## Intervention Papers Thrown Out,

Way of Intervention Explained.

BISHOP WILL GAIN HIS POINT

Will Be Able to Prevent Hoirs from Cutting Up Residue of Estrie-Working Girls Not Beneficiaries.

The heirs of Count John A. Creighton scored on the surface a victory in district day. It is the case brought by Fred pelled contractors to boost wage scales. scourt Saturday, but the latter part of the ruling by Judges Redick and Estelle was quite the other way about.

The court threw out the petitions of Intervention in the will contest, and stated Just prior to the starting of the hearing completed their week's work, they were its grounds for doing so. Later, neverthes a tart reply was filed in behalf of the paid at the rate of \$2.50 per day for men

ber of poor working girls, cannot properly be held to be beneficiaries under the will. The fight is over the portion of Count Creighton's will which establishes a home for poor working girls. Only the trustees, said Judge Redick, could determine whether or not the girls named are eligible as beneficiaries. It is a matter without the province and jurisdiction of the court. Accordingly, if the girls cannot be shown tervene in the case as interested parties.

Contention is Wrong. Taking up another question argued, Judge Redick declared that the contention of the attorneys for the heirs and trustees was wrong when they said that the attempted intervention came too late and should have been made in county court.

"Assuming, as we do," said the court, "that the trustees are honorable men and perfectly fair-minded in this matter, there is the added fact that as heirs they have an adverse interest and thus a new situation has been created since the will was passed upon in county court,"

On certain technical questions of practice the court also held with C. J. Smyth, representing the intervenors.

Finally Judge Redick suggested that the governor of the state could be asked to

With the intervention thus established, thrown headfirst. as it undoubtedly will be, the matter will be threshed out on its merits in dis- STONE HITS ANOTHER MAN trict court and the question decided there to go to the Working Girls' home

#### MEN TOO BUSY TO GO FOR LICENSES, SO SEND GIRLS

Work Beyond Time Court House Closes.

is not ascertained, kept Roy White and closing law, by selling intoxicants after Saturday, so that their future wives had Harry A. Stone, secretary of the Anti-For the marriage license bureau shuts at once issued.

up shop when the sun crosses the me-

and Dora Hoffman, who will shed sunshine in the home of Mr. Woodward, ap- 6, alleged A. A. Rasp bought beer at 8:30 'Our flances," said they, "have to work until half after noon, so we thought we'd some and get the licensus ourselves if it in all right.

They gave the residence of their husbands as Atlantic, Ia., but said they had recently come to Omaha and were at work here for some "cruel taskmaster."

#### K. WILSON IS Known Traveling Salesman Dics After Several Years of Illness.

salesman and business man, died Friday after an illness of several years. The bur al will be made Sunday afternoon in For-Lancaster of this city.

Mr. Wilson was born in Blanchester, O., for use moving to Neosho Falls, Kan., when a boy. bry Goods company and Thomas Kil- meeting. Nebraska, having for several years travsled in these two states for the Nonatuck lilk company. For two years prior to the liness which culminated in his death he was engaged in the mercantile business at

PAUL DECISION IN A WEEK Its loss. Will Be Announced by Judge

Troup Next Saturday Morning. Judge Troup, returning from Tekamah by a day, announced that he will give his ecision in the suit of John Paul and Mrs. fellie S. Paul next Saturday morning at inry of the state of Indiana, is a guest at o the sensational nature of the court, owing the Paxton. the sensational nature of the hearing. a waited with considerable interest.

Humphreys' Seventy-Seven Famous Remedy for Grip &

While "Seventy-seven" is sold in very drug store in America-it is best o have a hottle in your pocket, and ake a dose at the first feeling of lastitude and weakness and so break the sturded and weakness and so break the sturred Thursday. Burial will be made saturday afternoon.

COUNT'S HEIRS WIN AND LOSE Suit to Eject Fruit Men Said to Be a Fraud

> Action Not in Good Faith, Affirms Attorney for Italians in the Schlitz Building.

