

Nebraska

CHIROPRACTOR WINS POINT

Supreme Court Holds that Information Was Defective.

HAMILTON SUIT REAFFIRMED

High Court Holds Judge Sedgwick Was Not Disqualified to Sit in Case Chief Malone Loses.

(From a Staff Correspondent.) LINCOLN, Neb., May 6.—(Special.)—The supreme court today handed down an opinion in the Wilson chiropractic case, sent here from Custer county, and reversed the decision given by the district court on account of a defect in the information.

The lower court found that C. F. Wilson, the defendant in the case, had been guilty of practicing medicine without a license. Today's opinion of the supreme court does not allude to that phase of the matter, but takes its action solely on account of the information defect. In the reversed and remanding for further proceedings the court states that the defect which it bases its action upon was in that it did not allege that the defendant Wilson lived in the county where he was alleged to have practiced without a regular state license.

Judge Silas A. Holcomb defended Wilson in the courts, alleging that he had not violated the medical law in not obtaining a license to practice medicine because he had not in fact practiced medicine in the sense contemplated by the statute, and if he did violate the medical law, then the medical law is unconstitutional. Assistant Attorney General Edgerton for the state argued that Wilson had violated the medical law, and that the judgment of the court imposing a fine should be affirmed.

No License Secured. The medical law provides that one who receives a license to practice medicine from the state board of health shall file it for record in the county of his residence or in the county where he intends to practice. Judge Root who wrote the opinion says the information alleges that Wilson, "late of Custer county," violated the law by not having on record a license in Custer county. But the information does not allege that Custer county is his residence, hence all that the information charges might be true and still the defendant might not be guilty of violating the law for he might have a license on record in his home county which the court says the information is fatally defective and the motion to quash should have been sustained. The syllabus of the opinion is as follows:

"A statement in an information that the accused did treat and profess to heal a certain named patient without having a physician's license issued by the state board of health, and filed in the office of the clerk of Custer county, Nebraska, as required by law does not negative the fact that a license issued by the state board may have been filed in the office of the county clerk of the county where the accused resides."

Hamilton Suit Stands. The motion to vacate a judgment of reversal in the case of Hamilton county against the Aurora National bank, the county having asked for the vacation on the ground that Judge Sedgwick was not qualified to act and that without his vote there could not have been a reversal, has been overruled by the supreme court. The original suit involved the question of recovery of interest on Hamilton county funds, no bank having bid for the money and the county treasurer having kept the money in the Aurora National bank until the payment of interest. The bank and the county treasurer were both sued by the county, but recovery was made from neither one of the defendants in the case. The contention by the county that Judge Sedgwick was not qualified to act arose because of the fact that he, before court action, had been elected to the county attorney of Hamilton county when the matter first came up in the district court.

Harrington Wins Case. M. C. Harrington has obtained an affirmation of a judgment of \$200 against John Hedlund of Boyd county in a test case which was recently brought up to the state supreme court. The suit was against a Boyd county settler, who claimed land under a federal homestead act, but which was also claimed by the state. Harrington, as attorney, is said to have agreed to obtain the land for the settler under the homestead entry act at a certain cost. Later, when the Boyd county man, as well as others who gave the attorney similar cases under the same terms were ordered to pay more, he refused to compensate the lawyer for his trouble and the suit resulted.

Malone Loses Suit. That Chief of Police Malone and former Chief Cooper of this city must turn over to an indemnity company something more than \$1,000, which they took from the Chapman bank robbers at the time of their capture, is the decision of the su-

Phelps County Court House

NEW BUILDING AT HOLDREGE SOON TO BE OCCUPIED. IT IS OF CONCRETE AND PRESSED BRICK AND COST \$100,000.

preme court rendered today. The court has decided that none of the money found on the yegmen shall go to the local officers or their reward for arresting the men. Chief Malone claimed \$750 but the evidence according to the decision does not justify his claim thereto. The judgment affirmed must be paid to the indemnity company which insured the Chapman bank against robbery and which paid all loss incurred by the burglary, which occurred in November, 1905.

The lower court gave a judgment for \$1,000 against Malone and Cooper and a judgment for \$2,022.02 against two of the robbers, John Burke and Thomas Kelley, who were later convicted and are now serving time in the penitentiary. John Dorn, a third man arrested, had only about \$9 when he was placed under arrest and his share of the money was not found.

