THE GENERAL MANAGER'S CONTRIBUTION.

By HAMILTON P. FAIRMAN.

(Copyright, 1900, by H. P. Fairman.)

We had been on the road something over a week in an official private car. The business part of the trip was over and the several officials gave themselves up to cards, checkers, stories and other amusements during the return journey. Nearly every one present had related some thrilling adventure which had occurred to him or come within his notice, but the general manager. He had done little in the way of entertainment and had joined but reservedly in the laughter which some of the tales aroused. As we crossed the Mississippi into Illinois he in some manner got possession of a magazine which held his attention for some time. Finally he tossed it upon the table and observed:

"Well, they may talk all they want to about dispatchers, but in all my experiences I have seen but one man who filled the bill in every particular. He was the man whom Old Foxey couldn't fire under any consideration. That man was Dobbs," he went on, knocking the ashes off his cigar. "He's general manager of the Q-P system now."

"Dobbs always was a railroad man. He began with the shovel wh they built the K. C. division of the B. I C., and when I met him we came together in the dispatcher's office. He worked the second trick and I tried the third. But with all of his ability he was a peculiar cuss and is today. He never cared whether he worked six, eight or fourteen hours. I could relieve him whenever I chose, it was all one to him. When I put in an appearance he would say something like this: 'Had to hold 17 at Minden—can't get in on the siding at Blair—'twill lay her out 25 minutes—be good to her against 24—24 is light,' and take his hat and leave the office.

"The dispatcher, a man named Marshall, who died in Mexico a good many years ago, had learned that he could rely on Dobbs as he could not do on any of the rest of us. Not a single man on the road knew the division as Dobbs did. Every inch of grade, the length of every siding, how many cars were standing on the sidings, and in fact every detail of the road and trainmen was catalogued in his mind. He knew what engineers he could depend upon to make up lost time; just what could be expected of each and every crew.

"He always called the dispatcher Billy with an easy, assured familiarity. I remember one day that 'Billy' was figuring out a meeting point for a long local freight against number 4, the limited. Dobbs was looking over his shoulder when he finished the order.

"'Never do, Billy. You'll lay out No. 4—27 can't get in at Birden—fourteen empties on track there.'

"'She'll have to stay where she is, then,' returned the dispatcher, crumpling the order in his hand.

"'Lay her out thirty minutes,' replied Dobbs. 'Let's see. She's pulling twenty-three loads and twenty-one empties—five scrapiron. Let her leave ten empties and the scrapiron at Flat Creek and pick up the empties at Birden. Scrapiron ain't perishable. Jones'll pull her over all right and Burns' crew will handle the cars.' And he went on whistling. Not another man on the division would have dared even to criticise 'Billy,' let alone dictate orders to him.

"But that wasn't what I started to tell about. Dobbs, with all his good qualities, had one very bad fault. About once a month he would absent himself from the office one or two and sometimes three days. He seldom said anything to any one, but would simply board No. 9 and pull out. He invariably returned on No. 4.

"On these occasions I was usually transfered to his trick and a new man put in my place.

"Well, one day in January, just as the ice began to come down from the north at the rate of from ten to twenty extra trains a day, a messenger came for me to report in Dobbs' place. When I arived at the office the division superintendent and the dispatcher were just finishing what had evidently been an animated conversation.

"'He's the best man that ever worked a wire out of this office—or any other, for that matter,' the dispatcher was saying. 'When he's here there isn't the first thing to worry about!'

"'Yes, I know, but when he isn't here there's enough to worry six men, for you never know when he's going or what time he's coming back. Put Patterson in for the third trick and keep an eye on him for a day or two. When Dobbs comes back send him to me,' and the great man stalked out of the office.

"'It's all up with Dobbs, I guess,' remarked the dispatcher as he gave me a hurried word picture as to how the trains were running at that moment.

"Extras north, extras south, extras in one, two and three sections. It was certainly the most nerve-trying day that I ever had put in. I managed to get through with little discredit, however, and turned the devision over to young Patterson in fairly good shape. He got through all right and everything seemed to be working smoothly.

"The next night I took a run down to the junction to see a friend there. Our wires all came into that office, and I listened to Patterson as he reeled off orders by the yard. I could tell that he was somewhat nervous, but thought it was only stage fright. But instead of regaining his composure he kept getting more rattled than ever. Suddenly I heard something like this ticked off to him:

"'First and second sections of extra south and second section of extra north and first section of No. 17 here. Want orders.' My hair fairly rose on end. How on earth he had managed to get all those trains at a little one-horse station without a wreck was a wonder to me.

