

HEARING IN CONTEST BEGINS

Trial to Settle Clerkship Controversy Between Broadwell and Bingham.

INDICATIONS POINT TO LONG AFFAIR

One South Omaha Election Clerk Testifies that Number of Ballots Cast Exceeded Names on List.

The contest arose between W. W. Bingham and Frank A. Broadwell, to decide which of these was legally elected to the office of clerk of the district court at the last election, was begun before County Judge Vinsonhaler yesterday.

Everything points to a prolonged hearing over certain formal matters before the interesting trial of the case. It has any-are reached. The first testimony consisted of the identification of the poll books and the boxes containing the regular ballots and those which contained the unused and spoiled ballots.

The first witness was James Grace, a clerk of election in the first precinct of the First ward in South Omaha. Mr. Grace said the number of ballots exceeded the names on the registration books by three, and to even up matters the election officials drew out three ballots, promiscuously placed them in an envelope and did not count them at either party.

Rasmus Larson, judge of election in the First precinct of the Second ward, said that in his precinct four spoiled ballots had been placed in an envelope and put in the box containing the unused and spoiled ballots and that one of these consisted of a ballot wherein the elector had cast his vote for all four parties.

Other witnesses included James B. Smith, an official in the Second of the First; T. A. Daley in the Second of the Second and Edward Newton in the First of the Third. Charles Unitz has been named as teller for Bingham and A. L. Knabe as teller for Broadwell.

Counting the Ballots.

Yesterday afternoon the counting of the votes was begun. The votes in the First precinct of the First ward and the First of the Fourth in South Omaha were counted. Seventeen votes in the First of the First were laid aside because of a technicality and Judge Vinsonhaler will rule this morning whether they may be counted or not.

The elector has, for example, placed an X in the circle at the head of the ballot and opposite the name "Republican," thus indicating, to one who did not exactly know the elector's intentions in the matter, that he desired to vote the ticket straight. At least, that is B. G. Burbank's claim, the attorney for W. W. Bingham, the contestant.

Further down in the same ballot, the elector has voted for democrats and republicans at random, seemingly. Should the court decide that an elector by marking in the circle opposite the name of a party thereby committed to vote the whole ticket, then the seventeen ballots will be entirely discarded.

In the First of the Fourth seven votes were laid aside upon the same contingency.

The entire vote in the First of the Fifth was not counted for the reason that the votes were signed by the clerk and one judge, whereas the statute states that they shall be signed by the two judges. This matter was made an issue in a former election contest in this city and a ruling in accord with the above was confirmed by the supreme court in the case of Broadwell and Bingham which was the winner, as Broadwell had a plurality of thirty-one in the First of the Fifth at the last election.

AUDITORIUM WILL BE SAFE

New Structure to Have All Accessories Necessary to Insure Safety to Large Gatherings.

"When the Auditorium is finished," said Assistant Secretary Gillan, "people never will have any fear as to their safety while gathered there. No steps will be used in the interior construction of the building, the original plans calling for inclined planes to the balconies. These will be built of expanded metal and covered with rubber matting, so that people will have very little chance to stumble down and be cramped. One of the inclined planes will lead down to a gradual slope from the balcony on the south and another on the north to the balconies on the west end. Each plane is divided into three sections. At the east end of the balconies two other planes lead down, one at the Howard street side opening near the entrance on that street and the one on the south leading to the stage. The roof garden has two planes leading down on the balcony at the northwest and the southwest corners. Nine big doors on Howard street, side by side, will give an exit width of seventy feet. On Fifteenth street there are seven doors with a corresponding width of exit into the foyer. The building will contain very little that is burnable."

The riveting gangs are nearing the completion of their work, and before many days all of the temporary bolts will have been replaced with rivets placed red hot and headed with compressed air hammers. The carpentry contract will not be let until the worst of the winter is over.

LICENSE RECEIPTS INCREASE

Gain Due to New Levies, as Shown in City Clerk's Annual Report.

The annual report of City Clerk Elsbourn, just compiled, shows the receipts for licenses for 1933 were \$15,373, against \$14,873 collected the year before. The gain is accomplished by a new license charge for bill posting—an increase in the amount charged peddlers, three more pawnbrokers, bringing the total to twenty-nine, and four additional fortune tellers, making eight all told. Licenses were issued for 1,108 dogs, as against 839 the year before. Employment agencies decreased by four and theaters by one, the Park theater being one of two closed, leaving seven under the classification.