The supreme court has affirmed the judgment of the district court against Malone and Cooper, Judge Sedgwick not sitting in the case.

The company paid the bank \$2,000 insurance money and took an assignment for the amount of it. Malone and Cooper had in possession of the money. Malone alleged that the robbers had assigned their money to their attorneys and that he would have to pay it to the attorneys, but if it were found that the money belonged to the indemnity company then he was entitled to \$700 of it as reward money due from the company.

The indemnity company sued to restrain Malone and Cooper from transferring the money to attorneys of the robbers or from retaining any of it as a reward for the arrest of the criminals. The supreme court in its opinion says: "A court of equity may enjoin a police officer from transferring a fund taken by him from burglars who procured it by robbing a bank and may restore it to the owner thereof."

The robbers alleged that the money taken from them was not the identical money taken from the bank, but the supreme court holds that inasmuch as some of the money found upon them was identified as money of the bank it may be assumed that all of it was.

Supreme Court Opinions.

The following opinions were filed by the supreme court: Niles against Omaha & Council Bluffs Stock Railway Co.; affirmed. Reese, C. J. Brucker against Kain; affirmed. Fawcett, J. Murray against Hinrichs; affirmed. Fawcett, J. Estate of Steker, Baker against Baker; affirmed. Reese, C. J. Cancell against Houch; reversed and remanded. Adams Indemnity Co. against Malone; affirmed. Rose, J.; Reese, C. J., concurs in part. Huchow against Katz; affirmed. Rose, J. Omaha Cooperative Co. against Central City Cooperative; affirmed. Barnes, J.; Root, J., not sitting. Larson against Chicago & Northwestern Railroad; affirmed. Root, J.; Barnes and Fawcett, J.; dissent. Harper against Harper; affirmed. Rose, J. Miller against Limer; affirmed. Root, J.; Fawcett, J., concurs in conclusion. J. Howell against Howell; reversed and dismissed. Letson, J. McManus against Burrows; affirmed. Root, J. Estate of Hanna; reversed and remanded. Barnes, J. Gordon against Hennings; reversed and remanded. Root, J. Drainage District No. 1, Richardson against Bowler; affirmed. Barnes, J. Murray against Hedlund; affirmed. Rose, J. County of Hamilton against Aurora National Bank; affirmed. Root, J.; Rose and Sedgwick, J.; not sitting. Wilcox against State; reversed and remanded. Root, J. Gallatin against Tri-State Land Co.; affirmed. Barnes, J. Goff against State; affirmed. Fawcett, J. Following are rulings on motions for rehearing: Knobl against Rose; overruled. Dresher against Becker; overruled. Weston against Weston; affirmed. County of Hamilton against Aurora National Bank; overruled.

Nebraska News Notes.

BEATRICE—James Gallagher and Miss Beattie Weiskirchen, both of this city, were married Saturday. WEST POINT—A marriage license has been issued to Ernest J. Jensen of Emerson and Miss Anna A. Boyer of West Point. GENEVA—The juniors gave their class play last night in the high school auditorium, which was filled. The play was "Rocky Ford." GENEVA—Two brick buildings are to be erected for saloons, and the lot plant run by J. C. Redford is now in operation. Two roof nails will also be established. WEST POINT—The city council has granted licenses to eight saloons in West Point. This is the same number as last year and the proprietors are the same. WEST POINT—Miss Julia Frost, a well-known and popular school teacher of Cumming county has been elected teacher of the first intermediate department of the Hooper city schools. WEST POINT—The Board of Education for the West Point school district has organized by electing J. C. Elliott, president; A. E. Krause, vice president, and J. H. Thompson, secretary. VALLEY—A. J. McTigue of the Omaha Theological seminary, who has been visiting at the Presbyterian church since January 1911, will spend his vacation at Valley, acting as pastor of the church. CENTRAL CITY—In the correspondence with the state board of health, a judgment of \$1,000 against Edward J. Strassmann of Nebraska City, which was rendered for practicing medicine without a license, interest and costs. WEST POINT—The German-Bavarian Co., local purchaser, are believed to

Nebraska

MERRICK BUILDS GOOD ROADS

Small County is Setting Pace for Some of Its Larger Sisters.

HOW ASSOCIATION WAS FORMED

Farmers and Business Men Are Co-Operating in the Construction of Forty Miles of Model Highway.

