Power of State Commission Questioned in Lumber Case.

WILL BE ARGUED NEXT TUESDAY

Can State Authorities Grant Concession to Shippers Overcharged or Who Have Paid Under Protest!

LINCOLN, Jan. 16 .- (Special Telegram.)-Before the State Railway commission Tuesdag Attorneys Charles S. Elgutter, for the Florence Lumber and Coal company and the Katz-Craig Construction company, and C. Wright, for the Omaha road, present oral arguments on the petitions of the Omaha shippers which involve the question as to whether the commission has the power to grant reparation to shippers overcharged or who have been will be for equity cases and the second and paying rates established under protest and fourth for jury cases. collected until declared unreasonable and

Both in railroad circles and among shippers the question of reparation is attracting Physicians Have Little Hope for Man unusual attention and the interest in the case and the briefs filed by attorneys is keen, as it will settle for all time the question of certain powers of the commission. Through their attorney, Mr. Elgutter, the day, Samuel Katz and George W. Craig Con- According to the story of the shooting told struction company asks that the old rate that some \$3,293 paid in charges under the Clarence told Thacker to "keep out of it," Florence Lumber and Coal company not only wants the old rate of \$6 per car rescalp. Then Clarence drew his revolver and fund \$716 with interest, paid under the new schedule of rates.

New in Nebraska.

In Nebraska at least the case is a new to make the order instructing the railroad company to refund the money paid under a new schedule of rates, but in so doing to acknowledge its right to make and enforce such an order when shippers are placed in such a position as the two Florence

Thus the case takes on a dual character and the commission must decide first what rates shall be effective on lumber, crushed Science ended a most successful week at stone, sand, ice, coal and materials of like Broken Bow, between 200 and 300 farmer class in the future, and, second, whether students having enrolled and taken advan-

attorney for the plaintiff that the com- corn, lectures on the feeding and care of mission has power to make an order of hogs, agricultural education, care and adreparation is not only "novel, but upon ex- justment of farm machinery, growing small amination will be found to be revolutionary grain in western Nebraska and judging in its effect." He maintains that the rail- contests of classes of cattle and hogs. way commission of Nebraska has no such During the week the following well known rights, that the constitutional provision cre- authorities have lectured: Dr. G. E. Conating the commission did not contemplate dra, University of Nebraska; Prof. C. W. such power being vested in the commission. Webster, University of Nebraska; Hon. that the Interstate Commerce commission George Coupland of Elgin, Prof. A. E. does not possess such power, and if the Davisson, principal school of agriculture Nebraska Railway commission could make Prof. L. W. Chase, University of Nean order of reparation it would at once brasks, and Superintendent W. P. Snyder, take the authority out of the hands of North Platte station. courts, which, he maintains, are the only bodies authorized to make such orders; and the state never contemplated giving the railway commission the right to exercise the functions of a court. He says the all week, with Judge Hurd presiding. The Katz-Craig company is simply seeking to case of Mary Barlow against the city of use the railway commission instead of the Harvard for alleged damages sustained by courts to get a judgment against a rail- a fall on the sidewalk was decided by a

Both briefs are literature to the railway asked for was \$5,000. At the last term of men and shippers. Attorney Elgutter filing court the plaintiff recovered a judgment one in reply on the question of reparation, of \$1,800, but a new trial was granted. which is considered a bit "spicy."

"The people created the Railway commission," argues Mr. Eigutter. "It is established and its powers are dechild of congress."

From this the attorney for the complainants argues that in the absence of specific legislation the commission shall exercise the powers and perform the duties enumerated in the constitutional amendment provision, and among these powers, duties and general control, he claims, is the power to award reparation to a shipper for the payment to a railroad of an excessive freight rate, as asked for in these cases. He admits no order of the commission can be enforced except by the judgment of a court; the defendant need have no qualms that the judicial power of the state has

Charcoal Removes

Pure Charcoal Will Absorb One Hun- portable property. dred Times Its Volume In Poisonous Gases,

Charcoal was made famous by the old

by this simple remedy. ron was famous. Ever since that day checking over the various offices. physicians have used it. Run impure water through charcoal and you have a pure, delicious drink.