The average attendance of councilmen at meetings advanced from seven in 1932 to eight in 1933, but there were only eighty-

FEAST TO THE BUTTINSKEYS

Dinner and Other Things Served to Distinguished Men by J. E. Baum.

The gourmanding element of the Buttinsky club was treated to a royal feast yesterday at the Bennett cafe by J. E. Baum, manager of the Bennett company. The viands were on from 12 to 1 o'clock and every body got what he wanted, the individual tastes of the guests having been carefully provided for by the generous host.

In honor of M. J. Collins of "sprinkler" fame, Mr. Baum presented each guest with a souvenir sprinkler can, a dead end marker for the original, but somewhat smaller.

L. M. Foss of the Great Western railroad office, who was conspicuous because he stayed longest at the table, was presented with a lead pipe and a "ditch tally."

Major R. L. Wilcox made one of his characteristic glowing speeches regarding his service to the government during the civil war and showed wounds to prove his remarks true, several of the more painful having been inflicted in his back while he was escaping from Libby prison after the battle of Vicksburg.

O'Brien and Dunlop told several "true" stories and W. S. Jardine made lengthy and pertinent remarks, in which he agreed to do all the Bennett company's hauling in exchange for green trading stamps.

Those present were: H. Vanos Lane, Walter Jardine, Frank H. Dunlop, R. W. Dymall, J. B. Rahm, D. J. O'Brien, M. H. Collins, C. S. Huntington, R. S. Wilcox, Mel Uhl, L. M. Foss, W. R. Bennett, W. Elbourn, J. H. Warner.

COURT CHANGES ITS DECREE

Judge Baxter Refuses to Allow Woman Fifty Dollars a Month Alimony.

The divorce action instituted by Mrs. Sarah Ver Mehren against Herman Ver Mehren reached another stage yesterday, when Ver Mehren asked for an order changing the decree of the court which has issued some time ago in which Ver Mehren was to pay Mrs. Ver Mehren the sum of \$50 per month as alimony for the support of herself and their two children.

The matter was heard before Judge Baxter and he annulled a restraining order which had previously been issued in the case and denied the application for an injunction, the purpose of which was to prevent Mrs. Ver Mehren from attempting to secure the allowance of \$50 which the court had established. Ver Mehren claimed that he should not be compelled to pay this amount, since the two children had recently come to his home and he was supporting them, and for this reason he should be permitted to apply some portion of the \$50 to that end, and that Mrs. Ver Mehren should not be given a regular monthly allowance of so large an amount.

WILL LET SUPPLY CONTRACTS

Board of County Commissioners Also Will Act on Salaries and Assistants.

The county commissioners will meet this morning for the purpose of awarding additional contracts for county supplies and for passing upon the number of assistants and salaries for the various offices. These items always have been disposed of by the board in previous years at the beginning of the fiscal year, but this year the commissioners have been tardy and propose to wind up these matters. The same-day action is made, for a few if any changes will be made in the number of assistants for the county officials.

The board expects to have some trouble on its hands in letting one or two contracts, including the meat and grocery contracts. In the latter a protest already has been filed and it is expected that others will be forthcoming.

Omega Oil for Rheumatism. Price 10c.

Costs so little you can afford to try it.

Railway Notes and Personal.

George W. Holdrege, general manager of the B. & M., has just returned from New York.

Horace G. Burt, ex-president of the Union Pacific, left for Chicago Sunday evening.

George F. Birwell, general manager of the Nebraska and Wyoming lines, is in Omaha.

A. B. Smith, formerly assistant general passenger agent of the B. & M., is calling on old friends in the city.

G. A. McMurt, district passenger agent of the Missouri, Kansas & Texas, with headquarters in Kansas City, is visiting in Omaha.

Senator Warren of Wyoming passed through Omaha on Sunday evening. He is returning to Washington from the live stock dealers' convention, recently held in Portland, where he delivered several addresses on different questions connected with the live stock industry.

It is said that Henry M. Nutt, superintendent of the Iowa lines of the Burlington, will headquarters at Burlington, or in Chicago, where he is looking for a new position.

H. L. Purdy, traveling passenger agent of the Erie, from Chicago, and who has been in the city during the last few days, is in attendance at the annual dinner given by the officers of his company at the Hotel Savoy in New York.

Mr. Purdy states that a very enjoyable time was had by several hundred present at the banquet.

LOCAL BREVITIES

W. W. Johnson, commercial agent of the Burlington at Beatrice, is an Omaha visitor, a guest at the Paxton.

Hastings & Heyday have secured a permit for a \$1,500 frame dwelling at 2918 North Twenty-fourth street.