The suit over possession of part of the county court Saturday ,norning, but was not concluded and went over until Mon-Vokel, fr., of Milwaukee to seject the Workmen on the City National bank struc-Tropical Fruit and Candy company, otherwise James Rotolo and Sam Scavuzzo, new Douglas county court house are af-

less, the court informed the side desiring Italians by J. C. Kinsier. The reply de- on the day shift, men on the night job reto intervene how it can legally be done. clares that the suit is not brought in good celving \$3 per day. This is a boost of M The upshot is that the intervention will faith and constitutes a fraud. The origicents daily in the scale, Forty men are be achieved and this is the object of the inal petition is against the Philbin- given this advantage of the increase in law firm retained by Bishop Scannell to Murphy Hotel company and the Italians, wages.

prevent the heirs of Count Creighton from and is to dispossess both. But the Philcutting up one-half of the residue of the bin-Murphy company met with reverses Starrett Contracting company has ansome time ago and J. C. Philbin is now nounced a raise in the scale from 20 cents

intervenors in the suits, who are a num- of the daylight closing law the hotel does cording to a sliding scale, ranging from 17 not wish to operate the Heidelberg cafe and Vogel wishes to convert that part of the building into a storeroom. When the cafe was established the floor was raised several feet above the street level and tomake a good store of it it will have to be bank, has had considerable difficulty in and refer to their lease.

Brewing company is still the real owner the grounds. This was found absolutely to be such beneficiaries, they canno, in- of the property and hints at a wash sale necessary in order to carry on the work

Schiltz Brewing company

### Foot Ball Player Has Neck Broken

Thrown by Tackle While Running With Ball.

ORANGE, N. J., Nov. 20.-With his neck tell the attorney general to file petitions Cadet Byrne of West Point, Albert P. Wibibroken in much the same way as that of in intervention, and this will be done, raiske, 17 years of died tonight in the Whether Mr. Thompson or C. J. Smyth Orange Memorial hospital, another victim will then conduct the case for this side to foot ball. He had been tackled in open field while running with the ball and of the Umon Pacific Railroad company.

as to how much of the \$100,000 left ought Anti-Saloon Leaguer Has Louis Rentfrow Charged with Breaking Eight O'clock Law.

A warrant has been issued for the arrest I Louis Rentfrow, proprietor of the bar at Th street railway also reports no short-Two Atlantic, In., Lovers Have to the Windsor hotel, Tenth and Jackson streets, where a recent raid resulted in the confiscation of gambling paraphernalia, jobs. A hard-hearted employer, whose identity charging him with violating the daylight Don Woodward working until 12:30 p. m., o'clock. The complaint was made by to go to the office of the county judge Saloon league, as have been the rest of hefore noon and get the license to wed. the recent complaints, and the warrant was

as follows: On October 10, alleged C. E Holyoke bought beer; October 9, alleged He Holds Government Must Make and 11:20 p. m.

The trials of five of the six saloon men against whom complaints were made Fri day will take place in police court during the next ten days. Next Friday William Miller and Charles H. Stillers will come up; on Saturday the trial of S. T. Green will take place, and on Monday J. J. Sullivan and Charles Lentz will face the DEAD court. Service has not been made on T. J. Foley, the sixth defendant, as he is out of town for a few days.

COUNCIL WILL ACT MONDAY Ray R. Wilson, well known traveling Resolutions to Appropriate Money and Make Repairs is Laid

est Lawn cemetery and services will be appropriate \$10,000, or so much thereof as sociation, and the settlers or water users. teld at the home of his sister, Mrs. H. hard association for the police department, at a special plicants, are involved. The association Lancaster, 3935 North Twenty-second meeting Saturday. The resolution was holds \$21,653 in outstanding certificates of street, under the auspices of Excelsion laid over until an adjourned meeting to be held at 2 o'clock Monday. A resolution pallbearers will be H. E. Swain and A. C. was also laid over which provided that the service having agreed to accept these cer-Parker of Harlan, Ia.; Roy Ayers of Papil- committee on public property and buildings lon, W. B. Roney, A. W. Brooks and A. and the building inspector should proceed

In 1890 he came to Omaha, where he made an ordinance is required to legally proceed eral recently declared against such conais home for a number of years, being and the city attorney will prepare the necconnected with the M. E. Smith Wholesald essary ordinance for action at the Monday

he many traveling salesmen of lows and the second story, of the barn and making right to make cash payments; that the the structure entirely fireproof, with only certificates must be only to the ones who one floor.

council should not appropriate any more money than is actually needed, after the insurance company which carries the policy on the burned automobile has settled for

#### PERSONAL PARAGRAPHS

Colonel St Alexander of Lincoln is a most at the Rome. Judge Edgar Howard of Columbus is a guest at the Paxton.