Had breath, gastritis, bowel gases, torbefore the action of charcoal.

any kind.

palatable state with honey.

Two or three of them cure an ordinary case of bad breath. They should be used after every meal, especially if one's breath is prone to be impure.

These little lozenges have nothing to frash willow, burned to a nicety for charcoal making and fragrant honey, the product of the bee. Thus every ingredient comes to man from the lap of nature. The only secret lies in the Stuart prostances into a hard tablet or lozenge, so house, that age, evaporation or decay may not assail their curative qualities.

You may take as many of them as you wish and the more you take the quicker will you remove the effects of bad breath and impurities arising from a decayed or decaying meal. They assist digestion, purify the blood and help the intestines ind bowels throw off all waste matter. Go to your druggist at once and buy a package of Stuart's Charcoal Lozenges, price 25 cents. You will soon be told by your friends that your breath is not so bad as it was. Send us your name and address and we will send you a trial package by mail free. Address F. A. Stuart Co., 200 Stwart Bidg., Marshall,

mission has the power to make the order.

FOUR TERMS IN COURT YEAR Judge Dungan Will Follow Pelicy Established Year Ago.

HASTINGS, Jan. 16 .- (Special.) -- In the ormulation of the calendar of court terms for the Tenth judicial district in 1909 Judge Dungan has followed the policy he established a year ago of having four terms in each county during the twelve months' period. Until last year it was customary to have only three terms in each county in a year. Following is the schedule for this year:

Franklin-February 23, March 15, September 12, October 4, Kearney-February 25, March 29, September 16, October 18, Harian: - March 1, April 12, September 20, November I. Webster-March 4, April 26, September 13, November 15. Phelps-March 8, May 10, September 27, November 39. Adams-March 13, May 24, September 30, In each county the first and third terms

THACKER MAY NOT GET WELL

Shot by John Clarence. PLATTSMOUTH, Jan. 16.-(Special.)-John P. Thacker, who was shot Friday afternoon by John Clarence, is still alive to

now, Carter Albin and his nephew, Earle of to per car for moving crushed stone, sand Albin, were quarreling, and Thacker told and like materials be restored, and also Albin to kill his nephew as he was no good. new schedule of rates be refunded. The then Thacker grabbed a board and struck Clarence over the head twice, cutting the fired three bullets into Thacker, one entering his breast, one his abdomen and one in his leg. Dr. Davis of Omaha, Dr. T. P. Livingston of this city and Dr. J. A. Wal one and the commission is not only asked that medical skill can do for the wounded man, but have little hopes of his recovery. All of the parties connected with the affair are well known in this vicinity. It is claimed that John Clarence carried a revolver with him for several years.

Farmers Go to School. BROKEN BOW, Neb., Jan. 16.-(Special.) -The School of Agriculture and Domestic the commission has the power and author- tage of the fine lectures and practical ity to consider the question of reparation. demonstrations. Friday and Saturday's Mr. Wright declares the contention of the programs consisted of the judging of seed

> District Court at Clay Center. CLAY CENTER, Neb., Jan. 16.-(Special.) -District court has been in session here jury in favor of the city. The amount

The case of the State of Nebraska against William, charged with burglary. now on trial. The state is represented by fined by the constitution of the state. It M. L. Corey, county attorney, and L. B. is not like many state commissions, the Stiner, and the defense is represented by creation of the legislature; nor is it like M. G. Moran of St. Joseph, Mo., and W. the Interstate Commerce commission, the L. Minor of Fairfield. This defendant was jointly indicted with Harry F. Brown, whose trial will follow.

> Woman Recovers Her Clothing. BROKEN BOW, Neb., Jan. 16.-(Special.) -Miss Erma Willing of this city, whose suitcase containing valuable dresses and presents was stolen from the local depot about December 18, has recovered her property in a peculiar manner. Information was received here Thursday that there were dresses and women's wearing apparel in a little school house, known as the "Sunnyside," about six miles north. Robert Hunter, whose ranch is in that vicinity. and E. J. Wilson, the Burlington representative, started for the place and found the missing property, minus the suitcase. The articles were in good condition. It is supposed some tramp made way with the Stomach Poisons things, and having no use for feminine atfor the night, retaining the suitcase as

> > Investigating County Offices.