John Wurick, who told Judge Berka that he went to sleep last week and didn't get up for five days, was committed to the city jail for disorderly conduct. Wurick was charged with inebriety.

Griffiths & Chapin have been awarded the contract for the flats which Howard B. Smith is to build at Twenty-ninth and Farnham streets. Work will be begun in a few days.

A petition for divorce has been filed by Clara Peterson against Edward Peterson on the ground of desertion and non-support. They were married in Omaha in 1923 and have two children, the custody of whom is desired by the mother.

Louis Fields, who was convicted of the theft of a pair of shoes from the bath house at Fourteenth and Douglas streets, the property of A. Johnson, a customer of the place, was held in custody for five days in the county jail in police court.

The Nebraska Humane society holds its annual meeting in the morning at the Paxton. A president, vice president, secretary, treasurer and attorney will be elected to serve during 1934. An annual report will be given.

INHERIT PAPA'S SAGACITY

Daughters of General Manager Bancroft Make Wise Investments.

INDUCE HIM TO BUY THEM MINING STOCK

They Sell Out at Big Premium and Then It Develops that the Stocks are Worthless.

A story told at Union Pacific headquarters seems to bear out the fact that the children of W. H. Bancroft, the new general manager of that line, seem to have inherited some of their father's shrewdness and business sagacity.

The story goes that Mr. Bancroft's two little daughters, aged 10 and 12 years, were visiting him at his office in Salt Lake City one day. During their visit a man came in who desired to sell their papa some mining stock. Mr. Bancroft did not take kindly to the proposition, but after the man had labored some time with the general manager, one of the little girls spoke up and said:

"Papa, I wish you would buy some of the stock for me; the mine has such a pretty name."

The other little girl chimed in at this juncture and expressed a desire for some of the certificates on the same grounds—that the name was so pretty.

The father repeated to her if they were willing to give up their savings they might be the proud possessors of a block of the stock. This they agreed to do and the deal was made. One of the children secured \$100 worth and the other \$50.

Let Go of the Stock.

Time wore on and both children and the father had forgotten the stock deal, when one day a man appeared at the house and stated that he had come to buy the stock in case the owners were willing to part with it. They both considered the matter and talked it over between themselves, finally deciding that they would not take the price offered, which would net them about \$150 each. In a short time thereafter another man appeared on the scene and tried to buy the stock at \$200, but both of the girls refused the offer, and a week later an offer of \$300 each was made by the same man. When the last offer came to hand a long consultation was held and a decision was reached to sell the stock. The buyer paid the money over and it went back into the bank accounts of the children.

A few days later Mr. Bancroft spoke of the stock, it having been brought to his attention in some manner, at the dinner table, saying:

"I see by the quotations that the stock you bought in the mine that day at my office is worthless. The vein has played out."

"Yes, but papa," responded both of the girls in chorus, "we have sold out."

"Great was the amusement of the father when he learned of the transaction which had taken place about two days before the mine was declared worthless."

This story comes direct from a close friend of Mr. Bancroft in Salt Lake City and its truthfulness is vouched for.

CONGESTION IN THE EAST

Freight Badly Tied Up Because of Storms and Western Traffic is Affected.

Eastern railway lines have notified local representatives during the past few days that business for eastern points can not be accepted with any degree of certainty of arriving at destination promptly until about the middle of the week. Traffic is very badly congested in the east on account of the heavy storms which have been prevailing there. Although the line has been pretty well cleared off in most places, so much traffic was delayed while it was on that the roads have all they can do for the present to get delayed shipments out of the way. Train delays all have been increased to enable the lines to get the delayed traffic moved, and for this reason none of the regular running schedules can be made. The same causes are also responsible for delays on carload shipments of westbound freight. Freight which is now being shipped from the west to the east is being held up at a division at a time, so that it may be delivered to eastern connections when the congestion has subsided.

CHAMBERLAIN'S COUGH REMEDY A FAVORITE

The soothing and healing properties of this remedy, its pleasant taste and prompt and permanent cures have made it a favorite with people everywhere. It is especially prized by mothers of small children for colds, croup and whooping cough, as it always affords quick relief, and as it contains no opium or other harmful drug, it may be given as confidently to a baby as to an adult.

NOTES FROM ARMY HEADQUARTERS.

First Lieutenant C. C. Allen and Second Lieutenant D. B. Lawrence of the Thirtieth Infantry, Fort Crook, were visitors at headquarters Sunday.