W. H. Hunter of Downington, Wyo.; C. E. Wells of Whitewood, S. D., and C. Brenmon of Shoshoni are at the Merchants. F. J. Taggart of the Loyal hotel has re-turned from the meeting of the Kansas and Missouri Hotel Men's association at Kansas City.

T. H. Currie of Monarch, C. E. Rush of rier; no substitute, Round Lake, E. H. Chambers of Columbus, J. H. Decthiefs b. P. R. Stanbone of Denver, W. J. Payne of Lincoln and G. M. Habig of Hastings are at the Henshaw.

W. P. Prowest, F. E. Miller of Fullerton; W. P. Quackenbush of Denver, Mr. and Mrs. C. A. Blakely of Norfolk, John Dehlbron and H. F. Landberg of Copeland Idaho, are at the Murray.

lold up at its inception.

"Seventy-seven" will cure a Cold ftor the Influenza, Cough and Sore

Throat have set in but it takes longer

why delay?

This vest pocket. Druggists, 25c.
Humphrays Homeo, Medicine Co., Cor. filliam and Ann Streets, New York.

Saturday afternoon.

P. C. Anderson of Spencer, H. H. Hobart of Memphis, Neb. J. E. Gaskell of Nebaska City. D. G. Burrage of Creix, J. E. Remine. E. M. Gale of Inenver; Mr. and Mrs. A. E. Hildebrand of Hopper, Mrs. C. M. Hemier of Beatries and O. A. Torgerson of Sidney are at the Paxton.

C. C. George left Saturday for St. Paul, where he will study real estate conditions. Mr. George has been making it a practice of late to make week-end excursions to the leading cities of the west to see what information he might pick up of benefit.

#### L'ABORERS' WAGES BOOSTED

Demand for Workers in Omaha Now Greater Than Supply.

RAISE IS FIFTY CENTS A DAY

Workers on Day Shifts Get \$2.50 and on Night Shift \$3, and Still There is Difficulty in Keeping Men.

Scareity of laborers in Omaha has comture, the new Brandels theater and the from the basement which they occupy as fected by the raise in wages.

At the City National bank, when laborers

Judge Redick spoke in behalf of Judge lessee, in fact, from Vogel.

Estelle and himself. He declared that the The real fact in the case is that because Douglas county court house are paid acto 25 cents an hour, where previously the maximum was 20 cents.

The James Black company, which has the contract for the new City National lowered back. Here is where the Italians securing men. Men with teams are also come in. To this depression they object scarce. Unable to secure laborers with wagons and horses, the firm has just pur-Their reply also asserts that the Schiltz chased five teams complete to be used at and make progress during the fair weather. Vogel, who is connected with the great There seems to be general scarcity of leather and tanning company of Milwau- laboring men throughout the country. Railkee and many times a millionaire, is a road offices report trouble in securing men relative of the Uthleins, who own the for construction work, and, although work of that nature has been about completed in this vicinity except for general repair men, there is a constant demand for laborers from the west, with Colorado a heavy bidder for men.

Some Workers Go West. Twenty track laborers left for Colorado over the Rock Island and will be Albert P. Wibiralske of Orange, N. J., used as repair men. J. C. Dailey, general superintendent of the Rio Grande Western railroad, is in the city at the present time and states that his road and the Denver & Rio Grande are handicapped by shortage of men. He came to Omaha in his private car, "Wasatch." W. E. Green, first vice president of the Denver, Laramie & Northwestern rallway, was in the city Friday in conference with A. L. Mohler, vice president of the Union Pacific Railroad company, line from Denver to Greeley is progressing slowly because of scarcity of labor. Track laborers, mostly Swedes and lialians, are paid \$1.65 per day in Colo-

rado in addition to their quarters. Thomas J. Flynn, superintendent of streets, says there are plenty of men for street work, and that the department usually has a sufficient force on hand. age as their employes are mostly regular men and are not employed on temporary

### Comptroller Rules on North Platte Case

Payments Direct to Persons Doing Work on Project.

