

STATE SUIT FOR DEMURRAGE

Burlington's Appeal from Douglas County in Supreme Court.

ROAD SAYS BIG QUESTION

Nebraska Transfer Company Declares Merely Matter of Allowing Judgment for Overcharge Wrongly Assessed.

(From a Staff Correspondent.)

LINCOLN, Dec. 8.—(Special).—The Burlington Railroad company, in an appeal from Douglas county, came before the supreme court today with a case involving the right of a state court to hear cases brought by shippers to collect demurrage charges collected by a railroad engaged in interstate commerce.

The Nebraska Transfer company sued in the lower court for \$49 on a contention that the railroad company, instead of delivering a large number of cars of sugar in the order received so that the consignee could unload them each day, bunched them and because it took a long time to unload made the consignee pay demurrage on the cars.

The company contends that to allow the plaintiff to recover in this action would in effect operate to compel the defendant to pay rebate upon the tariff charges due on the shipment, contrary to an act of congress; that it was an interstate matter because the cars came from out of Nebraska; that the wrongful act complained of was a violation of the interstate commerce act, the jurisdiction to hear and determine it lay only in the interstate commerce commission.

The lower court retained jurisdiction, but the plaintiff secured judgment for recovery on six cars, which were not kept on the track all the time.

Contentions in Case. Many pages were devoted to insisting that such matters were bound to come up between the transportation companies and shippers, in the brief of the railroad company. It also alleged that if each state court was to retain such jurisdiction there would be great confusion of authority as to duty.

It was also claimed by the railroad company that this was not the most important question involved in this case; the mere fact that the plaintiff can or cannot recover damages. According to the statutes, the carriers are to treat all patrons alike, and this policy, they claim, will be violated with the adoption of the rule which evinces the shipper from paying lawful tariff charges on account of circumstances that are not the carrier's fault.

T. W. Blackburn, attorney for the appellee, insists that the charges are no different from those collected on an overcharge of freight. He further alleges that the demurrage arose not while the cars were in transit, but under a separate and distinct contract wholly within the state, the contract being that if the cars were not unloaded within forty-eight hours a \$1 a day penalty should be charged on each car. He said the plaintiff was merely asking for money due him from being overcharged by the railroad.

BUSINESS MEN WANT NO CHANGE IN UNIVERSITY

(From a Staff Correspondent.)

LINCOLN, Dec. 8.—(Special).—The plan for an extension of the University of Nebraska campus was endorsed unanimously last night by sixty-five leading business men of Lincoln in a meeting held at the Lindell hotel. The meeting was primarily called to learn the position property owners of Lincoln would take in regard to the proposed removal of the institution to the farm, and at the close of the meeting it was agreed by all that the proper place for the school is at the present location.

No action in regard to the proposed two city blocks adjacent to the university by the people of Lincoln was taken, but it was announced by J. E. Miller, chairman of the executive committee, that a meeting of that body would be immediately called at which raising the money for the proposed two blocks would be considered.

NEBRASKA ATHLETE KILLED BY FALL FROM A TREE

CENTRAL CITY, Neb., Dec. 8.—(Special).—Word has reached here of the death of Noble Reneker, formerly a star athlete in Nebraska Central college, a semi-professional wrestler of some note in this part of the state, and afterwards a star athlete in Whittier college at Whittier, Cal. He was instantly killed by a fall from a tree, where he was trimming off branches. He alighted on a cement sidewalk and literally dashed his brains out. Reneker was well known here on account of his participation in numerous athletic contests, and was widely known as a foot ball and basket ball star, and a star performer with the weights. Last year he was considered one of the star athletes on the Pacific coast, and his picture appears in Spalding's foot ball publication for this year.

KEARNEY PREPARING FOR MUNICIPAL LIGHT PLANT

KEARNEY, Neb., Dec. 8.—(Special).—E. F. Druser, expert supervising engineer with the Oscar Clausen company, St. Paul, Minn., today completed the field work from which the preliminary plans and specifications will be drawn for the municipal lighting plant, for which the voters will be asked to vote bonds. The city council took this means of securing expert assistance in making an accurate estimate of the cost of the proposed lighting plant, which, if the bonds are voted, will not only include the lighting system as now in operation, but an ornamental post system in the business districts. Three kinds of power will be considered, the oil engine, the gas producer and steam. It is proposed to operate the lights in connection with the municipal water works.

