

Nebraska COURT FIXES RULES OF ROAD

Omaha Boy Secures Judgment for Injury on the Street.

HOW TO PASS ON SAME SIDE

More Than Ordinary Care Must Be Used at Such Time—Ruling in Case Against Atlanta Company.

(From a Staff Correspondent.)
LINCOLN, Nov. 15.—(Special.)—What the rules of the road are in this state may be gleaned from a perusal of the decision just handed down by the supreme court in the case which Harry Hackett, an 11-year-old Omaha boy, recovered damages from the Atlanta Daily company of that city.

Hackett and a boy friend were riding bicycles along one of the streets of the state's metropolis. The highway had been narrowed by the erection of a fence thereon, which had been built to protect construction work then under way. The lads attempted to pass on of the defendant company's wagons. Hackett's companion negotiated the passage safely, but the plaintiff was not so successful. As he was ever with the wagon the driver turned his team in toward the fence with the result that a collision occurred. The lad was severely injured and later sued the company for damages. Judgment was obtained in the lower court and this the supreme tribunal affirmed, with Judges Barnes and Fawcett dissenting.

Ordinary Rules of Road.

Set out in the opinion are the following rules which the court declares should ordinarily govern the road:

The rule as to the rights of persons driving in the same direction in the public street or highway is that the duty of each driver is to keep to the right of the road, but this is not absolute. He is not bound to pass a slower moving vehicle, but he must use more care and keep a better lookout to avoid collisions than would be necessary were he in the proper lane.

In a narrow street he must not unnecessarily block the way or crowd other travelers to one side, and he must use the highway in such a manner as not to unreasonably deprive other travelers of their usual rights to the use of the street.

It is impossible to lay down a hard and fast rule applicable to all situations which may arise in the streets of a city and even though a deviation from the rule of the road has taken place the question whether the defendant or his servants have been guilty of contributory negligence is ordinarily one for the jury to decide.

COURT RULES ON POWER TO ANNEX LAND BY FORCE

(From a Staff Correspondent.)
LINCOLN, Nov. 15.—(Special Telegram.)—The mere fact that any village or city in the state wishes to annex land in another county is not a barrier to its being forcibly taken into the limits of a municipality, according to a decision just rendered by the state supreme court.

The case in which the ruling was made is that of Fred Utecht and others against the town of Wakefield. The latter village is in Dixon county and the land which it sought to annex is just across the line in Wayne county. The village in its side of the case says that the proximity of Wakefield gives the property of Utecht and others added value and also gives them an opportunity to use all the public utilities which that village has.

Utecht fought the annexation on two grounds—that a village in one county had no right to annex land in another and that the lower court was not justified in holding that justice and equity demanded that the land be annexed.

HASTINGS ORDERS MANY MUNICIPAL IMPROVEMENTS

HASTINGS, Neb., Nov. 15.—(Special.)—Transactions involving over \$100,000, much of which represents paving finished in the last few weeks, were conducted by the council Monday night. A petition for the repaving of the main business street was granted. The water commissioner was instructed to proceed with the preparation of specifications for a new pump for the water works of a capacity of 2,000,000 gallons per day, which will double the present capacity. An ordinance was enacted requiring the removal of all telephone, telegraph and electric light poles from the streets in the business section by January 1, 1912. This is in preparation for the installation of an elaborate ornamental lighting system in the business section.

GOOD ROADS MEN HOLD BIG BANQUET AT DILLER

BEATRICE, Neb., Nov. 15.—(Special Telegram.)—A good roads banquet was held in Lockie's hall at Diller tonight and was attended by nearly 500 good roads boosters. The principal speakers were C. L. E. Blauer and J. W. Frazer of Diller, Lew Shelley and W. W. Coombs of Fairbury. Thomas Price was toastmaster.

Woman's Happiness

The highest point of woman's happiness is reached only through motherhood, in the clasping of her child within her arms. Yet the mother-to-be is often fearful of nature's ordeal and shrinks from the suffering incident to its consummation. But for nature's ills and discomforts nature provides remedies, and in Mother's Friend is to be found a medicine of great value to every expectant mother. It is an oily emulsion for external application, composed of ingredients which act with beneficial and soothing effect on those portions of the system involved. It is intended to prepare the system for the crisis, and thus relieve, in great part, the suffering through which the mother usually passes. The regular use of Mother's Friend will repay any mother in the comfort it affords before, and the helpful restoration to health and strength it brings about after baby comes. Mother's Friend is for sale at drug stores. Write for our free book for expectant mothers which contains much valuable information, and many suggestions of a helpful nature.

