

LETTERS FROM BEE READERS

Making of Wills a Positive Necessity in These Days of Litigation.

HOW TO AVOID TROUBLE AFTER DEATH

Descent of Property Made Easy and Clouded Titles Avoided by the Drawing of a Will Before Dying.

Contributions on timely topics are invited from readers of The Bee. Communications should be written legibly on one side of the paper only and accompanied by the name and address of the writer. The name will not be used if the writer asks that it be withheld. Unusual communications will not be returned. Correspondents are advised to limit their letters to 200 words or they will be subject to being cut down to that limit at the discretion of the editor. Publications of views of correspondents must not be taken to contain the Bee's endorsement.

Making of Wills.

OMAHA, Feb. 2.—To the Editor of The Bee: In a recent editorial when speaking of the effort which is being made to change the law of descent in this state, you said that it would be well if along with this effort, a campaign of education for making wills might be carried on. I most heartily approve your suggestion. Every one who has given any thought to the subject of descent and distribution of property under the statute knows that the best that can be done is to provide general rules; and in arriving at what such general rules should be, the legislators try to determine what will be best in the largest number of cases.

The past week I appeared before the judiciary committees of both the house and the senate of our legislature in behalf of the proposed descent law. I think if people generally could have heard the expressions repeatedly made in both of these committees that any general rules which might be made will work an injustice in many cases that there would be such a making of wills as was never known before. It must be apparent to any one that a rule which might be best for the division of his estate among his own relatives would not be the best rule when applied to the estate of his neighbor. Peculiarity of circumstances in every family ought to be considered in distributing the property and every person who has an estate ought to see to it that it goes to those who are most entitled to it.

Another strong reason for making wills is that it makes an estate a matter of record and simplifies titles. Where a person dies without will owning real estate, it goes to his relatives in the order fixed by statute. It is always a question of fact open to possible controversy as to who are the heirs. When one desires to purchase the real estate of heirs of an estate he hunts around until he finds the persons whom he believes to be the heirs of the deceased and takes deeds from them. If he has made a mistake and omitted some of them they may come in afterwards and claim their share of the property, though he may have paid for it before. This very thing is occurring every day. It renders titles of the property of intestates so dangerous that it is said in some of the eastern states that property which has passed through five administrations is unmarketable. This danger can be avoided by making a will. The will names those who are to take the property; this leaves no uncertainty about the ownership. Then a copy of the will is placed upon record in the office of the register of deeds and the chain of title is thus made complete. Where there is no will there is a break in the record title.

Under our law the widow never inherits the fee to the property if her husband leaves any blood relatives whatever. Difficulties often arise attending the setting off of dower. This may be simplified by a will giving her a life use in certain portions of the estate, or an absolute title to a part thereof and the other portion absolutely to the heirs.

Under the law where there is no will, the real estate cannot be sold for the payment of debts without a proceeding in the district court and a showing of the necessity therefor, and a license granted by the court to the administrator to sell so much of the estate as may be necessary to pay the debts. The property is then sold at public auction to the highest bidder. If a will is made authority may be given to the executor to sell the property necessary for the payment of debts at public or private sale, thus saving the delay and expense of the proceeding in the district court. A testator by his will may name his executor instead of leaving it to the discretion of some court, who cannot know and is not as well qualified to select a manager of the estate as the deceased himself. It frequently happens that the person appointed is the last person whom the deceased would have chosen to discharge that peculiar trust. The deceased is the one best qualified to choose the person whom he desires to manage his affairs for him after he is gone, and he ought to name such person before he dies.

There are many other reasons why it is best to make a will but it seems to me that the above ought to be sufficient to compel everyone desirous of his lifetime to arrange for the disposition of his property after he is gone. I hope you will, through the columns of your paper, carry on the campaign of education of which you speak.

DANIEL L. JOHNSON.  
Christian Science.  
OMAHA, Feb. 2, 1907.—To the Editor of The Bee: In your issue for January 21, under the caption, "Hearing on Christian Science," it is reported "Representative Da-

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Most healthy, vigorous men and women in the United States are raised on good, old-fashioned Arbuckles' ARIOSA Coffee. Never mind what the others drink, you want to be well. Say things to the man who tries to switch you from Arbuckles' coffee that pays him big money at the expense of your stomach.