WASHINGTON, Nov. 20.-In connection with the attorney general's recent blow at co-operative reclamation construction contracts, and involving every condition obtaining in any irrigation project, the comptroller of the treasury in the case of the North Platte Valley Water Users' association case, holds that the reclamation service's only duty is to make cash payments to the persons who perform services or who paid others for such services. This payment is to be regardless of the North Platte company or any other holders of the certificates issued by the reclamation service for such work.

The city council had up a resolution to The United States, the North Platte astificates when presented by water right to place the burned barn in proper shape applicants in reduction of assessments against them for construction and main-City Comptroller Lobeck pointed out that tenance of the works. The attorney gen-

The comptroller holds that the certificates may be accepted as a prima facte satrick & Co. He will be remembered by councilman Brucker spoke in layor or evaluated by tearing out the whole interior, including ness for water rights does not affect the Councilman Brucker spoke in favor of evidence of the work done, that indebteddid the work, and they cannot be assigned; Councilman McGovern Insisted that the and that the North Platte association's guarantee of all water right charges due to the United States from water right applicants is void. The decision declares that the parties must work our their equities and legal rights among themselves.

#### POSTMASTERS AND CARRIERS Names of Those to Hold Office in

Several lows, Nebrasks and South Dakota Towns.

(From a Staff Correspondent.) WASHINGTON, Nov. 20.-(Special Telegram.)-Rural carriers appointed: braska-Cedar Rapids, route I. C. L. Judd. carrier; no substitute. Iowa-Albia, route 6, Jacob I. Conger, carrier; no substitute Corning, route 4, William T. Stokes, carrier E. A. Braniff of Spokane, C. H. Zimmerman of Salt Lake, George H. Smilh of Twin Falls, Idaho, and H. E. Swand of Rapid City are at the Loyal.

W. W. Braniff of Spokane, C. H. Zimmerman of Salt Lake, George H. Smilh of Rapid City are at the Loyal. W. F. Hlack of Alliance, W. N. Pence of Midland, Tex; Charles Hardy of Morrow-route 4. Matthew W. Brown, carrier; town, S. D.; J. A. Burke of Spokane and G. D. Eutterfield of Norfolk are at the Joseph M. Browne, substitute. South Dakota-Ashton, route 1. Ellis Baltegore, car-

J. H. Deethiefs has been appointed postmuster at Hicketts, Crawford county, Iowa, Here's One Mike vice H. A. Timm, resigned. The postmaster at Davenport, Ia., has been allowed one additional letter carrier

land Objects on Charge to

Omaha from South.

(From a Staff Correspondent. )

from Coffeyville, Kan., to Omaha.

from December James Falco of Reno Appears to prejudice against the mining town and PROTEST OVER OIL RATE Let Go of His Money National Refining Company of Cleve-

All the "Mikes" are not over in Coun eil Bluffs attending the district court con WASHINGTON, Nov. 29 .- (Special Telegram.)-The National Refining company of Cleveland today filed complaint against the Missouri Pacific Railway company protesting against the charge of 22 cents per 160 exacted by the defendant railroad for trans- Robinson and Grace Dorgee, were arportation of petroleum and its products raigned. Together they got, Falco charges,

a \$1,000 bill and ten \$100 notes \$2,000 as loose change. Loose it got. Just before coming to Omaha Palco said to have lost \$5,000 in a crooked real estate deal in Reno. Then he acquired a

If you have anything to sell or trade and want quick action, advertise it in The Bee Want Ad columns.

B. F. Swoboda-Certified Accountant. Binehart, Photographer, 18th & Farnam. Lighting Fixtures, Burgess Granden Co. the flames extinguished. Heyn, photo, removed to 16th & Howard. J. A. Gentleman Co., Undertakers, New ocation 1614 Chicago St. Both phones. Equitable Life-Policies sight drafts at Coal Will Coal Company -- Lurge Nut, is per ton. Good cooking coal. Tel. D. 278.

# Have You Musical Ambitions for Your Children?

To a little child just learning to play the piano, music may easily mean only a dull, tiresome round of etudes and finger exercise.

The modern way is to get the child really interested in the subject matter of music by bringing a musical atmosphere directly into the home. Then practice ceases to be a thing to be dreaded or evaded.

