

VINSONHALER RETAINS FEES

Supreme Court Decides Disputed Point of Law.

MONEY FOR MARRIAGES HIS OWN

Opinion of Vital Interest in Larger Counties of Nebraska—Dr. Walker's License Remains Revoked.

(From a Staff Correspondent.) LINCOLN, Dec. 5.—(Special.)—County judges who have collected fees for performing marriage ceremonies prior to the enactment of the present law relating to county judges' fees are not responsible to the county for these fees.

The above the supreme court decided this morning, when it handed down its decision in the case wherein Douglas county sued Danison M. Vinsonhaler for fees collected by him for performing marriage ceremonies while county judge. The court ordered the case reversed and dismissed.

In the lower court the judgment was rendered against Vinsonhaler for \$2,582.92, money he had collected for performing marriage ceremonies. Both parties appealed. The decision was written by Commissioner Calkins. The syllabus is as follows:

1. Where an action is brought against a county judge and his surety for a failure to report fees in excess of the amount allowed him as compensation, earned but not collected, it must appear that he willfully omitted to charge the same, or that he was intent to evade the provisions of the act of 1877 (Laws of 1877, page 255), or negligently omitted to collect same, or to bring security therefor, negligently failed to require sufficient surety.

2. The powers given by section 3 of chapter 2, compiled statutes, to judges and clerks to perform the marriage ceremony in this state is mandatory, except as to such officers as are given fees for the performance of such ceremony.

3. The provisions of section 3 of chapter 2, compiled statutes, giving the county judge for any services rendered, or for any matter within the jurisdiction of a justice of the peace, the same fees as allowed by law to the judges, or to the clerks for like services, are limited to those cases in which the county judge derives his powers to perform the same solely from the grant to him of the ordinary powers and jurisdiction of a justice of the peace.

4. Where the meaning of a statute is doubtful, long usage is a just medium by which to expound it, and the fact that the officers whose duty and jurisdiction are in question have for many years construed it so as not to require a county judge to report fees received by him for performing marriage ceremonies, may properly be considered in construing a statute by which it is claimed the right to receive such fees is established.

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and his brother, another lawyer, got together and made compromise which were endorsed to the county board. Sprecher made no appearance in the supreme court.

Ruth Gets Verdict.

In the case of Gordon A. Ruth by his next friend August A. Ruth against the city of Omaha, the supreme court affirmed the decision of the lower court, which found for the plaintiff. The plaintiff was injured on a defective sidewalk and at the trial of the case it was brought out that due notice had been served on the city that the walk was defective. The city attacked this notice. The court, however, held it was sufficient.

Turner Gets a Telephone.

Best Turner may have the Buffalo County Telephone Company install a telephone in his house providing he pays \$5 in advance for six months services and the company install it in a proper manner in the use of the telephone. Turner's telephone got out of repair and it was sent to Kearney to be fixed. One day when in town he was given the instrument and took it home and connected it with the wires. He demanded \$1 of the company for the use of 25 cents for the week the instrument was out of commission. The company refused to pay and after another attempt was made to fix up the matter the telephone was disconnected by the company. Then Turner sought an injunction to prevent the company from interfering with the telephone. He lost out in both courts. It was ordered by the company that Turner would yell and sing into the phone when others were trying to talk over the wire, but the court holds there is no evidence to this effect. The court holds it is proper to charge six months rent in advance.

CONVENTION OF SUPERVISORS

Large Attendance Expected at Hastings Meeting.

HASTINGS, Neb., Dec. 5.—(Special.)—The fourteenth annual convention of the State Association of County Commissioners, Supervisors and County Clerks, which will be held in this city next Tuesday, Wednesday and Thursday, is expected to be the most largely attended gathering in the history of the organization. Assurances have been received that at least 300 officials will be here and upwards of 100 more are expected.

Mathews' License Revoked.

Dr. J. E. Mathews of Omaha whose license to practice medicine was revoked by the State Board of Health, secured no relief in his appeal to the supreme court. The supreme court affirmed the decision of the district court, which upheld the action of the Board of Health. Dr. Mathews was charged with having performed an illegal operation on Miss Edith Short, a nurse at one time employed at Green Gables, Lincoln, who later died. The court held the evidence before the board was sufficient to justify its action.

Cope Goes to Prison.

Judge J. Cope, sentenced to the penitentiary from Nemaha county, on the charge of larceny in halle, will have to serve his term, the supreme court having affirmed the decision of the lower court. Cope was employed as a carpenter to fix up a house, whose former owner, deceased, had been a miser. Cope found money on the premises and turned it over to the administrator of the estate. On two other occasions he found various sums, and on the third occasion he fell. The money was spent and he was arrested and convicted. This is the second time the case has been before the court.