HUMBOLDT MAN SEEKS TO BE DEMOCRATIC DELEGATE

(From a Staff Correspondent.) LINCOLN, Dec. 8.—(Special).—The first annual announcement of any candidacies for delegates to the national convention of either party was made today when J. F. Walsh, a Humboldt banker, came out as a democratic candidate for that honor from the First congressional district.

BEATRICE WANTS LOWER RATE ON ILLINOIS COAL

BEATRICE, Neb., Dec. 8.—(Special).—Holding that the railroads are discriminating against Beatrice in charging 50 cents per ton higher on coal shipments from Illinois than is paid by Lincoln, the Beatrice Commercial club will present the matter before the Interstate Commerce commission for adjustment.

FORMER NEBRASKA GOVERNOR DIES AT CHICAGO.



ALBINUS NANCE.

South Omaha Ouster Suit Argued Before the Supreme Court

(From a Staff Correspondent.)

LINCOLN, Neb., Dec. 8.—(Special Telegram).—Arguing that the supreme court has no original jurisdiction in the case and that the mayor should have been included with the defendants to the action, the motion to quash the ouster proceedings against Fire and Police Commissioners Ryan and Pivonka of South Omaha was heard before the supreme court today.

The attorneys for the defense asserted that the nonjoinder of the mayor with the two commissioners was an obvious defect of the writ and one that should throw it out of court. Ruling on the motion to quash will be forthcoming in the near future.

Deputy Attorney General Ayres declared to the court that the attorney general had filed the suit in accordance with the recommendation by the governor and that the original information charged only Commissioners Ryan and Pivonka with the alleged misconduct in office. He argued that the two could be tried separately if necessary and that the case might be called a misdemeanor, but not properly a nonjoinder.

The motion before the court will not be decided before the first of the year, in all probability and in the course of time it is expected that it will be finally disposed of. A similar suit against Chief of Police Donahue of Omaha is pending at the present time, the first papers in the case having been filed in July, 1910.

NEWS NOTES FROM FAIRBURY

Infant Son of Mr. and Mrs. Edward Baker is Scalded to Death.

FAIRBURY, Neb., Dec. 8.—(Special).—While Mrs. Edward Baker, who lives in the western part of this city, was doing the family washing early this morning her little 14-month-old son upset a bucket full of boiling water over his head and shoulders, sustaining burns that resulted in the child's death a few hours later. The funeral services will be held from the home on Saturday.

Saturday will be "tag day" in Fairbury and thirty young women will sell tags for 10 cents each. The funds will be used to buy books for the city library. A boys' basket ball team has been organized in the Fairbury High school and Harry Harris has been elected captain.

ARRANGEMENTS COMPLETED TO EXAMINE STATE BANKS

(From a Staff Correspondent.)

LINCOLN, Neb., Dec. 8.—(Special).—Members of the state examining board met today with Secretary Boyse of the state banking board and completed arrangements for the examination of all state banks during the coming year. Under the new banking laws, such an examination must be conducted twice in each year. The following were present and will comprise the force which will do the work in the last half of the present biennium: H. C. Nicholson, Omaha; F. M. Stapleton, Lincoln; R. Springer, Lincoln; Joseph Figgman, Broken Bow; C. M. Foster, Brady; E. E. Emmett, Arapahoe; L. P. Albright, Red Cloud; E. H. Mulowney, Albion; J. L. Svoboda, Able.

FARMERS' AND MERCHANTS' CASE TO HIGHEST COURT

(From a Staff Correspondent.)

LINCOLN, Neb., Dec. 8.—(Special).—An action came before the supreme court today to see whether the Farmers and Merchants Insurance company can put a board of directors in charge of its own assets.

The main issues contended by the attorneys for the company are that the district court acted without jurisdiction when it appointed a receiver for an involved corporation. The right of an auditor to interfere is attacked, contending that the state, having no interest, the auditor could not take the initiative, as he did, there being no stockholder or creditor seeking redress, nor had the corporation abandoned its property.

Farmers' Institute at Cambridge. CAMBRIDGE, Neb., Dec. 8.—(Special).—A farmers' institute will be conducted in Cambridge on December 11, 12 and 13. Miss Caroline L. Thuman, secretary of the domestic science department, and O. A. Simon, secretary of the farmers' institute, have extensive programs arranged for the afternoon and evening sessions. In connection there will be held a stock and poultry show and some of Nebraska's eminent stock judges will be here. Furnas county's world champion prize winners will be exhibited.

