

FORCE OF HABIT.

By GRACE LINCOLN.

Early Rapidio was always ahead of time, usually one hour. When he was a baby he would awaken from his naps before he was expected to, not that infants are reliable as to the hour of their waking and sleeping, but, for instance, if he opened his eyes at 2 the first day, it was 1 the day after, 12 the next, and so on.

His parents tried all sorts of means to restrain Early, and the following is an example of their success. One night Mr. Rapidio put a handkerchief on one of the sofa's wrists, and fastened a chain from it to a ring secured to the bedpost. He retired with the idea that on the following morning when he came down to breakfast he would not see Early standing in the doorway of the dining-room.

After a refreshing night's sleep on the head of the house was awakened by a clanging rattling sound on the stairs. He rushed out of his room and saw Early disappear through the hall with the chain, padlock and bedpost dangling after him. "How in all possessed did you get away?" shouted Mr. Rapidio.

"I did it with my little hatchet, father," cheerily replied the truthful boy.

Early grew up and went to college. His "fitness" afforded much amusement for his fellow-students, but after while they became accustomed to his being an hour ahead of any one else, and beside, they found him most useful in buying tickets for ball games. Owing to his eccentric habit, he was first in line and would get any number of seats for his friends.

He then explained to her how he had been left to wait for her, and of his mistake.

From that day Early and Lily met often, but if the meetings were sweet, they were decidedly short. Early would arrive at a social gathering an hour ahead of time, and Lily got there an hour after every one else.

As time passed, and the meetings continued to admit of but a passing word or two, Early was in despair as to when he would ever be with her long enough to propose. Wherever he went he thought of how he could say the words quickly enough.

"I love you," or "marry me." Late one afternoon he boarded a cable car. It was crowded, and Early was jammed against the door, just inside. As the car jerked backward and then forward it threw a young woman who had got on violently against him.

The next moment she had rights herself and nodded her head. He took her arm and helped her off the car, then rushed across the street and into a jeweler's store, where he bought her a sparkling solitaire. Early wished to be married the next week, but Mrs. Lattily would not listen to such an arrangement.

"Lily is my only daughter," she said, "and four months from the day of your engagement is the earliest date I will ever consider."



ON ROUNDING THE CORNER, HE RAN INTO THE END OF SOMETHING WHICH CAUSED HIM TO NEARLY DOUBLE UP.

The first time he was asked to a dinner party, the father of his hostess, coming home, found him standing on the steps outside. Never having heard of Early's custom, he concluded a mistake had been made as to the hour of dinner in his invitation.

Papa, therefore, hurried through his toilet and entertained his daughter's guest until that young lady made her appearance. After that he was asked an hour later than other people hidden to a feast or function. About this time Early swallowed a germ, which produced a disease called love, from which there was no escape.

The day of the wedding dawned bright, clear and spring-like. The best man was obliged to go for the minister, but he had spent several minutes in the ante-room with the bride and groom, and he had to wait for three-quarters of an hour at least, and that he, the best man, would be waiting for him in the ante-room of the church.

The best man had to wait for the minister and did not reach the church until ten minutes before 12. He rushed into the room where he expected to find Early. It was empty! He looked through a small opening between the curtains, which separated him from the church proper, and his heart sank within him. For there, in full view of the incoming friends and relatives, stood Early! To all outward appearances the groom was as calm as if he were waiting on a corner for a car.

"It isn't right to leave him there alone, but if I join him I shall act like an idiot, and I'm fully convinced he will never retreat until Miss Lattily arrives."

"It is a strange case, surely," murmured the minister. The only thing for you to do is to wait for the bride party, and join him as they approach.

The majority of the people who had been asked to the wedding expected it would be different from any other they had ever attended, and after they had been in the church a few minutes they became accustomed to seeing Early Rapidio standing alone at the altar, facing them.

Immediately after his friend, the best man, had left him, Early had caught up his hat and gloves and had dashed from the house. Upon arriving at the church he had walked sedately in and had taken up his position in front of the altar, like a general who will never leave the field until his mission is accomplished.

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SUPREME COURT SYLLABI.

826. Combination Gas Engine Company against King. Error from Saline county. Affirmed. Harrison, C. J.

1. A judgment based on a finding on evidence in which there is a conflict relative to the material point, but of which there is sufficient in support of the finding, will not be disturbed.

827. Lackey against State. Error from Hitchcock county. Reversed. Harrison, C. J.

1. The correctness of the ruling of a district court in giving or refusing instructions cannot be set aside on appeal, unless such ruling is first challenged in a motion for a new trial.

828. Anderson against Kreidler. Appeal from Douglas county. Harrison, C. J.

1. A finding of the court that the question of priority between two mortgages was not settled in a prior action held supporting the action in the present litigation.

829. Phillips against Dorris. Error from Saunders county. Reversed. Harrison, C. J.

1. Only a joint tenant or a tenant in common of real estate can maintain an action for its partition.

2. An administrator or executor is neither a joint tenant or a tenant in common with the heirs of a decedent, and cannot maintain an action for the partition of any existing interest in real estate.

3. Where, in an action on a contract of insurance, the death of the insured is proved, and the amount of the loss is in dispute, the jury is to be guided by the facts and circumstances, and is not to be bound by the findings of the court.

830. Kaufman against Drexel. Appeal from Douglas county. Reversed. Sullivan, J.

1. The word "thereupon" as used in section 168 of the Code of Civil Procedure, is an adverb of time signifying without delay.

2. If, in an action of replevin pending before a justice of the peace, the plaintiff fails to pay the value of the property taken on the writ, he is liable for the costs of the trial, and is not entitled to a judgment of acquittal.

831. A proceeding in quo warranto, brought by a claimant to the office, will not be dismissed on a review of the case in this court if the claimant has shown that he is entitled to the office, and that he is not a party to the proceedings.

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