"I grabbed my hat and flew across the town for the office. When I got there I saw Patterson sitting at the key white as a ghost. He was sending an order 'No. 49 take siding at Rollins to meet No. 4—' he was saying. Some one broke him and said, 'O, h—; Rollins siding wont hold half of 49—would have to back two miles to get over the hill.'

"I glanced at the train sheet. It was in a hopeless jumble. Some of the trains had not been recorded for two hours—had jumped clean off the earth, so to speak. The dispatcher came in on a run at that moment.

"The man who broke Patterson now had the wire hot. Orders were flying in rapid succession. The dispatcher reached for the key and broke in. 'Wh—' 'Keep out— I'm busy,' came back the reply. He then glanced at the train sheet. One glance was sufficient.

"'Where's 12?' he gasped.

"Patterson only shook his head. No. 12 was a passenger. The dispatcher then turned to me I shook my head also.

"The sounder was rattling at a great rate. 'Repeat on No. 5,' we heard ticked off. 'Five's busy.' 'Take it anyhow,' came back the quick reply. Five was a commercial wire.

"To our astonishment the order was repeated and O. K'd over 5, while another was being sent over the dispatcher's wire. I looked over across the room at the dispatcher. His features were drawn and wrinkled and a cold sweat seemed to stand out on his brow. A whiter man I never expect to see. He was listening intently to the instruments. Suddenly his face relaxed, his eyes flashed and he reached across the desk for his key.

"'Hello, Dobbs,' he called.

"'Keep out, Billy, I'm too busy,' came the reply.

"Billy settled back into a chair with a sigh of relief. His elbows rested on the arms of the chair and he folded his hands in front of his face. Slowly the color returned to his face. He seemed half asleep. At the first lull of the sounder, however, he reached for the key again

"'Hello, Dobbs, where are you?' he asked.

"'Down the line aways,' came the reply. 'It's my trick, Billy, don't worry, 'every wheel is turning, but No. 12. Where was she last?'

"'Don't know. Off the sheet.'

"'I'll find her. Goodby, Billy,' replied the incorrigible Dobbs.

"We heard him trace her from station to station until he found she had left Marshall at 9:40. It was then 11 o'clock. North from Marshall there was no night operator for thirty miles. He called the man at Princeville.

"'Have you see No. 12?'

"'No,' was the reply.

"'Go out and see if you can see her,' came the order.

"'No, she ain't in sight,' came next. There was a pause.

"'Gilson, Conductor. Extra south.

"'Leave train at Princeville—take engine and crew, look for No. 12 south of Princeville,' was the next order.

"No. 12 was found about half way between the two stations with a crippled engine. The crew were chasing about the village like mad men in search of the agent. But he was not found.

"I looked at the dispatcher. He was asleep this time and no mistake. Patterson sat like a man in a stupor, his head bent forward till his chin rested on his white shirt front. I woke the dispatcher and we carried him away to the hotel. He managed to pull through, but he had lost all desire to gain wealth and glory in the employ of a railroad and drifted into the mercantile business and may be living yet for all I know.

"Dobbs returned the next day and after a stormy time with the superintendent returned to his old place. The only remark he made as he took his place the following day was 'Poor Patterson.'

"'Where have you been, Dobbs?" inquired the dispatcher.

"'Just away on a short wedding trip,' was the reply.

"We soon found that he was telling the truth. He had fallen in love with a girl agent away down the line at Cook's Bend. It was a small, out-of-the-way station and his monthly pilgrimages had been to this place. On this particular trip he had gone with the intention of bringing Miss Barnes home with him. She afterwards told me the story.

"'You see,' she said, 'Bob wasn't the youngest fellow in the world and he was afraid of being what he calls "guyed" if the men at the office knew about it. He actually used to hide when the trains went through. You see the night we were married I managed to forget something at the depot and we went back together to get it. While we were there he discovered what trouble the new man was in and he helped him out. He worked hard, for he had to remember everything, having no time to make a train sheet. Things went pretty easy after he found 12. That worried him a great deal. When he was in a hurry I O. K'd. the orders over No. 5.'"

And that was the sum total of the G. B.'s contribution to our entertainment during the entire trip.

