

Nebraska.

TRINOR'S PLEA TOO LATE

Former Mayor of South Omaha Loses Supreme Court Fight.

VOLUNTARILY YIELDED RIGHTS

Legislature's Change of Law Proves Illegal—Court Holds with Vinsonhaler on Mooted Fee Case from Douglas.

(From a Staff Correspondent.) LINCOLN, Sept. 28.—(Special.)—Ex-Mayor Tractor of South Omaha had a legal right to hold his office at the time of the last municipal election, according to the decision of the supreme court today.

He yielded office after Mayor Hoctor was elected and because he with other officials turned over their places to incoming officials the supreme court holds that they cannot now get them back.

The case was entitled to the state of Nebraska against Patrick J. Tractor, mayor of South Omaha, and Frank H. Good, city clerk. The last legislature changed the law. Tractor and Good as mayor and clerk, respectively, were ordered to call a primary and general election in advance of the time when, as they contended such election should have been called. They complied with the order and called the election. Thereafter on presentation of their certificates of election by Thomas Hoctor and August Miller elected as successors to Tractor and Good, the latter turned over the offices to the parties elected. Later the district court found the law of 1911 unconstitutional and Tractor began suit to get back the office. The supreme court now holds that inasmuch as the officials turned over their offices voluntarily they could not now get them back.

Larson Case Remanded. Another case handed down by the court was Frank V. Larson, plaintiff in error, against the state of Nebraska. In October, 1911, Larson killed his brother, Charles, who for months had sustained criminal relations with his brother's wife. Larson was found guilty in the district court of first degree murder in the first degree, and appealed to the supreme court on the grounds of unsound mind at the time of the killing. The court reverses the verdict of the lower court and remands the case for a new trial.

Decides for Vinsonhaler. The case of the American Surety Company against Judge Duncan M. Vinsonhaler of Douglas county, wherein the county of Douglas had sued the defendant and the surety company, jointly, for fees claimed by the county to have been wrongfully withheld by Judge Vinsonhaler, the district court holding in favor of the defendants. The American Surety company then sued Judge Vinsonhaler for expenses incurred in the suit and lost. It then appealed to the supreme court, which hold in favor of Judge Vinsonhaler.

Supreme Court Opinions. Following opinions were filed: Smith against Foster. On motion for rehearing former opinion modified; judgment of district court reversed. Hamer, J., Sedgwick, J., concurs only in result reversing judgment. Letton and Rose, J., J., dissenting.

Hoffman against Chicago & Northwestern Railroad company. Reversed and remanded. Rose, J., Letton, J., concurring in part. Fawcett, J., concurring separately. Reese, C. J., not sitting.

Sanford against Saunders county. On motion for rehearing former judgment of affirmance vacated and set aside; judgment of district court reversed and cause remanded. Barnes, J., Fawcett, J., and Hamer, J., dissenting in part. Letton, J., J., dissents. Rose, J., adheres to former opinion. Reese, C. J., not sitting.

Sanford against Schermer. Reversed and remanded with directions to grant a perpetual injunction against both defendants as prayed in plaintiff's petition. Fawcett, J., Sedgwick, J., dissenting. Letton, J., not sitting.

Booth against Andrus. Reversed and remanded. Fawcett, J., Hamer, J., not sitting. Rose, C. J., dissenting.

Harris against Lincoln & Northwestern Railroad company. Reversed and remanded. Barnes, J., Sedgwick, J., concur in the result reversing the judgment. Letton, J., concurs in part and dissents in part. Reese, C. J., not sitting.

Marsh against Village of Trenton. Affirmed. Hamer, J., Sedgwick, J., concurs only in result affirming judgment. Rose, J., J., dissents.

Heywood against Heywood. Affirmed. Hamer, J., Rose and Sedgwick, J., concur in result affirming judgment.

Cris against Capital Fire Insurance company. Affirmed. Letton, J., J., concurring.

Porrest against Nebraska Hardware company. Affirmed and remanded. Reese, C. J., J., dissenting.

Bredlove against Gates. Affirmed. Hamer, J., J., concurring.

Exchange bank of Ong against Clay Center State bank. Reversed and remanded. Fawcett, J., J., concurring.