HASTINGS, Neb., Jan. 16 - (Special.)-The investigation of county offices, as monks of Spain, who cured all manner of planned by U. S. Rohrer, president of the stomach, liver, Blood and bowel troubles Civic federation, contemplates an inspection of the records of each office in the One little nervous Frenchman held court house. J. K. Painter yesterday began forth its virtues before a famous con- the work of going over the accounts and vention of European physicians and sur- his task may keep him busy for several Secheyron was his name. He weeks. He has instructions to secure was odd, quaint and very determined. copies of the reports of all county officers His brothers in medicine laughed at his for the year 1908, an abstract of all claims claims. Thereugon he swallowed two of the various county officers during the grains of strychnine, enough to kill three same year and the warrants drawn thereon, men, and ate some charcoal. The doctors and a statement of the letting of the bridge thought him mad, be he did not even contract for 1908 and the warrants drawn have to go to bed. The charcoal killed on the bridge fund. The supervisors have the effects of the strychnine and Sechey- about concluded their task of officially

Rise in River Threatens lee. NEBRASKA CITY, Neb., Jan. 16 .- (Special.)-There has been a sudden rise in the Missouri river at this point and it put a stop to the ice men cutting ice, as the entire surface was flooded with water and there is danger of all of the ice going out. pid liver, impure blood, etc., give way Missouri river at this point and it put a It is really a wonderful adjunct to tire surface was flooded with water and mature and is a most inexhaustible store- there is danger of all of the ice going out. house of health to the man or woman Should that occur it might be that the ice who suffers from gases or impurities of men would get no ice this winter, as was the case last winter. They are cutting and Stuart's Charcost Lozenges are made housing ice from all of the ponds and of pure willow charcoal, sweetened to a creeks hereabouts, fearing there will be a shortage of the crop.

Entertainment for the Editors. GRAND ISLAND, Neb., Jan. 16.-(Special.)-At the meeting of the Commercial club last evening committees were ordered io, with medicine. They are just sweet, appointed to provide for the proper entertainment of the Nebraska State Press association, February 22, 22 and 24, which was brought to this city on the joint invitation of the club and the press of this city. The headquarters of the officers of cess of compressing these simple sub- the association will be at the Paimer

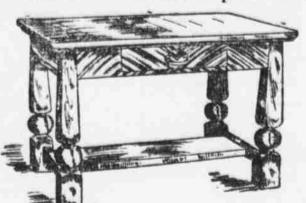
Nebraska News Notes.

WESTON-The Knights of Pythias lodge quetalled officers last night, with Dr. Gorder installing officer. DICKENS—Several cars of corn have been shipped from here the last few days, and more will be, as almost every farmer has more of this product than he will need. PALLS CITY—The Independent Order of Odd Fellows installed officers for this year last Friday evening. After the installation they enjoyed an oyster supper at the new National hotel.

RICHT TO GIVE REPARATION been invaded. But he contends the com-

ORCHARD & WILHELM, 414, 416, 418 South

JANUARY SPECIAL FURNITURE SALE A large purchase of library tables, dining chairs and fancy rockers were delayed in shipment. They should have arrived for the opening day of the sale. Now that they are here, we are marking them at even lower prices than we contemplated in order to close them out at once.



Brass Beds

\$84.00 Satin Brass Bed, January

\$45.00 Satin Brass Bed, January

\$52.00 Brass Bed, January sale

price \$37.00

\$50.00 Satin Brass Bed, January

sale price\$41.00

\$35.00 Brass Bed, January sale

price\$23.00

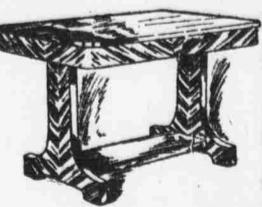
\$55.00 Satin Brass Bed, January

Library Tables

Like cut—This heavy, substantial, solid oak table is finished in soft brown fumed. Regular selling price \$20.004 January sale price, only \$13.75 \$32.00 G O Library Table, January sale

\$26.00 G O Library Table, January sale price\$18.75 \$20.00 G O Library Table, January sale Library Tables