LONG DRAWN-OUT LAWSUITS.

Disputes About Trifles Pile Up Expenses in the Courts.

Exchanges have of late told the stories of many queer lawsuits. It seems there are to be found in every community people who are only too ready at the slightest opportunity to rush into court with their troubles, even though if they were to win their suit the bills of their lawyers would more than equal any money compensation the courts might award them. In the majority of the cases reported the question of money reimbursement is not so much considered as is the desire to win by a favorable decision of the courts a moral triumph over the other side.

But in other cases the plaintiffs in lawsuits are after money. They consider that they have been cruelly wronged and they want to make the people who wronged them "sweat for it." For instance, there is the case of John Bunch, who is suing the town of La Plata, near Macon, Ga. Mr. Bunch was arrested on the 22d day of last August and incarcerated in the calaboose of La Plata. While he was in jail a swarm of honeybees, mistaking John's face for a red clover patch, alighted upon it and when he tried to brush them away the honeybees retaliated upon Mr. Bunch by stinging him several dozen times. Mr. Bunch swelled up so from the effects of the bee stings that he could not be carried out of the door of the jail and a section of the wall of the calaboose had to be removed to admit of the carrying to the hospital of the lacerated victim of the bee-lynching. Mr. Bunch was labored with for several days by doctors, who long despaired of his life. He says that being locked up in the La Plata calabcose, as he was on that fatal day in August, he had no opportunity to escape from the terrible onslaught of the honeybees and that therefore the town is morally and financially responsible for the assault.

Another lawsuit concerning bees is reported from Amity, Orange county, N. Y. In this town live two brothers, W. H. Utter and J. W. Utter, who, in spite of the name of their beautiful village, are not living in accord. The plaintiff, W. H. Utter, has 4,000 peach trees, while his brother, whose place adjoins, has about the same number of busy honeybees. The plaintiff in the case alleges that his brother's bees, following the injunction to "gather your sweetness while you may," come over into his orchard and damage his ripening fruit by drilling, boring, making, constructing and otherwise causing numerous and sundry holes in the peaches and by stinging, sapping and sipping his fruit to cause it to rot and otherwise to perish while still hanging upon the bough and to the great financial loss of the said W. H. Utter," and for which he brings his suit for heavy damages.

In previous years J. W. Utter, the owner of the predatory bees, has refused to listen to the plaints of his brother, saying that the bees that were robbing the latter's orchard were wicked bees that belonged to other hives than his. He said his bees were honest bees and that they were far too intelligent and trustworthy to go knowingly in broad daylight and pillage the orchard of their owner's only and dearly-beloved brother.

The owner of the peach orchard this year prepared a simple device to prove that it was the bees belonging to his brother that ruined his peach crop. Mr. Utter would wait until several hundred bees were feasting on some of his luscious fruit. Then he would cautiously approach them with a wire gauze sack which he would clap down over them, making the insects prisoners. Then the next step was to liberate the bees into a box in which there was a dish of honey, on which they were permitted to feed until they thought they had enough plunder to carry home to their own hives. Then Mr. Utter would open a small aperture in the end of the box, to which the bees would crawl in order to escape. But sprinkled on the floor of the box over which the bees passed was a large quantity of flour. The bees, all sticky with honey, would coat themselves liberally with flour and then stagger out of the box and fly away home, looking like white miller moths. Mr. Utter would have a bunch of witnesses on hand and they would follow easily the white bees until they could see them fly into the hives in J. W.'s back yard. Thus was the identity of the bee thieves accurately determined, and the prospects of their owner being able to establish an alibi for them removed.

Two hundred and fifty dollars have already been spent by Kentucky litigants over two hogs worth $10. Trigg Moore and Will Erwin, two farmers living near Stottsville, Ky., got into a dispute as to their ownership. A suit for the recovery of the hogs was instituted by Moore at Gainesville and a verdict gained. This suit cost $100. Erwin appealed to the quarterly court and two more lawsuits were had, both juries disagreeing, and the two suits costing $150. Both litigants are determined to fight the case to the end, and the struggle in the courts over those two $10 porkers is liable to continue for a long time if it does not terminate, as the neighbors fear it will, in a bitter feud that may cost something besides money.

From New York is reported a lawsuit that originated in a fight over a plate of hash. Lawyer Michael Duffy appeared as complainant in court against Edward Reuter, who owns a restaurant. Reuter says Duffy ate a plate of hash and did not pay for it. Duffy said that Reuter did not ask for pay, but seemed to want to get satisfaction out of his hide, as the restaurant keeper reached over without warning and struck him over the head with a chair leg.

