

COUNT'S HEIRS WIN AND LOSE

Intervention Papers Thrown Out, Way of Intervention Explained.

BISHOP WILL GAIN HIS POINT

He Will Be Able to Prevent Heirs from Cutting Up Residue of Estate—Working Girls Not Beneficiaries.

The heirs of Count John A. Creighton scored on the surface a victory in district court Saturday, but the latter part of the ruling by Judge Redick and Estelle was quite the other way about.

The court threw out the petitions of intervention in the will contest, and stated its grounds for doing so. Later, nevertheless, the court informed the side desiring to intervene how it can legally be done.

The upshot is that the intervention will be achieved and this is the object of the law firm retained by Bishop Scannell to prevent the heirs of Count Creighton from cutting up one-half of the residue of the estate.

Judge Redick spoke in behalf of Judge Estelle and himself. He declared that the intervenors in the suits, who are a number 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 to be such beneficiaries, they cannot intervene 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 tell the attorney general to file petitions in intervention, and this will be done.

Whether Mr. Thompson or C. J. Smyth will then conduct the case for this side remains to be seen.

With the intervention thus established, as it undoubtedly will be, the matter will be thrown over to the county court, as to how much of the \$100,000 left ought to go to the Working Girls' home.

MEN TOO BUSY TO GO FOR LICENSES, SO SEND GIRLS

Two Atlantic, Ia., Lovers Have to Work Hard for Wine Court House Closure.

A hard-hearted employer, whose identity is not ascertained, kept Roy White and Don Woodward working until 12:30 p. m., Saturday, so that their future wives had to go to the office of the county judge before noon and get the licenses they need.

For the marriage license bureau shut up shop when the sun crosses the meridian.

Vernette Hall, who is to espouse Mr. White and Dora Hoffman, who will shed sunshine in the home of Mr. Woodward, appeared together and asked for the licenses.

"Our fiancés," said they, "have to work until half after noon, so we thought we'd come and get the licenses ourselves if it is 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 "crucial taskmaster."

RAY K. WILSON IS DEAD

Well Known Traveling Salesman Dies After Several Years of Illness.

Ray K. Wilson, well known traveling salesman and business man, died Friday after an illness of several years. The burial will be made Sunday afternoon in Forest Lawn cemetery and services will be held at the home of his sister, Mrs. H. Lancaster, 325 North Twenty-second street, under the auspices of Kheelod of Council Bluffs Masons.

Suit to Eject Fruit Men Said to Be a Fraud

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

LABORERS' 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.

Security of laborers in Omaha has compelled contractors to boost wage scales. Workmen on the City National bank structure, the new Brandeis theater and the new Douglas county court house are affected by the raise in wages.

At the City National bank, when laborers completed their week's work, they were paid at the rate of \$2.50 per day for men on the day shift, men on the night job receiving \$3 per day. This is a boost of 50 cents daily in the scale. Forty men are given this advantage of the increase in wages.

The Brandeis theater the Thompson-Starrett Contracting company has announced a raise in the scale from 20 cents an hour to 25 cents. Laborers on the Douglas county court house are paid according to a sliding scale, ranging from 15 to 25 cents an hour, where previously the maximum was 20 cents.

The James Black company, which has the contract for the new City National bank, has had considerable difficulty in securing men. Men with teams are also scarce. Unable to secure laborers with wagons and horses, the firm has just purchased five teams complete to be used at the grounds. This was found absolutely necessary in order to carry on the work and make progress during the fair weather.

There seems to be general scarcity of laboring men throughout the country. Railroad offices report trouble in securing men 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.

Foot Ball Player Has Neck Broken

Albert P. Wibralake of Orange, N. J., Thrown by Tackle While Running With Ball.

ORANGE, N. J., Nov. 20.—With his neck broken in much the same way as that of Cadet Byrne of West Point, Albert P. Wibralake, 17 years old, died tonight in the Orange Memorial hospital, another victim to foot ball. He had been tackled in open field while running with the ball and thrown headfirst.