BRADFIELD REGULATOR CO., Atlanta, Ga.

Nebraska Merrick Criminal Cases Go Over on Account of Illness

CENTRAL CITY, Neb., Nov. 14.—(Special.)—When the regular November term of the district court convened here Monday with Judge George H. Thomas on the bench and a full jury panel in attendance, it was expected that there would be at least a week's work for the jury, and after that more work for the judge before the session would adjourn. By Monday evening the jury was dismissed and at 10 o'clock Tuesday the court had taken a recess at a date to be fixed later. There was a wholesale cleaning up of cases on the criminal docket. The cases against Harry Erb were dismissed upon the failure of those whom it had claimed had been defrauded, to appear. It being understood that the differences between Erb and his creditors had been settled. The motion for a continuance in the case against John Marquis was strongly contested by the state. An affidavit was presented by the defense asking for a continuance on the ground that they had reason to believe Daniel Hirschhoff would swear that an liquor captured in the raid March belonged to him, and that Mr. Hirschhoff was unable to be present on account of illness, a physician's certificate being produced to back up the claim of illness. After considerable debate Judge Thomas decided to let the case go over to the January term.

The case against Robert Sadder for alleged cattle stealing was also continued upon a showing that one of the leading witnesses was ill in a hospital in Omaha with a broken limb. The forestry charges against Earl Boice and W. H. Aldrich were also continued, as was desired to try the cattle stealing cases first, Boice being involved in both. This cleared the docket of the criminal cases for the present term and so the jury was discharged, as there were no civil cases for jury trial.

The Chapman road cases, in which much interest is manifested, were not yet ready for hearing, as action on a demurrer in these cases is pending. When Judge Thomas adjourned court Tuesday it was stated that he might be up in a week or two to hear some further matters in equity if the lawyers so desired.

Alliance Catholics Dedicate New Church

ALLIANCE, Neb., Nov. 15.—(Special Telegram.)—The dedication of the magnificent new Catholic church took place this morning with all the solemnity of the full ritual of the church. Rt. Rev. Richard Seannell, bishop of Omaha, officiated and also preached the dedicatory sermon.

Rev. T. P. Haley of Lexington was the celebrant of the solemn high mass; Rev. James A. Hearne of South Omaha, was deacon, and Rev. B. E. Galvin of Spaulding was subdeacon. Rev. James Stenson of Omaha acted as master of ceremonies. Rev. James Gleason of Omaha chanted the litany and the visiting priests answered.

Besides the priests named above the following were present: Rev. M. A. Dolan, Chadron; Joseph Riebling, West Point; H. A. Flanagan, Greeley; J. Dobson, Sidney; C. Mullan, South Omaha; P. A. McGovern, Omaha; P. S. Moser, Broken Bow; J. A. Keenmann, Sidney; P. Pepper, Rushville, and C. Becker of Crawford.

The music was the finest ever heard in Alliance and was rendered by a picked choir of the best singers in Alliance. The principal soloist being Mrs. G. J. Rousseau.

Dinner was served by the women of Alliance in the basement of the church and a large number of visitors from neighboring towns were present.

In the evening solemn benediction was given and a sermon was preached by Rev. P. A. McGovern of Omaha.

Technical building is the finest in western Nebraska and the interior finishing was greatly admired by all. Rev. W. L. McNamara, local rector, was congratulated on all sides for the great work he has accomplished in so short a time.

SUPREME COURT HOLDS ISH MUST PAY JUDGMENT

(From a Staff Correspondent.)
LINCOLN, Nov. 15.—(Special.)—That James C. Ish of Omaha, because of the fact he had been given a policeman's badge, was not endowed with any power not given any other citizen is the substance of a normal made on a case just passed upon by the supreme court.

The case was one in which Ish sought to interfere with some boys playing ball on a vacant lot which his mother owned and from which she was making ineffectual attempts to oust the lads. A man by the name of Elmer Johnson, who sought to take the boys' part when they were being roughly handled, was given a blow by a club which Ish carried. Johnson sued for \$1,000 damages and a lower court returned a verdict in his favor. The decision just rendered by the supreme court affirms that verdict.