W. E. Lyons of Iola, Kan., has already spent $20 to recover 40 cents, and will spend over $40 more before the final disposition of the case now pending is made. T. F. Strickland, the defendant, had a horse pastured in Lyons' pasture lot. He paid for two months' pasturage, but did not take his horse away when he intended, owing to sickness. The horse remained three days longer in Lyons' lot, for which Strickland tendered to Lyons 40 cents in payment. Lyons demanded 40 cents more and refused to let Strickland take his horse until the money was paid In the lower court Strickland won the case, but Lyons took an appeal and now it will be tried by a jury in the district court. It will take a day at least to try the case, and the cost of the jury alone will be $24.

The amount involved in a lawsuit at Guthrie, Okl., was even less than that of the Lyons suit for 40 cents. Two citizens of Guthrie are at law over 5 cents. The defendant won the first suit, but the judge ruled that the $48 costs should be shared by both parties to the suit. Now the plaintiff has taken an appeal.

At Sharpsburg, Pa., Estella B. Wagner has brought suit against the Consolidated Car company for $10 damages done to a dress she was wearing and which was ruined by grease on the floor of a street car owned by the defendant company, and on which the plaintiff was a passenger.

WHERE THE SUN IS MOVING.

Orb of Day and the Planets Traveling Toward the Apex.

More than a century ago, says Popular Science Monthly, Sir William Herschel was able to fix roughly what we call the apex of the sun's way in space, or the point among the stars toward which that way is directed. Herschel found that a comparison of old stellar observations seemed to indicate that the stars in a certain part of the sky were opening out, as it were, and that the constellations in the opposite part of the heavens seemed to be drawing in, or becoming smaller. There can be but one reasonable explanation of this. We must be moving toward that part of the sky where the stars are separating. Just so a man watching a regiment of soldiers approaching will see at first only a confused body of men. But as they come nearer the individual soldiers will seem to separate until at length each one is seen distinct from all the others.

Herschel fixed the position of the apex at a point in the constellation Hercules. The most recent investigations of Newcomb, published only a few months ago, have, on the whole, verified Herschel's conclusions. Later investigators have increased the precision of our knowledge, until we can now say that the present direction of the solar motion is known within very narrow limits. A tiny circle might be drawn on the sky, to which an astronomer might point his hand and say: Yonder little circle contains the goal toward which the sun and planets are hastening today. Even the speed of this motion has been subjected to measurement and found to be about ten miles per second.

The objective point and the rate of motion thus stated, exact science holds her peace. Here genuine knowledge stops, and we proceed further only by the aid of that imagination which men of science need to curb at every moment.

But let no one think that the sun will ever reach the so-called apex. To do so would remean cosmic motion on a straight line, while every consideration of celestial mechanics points to motion on a curve. When shall we turn sufficiently upon that curve to detect its bending? It is a problem that we must leave as a rich inheritance to generations that are to follow us. The visionary theorist's notion of a great central sun, controlling our own sun's way in space must be dismissed as far too daring. But for such a central sun we may substitute a central center of gravity, belonging to a great system of which our sun is but an insignificant member. Then we reach a conception that has lost nothing in the grandeur of its simplicity and is yet in accord with the probabilities of sober mechanical science. We cease to be a lonely world and stretch out the bonds of a common relationship to yonder stars within the firmament.

RUSSIA'S MOVE ON THIBET.

A Correspondent Who Sees Therin a Deadly Peril to English Empire.

Is the veil of mystery that has hung so long over the land of Thibet and its Lamas to be at last swept aside and Lhasa to be entered in the itinerary of the commercial traveler for Manchester textiles? It would certainly seem so from the recent statement of a correspondent, says the London Express. He says:

"For the moment we frankly admit that Russia, in its secret, stealthy way has stolen a march upon us and scored a point. The government of India, by its ostentatious neglect of all questions beyond the northern frontier of the peninsula, has contributed to Russia's success. When it allowed its agent at Kashgar, George Macartney, to be completely overshadowed by the Russian consul general, Mr. Petrovsky, it might have known that Russia would never rest satisfied until its influence was supreme throughout Chinese Turkistan and from the time of General Prejevalsky it has never concealed its ambition to pierce the Thibetan mystery.