STONE HITS ANOTHER MAN

Anti-Saloon Leaguer Has Louis Rentrow Charged with Breaking Eight O'clock Law.

A warrant has been issued for the arrest of Louis Rentrow, proprietor of the bar at the Windsor hotel, Tenth and Jackson streets, where a recent raid resulted in the confiscation of gambling paraphernalia, charging him with violating the daylight closing law, by selling intoxicants after 8 o'clock. The complaint was made by Harry A. Stone, secretary of the Anti-Saloon league, as have been the rest of the recent complaints, and the warrant was at once issued.

The four counts against Rentrow, as follows: On October 10, alleged C. E. Holyoke bought beer; October 9, alleged C. A. C. Gaven bought beer; November 6, alleged A. A. Rasp bought beer at 8:30 and 11:20 p. m.

The trials of five of the six saloon men against whom complaints were made Friday 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 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

Resolutions to Appropriately Money and Make Repairs is Laid Over.

The city council had up a resolution to appropriate \$10,000, or so much thereof as may be necessary, to buy new apparatus for the police department, at a special meeting Saturday. The resolution was laid over until an adjourned meeting to be held at 2 o'clock Monday. A resolution was also laid over which provided that the committee on public property and buildings and the building inspector should proceed to place the burned barn in proper shape for sale.

City Comptroller Lobeck pointed out that an ordinance is required to legally proceed and the city attorney will prepare the necessary ordinance for action at the Monday meeting.

Councilman Brucker spoke in favor of tearing out the whole interior, including the second story, of the barn and making the structure entirely fireproof, with only one floor.

Councilman McGovern insisted that the 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 its loss.

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Some Workers Go West.

Twenty track laborers left for Colorado over the Rock Island and will be 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, Larimer & Northwestern railway, was in the city Friday in conference with A. L. Mohler, vice president of the Union Pacific Railroad company. Mr. Green states that work on their new line from Denver to Greeley is progressing slowly because of scarcity of labor.

Track laborers, mostly Swedes and Italians, are paid \$1.50 per day in Colorado in addition to their quarters. Thomas J. Flynn, superintendent of streets, says there are plenty of men for street work in the department, but usually has a sufficient force on hand. The street railway also reports no shortage as their employes are mostly regular men and are not employed on temporary jobs.

Comptroller Rules on North Platte Case

He Holds Government Must Make Payments Direct to Persons Doing Work on Project.

WASHINGTON, Nov. 20.—In connection with the attorney general's recent bill on 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 United States, the North Platte association, and the settlers or water users, otherwise known as the water right applicants, are involved. The association holds \$2,453 in outstanding certificates of the reclamation service of the \$3,774 issued for work and material, the reclamation service having agreed to accept these certificates when presented by water right applicants in reduction of assessments against them for construction and maintenance of the works. The attorney general recently declared against such contracts.

The comptroller holds that the certificates may be accepted as a prima facie evidence of the work done, that indebtedness for water rights does not affect the right to make cash payments; that the certificates must be only to the ones who did the work, and they cannot be assigned; 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 out their equities and legal rights among themselves.

POSTMASTERS AND CARRIERS

Names of Those to Hold Office in Several Towns, Nebraska and South Dakota Towns.

(From a Staff Correspondent.) WASHINGTON, Nov. 20.—(Special Telegram.)—Rural carriers appointed: Nebraska—Cedar Rapids, route 2, C. L. Judd, carrier; no substitute. Iowa—Albia, route 2, Jacob I. Conger, carrier; no substitute. Corning, route 4, William T. Stokes, carrier; John M. Stokes, substitute. Lemars, route 4, George O. Hammett, carrier; Harry O'Roy, substitute. Newell, route 1, Loys E. Couch, carrier; no substitute. St. Charles, route 4, Matthew W. Brown, carrier; Joseph M. Brown, substitute. South Dakota—Axtion, route 1, Ellis Baitezer, carrier; no substitute.