JUDGE LETTON'S SON GOES TO ILLINOIS FOR BRIDE

FAIRBURY, Neb., Nov. 15.—(Special.)—Fairbury friends of Harry P. Letton have received invitations to his wedding which will occur in Springfield, Ill., Saturday, November 18. He will be married to Miss Ethel Marie Kirby, daughter of Robert H. Kirby, at their home on West Grand avenue. Mr. Letton is the son of Judge and Mrs. C. B. Letton of Lincoln and was born and raised in Fairbury. He attended the Fairbury high school, but did not complete the course. He listed attended the university at Lincoln. For some time past he has been employed with a concern at Trenton, N. J. The young couple will live in Trenton and will be at home after December 15. Judge and Mrs. C. B. Letton of Lincoln will attend the wedding.

WOMAN ONLY REPUBLICAN ELECTED IN CHASE COUNTY

IMPERIAL, Neb., Nov. 15.—(Special.)—Chase county went democratic with large majorities this year. Miss Joseph Fletcher, present county superintendent of schools, is the only republican candidate elected, the only candidate re-elected for the third time and the only woman holding office in the county.

The key to success in business is the judicious and persistent use of newspaper advertising.

Nebraska State Auditor Barton Files for Congress in Fifth District

(From a Staff Correspondent.)
LINCOLN, Neb., Nov. 15.—(Special Telegram.)—Shas R. Barton, auditor of the state, filed today as a candidate for the republican nomination for congress in the fifth district. His name will go on the ballots at the April primaries. Barton lives at Grand Island, as does W. A. Prince, a representative in the last legislature, who announced some time ago that he would contest with his fellow townsman for the republican nomination in that district. "I expect to secure the nomination," said Mr. Barton, today, "and expect further to be elected."

Receiver is Asked For Grand Island

CLAY CENTER, Neb., Nov. 15.—(Special.)—In the action recently instituted in this county by the minority stockholders of the St. Joseph & Grand Island railroad the service of notice has been filed in the court that next Monday they will apply to the district court, then in session, for the appointment of a temporary receiver. Paul E. Dehaugh, an attorney of Harvard, Neb., is named as the proposed receiver.

CAMPAIGN EXPENSE BILLS FILED IN MADISON COUNTY

MADISON, Neb., Nov. 15.—(Special.)—The following persons have filed campaign expense statements:

S. A. Hunsell, county superintendent, democratic, none.

William M. Huntington, county treasurer, republican, to republican committee, \$25; advertising matter, \$67.12. Total, \$92.12.

W. H. Field, clerk of district court, republican, committee, \$20; advertising matter, \$3.50. Total, \$23.50.

S. R. McFarland, county clerk, republican, committee, \$25; advertising matter, \$21.25. Total, \$46.25.

H. C. Mairat, candidate for county clerk, democratic, traveling expenses and advertising matter, \$108.50.

Charles Heuserdorf, candidate for county treasurer, democratic, traveling expenses and advertising matter, \$37.40.

P. H. Taylor, register of deeds-elect, democratic, traveling expenses and advertising matter, \$41.25.

Honor for Humboldt Veteran.

HUMBOLDT, Neb., Nov. 15.—(Special.)—J. Rook Williamson has been recommended to the commander-in-chief of the Grand Army of the Republic for appointment as aide-de-camp on his staff. The appointment is an honorary position. If Mr. Williamson accepts he will be expected to go with the staff to the Grand Army of the Republic meeting at Los Angeles, Cal., next year.

Columbus to Play Beatrice.

BEATRICE, Neb., Nov. 15.—(Special.)—The Columbus and Beatrice football teams will meet here Saturday afternoon at the driving park. While the locals do not expect a hard battle they have been practicing regularly every day. Following Columbus the Topela eleven will play here on Thanksgiving day.

Hastings Company Inspected.

HASTINGS, Neb., Nov. 15.—(Special.)—Company D was inspected by Major Gage, assistant adjutant general, last night and was found to be one of the best equipped and drilled companies in the Second regiment. A complete set of steel lockers has recently been installed in the armory.

HYMENEAL.