"Confident in the security supposed to be conferred by the Himalayas the government of India has remained indifferent to the schemes imputed to Russia; now that they have made a step in the direction of realization it may, perhaps, see reason to review the situation."

Eighteen months ago an accredited Russian mission entered Lhasa. This is not altogether so extraordinary as the result, for "so supreme and secluded a potentate as the Dalai Lama" has been induced to send a return mission, which was recently presented to the czar at Livadia.

The writer, after suming up the dangers of allowing Russia to get a firm footing thus on our Indian frontier, concludes: "The success of Russia in establishing some sort of diplomatic relations with the Dalai Lama reveals all its perilous possibilities at a flash. We are not going to allow an Abyssinia to be created at the gates of Bengal, or the failure of Hunza to be obliterated in a triumph at Lhasa." And with this most thinking people will agree.

IRRIGATION IN NEBRASKA

Facts in the Case Recently Decided by the State Supreme Court.

DOCTRINE OF RIPARIAN RIGHTS UPHELD

Legal Review of a Question of Great Importance to People in the Semi-Arid Region — Past Legislation Annulled.

The citizens of Crawford desired to bring water down through their ditch for domestic use and also for irrigation and manufacturing. In June, 1891, one of their number made a filing for a water right and began the construction of the ditch. The ditch was commenced just above the Fort Robinson military reservation and it was necessary to construct it across the reservation in order to reach the village. Shortly after the work was begun it was interrupted by the officer in command of the post, because no license had been obtained from the secretary of war to cross the reservation. Subsequently the license was obtained and the work proceeded and a company was organized and the canal was so far constructed that water was turned into it in April, 1896.

An action was brought in the district court of Dawes county for the purpose of adjudicating White river—that is, determining the order in which those claiming water rights would be entitled to divert or use the water. All persons who had filed claims under the act of 1889 with the county clerks and all who claimed rights under the act of 1895 by filing claims with the secretary of the State Board of Irrigation and all who claimed the right to use the water in any way were made parties defendant. The plaintiff alleged priority of right over all the defendants. Two mill owners were included with the other defendants. The plaintiff alleged that these mills were private mills and not for the use of the public and that they had not instituted ad quod damnum proceedings and had no right to maintain their dams. The plaintiff claimed that the irrigation act of 1877 and the subsequent act of 1889 and the act of 1895 had changed the law of riparian rights, so that the owner of the banks of a stream was not entitled to have the full flow of the stream through his premises. It was claimed by the plaintiff that the doctrine if riparian rights was abrogated by the passage of the first act, in 1877, as to all lands belonging to the United States. In 1866 the congress of the United States passed an act which recognized the right of the people of a state to take the water running upon lands of the United States and to use the same for agriculture or mining and manufacturing purposes. This act also authorized the protection of such rights existing by local customs. The original section reads as follows:

"Section 2339—Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws and decisions of courts the possessors and owners of such vested rights shall be maintained and protected in the same and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed."

Afterwards, this act of congress was amended by section 17 of the act of July 9, 1870, so that patents granted for public lands should be subject to "vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under, or recognized by the ninth section of the act, of which this is amendatory." 16 Stat. C. 235, Sec. 17.

Plaintiff contended that this was an invitation to the several states to appropriate, by custom, or by legislative enactment, the running water on the public lands of the United States.

Irrigation Legislation.

This state, in 1877, accepted this offer of the general government, by the passage of the following act, contained in the Compiled Statutes of 1881, at page 159: "Sec. 158. Any corporation, organized under the laws of this state, for the purpose of constructing and operating canals for irrigation, or water power purposes, or both, may acquire a right of way over or upon any lands for the necessary construction of such canal, including dams, reservoirs, and all other necessary adjuncts to said canal, in the same manner as railroad corporations may now acquire right of way for the construction of railroads, and the provisions of law applicable to acquiring right of way by railroad corporations are hereby declared to be applicable to corporations, for the construction of canals for irrigation, or water power purposes, or both.