Church Will Destroy Mortgage. CENTRAL CITY, Neb., Dec. 8.—(Special).—Sunday will be a red letter occasion in the history of the Christian church of this city, for at that time the mortgage against the church building will be burned with appropriate services, \$28 having been raised by special subscriptions this fall, thus removing all indebtedness against the church. At the evening services the pastor, Rev. V. G. Shirley, will deliver an appropriate sermon and then the mortgage, which has been redeemed, will be destroyed.

Old Veteran Passes way. DORCHESTER, Neb., Dec. 8.—(Special Telegram).—Samuel Harding was buried yesterday in Pleasant Hill cemetery. The funeral was held in the Christian church

Speaking o' Hats

Did you ever know of a fellow who was dissatisfied with one he had bought at this store? Same satisfaction awaits you.

Stylish Rough Hats \$2.50 up. Stetsons \$3.50 up. Fur and Seal Caps \$2.00 up.



Buy for a man what he would buy for himself

A man will appreciate something he can wear better than any other present. We have the proper kind of Men's wearables at prices you will be glad to pay. The earlier you make your selections the better choice you will have.

- Bath Robes \$3.50 to \$15. Dress Gloves \$1.15 to \$2.50. Smoking Jackets \$4 to \$12.50. Collar and Handkerchief Sets \$2.50 to \$5. Toilet Sets \$3.50 to \$10. Clothes Brushes \$2 to \$5. Silk Ties 50c to \$3. Knitted Silk Ties 50c to \$3.50. Initial Handkerchiefs—\$1 and \$1.50 per box. Silk H'dk's 50c to \$1.50. Cambric H'hk's \$1.00, \$1.50 and \$2 per box. Tie Pins 50c to \$5. Cuff Buttons 50c to \$5. Shirts \$1.00 and up. Night Shirts, 50c to \$5. Pyjamas \$1 to \$10. Collar Bags 75c to \$2.50. Tie Rings 50c to \$2. Fancy Suspenders 50c to \$2.50. Silk Mufflers \$1 to \$3.50. Knitted Mufflers 50c to \$12.50. Fur Gloves \$2.50 up to \$12.50. Silk Hose 50c to \$1.50.

OMAHA'S ONLY MODERN CLOTHING STORE. King-Swanson Co. 16th & HOWARD STS. THE HOME OF QUALITY CLOTHES

A Plain and Simple Question--

"Have you ever worn King-Swanson clothes?"

If you have not you have still something to learn about clothes satisfaction. If you are contented heretofore with the garments other stores have sold you, firm your belief that you got your money's worth in quality, style and fit you've still something to learn of those essentials to satisfaction. If you've thought you received the best of store service. If you've been led to believe that you've selected garments from big stocks you'll experience surprise when you see a really big stock. Now, sir! let us warn you that if you've never worn a King-Swanson Suit or Overcoat you've no idea of the advantages to be derived from doing so. Any way—have a look.



No matter what prices others quote on suits or overcoats our garments will make those prices look exorbitant. We stand ready, and always have, to guarantee that you save \$3.00 to \$10.00 by buying our clothing. We only ask that you investigate our claim.

Suits \$10 to \$40. Overcoats \$10 to \$50

We can't praise our popular priced garments too much. When we read all the laudatory stuff written about the clothing other stores sell at these prices then compare their garments with ours, we are at a loss for words to properly describe them. However, having the best suits or overcoats ever sold at the prices we are content to let the other fellows show up big in print—ours show up big in the store. \$15.00, \$20.00, \$25.00

Crawford shoes for particular men



No shoes, no matter how much more they cost, are more stylish, or more durable—and many are not nearly so comfortable. Little cost, great satisfaction—to wearers.

\$3.50 and \$4.50

Great Line of \$2.50 Shoes.

Half-Minute Stars Fails

Here's some real wisdom for Christmas shoppers. Our store opens at 7:30, you can come as early in the morning as you please. You can thus avoid the crowds that grow as the day progresses. It means more comfort to you, more careful selection, more attention to your wants. When possible take small packages with you; it avoids possible disappointment. Do those things yourself and advise your friends to do the same. Christmas shopping will not be such a burden to you—and there will be enough good nature left in Omaha salespeople to last out the entire holiday season—and enough smiles left in them to decorate their faces every day with some left over for Christmas morning in their own homes.



of this place, Harley Swift preaching the sermon. Mr. Harding was born in Breton Fleming, England, April 28, 1822. He left his native land at the age of 15, a stowaway on board ship, and came to this country. He was married to Miss Annis A. Schermerhorn April 7, 1863, and to this union eight children were born, three daughters and five sons, all living.

Archbishop Attends Cathedral Dedication

(From a Staff Correspondent.)