Like cut-Plain rich design, comes in genuine mahogany veneer. Regular selling price \$24.00; January \$15.00 G O Library Table, January sale price \$10.75 \$32.00 Mahogany Library Table, January sale price\$22.50 \$28.00 Mahogany Library Table January \$22.00 Mahogany Library Table, January



\$42 Mahogany Morris Chair, January sale price . . . \$29.50 \$27.50 Mahogany Morris Chair \$17.00 \$38 fumed oak Settee upholstered in Spanish leather, January Sale price . . . \$26.00



The upholstering is of green silk velour. Regu lar price \$48.00. January sale price . . . \$31.00 The greatest bargains in all the year. Lace Curtains, Portieres, Bed Sets, Cretonne, JANUARY LACE CURTAIN SALE The greatest bargains in all the year. Lace Curtains, Portieres, Bed Curtain Swiss, all at special prices during this January Curtain Sale.

CRETONNE BED SPREAD We have seven bed spreads that have been used as samples with bolster covers to match. There are some soild, but worth from \$3.75 to \$6.75 each. We will sell them as they are Monday, your choice, each set \$1.95 Eight (8) French muslin bed sets in three colors, yello pink and green. They are made with bolster covers to fit a double bed. These sell at \$12.50 each. While they desire to close out. These all sell at 35c per yard. Your Imported Cretonne, some odd pieces, they sell from 55c to 30-inch Grenadine, very serviceable, very dainty, and especially good for sash curtains. Eight patterns to select 48 inch Curtain Swiss, sells at 35c per yard, special, yd. 19¢ 48 inch Curtain Swiss, sells at 50c yard, special, yard 34c

MADRAS-White, cream and colors. 42-inch white and cream madras, sells at 45c per yard, special, yard. . 31¢ 42 inch cream and white madras, sell at 50c per yard, spe-48-inch white and cream madras, sells at 65c per yard, spe-\$3.00 colored Madras, special, per yard...... \$1.25 Fancy Nets-white colored and Arabian. 75c Net, 50 inches wide, Arabian color, special, per yard... 47c 85c Net, 40 inches wide, two tone, special, per yard..... 69c \$1.25 Net, 50 inches wide, Arabian color, special, per yard 89c \$1.75 Net, 50 inches wide, Arabian color, special, per yard 89c Remnants of Cretonne, Net, Silk Madras at Half Price.

Cluny Curtains, regular \$3.00, special
Cluny Curtains, regular \$4.00, special
Cluny Curtains, regular \$6.00, special
Duchess Curtains, regular \$17.50, special
Duchess Curtains, regular \$30.00, special
Cable Net Curtains, regular \$30.00, special
Novelty Net Curtains, regular \$4.50, special
Novelty Net Curtains, regular \$5.75, special
Novelty Net Curtains, regular \$7.50, special
Novelty Net Curtains, regular \$7.50, special
Madras Curtains, regular \$5.75, special
Madras Curtains, regular \$6.75, special
Madras Curtains, regular \$17.50, special
\$75.00 Light Vertical Green Reading Lamps, special
\$115.00 3-light Vertical Green Reading Lamp, special
\$67.50 3-light Vertical Green Reading Lamp, special
\$115.05 3-light Vertical Green Reading Lamp, special
\$19.75 3-light Vertical Green Reading Lamp, special
\$10.75 1-light Vertical Green Reading Lamp, special Cluny Curtains, regular \$3.00, special \$8.50 Brass Jardiniere special \$4.75 Brass Jardiniere and Fern, special \$2.95 Brass Jardiniere and Fern, special \$2.95 Brass Jardiniere and Fern, special \$2.95 Brass Jardiniere and Fern, special VASES-Less than half price to close,

These 48 rugs, made from remnants of carpets and borders, to be closed out at the following enormous reductions. Among them are many sizes impossible to secure except as made up from carpets, and at a price at one-half or a little more than one-half of their real value. On sale Monday morning on 2nd floor.