Decision Against Sprecher.

In the libel suit of George W. Wertz, against John C. Sprecher of Schuyler, which the supreme court reversed after the lower court found for Sprecher, the higher court holds: "The truth alone is not ample defense in a civil action for libel, but if the defendant justifies, he must further allege and prove that he published the alleged defamatory with good motives and for justifiable ends." Sprecher published a story to the effect that Wertz, as county attorney of Colfax county

Farmers' Institute Closes.

TECUMSEH, Neb., Dec. 5.—(Special.)—The last day of the Johnson County Farmers' Institute was filled with interesting and profitable sessions. This morning the principal thing on the program was a discussion of the subject, "Small Against Large Shovels for the Cultivation of Corn," by the members of the audience, the same being led by Secretary C. V. Douglas. There was a difference of opinion in the matter. Following a corn song by pupils of the second grade of the Tecumseh schools this afternoon, Miss Viva Sandusky of St. Mary gave a recitation. The afternoon and evening program was under the direction of the school children of the county. Prof. F. M. Gregg of the Perit Normal school gave an address on "Agriculture for the Rural Schools," and Miss Edith Miller of Sterling gave a vocal solo. Robert Davidson of Tecumseh favored with a vocal solo and Superintendent George D. Carrington of the Nemaha county schools gave a talk on "The Future of the Institute."

Manner of Death in Doubt.

GRAND ISLAND, Neb., Dec. 5.—(Special.)—Coroner Sutherland called a jury in the case of the death of E. R. Riecky, whose remains were found in the Union Pacific yards yesterday morning. It was later found that the man had come to this city from Iowa on train No. 5 the same day; had called on a lady friend during the evening, and was in good spirits over having obtained a position at Cozad. He was seen at 4:10 o'clock in the morning, in the yards near the place at which his remains were found, and there had inquired of a company employe when train No. 11 left. It is believed that in some manner unknown this train ran over him as he was attempting to board it. The jury was unable to ascertain the exact manner of death and found a verdict that he had come to his death, attributing negligence to no one. Word has been received from the parents at Joy, Ill., asking that the remains be held until the father could come, which will probably be late today.

Katrin Applies for Pardon.

BEATRICE, Neb., Dec. 5.—(Special.)—M. F. Katrin, who is serving a three-year sentence in the state penitentiary for defrauding the Barnston Horse company by a bogus pedigree, has applied to the governor for a pardon, and the case has been set for hearing by the governor on December 25. Katrin, whose home is at Clarinda, Ia., came to Barnston and represented he had a valuable stallion, which he would sell at a fancy price. The Barnston people formed a company, took

Grand Jury for Box Butte.

ALLIANCE, Neb., Dec. 5.—(Special.)—Petition for and against the securing of a grand jury for this county to look into the reported laxity of the "soft drink parties" and various other offenders of the law, are being circulated throughout the city and county today. The one side opposed for the great expense it will entail, and the belief that the local officers and the usual terms of district court can cope with the alleged criminality. Those in favor believe that drastic measures should

FURNISHERS OF HOTELS, CLUBS, RESTAURANTS AS WELL AS PRIVATE HOMES ORCHAR & WILHELM

Grandfather Clocks For halls, libraries, living rooms—these come in Colonial designs in genuine mahogany cases, excellent works, at— \$35.00, \$48.00, \$55.00, \$64.00 and \$70.00.

Morris Chair (Like illustration). Made of solid mahogany. This is a plain, rich design, comfortable, giving Morris Chair. Is made of best quality solid mahogany, either dull or polished finish. Fitted with reversible loose cushion seat and back. Choice color of plain or striped velour. Special value, each— \$16.75

Desk or Dresser Clock Solid Mahogany, a perfect time keeper, 4 1/2 inches high, base is 7 inches long, special, at each \$3.75

Drapery Department Suggestions This department offers many articles that would make substantial, acceptable and lasting gifts, such as Table Covers, Portieres, Couch Covers, Pillow Covers, Lace Curtains, India Print Table Covers, four quarter size, all colors, at each \$1.25 Shadow Cretonne Table Covers in all colors, six quarter size, each \$3.75 French Velour Covers, six quarter, eight quarter, ten quarter, each \$6.50 \$9.75 \$15.00 COUCH COVERS—All sizes, all colors, and several grades at \$1.25 \$3.95 \$5.00 up to \$15.00

Pillows in All Sizes Strippings—18-inch, 45c; 20-inch, 50c; 22-inch, 70c; 24-inch, 85c. Gray Down and Tins—16-inch, 45c; 18-inch, 70c; 20-inch, \$1; 22-inch, \$1.45; 24-inch, \$1.95. Down—16-inch, 65c; 18-inch, \$1; 20-inch, \$1.35; 22-inch, \$1.65; 24-inch, \$2.85. LACE CURTAINS An endless variety of styles. We guarantee every pair. Our prices are always the style being correct. If you buy from us. 75c up to \$45 pair.

