Nervous and Heart Diseases. Address Dr. Miles Medical Co., Elkhart, Ind.

## POPPLETON FARM SOLD

The Andrew J. Poppleton Farm Containing 640 Acres of the Best Land in Douglas County Near Elkhorn Was Sold.

### FOR \$45,000 IN GOLD CASH

The Bankers Reserve Life Association Furnished the Purchaser \$20,000 at 5 1-2 Per Cent on a Ten-Year Mortgage.

Every Douglas county policy holder in the Bankers Reserve Life association will be pleased to know that \$20,000 of the company's reserve for protection of policy holders is secured by a ten-year mortgage upon the Poppleton farm of 640 acres. No policy is written by this company for more than \$5,000 on any single life. Four times this sum is safely invested in the above-mentioned mortgage, thus affording Douglas county policy holders a security which they know is first class, and is within their range of vision.

THE BANKERS RESERVE LIFE has now \$75,000 invested in Nebraska securities for the protection of policy holders. Before the year 1903 ends this snug little sum will be more than doubled. Persons interested can visit the Poppleton farm and see for themselves the character of the security. The same conservative, careful, business like methods are used in every investment made. Farm mortgages, school and municipal bonds are the favorite forms of investment.

B. H. ROBISON, PRESIDENT, personally supervises every purchase of bonds and every mortgage. With an experience of twenty-five years in Nebraska, he is abundantly capable of selecting gilt-edged investments. No trust company in the state has a better class of securities. The Bankers Reserve Life management will make sure of every dollar put into any form of investment. Insurance commissioners in a half dozen states have commended the wisdom and care with which moneys of the company are used whether in expenses, or investments, and no company in the union stands higher for prompt settlements of claims and payment of liabilities. Write B. H. Robison, president, Omaha, for rates on a \$5,000 gold bond policy.