CENTRAL CITY, Neb., May 6.—(Special.)—Merrick county, while one of the smallest counties in the state, is certainly setting a pace that should be followed by some of her larger sisters. In the summer of 1910 a government good roads expert was secured from Washington, and under his direction two miles of model road was built at a cost of \$600 per mile. At the time of the building arrangements were made to have all of the township officers in the county come in and learn how good roads could be built through sand, which was the most difficult of construction.

The lessons of 1910 were so well learned that in February, 1911, the good roads enthusiasts formed an association, with H. E. Gatzfelter as president and Joe A. Hays as secretary to build forty miles of roads along the line of the Union Pacific railway from the east to the west line of the county. Central City business men donated \$500 in one day's soliciting for the purpose. The farmers along the proposed route, almost to a man, have pledged two days' work each, and six townships through which the road runs are throwing up the necessary machine grades, which is to be pressed with clay or gumbo by the donation work.

The two pictures were taken two miles west of Central City on a sandy stretch of road. The first shows wagons being loaded with gumbo soil by an elevated grader one-half mile from where the road is being constructed. The other picture shows the twenty farmers' teams during their loads on the sand road. These twenty teams put in nearly 400 loads of dirt per day, and put from two to three cubic yards per rod of road at a cost of about \$300 per mile for completed road.

The failure of the late legislature to give the state an up-to-date road law has not deterred our people from going ahead in their road movement. It shows how an up-to-date, hustling bunch of farmers can do things in spite of an adverse law-making body.

May 22 and 23 have been fixed as the days for the donation work on finishing the road, but from present activities much of the road will be finished before that date. It is the purpose of the organization to maintain this road by means of the King road drag for one year after completion to more thoroughly demonstrate the necessity and economy of keeping a road good after building it right. Permanent cement culverts are to replace the wooden bridges on this line, and are being provided by the county from the inheritance tax funds, and before summer is here Merrick county will have the longest stretch of good roads in Nebraska.

Horse Stolen at Benkelman.

BENKELMAN, Neb., May 6.—(Special.) A valuable horse was stolen from the farm of William Roberts, three miles east of Benkelman, on the night of May 4. The animal has been traced to a point in Cheyenne county, Kansas, some five miles from the scene of the theft, when the trail was lost. Three other horses have been stolen in this vicinity since the first of the year. Reports come from Ota, Colo., from former Dundy county residents, of the theft there of eleven head of horses, about two weeks ago.

DRAYMAN LOSES CASE AGAINST UNION PACIFIC

Jury at Central City Refuse to Grant Damages to Chapman Man Hit by Fast Train. CENTRAL CITY, Neb., May 6.—(Special.)—A case that has attracted considerable attention over the county, and stirred up considerable feeling in the neighborhood where the plaintiff lived, was disposed of in the district court here today when the jury in the case of William Worland against the Union Pacific Railway company brought in a verdict finding no issue of action. The case occupied the entire attention of the court for the week, and after the verdict was rendered the court adjourned until the following Monday. The plaintiff, William Worland, has been a drayman at Chapman for a number of years. On the morning of March 10, 1910, while in the discharge of his regular vocation, he attempted to cross the tracks with his team and dray from the depot. Apparently he did not see the fast approaching Los Angeles limited bearing down upon him. Before he had cleared the track the engine crashed into the rear end of the wagon. The wagon was literally smashed to kindling wood, the team was injured, but Mr. Worland was tossed into the air and when he was picked up was a mass of cuts and bruises. He was taken to the hospital at Grand Island, and it was found that he had sustained many bruises and fractures. The railroad contended there was ample opportunity for the plaintiff to see the approaching train, and that there was negligence on his part. Photographs of the place where the accident occurred were introduced, and at the conclusion of the hearing the jury went down to Chapman to view the scene first hand. The jury deliberated for about ten minutes and returned a verdict of no cause of action.

New Bank for Springfield.

GRETTA, Neb., May 6.—(Special.)—A new bank has been organized at Springfield. Chief among the organizers are Fred C. Mangold, cashier of the Farmers' and Merchants' bank at Gretna; John C. Mangold of Elkhorn, and Peter Mangold of Bennington. Also quite a number of well-to-do farmers in the vicinity of Springfield will be stockholders and the bank will be called the Farmers' State Bank of Springfield. John C. Mangold will be the cashier and business will be begun as soon as the furniture and fixtures are installed.

Series Shows Good Roads.