"Sec. 159. Canals constructed for irrigating or water power purposes, or both, are hereby declared to be works of internal improvement, and all laws applicable to works of internal improvement are hereby declared to be applicable to such canals." It was contended by plaintiff that these sections, by necessary implication, recognized the right of the people to divert the water from running streams for the purpose of irrigation, and that as the right to divert the water and apply it to irrigation could not exist at the same time as the right of the owner of the banks of the stream to have the full flow of the water through his premises, that the doctrine of riparian rights had been abrogated by these sections. These sections recognized the right to construct canals for irrigation, or water power purposes, and necessarily implied the right to fill them with water, and the right to fill the canal with water carried with it the right to take the water out of the creek or the river, and if the water was taken out of the creek, or the river, it could not run through the natural channel on the premises of the man who claimed to own the banks of the stream.

Contention of Plaintiff.

As the law passed by the legislature of this state took effect in 1877 it was claimed by the plaintiff that the passage of this law was notice to any one who might settle upon the public lands of the United States in Nebraska after that date that he took the land, if located upon the banks of a stream, subject to the right of any person above him, who might see fit to do so, to take water out of the stream and use it for irrigation purposes.

Hall, the mill owner, in whose favor the decision of the supreme court is rendered, entered upon public land of the United States in 1884, seven years after the passage of this act, and it was claimed by the plaintiff that Mr. Hall knew when he settled upon the land and built his mill that the water in White river was likely to be diverted and used for either domestic or irrigation purposes, because of this law, and that he, Mr. Hall, could get no vested right which would entitle him to a perpetual use of the water, as against those who settled above him, and who might construct ditches for the purpose of irrigating their farms and for the supply of water for domestic purposes to those who might settle in villages.

The plaintiff, in its petition, asked the court, if it should determine that the mill owners had vested rights, to allow them to pay any damages which the mill owners might sustain by reason of the diversion of the water.

The plaintiff also alleged that the mill owners had stood by and allowed it to invest more than $40,000 in the construction of its ditch for irrigation without objection, and that it was estopped to ask relief enjoining the plaintiff from diverting the water.

There was also an allegation in the petition that the mill owners were threatening to tear out the plaintiff's dam. (This the friends of Mr. Hall subsequently did.)

The plaintiff prayed for an order restraining the defendants from interfering with the plaintiff's use of its dam and inlet ditch and its means of diverting water.

The plaintiff further prayed "that the irrigation act of April 4, 1895, insofar as it assumes to confer judicial powers upon the State Board of Irrigation, shall be declared to be in contravention of the constitution of the state of Nebraska and the fourteenth amendment to the constitution of the United States of America."

Plaintiff also alleged in the petition that there was not enough water in White river for domestic purposes and irrigation and to run the said mills, and the plaintiff prayed that the mill owners, if found to have any rights, should be found to have rights second to the claim of the plaintiff, and that if it should be found that the mill owners had vested riparian rights and the court should so determine then that a jury should be empanceled to assess their damages and that the damages might be adjudged ratably and according to the benefits conferred on the several priorities of those who diverted the water for agricultural purposes.

Syllabus of the Court.

The second, third and fourth points of the syllabus prepared by the court are as follows:

2. Where the invalid portion of an act formed an inducement to the passage of the residue the whole act falls.

3. One cannot successfully rely upon a statute when he at the same time insists that a material portion thereof is unconstitutional, where it is obvious that the part claimed to be invalid formed an inducement for the passage of the remainder.

4. Chapter 93a, Compiled Statutes of 1897, did not abrogate the common law rights of riparian owners as they theretofore existed in this state.

The last point above cited, being in the syllabus, is binding upon the court, under the decision rendered in Holliday against Brown, 34 Neb. 232. From this point we gather that it is the view of the supreme court of the state of Nebraska that the doctrine of riparian rights is still in force in this state, notwithstanding all the legislation upon the subject of irrigation. A perusal of the body of the opinion would seem to lead to the same conclusion. It therefore follows that there is no power upon the part of the owner of any ditch to divert the water from any creek or river in the state for the purposes of irrigation. The doctrine of riparian rights is that the owner of the banks of the stream is entitled to the full flow of the water in its natural channel, through his premises, undiminished in quantity and unimpaired in quality. The conclusion is that the owner of any tract of land in the state of Nebraska, however small, is entitled to the full flow of the water in its natural channel through his premises and that if any person above him attempts to divert the water for the purposes of irrigation he may be enjoined by the owner of the land. If the court shall continue to maintain this view it means the end of irrigation in Nebraska.

Common Law Rights.