Bric-a-brac Dept. Thousands of articles assembled at inexpensive and popular prices. It will pay you to see them before making your selection. Brass Fern Dishes \$1.00 up to \$12.00 Brass Jardiniere \$4.50 up to \$22.50 Smokers' Articles, Ash Trays, 25c and up Desk Sets \$8.75 up to \$30.00 Humidor's Patent Moisture \$3.25 up to \$15.00 English China—The world-renowned Colport is being shown in select designs in our Bric-a-brac department. English Rock Crystal Cut Glass—The choicest made, at \$1.95 up to \$20.00 Electric Reading Lamps \$6.75 up to \$75.00

There is nothing that makes a nicer gift or a more lasting remembrance of the donor than some pretty piece of homefurnishing. This is truly a Christmas Store, brim full of ideas and suggestions where it would be easy to make selection of some pretty article suitable for any member of the family or friend.

We invite you to stroll through our store and see the hundreds of inexpensive and medium priced articles that are assembled here for Holiday sale. Many articles which are considerably under priced. Articles selected now will be reserved for delivery when wanted.

Toys Our superb toy display is attracting the attention of all seekers of novel toys and toys of the better kinds. Our assortment comprises the choicest lot of instructive, substantial and pleasing toys ever assembled in any one showing in the west. Lots and lots of fascinating novelties interesting to the young and old alike. A convenient Toy section—main floor.

Special Holiday Sale ORIENTAL RUGS This sale offers an unusual lot of the most attractive values. All rugs in this sale were selected with the utmost care by an experienced Oriental Rug Buyer. We offer some unusual bargains in these pretty gems of the Orient.

1 lot of Genge rugs in sizes 6-8x8-9 Khiva \$68.25 about 3x4 feet, special, each 6x8-2 Khiva \$68.25 at \$116.50 7-10x9-7 Khiva \$80.00 1 lot of Belouchistan rugs in sizes about 3x5 feet, special, each \$160 8-10x12 Mahol \$198 9-2x11-5 India \$85 6-6x8-5 Bokhara \$125 3x7 feet, each \$27.00 8x10-7 Meshed \$275 1 lot of Shirvan rugs in sizes about 4x6 feet, special, each 9-8x11-10 Meshed \$390 at \$28.50 6-7x9-10 Shah Abbon \$250 1 lot of Afghan Bakhara rugs 8-7x10-9 Sorouk \$355 in sizes about 3-4x5 feet, special, each \$450 8x12 Kerman \$350 1 lot of Kazakh rugs in sizes 9-9x13-7 Kerman \$640 about 4-2x8, special, \$55.00 7-2x10-4 Kerman \$310

BEATRICE, Neb., Dec. 5.—(Special Telegram.)—The temporary injunction granted a few days ago by Mrs. E. H. Wilber against the city council and the board of commissioners appointed to appraise her property for park purposes, was dissolved today by Judge Pemberton, who found in favor of the city. The case will probably be carried to the supreme court.

BEATRICE, Neb., Dec. 5.—(Special Telegram.)—A heavy rain began falling in this section today turning to snow this evening, which covers the ground.

BEATRICE, Neb., Dec. 5.—(Special Telegram.)—William Kelley, charged with stealing a mail pouch at Grand Island, was arraigned before United States Commissioner Cobble today and pleaded not guilty. The government not being ready for trial the case was continued to December 15. In order that a bond Kelley was taken to Lincoln and placed in jail by Deputy United States Marshal Hensel.

PLATTSMOUTH—The Missouri Pacific depot in this city is now being furnished with lights and fires, and a room has been prepared for the accommodation of the women.

PLATTSMOUTH—A humorous cantata, entitled "The Teddy Bares Christmas," will be given in the high school building by the students of the Central building just before the holidays.

PLATTSMOUTH—The Cass County Teachers' association held a meeting in the First Methodist Episcopal church in Weston, Mo., today, under the leadership of Miss Mary E. Foster, county superintendent of public instruction.