Albertson Ackerman.
BEATRICE, Neb., Nov. 15.—(Special Telegram.)—William Patrick Albertson of Kansas City, Mo., and Miss Chelsea Ackerman of Armour, Neb., were married here today by Judge Alden in county court. The couple will make their home at Kansas City.

A Viper in the Stomach.

Is dyspepsia complicated with liver and kidney troubles. Electric Bitters help all such cases or no pay. 50c. For sale by Beaton Drug Co.

Persistent Advertising is the Road to Big Returns.

IF

drinking coffee or tea results in a feeling of nervousness and irritability, you may depend upon it that caffeine—the drug in the coffee and tea—is getting in its "back licks"—the reaction from the drug.

Common sense would suggest stopping the cause—coffee and tea—short off.

The change is easy if you have well-made

POSTUM

—the food-drink made of wheat, including the Phosphate of Potash (grown in the grain) for rebuilding brain and nerves.

Postum is known to be free from any drug whatever, and is rich in the vital elements which make for sturdy vigor.

"There's a Reason"

Postum Cereal Company, Limited, Battle Creek, Michigan.

BEATTIE WILL BE EXECUTED

Governor Mann Announces He Will Not Grant Reprieve.

NO GOOD REASON FOR DELAY

Executive Says Prisoner Was Given Benefit of Every Reasonable Doubt and that Law Must Take Its Course.

RICHMOND, Va., Nov. 15.—Governor Mann today declined to interfere in the case of Henry Clay Beattie, Jr., and the young wife-murderer's last hope of escaping the electric chair on Friday, November 21, was swept away.

Attorneys for the condemned held their last conference with the governor and just before noon the latter announced his decision not to interfere in any way with the decree of the Chesterfield county court, which was sustained by the supreme court of appeals of the state.

A petition had been presented to the governor praying for a reprieve at least thirty days for spiritual preparation.

In a signal statement, Governor Mann said in part:

"I followed this case during the trial and its horrible facts were developed, regarded that a crime so cruel and heinous should have occurred within the confines of this state.

"In the decision of every question which was presented to the able and impartial judge who presided at the trial, he was careful to give the benefit of every reasonable doubt to the prisoner. That he did not err is shown in the refusal of the supreme court of appeals to grant a writ of error.

"That Beattie is guilty of the wilful, deliberate and cruel murder of his young wife, I have not the slightest doubt, nor is it insisted that there shall be any greater relief offered than the commutation of his sentence to imprisonment for life.

"I do not think the affidavits of Paul Beattie, printed in the papers or any other evidence or consideration brought to my attention sufficient for that purpose.

"To grant a reprieve in no plain case would be to set a precedent, would be to temporize with the law and to encourage appeals to the supreme court with the sole purpose of gaining time. I believe the best way to prevent such crimes as this is to punish them adequately, certainly and speedily. Therefore the judgment of the circuit court of Chesterfield will be carried into effect without interference from me."

County Board Will Hear Doty Monday

County Assessor Shriver and the Board of County Commissioners will give a hearing next Monday to E. W. Doty of Cleveland, O., who will explain the Somers plan of realty assessment and taxation, which he asks Douglas county to adopt. It is a mathematical system, easy of application, he says, which absolutely guarantees the just taxation of each property owner as compared with other property owners.

Mr. Doty's company, the Manufacturers' Appraisal company, of Cleveland, desires to inaugurate the system here, on a per lot basis, which would cost probably \$5,000 for expert service.

Mr. Doty addressed the Real Estate exchange yesterday on the subject. The county commissioners heard his explanation of the system in an address before the executive committee of the Commercial club Tuesday.

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Supreme Court of South Dakota Renders Opinions

PIERRE, S. D., Nov. 15.—(Special.)—In the supreme court today opinions were handed down in the following cases:

By Smith—Sarah R. Calhoun against C. E. Bryant, administrator. Beadle county affirmed.

By Carson—Outcast Advertising company against Sherman Dry Goods company, Brown county; affirmed.

Gustave H. Kimm against C. W. Walters, Beadle county; affirmed.

John Hendrickson against J. A. Severance, Day county; affirmed.

By Haney—William D. Driskill et al against Elizabeth Zebbe et al, Lawrence county; modified and affirmed.

Farmers and Merchants State bank of Verdon against United States Fidelity and Guaranty company, Brown county; reversed.

Francis J. Joy against Midland State bank of Omaha, Pennington county; reversed.