Chief Justice Norval, in his opinion, says: "We must conclude that whether this act is, or is not, in derogation of any constitutional provision, the suit could not have been maintained, insofar as it sought to adjudicate the rights of the parties to the waters of this stream, unless the common law rights of riparian owners to an uninterrupted flow of the water of a stream through or past their realty does not obtain in this state. It is conceded that if the common law principles, applicable to riparian proprietors, exists, then Hall had the right, at least by prescription, to the full flow of the water of this stream into his millpond. But it is contended that this common law doctrine is not in force here; first, because it is not applicable to conditions that obtain in this jurisdiction, and second, because it was abrogated by the law of 1877. To the first argument we answer that this court has a number of times approved and recognized the common law rule relative to the rights of riparian owners. Clark vs. Cambridge, 45 Neb. 793; Gill vs. Leidigh, 40th Neb. 503; Eidmiller Ice Co. vs. Guthrie, 42 Neb. 238, and has no doubt that that is the proper rule. Nor can we understand how the act of 1877 (sections 47, 48, chapter xviv, a, Compiled Statutes 1897), in any degree either repealed or modified the common law rule relating to riparian rights."

The effect of the decision would seem to be to wipe out all legislation upon the subject of irrigation and to firmly establish the doctrine of riparian rights.

Effect of the Decision.

While the court does not decide that that portion of the act which provides for the creation of the State Board of Irrigation is unconstitutional, because in derogation of section 1 of article vi of the constitution, it strongly hints at it. It says: "Without deciding that that portion of the act is unconstitutional, we will assume its invalidity for the purposes of this case, for a cursory examination of the act will convince anyone that the Board of Irrigation was one of the inducements to its passage, and it is so interwoven with the whole act as to make it impossible to declare this portion thereof invalid, without also affecting the destruction of the remainder of the act." The existence or non-existence of the board would seem to be immaterial, as there will be nothing for it to do, if the doctrine of riparian rights prevails.

Under the decision rendered, no water may be diverted from any of the running streams of Nebraska until it has been condemned and taken under legislation yet to be passed. It was the contention of the defendant, Hall, that there was no public water in White river, nor, indeed, in any of the streams of the state until the state board should so decide, and this contention of the defendant seems to have been sustained.

As there is probably no stream in the state that does not run through somebody's land, it follows that there is no stream in the state without having a riparian proprietor on its banks, and, therefore, there is no stream in the state carrying water which may be diverted from its channel for irrigation.

Storm Delays Grain Shipment.

BUFFALO, Nov. 28.—As a consequence of the storm, grain has been accumulating in the port of Buffalo far in excess of the supply of cars. Twenty-three boats are in the harbor waiting to unload.

When GRIP Gets You Commence Taking Orangeine

Orangeine immediately relieves the depressed feeling, compels nerves, stomach and liver to act normally—opens the pores, brings a night of restful sleep—makes you feel all right in the morning. Full directions for grip, headache, colds, nervousness and many other ills in every package.

Orangeine is sold by druggists generally in 25 and 50c packages. A trial package will be sent to any address for 2c stamp.

ORANGEINE CHEMICAL CO., • Chicago, Ill.

Relief for the Gentler Sex

"Mother's Friend" is a special friend during the nine trying months before childbirth. It is a simple liniment of marvelous power, and, by its relaxation of the muscles, allays all nervousness, relieves distressing headaches, cramps and nausea. It is a blessing in a bottle, robbing confinement of all its pain.

"Mother's Friend" is sold by all responsible druggists at $1.00 per bottle. If it cannot be found, we will send it by express prepaid anywhere in the United States upon receipt of price.

THE BRADFIELD REGULATOR CO., Atlanta, Ga.

We publish a book on "Motherhood" that every one of the gentler sex can have mailed free upon request.

"Oh, for relief!"

CURES Indigestion Heartburn Belching Sour Stomach Dizziness Sick Headache Nausea Gastritis and all other Stomach Troubles

Kodol DYSPEPSIA CURE

Digests what you eat

For over thirteen years I suffered from the dreadful malady known as Dyspepsia. In my case it took the form of neuralgia of the stomach with all its multiform troubles and agonies. I tried everything that offered help and put myself in the hands of the best physicians. Some of them drugged me nearly to death with morphine, but nothing I took did me any permanent good. Finally a friend induced me to give Kodol Dyspepsia Cure a trial. The first dose I took gave me relief. I continued using it, and have not had a single pain since. I recommend it to all dyspeptics.—J. Ivison, Lonaconing, Md.