No. 1. 6x9 Velvet, regular price \$15, reduced to \$7.50 2. 6x9 Axminster, regular price \$15, reduced No. 3. 6x9 Extra Axminster, regular price \$18, reduced \$10,00 6x10 Wilton, regular price \$20, reduced to \$14 5 6x9 Wilton, regular price \$18.50, reduced to \$11.50 No. 6. 8-3x9 Royal, regular price \$27.50, reduced 8-3x10 Biglow Axminster, regular price \$32, re-No. 14. 9x12 Savonnerie Axminster, regular price \$28.00.

No. 18. 8-3x12 Biglow Axminster, regular price \$30, re-No. 22. 8-3x9 Royal Wilton, regular price \$30.00, reduce 8-3x10-4 Beattle Wilton, regular price \$28.00, re-No. 25. 8-3x10-6 Wilton, regular price \$25.00, reduced No. 26. 9x12 Wilton, regular price \$36.00, reduced No. 27. 9x12 Wilton, regular price \$36.00, reduced No. 30. 9x12 Extra Axminster, regular price \$24.00, re-

No. 37. 10-6x12 Biglow Axminster, regular price \$40.00. No. 40. 10-6x12 Velvet, regular price \$27.50, reduced duced to \$28.50 No. 43. 10-6x12 Velvet, regular price \$27.50, reduced 815.95

captain seemed pleased with the showing made by the local company.

NEBRASKA CITY-William Gaddle was quite seriously injured last evening by the turning over of a heavily loaded dray

Drs. Gafford and Yoder. NEBRASKA CITY—William Gaddle was quite seriously injured last evening by the turning over of a heavily loaded dray wagon which he was driving. He was caught under part of the load.

NEBRASKA CITY-The hardware firm Meyer & Meyer has dissolved, G. H. syer retiring, H. F. Meyer will continue to business. G. H. Meyer will move to naha to make his future home. NEBRASKA CITY-The Democratic club

of Syracuse is arranging to hold a banquer on March 1, at which Hon. W. J. Bryan will be one of the honored guests. This club has a membership of over 100.

DICKENS-Stock on the range has been standing the winter thus far exceedingly well and is in pretty fair condition. No losses have been reported and nearly all the ranchers have sufficient hay for the

FALLS CITY—The county commissioners met January 12 and elected the officers for the county board for 1909. Committees for the year have been appointed. G. W. Morris was re-elected deputy treasurer and R. A. Neitzel cierk. BEATRICE-Issac Lambert, the attorney

HUMBOLDT-The State bank of Hum-coldt held its stockholders' meeting and elected the old board of directors for

another year, with officers as follows: S. P. Gist. president; J. F. Walsh, cashier; F. R. Butlerfield, assistant cashier. DICKENS—The Dickens Lyceum gave its entertainment to a crowded house Wednesday evening. The question under debate was: "Resolved, That fire is more destructive than water." The proceedings were very interesting.

WYMORE—Rev. R. T. Guernsey, for some months in charge of the Baptist church in this city, left yesterday for Batteneau. N. L. to locate. His family will follow in a short time, Rev. Mr. Guernsey handed in his resignation here some months ago, it taking effect January 1.

WYMORE—Prizes have been effected in the control of the control o

NEBRASKA CITY—A joint installation of the officers of Frontier lodge No. 3. Independent Order of Odd Fellows, and Daughers of Rebekah, was held last evening under the direction of District Deputy W. N. Hunter, and the labors were followed y a banquet.

NEBRASKA CITY—The Otoe County Driving Park and Fair association held its annual meeting last evening and elected Calvin Chapman, president; Dr. E. H. Whitten, vice president; Fred W. Rottmann, secretary and treasurer; Charles Schneider and G. W. Leidigh, directors for three years. hree years.

BEATRICE—The First National bank of Lincoln yesterday filed suit in the district court against the Arabian Horse company for \$500, the face of the note, together with interest, a total of \$753. The note was executed and delivered April 14, 1906, and the date of maturity was October 1, 1904. NEBRASKA CITY-Allen McCoy, who was arrested and placed in the county jall some time ago on the charge of as-saulting Mrss- Maggle Millhelm, pleaded guilty to carrying concealed weapons, and the other charge was dismissed, and he was released from jail. He returned to the neighborhood where he had the trouble. NEBRASKA CITY-The Wilson Rein-NEBRASKA CITY—The Wilson Reinforced Concrete company is erecting a large building here and will do all of their iron work at this point. The building will be 80x90, and fully equipped with heavy machinery. It has leased sufficient ground for the placing of a large concrete plant near its new building and will have railroad switches run to the grounds.