LINCOLN, Dec. 8.—(Special).—St. Mary's Cathedral of the Immaculate Conception, Fourteenth and M streets, was thrown open today for divine services in the presence of an archbishop, seven bishops, half a hundred priests and more than 1,000 of the laity. The three principal events of the dedication of the new cathedral were the celebration of a solemn pontifical high mass by Bishop Hennessey of Wichita, Kan., a sermon by Archbishop Keane of Dubuque, Ia., and the dedicatory service itself by Bishop Thayer of Lincoln.

Following the services at the cathedral the clergy were driven to the Lincoln hotel, where a banquet was served.

Blackburn Ready to File for Congress

(From a Staff Correspondent.)

LINCOLN, Dec. 8.—(Special).—T. W. Blackburn of Omaha was in the city today on supreme court business, stopped in at Secretary of State Wall's office long enough to get blanks preparatory to filing for the republican nomination for congress in the Second district subject to the April primaries.

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

HYMENEAL

Johnson-Whitmore.

VALLEY, Neb., Dec. 8.—(Special).—Nels Edward Johnson, son of Mr. and Mrs. Mons Johnson, and Nell Pinkham Whitmore, daughter of Mr. and Mrs. W. G. Whitmore, were married Thursday evening at 8 o'clock at the beautiful home of the bride's parents, Rev. Weatherly of Valley church, Lincoln, officiated. The ceremony was followed by a reception and a buffet luncheon was served to over 250 guests. Many were present from Lincoln, Omaha, Fremont and Grand Island. The groom is one of Valley's popular young business men, and the bride, grown to womanhood in Valley, graduated from the State University last June. They went at once to their own home, which was all ready for them. Many valuable and beautiful presents were received.

DEATH RECORD.

Andrew Connors.

DULUTH, Minn., Dec. 8.—Andrew Connors, a friend of James J. Hill, and Archbishop Ireland, died here today, aged 81. In 1858 Mr. Connors rowed to Duluth from Green Bay in a little skiff, accompanied by Father LeVieux. From Duluth he went to St. Paul.

Byron Moore.

BYRON, Neb., Dec. 8.—(Special).—Byron Moore, an old settler and successful farmer, who dropped dead of apoplexy at his home, December 6, was laid to rest in the Ruskin cemetery Thursday.

Boys Confess Robbery.

ROCK ISLAND, Ill., Dec. 8.—Five boys, all under 20 years old, of prominent families, confessed today to a series of robberies that have mystified the police department for months.

\$15 ORIGINAL UNION TAILORS Dundee WOOLEN MILLS Mr. Tailor and Ready-Made Clothier Suit YOUR BLUFF IS CALLED \$15 Overcoat 1st—We guarantee our Suits and Overcoats to be pure all wool. 2d—That our workmanship is of highest standard. 3d—That our garments are tailored by Union Labor. 4th—Each garment is individually cut. 5th—We keep in press and repair all Suits and Overcoats made by us for six months. These assertions are backed by a \$1,000 offer to any one that can disprove same. DUNDEE WOOLEN MILLS N. W. Cor. 15th and Harney St., Omaha. Council Bluffs Store, 409 West Broadway.

Two Big Saturday Specials at The Skirt Store

150 FANCY MIXTURE COATS Formerly sold up to \$17.50; Saturday special \$5.00-\$7.50 100 SKIRTS Voiles, serges, fancy mixtures. No limit to style and variety; values to \$9.00—Saturday special \$3.98

The Skirt Store 322 North 16th Street 16th and Chicago Sts. Opp. Midland Hotel.

Big Trade Boosting Sale

To reduce our stock of wools and trimmings we offer for one day, Saturday, Dec. 9th, your choice of any \$35 suit or overcoat, made to order for \$20.00. Any \$50 suit or overcoat, made to order for \$25.00.

All goods are all wool and of good quality. Every garment carefully tailored and guaranteed perfect in fit and style. All linings guaranteed for one year. Order your clothes now for delivery before Christmas.

MacCarthy-Wilson Tailoring Co. 304-306 South 16th St. Five Steps South of Farnam.

APPEARANCES

are sometimes said to be deceiving, but the woman who dresses by the light of

Incandescent Gas Lamps

appears to herself in the mirror in the proper light.

"Chic" is the word the French use meaning effect.

The "Chic Light" enables any woman to judge accurately the effect of her clothes.

And it consumes only 4 feet of gas per hour. The effect of a "Chic Light" is just as apparent on the saving side of the bank account.

"Chic Lights" cost, complete, \$1.25.

OMAHA GAS CO.