There are various preparations used to aid digestion, some help digest starch, others help digest albumen, but Kodol Dyspepsia Cure is the only preparation known that completely digests all classes of foods. That is why it instantly relieves and permanently cures all stomach troubles, even after everything else has failed.

It can't help but do you good.

Prepared by E. C. DeWitt & Co., Chicago. 50c. and $1. a bottle

The large size contains 2½ times the small size.

MANHOOD RESTORED "CUPIDENE" This great Vegetable Vitalizer, the prescription of a famous French physician, will quickly cure you of all nervous or disease of the generative organs, such as Lost Manhood, Insomnia, Pains in the Back, Seminal Emissions, Nervous Debility, Pimples, Unfitness to Marry, Exhausting Drains, Varicocele and Constipation. It stops all losses by day or night, prevents quickness of discharge, which if not checked leads to Spermatorrhœa and all the horrors of impotency. CUPIDENE cleanses the liver, the kidneys and the urinary organs of all impurities. CUPIDENE strengthens and restores small weak organs.

The reason sufferers are not cured by Doctors is because 90 per cent are troubled with Prostatitis. CUPIDENE the only known remedy to cure without an operation. 5000 testimonials. A written guarantee given and money returned if 6 boxes does not effect a permanent cure. $1.00 a box, 6 for $5.00, by mail. Send for free circular and testimonials.

Address DAVOL MEDICINE CO., P. O. Box 2076, San Francisco, Cal.

FOR SALE BY MYERS-DILLON DRUG CO., 16TH AND FARNAM.

"BREVITY IS THE SOUL OF WIT."

GOOD WIFE! YOU NEED

SAPOLIO

Your Fund of Knowledge

is not complete. No man, however studious, however great his attainments, however extensive his information, but is more or less dependent on his books.

Every reader, every student, every searcher after knowledge, depends a great deal on his dictionary. In fact, no study, no home library is complete without a good dictionary.

The latest and best is

The Standard

No dictionary has received so much praise from the people—scholars, students, teachers, professors and the people.

An opportunity is offered the people to procure a

Standard Dictionary for $7.00

This low price places the book within the reach of so many that a discussion of the merits of the book seems in vain. But here are some of the opinions:

R. D. Blackmore, the English Novelist: "The Standard Dictionary is most comprehensive and correct."

William Black, the Scotch Novelist: "Admirably comprehensive and exact."

A Conan Doyle, the Eminent English Novelist, London: "It has become quite a joke with us that we cannot trip up this dictionary. We have several times been sure that we would, but have always failed."

Sir Edwin Arnold: "A noble piece of work, destined to be most useful. . . . Everywhere copious, erudite, and reliable."

Engineer and Iron Trades Advertiser, Glasgow, Scotland: "Taken altogether, the sum total is, the Standard Dictionary is without a peer."

Youths' Companion: Edward Stanwood, Managing Editor: "We have selected the Standard as the dictionary for the use of our proof-reader in his own room."

The Times-Democrat, New Orleans: "He who has the Standard at his elbow to refer to for the meaning, pronunciation, or derivation of a word, or for its compounds, synonyms, antonyms, or phrase use, will never need another dictionary to help him out."

The Christian Cynosure, Chicago: "It is difficult to speak adequately of this great work without seeming to be extravagant."

The Interior, Chicago: "It was a stroke of genius to give a full catalog, for example, of the name of every tool and of every device employed by the carpenter, to give us the name of every one of the vast varieties of apple. The editors have forgotten nothing. It is all here, and everything where one can lay hand upon it."

The Tribune, New York: ". . . A comparison with the Century Dictionary leads to the inference that the Standard Dictionary has made a distinct advance in certain fields. . . . The new dictionary is rich in terms peculiar to occultism and oriental religions."

The Congregationalist, Boston: "It is positively a splendid piece of work and an honor to our country."

The Western Druggist, Chicago: "Americans have just reasons to feel proud of this achievement."

The Christian Secretary, Hartford: "We cannot speak in too high praise."

THE STANDARD has a vocabulary of 300,000 words. The Century 225,000, Webster's 125,000, Worcester's 105,000.

THE STANDARD was produced at a cost of a million dollars.

THE STANDARD will bear comparison with any other dictionary because there is nothing omitted.

THE STANDARD contains the best definitions from the most eminent scholars of the day.

Step into the store and see the work.

Megeath Stationery Co.

1309 Farnam Street.