FALLS CITY—The members of the Grand Army of the Republic and the Women's Relief corps held public installation at the Grand Army of the Republic hall on the evening of January 7. Over 100 were present. Dr. Yutzy acted as installing officer and John L. Cleaver and Mrs. Lou Manger were installed as post commander and president.

FALLS CITY-Wednesday of this week FALLS CITY-Wednesday of this week was a banner day at the county judge's office, Judge Gagnon uniting three couples in marriage that day. They were: William Banks and Clara Dupins, both of White Cloud, Kan.; Ralph A. Nelson of Shickley, Neb., and Mabel A. Sailor of Barada, and Frank Zimmerman of Rulo and Mary O. Jackson of Reserve, Kan.

HUMBOLDT-The National bank of The offer has stimulated all the pupils writing.

WYMORE—Margaret O'Brien, while experimenting in chemistry at the high aquantity of chlorine gas, nearly suffocating made very sore, but she was able to attend school next day.

NEBRASKA CITY—A joint installation the officers of Rebeks deep the content of the coming the

agement are yet announced.

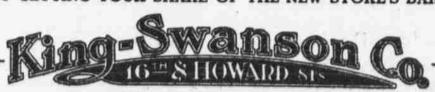
TECUMSEH—John E. and Owen McDougal formerly the hardware and furniture firm of McDougal Frothers of this city,
are again in the same line here. Thursday,
they bought the building and stock formerly
owned and conducted by them on the
south side of W. C. Cameron. The business was sold to Mr. Cameron April I of
last year and he has conducted it since.
The new proprietors are now in charge.
TECUMSEH—At the annual meeting of BEATRICE—Funeral services were held yesterday afternoon for the late Genevieve Lunback, conducted by Rev. U. G. Brown of the Methodist church. Interment was in the Beatrice cemetery.

WYMORE—Blue Valley camp No. 1004. Modern Woodmen of America, installed their recently elected officers at regular meeting last night. Tom Salegiver acting as installing officer. After the ceremonies and saked to withdraw. Dr. Stewart of by Captain Frazier of Midison, Neb. The

ows: I. M. Raymond and Dr. W. L. Day-on of Lincoln; Edwin Howorth, J. L. facks. C. E. Staley, O. J. McDougal and Dr. Stewart of Tecumseh. The old offifacka. C. E. Staley, O. J. McDougal and Dr. Stewart of Tecumseh. The old officers were elected by the board and are: President, C. E. Staley; vice president, I, M. Raymond; cashler, Charles J. Canon; assistant cashler, Charles E. Stewart. The assistant cashler, Charles E. Stewart. The old irectors the following old corps of officers were found to be in a most satisfactory condition.

TECUMSEH—The annual meeting of the Tecumseh National bank was held Tuesday. The institution was shown to be in Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, Davidson, S. P. Davidson, E. C. Hedrick, Tody, C. Pendrod, P. P. Davidson, S. P. Davidson, E. C. Hedrick, Tody, P. Davidson, P. P. Davidson, P.

ARE YOU GETTING YOUR SHARE OF THE NEW STORE'S BARGAINS?



THE HOME OF QUALITY CLOTHES

"The BUSIEST PLACE IN TOWN"

That's what many customers said yesterday-two good reasons for it .- Our great 1/2 off Sale of Men's, Young Men's and Children's new and up-to-date clothes and our great Sale of Quality Underwear. Both bargain events un-ordinary.-Little wonder, after the great response which met our announcement of a Quality Clothes Sale that we should have an Underwear sale pretty much to ourselves. Our price reductions are simply formidable.



Unusual, Saturday, January 28.

MORE TO FOLLOW! 3 BIG EVENTS FOR NEXT

GREAT TROUSER SALE

SATURDAY

SATURDAY, JANUARY 23 Reductions Will be Well Nigh

Watch Windows and Newspapers

Unbelievable.



SHIRT SALE Extraordinary, Saturday, Jan. 28.