The officers of the Thirtieth Infantry at Fort Crook have been established by the Thirtieth Infantry at Fort Crook. It consists of three classes, two for lieutenants and one for captains. Major C. C. Carr, commanding the Department of the Missouri, has been appointed ordnance officer of the Missouri, and Lieutenant Frank Edwards, Fourth cavalry, also to the commanding general, has been appointed inspector of small arms practice for the department.

Major W. H. Bean, chief commissary of the Department of the Missouri, returned from an official visit to Fort Leavenworth and Riley, where he superintended the issue of the fresh beef ration to the troops stationed there. Reports from those points are to the effect that the issue of the new ration is held in high esteem by the troops and that it is likely to become one of the permanent rations of the army.

PERSONAL PARAGRAPHS.

R. H. Davies and wife have gone to California.

W. H. Fine, prominently identified with real estate interests at Beatrice, S. D., is in the city.

H. A. Foss of Denver, S. B. Ruft of Oakland and Mr. and Mrs. W. A. Greenwood of Falls City are at the Millard.

Miss Aletta East of Winnetka, H. M. Stone of Denver, E. A. Schroyer of Pueblo, J. E. Earley and W. W. Kirkpatrick of Ogden are at the Murray.

C. A. Garbutt, Sheridan, W. H. Fine of Beatrice, S. G. Wright of Fargo, E. Sheldon of Nebraska City and Byron Clark of Plattsmouth are at the Paxton.

A. V. Saunders, a former Nebraskan, but now prominently identified with real estate interests in and about Fort Morgan, Col., is an Omaha visitor.

J. R. Coates of Denver, R. Richards of North Platte, Matt Miller of David City, J. B. Sutherland of Tekamah and Charles H. Chase of Stratton are at the Murray.

DEBS SEES SOCIALISM GROW

Leader of This Element Says It Will Figure in Presidential Campaign This Year.

Eugene V. Debs, the socialist leader, was an Omaha visitor yesterday and called at socialist headquarters in the McCague block.

"I am not here on business connected with the meeting of the national committee," he said, "I merely happened to be in Council Bluffs, where I am scheduled to deliver a lecture this evening under the auspices of one of the Chicago lecture bureaus, and just took a run over to Omaha to meet some of my old friends of the national committee, whom I have not seen for a long time. I am not lecturing particularly on socialism just now. The subject of my talk at Council Bluffs this evening will be along the lines of the 'higher ideals of labor' and has no political significance whatever. I have just returned from a lecturing tour through the Indian Territory, Oklahoma and Texas and will go from here to South Dakota."

"I think the socialistic idea is growing slowly and I anticipate that it will figure very significantly in the coming presidential campaign. The national committee is very energetic and aggressive and is arranging for an active campaign this year. This is my first visit to Omaha for about two years, and I always remember with pleasure my visit to The Bee establishment, which is one of the greatest in the country. I have always entertained a very high regard for Mr. Rosewater, whom I esteem as one of the great men of the country. He reminds me much of Mark Hanna in many of his characteristics. He is a great organizer and a persistent worker and I have always regarded him as a staunch friend of labor, and his opinion is shared by many of my friends all over the country."

"I am not doing much in politics just now. I have been lecturing for the past two years on labor topics and before many and varied audiences, and find that the great mass of the people are not so adverse to the socialistic idea as our critics would have us believe."

THINKS HE HAS THE RIGHT MAN

W. T. Canada Arrests Italian for Alleged Assault of Telegraph Operator at Lockwood.

An Italian who styles himself Louis Mann, was arrested at the Webster Street depot by chief of the Union Pacific secret service, William T. Canada, who alleges he is the man wanted at Lockwood, Hall county, for committing an unprovoked assault upon William Riley, telegraph operator at that place, last Tuesday. Riley, who was badly beaten about the head with a club, was brought to this city and is now an inmate of St. Joseph's hospital, where he is reported lying in a critical condition. No specific charge has been filed against Mann, but railroad employees are positive he is the man who assaulted Riley, because the latter drove him out of the depot a week ago Sunday night. Riley is a cripple and was not able to defend himself, Mr. Canada says.

RATHBONE SEEKS MORE AID

Superintendent of Rural Mail Service Goes to Washington in Interest of Department.

Superintendent E. G. Rathbone of the western division of rural free delivery is in Washington on business connected with his department. He is expected to return about Thursday. The purpose of his visit is to stimulate, if possible, the extension of the rural free delivery service in the western division, and in Nebraska particularly.

The system throughout the division is said to be in a highly prosperous condition and constant applications are being made for its extension. Superintendent Rathbone also will endeavor while at Washington to secure an increase in the clerical force of his office in this city in order to keep abreast with the rapid increase of the work in the division.