Music Cabinets for Gifts Over 60 patterns in golden oak, mahogany finish, genuine mahogany and walnut, \$4.75 to \$60. Music Cabinet—[Like illustration]—Quarter sawed oak, interior arranged with sliding shelf, one drawer at top trimmed with glass knobs, 14 inches deep, 20 inches wide, 42 ins. high, Special \$13.50

Writing Desk [Like illustration]. Arts and Crafts design, thoroughly constructed, made of solid oak, finished in beautiful brown fumed finish, is 27-inches wide, 39-inches high. Interior is conveniently arranged with drawers and pigeon holes. Has one large drawer under writing pad, thoroughly braced, very special \$8.50

LADIES' WORK TABLES. We are showing a large Holiday line of these popular pieces in oak and mahogany, from \$8.50 to \$50.00

Foot Stools [Like illustration]. Frame of solid mahogany, upholstered in velour, verona, or tapestry. Is 8 1/2 inches high, 17 inches long, \$3.50 value. Special at, each \$1.75

SOLID MAHOGANY SMOKER'S STAND—27 inches high, round top 7 inches in diameter, fitted with combination brass cigar and match holders—price, each \$2.50

Kitchenware Dept. Offer Many Holiday Suggestions Chafing Dishes We show an extremely large assortment from the very lowest prices to the most elaborate. They come in both copper and nickel at from \$3.50 to \$40.00

5 O'clock Tea Kettles These we have in brass, copper and nickel. Prices range from \$2.50 to \$12.00

BATH ROOM FURNISHINGS. We show the largest line in the city and would be pleased to have you visit this section in our basement.

Suit Case Dept. in the Basement Lady's Traveling Bag of genuine Walrus \$8.00 Lady's Traveling Bag of Alligator \$45.00 Oxford and Suit Case combined, genuine Alligator, \$40.00

Bad Breath and Sour Stomach

Stopped At Once With Pure Willow Charcoal, the Greatest Gas Absorber Known. There is no necessity to suffer the humiliation, chagrin and discomfort of bad breath, biliousness, sour stomach, gastritis, sluggish liver, etc., when a little lozenge of charcoal will cleanse the stomach and make it pure and sweet.

Don't drug yourself when a simple little natural charcoal made from fragrant willow branches, sweetened with honey, will add tone to your stomach, liver and intestines, rapidly absorb gases and stop foul odors of all kinds.

Charcoal will absorb one hundred times its own volume in gas. A box full of charcoal placed in the room will keep the air of such a room pure and sweet.

A little charcoal lozenge dissolved on the tongue after meals will also keep the stomach fresh and clean. Charcoal is justly called the scrubbing brush of the stomach. The use of charcoal at various times cured bad cases of stomach trouble, cast out devils from the system of man by feeding him a man charcoal.

Scientific men of today believe in the great strength of charcoal for the cure of human ills. Too much of it cannot harm one. The system craves it just like an animal needs and craves salt every so often. Charcoal goes into the stomach gently and is welcome, it settles down through the action of the stomach, and filters through all the food, absorbing gas, aiding digestion and giving tone to the juices, so that when the food goes into the intestines, and there meets other digestive fluids, the charcoal holds the impurities and thus keeps them from the blood.

Whittlesley in Barton's Place.

GRAND ISLAND, Neb., Dec. 5.—(Special.)—F. C. Whittlesley has been appointed as grand recorder of the Ancient Order United Workmen to fill the vacancy caused by the resignation of S. R. Barton, who has been elected auditor of state, the resignation to take effect January 1. It is expected that he will be a candidate for election at the next district grand lodge session to be held in May. He has for many years been a chief clerk in the grand recorder's office. It was rumored during the campaign that A. Galusha, ex-secretary of state, would succeed to this position, but there appears to have been no foundation for the rumor.

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Holiday Suggestions Jewelry for Men Seal Rings, Diamond Studs, Diamond Rings, Watch Chains, Fobs, Match Chains. NOVELTIES Military Brushes, Clothes Brushes, Hat Brushes, Flasks, Smoking Sets, Shaving Mugs, Clear Clippers, Pencils, Fountain Pens, Cigarette Cases, Match Safes, Key Rings, Hat Marks, Coat Marks, Picture Frames, Traveling Cups, Soap Dishes, Bottle Openers. CUT GLASS Clear Jars, Whisky Sets, Wine Decanters, Claret Jugs, High Ball Sets, Tobacco Jars, Match Holders. GOLD Knives, Nail Files, Umbrellas, Key Rings, Clear Clippers, Pencils, Key Chains, Tie Holders. LEATHER Traveling Cases, Traveling Cloaks, Letter Books, Bill Books, Card Cases, Purcases. Frenzer 15 & DODGE