Consult with all regulations of the National Pure Food Law, California No. 2981, dated at Washington.

via of Cass made a dramatic address, in which he declared his mother's life should have been saved by Christian Science. This is incorrect. Representative Davis said: "There is a woman in this audience who for a long period of years was an invalid. The doctors could not help her and she was healed by Christian Science. She is my mother, and she is a well woman today."

In the same article it is reported "Dr. Brash, secretary of the State Board of Health and the author of the bill in a running fire of questions declared his only purpose was to prevent the spread of contagious diseases. Dr. Brash and the medical doctors would have some excuse for their attempt to regulate the practice of Christian Science if no epidemics occurred under their method of treatment, but epidemics do occur constantly where every case from the very beginning is under the care of the medical doctors. There are a great many more contagious cases not reported by physicians than such cases not reported by Christian Scientists.

The families of Christian Scientists are very seldom invaded by a contagious disease, but should suspicion of pusill symptoms appear, an experienced diagnostician is summoned at once. Usually the disease does not develop, but is destroyed at the very beginning. The practice of Christian Science, by establishing a calm Christian state of mind, certain reliance upon God as infinite Love, contributes more towards preventing the spreading of disease by destroying human fear than any poisonous drug or other material remedy could possibly do. No epidemics have been occasioned by cases under the care of Christian Scientists and no spreading of disease has occurred that would warrant the contemplation of any such bills now before the present Nebraska legislature.

GRAY MONTGOMERY, Assistant Publication Committee.

Want Officer Parker's Position.

OMAHA, Feb. 2.—To the Editor of The Bee: On November 3, 1902, I was elected truant officer by the Board of Education. The committee that made the terms with me thought it best to have me sworn in as a special policeman. I furnished a bond for \$1,000, and was sworn in as a special policeman No. 115.

The present agitation concerning the duties of the truant officer was caused by the raid Probation Officer Carver and I made on a cave located at Forty-third street and Grand avenue Thanksgiving.

A 17-year-old boy tried to get away by firing his pistol but it did not have the desired effect. It made me faster, but I soon caught him. I took him back to the cave, and I took him and two other boys to the police station, where Sergeant Cook examined them and where my recommendation sent them home to destroy the cave.

Officer Carver asked two of them to report at the juvenile court the following Saturday.

The principal of the school, located within 100 feet of this cave, had complained to me that it was a nuisance, and that some of the boys belonging to her school spent many hours in that cave. Someone had sent a complaint to Officer Carver and he had asked me to go with him.

I went as a special policeman and not as a truant officer. If the authority of a truant officer had been sufficient it would not have been necessary to have me sworn in as a special policeman.

The first sentence in the section of the law relating to truant officers says that they shall qualify as police officers.

It was through my efforts in this very district that a man was convicted twice and punished twice for committing crimes too filthy to put into print. The third case against this same man was worse than the first two, but was not prosecuted.

The neighbors made it so hot for this man that he moved from the district.

Some of the boys mixed up with this man belonged to the cave gang and I know it. One of the boys is in the industrial school at Kearney as the result of the pernicious influence of this man.

A few days before we raided this cave, as I was making a short cut across some vacant property I discovered a fifteen-year-old boy assaulting his younger sister in a patch of weeds and this boy, too, had helped to build the cave and spent a great deal of his time there although he was not there the night we raided the cave.

It is an officer's duty to prevent truancy and crime as well as to punish the offender after he has committed the act.

I have found that no good comes from caving, but that they are used by truants to hide in, smoke cigarettes, use tobacco, read trashy literature, and the can tell vulgar stories, etc.

Since this raid young men in other parts of the city have told me what they used to do in caves, and these same young men said: "Break up the caves, that's where we learned most of our notions."

I have not "usurped powers and functions which the law does not give." No evidence of the above quotation or "unwarranted officiousness" has been produced and the verdict must be not guilty.

To my knowledge, not a single charge has been made against the truant officer. This agitation was not caused by the truant officer putting children into the detention school. That question has never been called to my attention in an official way.

If my superior officers do not want me to raid caves and bring men to trial they are ruining our boys and girls they must say so. Then the responsibility will rest on them.

I have consulted some of the best legal authorities in the city and they said that I had not exceeded my authority.

WILLIAM PARKER.

CHICAGO FIGHTING OMAHA

Board of Trade of Windy City Takes Hand in Grain Rate Fight.

OBJECTS TO IOWA-OMAHA PROPORTIONAL

Manager of One Line Quoted as Threatening to Reduce the Iowa Rate to That of Omaha of the Business.