J. H. Deschiffs has been appointed postmaster at Hicketta, Crawford county, Iowa, vice H. A. Timm, resigned. The postmaster at Davenport, Ia., has been allowed one additional letter carrier from December 1.

PROTEST OVER OIL RATE

National Refining Company of Cleveland Objects on Charge to Omaha from South.

(From a Staff Correspondent.) WASHINGTON, Nov. 20.—(Special Telegram.)—The National Refining Company of Cleveland today filed complaint against the Missouri Pacific railway company protesting against the charge of 25 cents per 100 enacted by the defendant railroad for transportation of petroleum and its products from Coffeyville, Kan., to Omaha.



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 in-

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.

But One Pianola. The preference of the musical world, of the educational world and of 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.

Exclusive Improvements. With its exclusive improvements the Metrostyle 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 every one.

Individual Recitals. Arrangements may be made for personal individual demonstrations 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.

PIANOLAS SOLD ON PAYMENTS. FILL OUT COUPON and Mail to Us Today. Schmolzer & Mueller Piano Co., Omaha, Neb.

Schmolzer & Mueller Piano Company advertisement with coupon form for requesting piano catalogues and prices.

Here's One Mike Mabray Missed. James Falco of Reno Appears to Let Go of His Money Readily.

All the "Mikes" are not over in Council Bluffs attending the district court convention, for James Falco, formerly of Reno, Nev., is also a victim of the unscrupulous Falco himself did not try to swindle anybody, but seems to have been easily swindled. He was in district court Saturday when two colored girls, Luella Robinson and Grace Dorgan, were arraigned. Together they got, Falco charged, \$1,000 of his money. Falco was carrying

a \$1,000 bill and ten \$100 notes. He had deposited \$4,000 in-re in an Omaha bank and was just carrying the \$2,000 as loose change. Loose it got. Just before coming to Omaha Falco is said to have lost \$5,000 in a crooked real estate deal in Reno. Then he acquired a prejudice against the mining town and sought Omaha.

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

BRIEF CITY NEWS. Have Foot Print It. R. F. Swoboda—Certified Accountant. Ripehart, Photographer, 18th & Farnam. Lighting Fixtures, Burgess Granden Co. Keys, photo, removed to 16th & Howard. J. A. Gesselman Co., Undertakers, New location 114 Chicago St. Both phones. Equitable Life—Policies right drafts at maturity. H. D. Neely, manager, Omaha. Coal Hill Coal Company—Large Unit, \$5 per ton. Good cooking coal. Tel. D. 378. Your weekly or monthly savings paid in shares of Nebraska Savings and Loan association will earn 6 per cent per annum. Board of Trade building. Lindsay Puts Out a Fire—James C. Lindsay, residing near Thirty-fourth and McKinley streets, was awakened Friday 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 barn at Thirty-fourth and Pinkney streets. The two secured buckets of water and soon had the flames extinguished. Duck Hunter Frozen to Death. COLFAX, Ia., Nov. 20.—(Special.)—Sam Beckham, a coal miner, 25 years old, was found dead on the Newton & Northwestern railroad, one and a half miles north of this place, at 7 o'clock this morning. He went out duck shooting the afternoon previous and it is supposed got so chilled from the bleak winds and wet that he was overcome. His rubber boots were half full of water and frozen to his feet when found. There was nothing to indicate foul play. His gun was lying by his side. A coroner's inquest was held this afternoon.

"77" HUMPHREYS' SEVENTY-SEVEN Famous Remedy for Grip & COLDS. While "Seventy-seven" is sold in every drug store in America—it is best to have a bottle in your pocket, and take a dose at the first feeling of lassitude and weakness, or to break the cold up at its inception. "Seventy-seven" will cure a Cold for the Influenza, Cough and Sore throat have set in but it takes longer why delay? Humphreys' Homeo. Medicine Co., Cor. Fifth and Ave. Streets, New York.