Frank E. Granger against Arthur Lorenson, Brown county; affirmed.

Lilly M. Zimmerman, administratrix, against South Dakota Central Railway company, Lake county; affirmed.

C. McGinty and P. Senneff against F. A. Reynolds and H. Boytz, Brule county; affirmed.

State of South Dakota against Mailinda Stunkard and Natus Pitsenberger, Moody county; appeal denied.

By Whiting—Albert E. Bates against Gilbert D. Luffler et al, Pennington county; modified and affirmed.

P. A. Hellman against Barbara Hellman and Farmers State bank, Miner county; reversed.

Belle Fourche Valley Railway company against Belle Fourche Land and Cattle company, Butte county; reversed.

Robert J. Gamble against Gilbert D.

Luffler, Yankton county; modified and affirmed.

By McCoy—State of South Dakota against A. E. Leavitt, Marshall county; affirmed.

James Henry Shaw et al against Hetta B. Shaw, Clay county; affirmed.

An application was made in the court today for a writ of habeas corpus for Van F. Moore serving a life sentence on a plea of guilty to a charge of murder. The allegation being that the state had no jurisdiction as the offense was committed on an Indian reservation. Moore sent from Stanley county on his plea of guilty to the murder of Susan Tin Cup, an Indian woman.

Sundblad to Remain County Court Clerk

Practically no changes in the personnel of the office force of the county judge's office will be made when County Judge-elect Bruce Crawford takes office the first of next year. Clyde Sundblad will continue as chief clerk under the new administration.

County Judge Leslie, who takes his place among the district judges the first of the year, has not decided whom he will favor for bailiff of his court. Disposition of this matter probably will be made at the annual meeting of the judges, January 1.

Constable G. W. Church, Joseph W. Marrow, bailiff for Judge Redick, and several others are candidates for the position of bailiff. Marrow's chances are considered excellent. After Judge Redick's defeat in the primary, Marrow grinned and bore it and went to work to boost the ticket at the general election, just as if his own judge had been among the winners. He was busy all through the campaign and until the polls closed.

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Kern Millinery Given Away in Our Fur Department

Visit our Fur Department

GET A HAT FREE

READ THIS—We have placed in our Fur Dept. 50 Beautiful Trimmed Hats worth from 5 to 10 dollars. We are going to give you your CHOICE of any one of these hats FREE with any set of Furs you buy Thursday.

We Sell Furs for Less Money

than any house in Omaha. WE WILL CONVINCING YOU of this if you will compare our prices with others.

Handsome blue and gray wolf sets; black, red and gray fox sets; brown beaver sets, black lynx sets; exquisite natural mink sets; raccoon and Jap mink sets—all kinds of pony coats

We can sell you a "GOOD LOOKING" SET OF FURS FOR \$10.00. We have them as high as \$250.00 Buy Furs Thursday.

1508 Douglas St. **Kern**

Santa Fe de-Luxe

The Santa Fe announces the only extra-fare train between Chicago, Kansas City and Los Angeles—the "Santa Fe de-Luxe"

Once a week, this winter, beginning December twelfth.

Only sixty-three hours on the way.

Exclusively first-class.

An extra fare is charged.

Palatial train of steel underframe cars, built from special designs. Compartment, drawing room and observation Pullmans, club car and Fred Harvey dining-car. Barber, ladies' maid, manicurist and stenographer.

Every travel luxury, including bath.

Connection for Grand Canyon of Arizona. Descriptive art booklet on request.

Samuel Lattimer, Gen. Agt., 315 1/2 St., Des Moines, Iowa.

extra-fare train to California

YOST -- High Grade Furs

EXPERT REMODELING

Corner 20th and Farnam. Telephone Douglas 3040.

Free Land Information

The Twentieth Century Farmer, to meet the demand of its readers for land information, has gathered and compiled data on soils, climate and farming conditions in all parts of the country. It is willing to give out this information, free, if postage is sent with inquiry.

Do You Want to Know

About government land laws, location of land offices, etc.

How to get irrigation lands, location of projects, laws governing same, etc.

Best sections for fruit growing, general farming, stock raising or dairying.

Your questions will get prompt attention. State plainly and specifically what you want to know. Write,

Land Information Bureau

The Twentieth Century Farmer

Omaha, Nebraska