PEARSE OUT FOR NEW JOB

Says He is Candidate for Milwaukee Position Which Offers Increase in Salary.

Superintendent of Public Instruction Pearse is back from Milwaukee, where he spent Saturday and Sunday at the invitation of a committee of the school board there, which is looking about for a new superintendent of schools.

"Some two months ago the Milwaukee board decided upon a change of superintendents," said Mr. Pearse. "A committee was appointed to inquire into the matter and report, and apparently it is taking its time and occupying considerable latitude. Several Milwaukee men, Superintendent Blodgett of Syracuse, N. Y., and myself have been considered. I was asked to go to Milwaukee and stay a day or two to meet the members of the board and become acquainted with some of the citizens in order that they might form some idea of my personality. The same treatment was accorded Mr. Blodgett."

"No definite proposition has been made to me. The present salary is \$4,000 a year, or \$600 more than that paid in Omaha. I think the committee will report before March 1 and that an election will be held some time during that month."

"Whether the board will elect me or some other man is a question that you know as much about as I do. Milwaukee is a larger city, but I have always been well satisfied in Omaha."

FAILS TO GET AT RESULTS

Board of Public Works Has Jangle, but No Action on Paving Specifications.

The Board of Public Works attempted again yesterday to consider the paving specifications prepared by Chairman Rosewater, but the chairman and Comptroller Lobeck were unable to agree, and the session was adjourned until Friday afternoon. Lobeck wanted to postpone action, and this aroused Mr. Rosewater, who accused the democratic majority of being unduly influenced by certain contractors. This imputation was denied and it was agreed to wait until Thursday before settling upon the specifications.

HOIST IMMENSE WATER TANK

Brandels & Sons Put Big Vessel on Top of Their Boston Store.

Within a few days a large tank to hold several thousand gallons of water will be placed on top of the Boston store for fire protection. A crane has been erected on top of the building to hoist the material which is being put in place. The wood and steel work necessary to hold the tank in place is all on the ground and will be taken to the top of the building and put up as soon as possible.

SLAUGHTER HOMEWARD BOUND

With Wife and Daughter He Sails from Manila Last Week for Nebraska.

Captain Brad D. Slaughter, paymaster United States army, accompanied by his wife and daughter, Mrs. Grace Gandie, sailed from Manila January 15 on the

READY FOR THE EQUALIZERS

Tax Assessment Rolls Will Be Handled Over on Time, Says Mr. Fleming.

"The tax assessment rolls will be complete and ready for the council as a Board of Equalization Tuesday morning," said Tax Commissioner Fleming.

His office was filled with men operating adding machines in order to strike the totals on the various assessments of schedules and the entire footing.

A quiet session of the Board of Review is promised.

YOUR HAT

May Be a Stylish One, but it Makes Trouble.

A man usually buys a hat that has "in style," but the modern hat for men has lots to answer for.

Headaches are growing more numerous every day. Hats make excellent breeding places for the parasitic germs which sap the life from the roots of the hair.

When your hair begins to fall out and your scalp is full of dandruff it is a sure sign that these countless germs are busily at work.

There is but one way to overcome the trouble and kill the germs—that way is to use Newbro's Herpicide to the scalp—it will kill the germs and healthy hair is sure to result.

Send for leading druggists. Send in stamps for sample to The Herpicide Co., Detroit, Mich. Sherman & McConnell Drug Co., special agents.

JAPANESE BANKERS PREPARE FOR WAR

PORT ARTHUR, Jan. 18.—The Japanese bankers rapidly closing up their accounts in Manchuria and are stopping business.

Japan is seeking for agents in Manchuria and Korea to supply the government with information of the Russian movements, in view of the hurried departure of the Japanese residents. The Russian occupation of Sin Min Tun, thirty miles west of Mukden, is now reported to be an accomplished fact.

AN ITALIAN WHO STYLES HIMSELF LOUIS MANN

was arrested at the Webster Street depot by chief of the Union Pacific secret service, William T. Canada, who alleges he is the man wanted at Lockwood, Hall county, for committing an unprovoked assault upon William Riley, telegraph operator at that place, last Tuesday.

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Advertisement for Babyline medicine, describing its benefits for mothers and infants, and mentioning Mother's Friend as a related product.

Advertisement for Cascarets Candy Cathartic, featuring a portrait of a man and text describing the product's effectiveness for constipation and general health.

Advertisement for Cascarets Candy Cathartic, highlighting an annual sale of ten million boxes and describing the product as a candy cathartic that works while you sleep.