In no way can this be so successfully accomplished as through the PIANOLA. This wonderful instrument is the music teacher's most effective ally and friend.

# The Pianola Piano

For hand-playing the Pianola-Piano is a perfect instrument, with responsive touch and splendid tone. But unlike the old style pianos, it is not limited to hand-playing alone.

With the aid of the PIANOLA rolls, anyone can play the most difficult music-not merely with correct technique, but with artistic feeling and expression.

The preference of the musical world, of the educational world and of But One Pianola the great majority of the music-loving public have given the Pianola a standing not shared even in slight degree by any other Piano-Player.

It is most important, therefore, that you understand that there is but one Pianola, made only by the Aeolian company, and that no other Piano-Player approaches the Pianola's efficiency, or has a right to trade upon its name and

With its exclusive improvements the Metrostyle Exclusive Improvements and the Themodist, just enough guidance and aid are given by the Pianola and Pianola Piano to insure artistic playing, no matter who may play. The call the Pianola Piano makes for individual effort (the latitude it allows its performer's feelings and the intimate relation that exists between its performer and itself), is the secret of the appeal the Pianola Piano makes to the artistic element in

Arrangements may be made for personal individual demonstra-Individual Recitals tions of the Pianola at our salesrooms at any day and at any hour. Simply call, or phone in advance if possible, and the time that you request will be reserved solely for you.

Displayed at our salesrooms are to be seen at this time four entire carloads of WEBER PIANOLAS, STUYVE-SANT PIANOLAS, WHEELOCK PIANOLAS, STECK PIANOLAS, representing the entire Pianola line, for which we are the only authorized representatives in the state of Nebraska.

If you cannot call because of residing outside of the city, fill out and mail to us now coupon attached and complete Pianola catalogues, together with all information and prices will be immediately dispatched to you. Full allowance given for your Piano if exchanged in on a Pianola.

#### PIANOLAS SOLD ON PAYMENTS FILL OUT COUPON and Mail to Us Today Schmoller @ Mueller Schmoller & Mueller Piano Co., Piano Company

1311-1313 Farnam St. Phones Doug. 1625; Ind. A-1625. Established 1859. Branch Stores: Sioux City, Atlantic, Council Bluffs, South Omaha, Lincoln. Wholesale Agences in 100 Nebraska, Iowa and South Dakota Towns. Capital and Surplus, \$500,000.00.

Gentlemen:-I am interested in the Pianols and would like to know more about it. You may send catalogues, quote prices and furnish all information, with the understandng that I am not obligating myself to purchase. I have the following named plane or organ which I might trade in ........... Name ......

Omaha, Neb

#### Omaha bank and was just ca rying the Mabray Missed Have Boot Print It.

sought Omaha-Readily.

Texas Defeats Oklahoma. vention, for James Faico, formerly of Reno.
Nev., is also a victim of the unscrupulous
Faico himself did not try to swindie anybody, but seems to have been easily
swindled. He was in district court Saturday when two colored girls. Luedella
Robinson and Grace Dorgee, were arraigned. Together they got, Falco charges,
\$2,000 of his money. Faico was carrying
\$2,000 of his money. Faico was carrying

## **BRIEF CITY NEWS**

196 Board of Trade building.

night by someone calling his name several times. Upon arising, he found a colored man was summoning him to assist in putting out a fire in the Katz-Craig born at Thirty-fourth and Pinkney screets. The two secured buckets of water and soon had

Duck Hunter Frozen to Denth.

COLFAX, ia., Nov. 20.-(Special.)-Sam Beckham, a coal miner, S years old, was maturity. H. D. Neely, manager, Omaha, found dead on the Newton & Northwestern railroad, one and a half miles north of thin place, at 7 o'clock this morning. He went Your weekly or monthly savings paid and it is supposed got so chilled from the bleak winds and wet that he was overassociation will earn 6 per cent per annum. come. His rubber hoots were half full of water and frozen to his feet when found. Lindsay Puts Out a Fire-James C. There was nothing to indicate foul play. Lindsay, residing near Chirty-fourth and His gun was lying by his side. A coroner a Dinkney streets, was awakened Friday inquest was held this afternoon.