SITTON, Neb., May 6.—(Special.)—Good roads workers here are making efforts to bring the cross-state automobile highway through Sutton. A meeting was held tonight to perfect local plans. The state organization will meet May 19 at Holdrege to decide on the route.

Change the Vibration IT MAKES FOR HEALTH.

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The Packard "Six" 48-horsepower, A. L. A. M. rating

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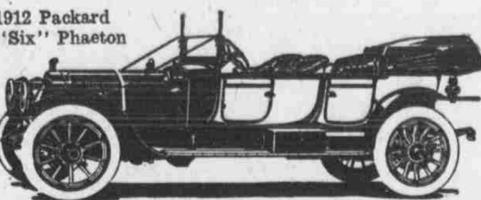
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Your opportunity to win is as good as anyone's. Every contestant will be awarded a prize. You may win the \$350 Piano or you may win a Watch, Diamond Ring or 25-piece Silver Service. You are sure to win a prize.



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How to Solve It—We Guarantee It Can Be Done. Take any number from one to fourteen inclusive. Do not use any number more than twice. Place one number in each of the eight outside diamonds and one in center diamond so that when they are added perpendicularly or horizontally the total will make 27.

Partial List of Prize Winners, Last Contest

David Mills, 26th and Lake, Omaha; Charles H. Hunt, 3604 N. 18th, Omaha; Emelia Pedersen, 3319 N. 22d, Omaha; Mrs. Charles O. Hutchings, Roland apartment, Omaha; Miss J. Ellis, 2562 Harney, Omaha; T. W. Spafard, 21st and Z, South Omaha; Mon. Adolph Fiala, Schuyler, Neb.; L. F. Ahi, Dorchester, Neb.; John E. Hanson, Wayne, Neb.; Julius Fiear, Council Bluffs, Ia.; A. J. Miller, Decatur, Neb.; H. H. Voss, Plagah, Ia.; Charles Kittleman, Petersburg, Neb.; Dora Drangenberg, Johnson, Neb.; J. W. Danaher, David City, Neb.; Mrs. Myra Ayres, Fairmont, Neb.; Joseph Petasche, Harlan, Ia.; Rose Colgan, Pacific Junction, Ia.; Blanche Hamilton, Plymouth, Ill.; Theodore Klubunde, Irvington, Neb.; Amos Meati, Dodge, Neb.; G. F. Altmaier, Kearney, Neb.; Henry Sander, Cedar Creek, Neb.; D. W. Dunkle, Logan, Ia.; C. W. Shaffer, Benson, Neb.

CONDITIONS AND RULES. The contest is free and open to every man, woman and child in the United States, except those connected in any way with Piano Business. FIRST PRIZE will be awarded to the one sending in the nearest and most original correct answer. The Second Prize will be awarded to the one sending in the nearest correct answer. All of the above prizes will be awarded according to merit as determined by the judges, whose decision shall be final. All prizes must be claimed by the winner (twelve (12) days after close of contest) and every contestant must send us his name and address of at least one family not owning a piano, so we can send them our catalog and Factory-to-Home Selling Plan, which cuts out all middlemen and saves to the piano buyers these enormous profits. This is the only store within hundreds of miles where you can deal with manufacturer direct.

Hurry your answer—bring or mail to our store today. Inclose self-addressed envelope Contest closes 6 p. m. May 19th, 1911.

The Segerstrom Piano Mfg. Co., incorporated, authorized capital \$400,000, were among the earliest manufacturers in the business to establish the One Price Factory-to-Home—No Commission—No middlemen—plan of selling pianos, which is fair and equitable to buyer and seller alike. This company also shares their advertising fund with their customers, instead of other and more expensive means. This company already has hundreds of satisfied and enthusiastic customers in this state. The Piano Buyers' Guide for 1910 speaks of this company in glowing terms.

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33 YEARS

Of undisputed success in the preservation and purification of the skin and hair, of infants, children and adults, is the record of Cuticura Soap

And Ointment. No other emollients have done so much for poor complexions, red, rough hands and dry, thin and falling hair, or in allaying distressing, disfiguring eczemas, rashes, itchings and irritations. Although Cuticura Soap and Ointment are sold by druggists and dealers everywhere, a liberal sample of each, with a page booklet on the treatment of skin and hair, will be sent post-free, on application to S. C. Watson, Dept. K, Boston.

Detailed Census of Nebraska Counties

Table with columns for County, Population, and other statistics. Includes entries for Lincoln, Omaha, and other major cities.