CHICAGO, Feb. 2.—(Special Telegram.)—Actual hostilities between the Board of Trade of Chicago and the Omaha Board of Trade are likely to break out following a conference with the traffic officials of the Chicago-Missouri river lines here Tuesday.

This was the statement made tonight by an official of the local Board of Trade, who declared that if it came to a matter of showing strength the whole trouble will be taken into the federal courts for adjudication.

The difference between the two boards arises over the protest of the Omaha dealers against a tariff filed by the Chicago-Missouri river lines, which specifies that the proportional rate on grain from the Missouri river in Chicago and the Atlantic sea board must be used only in cases where the grain actually originates west of the Missouri river, and not on grain from Iowa, which has been hauled to Omaha and then reshipped to the east.

The new tariffs, which will go into effect this week, were filed as a result of the agitation against "backhauling" of Iowa grain so as to enable the Omaha market to compete in the business. The Interstate Commerce commission in the recent hearing of the Peavey Elevator case intimates that it will not allow the application of a lower rate on Iowa grain which had been shipped into Omaha and then sent back east than grain which is given the short haul and taken direct to Chicago or the Atlantic seaboard.

Chicago Makes Threats.

No sooner was it announced that the new rule would be put into effect than the Omaha grain dealers raised a howl of protest. They declared that the rule would curtail their field of operation, and was a discrimination against them. They declared that if the roads persisted in putting in the rule they would take the case into the courts and ask an injunction restraining the roads from placing the new tariff into effect.

But in doing this they trod upon the toes of the Chicago dealers, who for a long time considered the "backhauling" principle a bad one. The Chicago dealers at once served notice upon the railroads that they did not propose to allow the application of the Missouri river proportional upon grain from Iowa, and that if the rule was not abrogated they would also appeal to the courts and demand that the short haul clause of the new rate law be made applicable in this case and that backhauling be forbidden.

The traffic officials of the Chicago-Missouri river lines have arranged for a hearing of the case Tuesday, when a delegation of Omaha grain dealers will be present to give their side of the case. The local Board of Trade will also be represented and will protest against any adjustment of the situation which does not protect Chicago's interests.

A freight traffic manager of one of the strongest lines between Chicago and the Missouri river has declared that if the proportional rate is allowed to apply on Iowa grain its line, for so as to counterbalance any advantage the proportional rate may give Omaha, and thus protect the interests of the local Board of Trade.

FRUIT GROWERS JOIN HANDS

Adopt Constitution and By-Laws and Will Elect Officers and Directors Saturday.

The Omaha Fruit Growers' association is the name of the new organization that will look out for the interests of the fruit raiser in this vicinity. The association is virtually organized now. In its embryonic state it held a meeting yesterday at Wall's hall in Florence, when twenty-five fruit growers were present, and adopted a constitution and by-laws. The meeting was presided over by D. Deyo and A. T. Seybold acted as secretary. The next meeting will be held Saturday at 2 p. m. at the Commercial club rooms in Omaha.

The capital stock of the association will be \$10,000. All the promoters have taken stock and will work with a determination to make the organization a strong and potent factor. At the meeting next Saturday officers and directors will be elected. The directors will control the marketing of the fruit and upon them, therefore, will depend much of the success of the enterprise.

WAGON WHEEL CRUSHES HEAD

Thomas Bowes Thrown from Seat and Meets with Instant Death.

Driving homeward in haste so that he might be early to a dance in the evening, Thomas Bowes, aged 47 years and living with his widowed mother at Benson, was thrown from the seat of his wagon in turning the corner at Twenty-eighth and Farnam streets, early Saturday evening and his skull fractured and neck broken by the wheels of the wagon passing over his head. No signs of life remained when he was picked up by witnesses of the accident.

Young Bowes was employed by the Gravert Elevator company as driver when there was any extra work for him to do, and he had been driving a wagon during the day. He was returning home just before 4 o'clock with his team and wagon when the accident occurred. His brother, also a driver for the same company, had preceded him but a few blocks on the homeward way. The boy was anxious to attend a certain dance in the evening and was probably trying to make the best time possible, turning the corner too sharply. It was said by some that the neckpoke fell, frightening the horses and causing such a jar as to unseat him, but this was not substantiated. The team passed on half a block without a driver and then stopped.

The young man's head was badly crushed. The front and rear wheels on the side where he fell passed over the head and neck, making death quick and certain. He is survived by his mother and several brothers and sisters. The father died some years ago. Coroner Braly took charge of the body.

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