Drake against McDonald. Affirmed. Letton, J., J., concurring.

Cooper against Coad. Affirmed. Fawcett, J., J., concurring.

Cooper against Hall. Affirmed. Fawcett, J., J., concurring.

Case against Haggerty. Affirmed. Rose, C. J., J., concurring.

Carlson against City Savings bank. Reversed and remanded. Rose, J., Sedgwick, J., concurring separately. Letton and Fawcett, J., J., dissenting.

American Surety company against Vinsonhaler. Affirmed. Sedgwick, J., J., concurring.

Red Willow county against Peterson. Reversed and dismissed. Reese, C. J., J., concurring.

Nebraska

Valentine Sexton Would Keep Enemies from Burial

The lively town of Valentine, Neb., boasts some unique characters, but none quite so well known as Irwin H. Emery, who is a regular J. Perp Morgan in his way. He is a monopolist in that he controls the entire cemetery situation at Valentine. He also threatens to make good use of this power, for he has often singled out an individual with whom he is at odds and has said that he cannot be buried in his cemetery if he dies.

"Windy" Emery is a veteran of the civil war and was one of the men who captured Jeff Davis when the confederate president attempted to escape in woman's garb.

He is a veritable grouch. It is related that at one time he became sore at the railroad company and some hardware men in Valentine at the same time. To beat them both he came to Omaha, bought hardware his friends wanted and then headed the hardware to Valentine in trunks checked on tickets of ranchmen who did not have trunks of their own to check. He sold the goods at less than cost and did a thriving business.

"Windy" never buys clothes or shoes or anything to eat, but saves every cent he earns. It is known that he has many cans of \$30 gold pieces planted in some secure cache somewhere around Valentine. He was at one time induced to produce some of these when he was engaged in a little love affair and hoped by the display of his gold to win the heart of a fair woman.

Every one in the surrounding country knows Windy, for his operations against the merchants and railroads extended to



IRWIN H. EMERY.

T. R. LOSES FRIENDS DAILY

Traveling Public Gives Indication of How Wind Blows.

LESS AND LESS MOOSE TALK

R. W. McGinnis at Lincoln Tells New Sentiment is Among People Who Have Traveled Over United States.

(From a Staff Correspondent.) LINCOLN, Neb., Sept. 28.—(Special.)—"In my opinion," said R. W. McGinnis, general ticket agent of the Northwestern, this morning, "the cause of Theodore Roosevelt is losing ground. I base my opinion upon remarks I hear from the traveling public, who are probably in a better position to dope the public sentiment than most any other class of men."

"As a sample of what I hear every day," said he, "a gentleman came into our office yesterday to secure sleeping car accommodations and in the course of conversation stated that he was from New Jersey. I said to him that I supposed everybody in New Jersey would vote for Mr. Wilson, but he replied that not all of them would do so. He said that he traveled for a hardware firm and his trips carried him from coast to coast several times a year. 'I have been particularly struck the last few weeks,' said he, 'by the apparent falling off in the Roosevelt support. Two months ago I thought there was nothing to it but Roosevelt, but now I think his chances for landing the presidency are very slim. In fact, I do not think that either Taft, Wilson or Roosevelt will have a majority in the electoral college and I expect to see the election up to congress. In that event it will mean the selection of President Taft, for I think that there are a large number of democratic members who will vote for him in preference to seeing the election go to Roosevelt.'"

Farmer Has Both Legs Broken. BLOOMFIELD, Neb., Sept. 28.—(Special.)—George Barlow, a farmer living some miles northeast of this city, met with a very bad accident today while driving a gasolne engine. He slipped and fell under it and the wheels ran over his both legs, breaking them both badly. He was taken to the city hospital, and his attending physicians have hopes that his legs will be saved.

Notes from Coleridge. COLBRIDGE, Neb., Sept. 27.—(Special.)—The annual grain and produce exhibit is the largest and best that has ever been held in the town. In spite of the cold inclement weather. The large tent is packed to its capacity with all kinds of farm products, the quality of which speak for the productiveness of Cedar county farms. The ball game was a disappointment as a large crowd had gathered. In

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We are determined to offer at all times better merchandise at a lower price than can be had elsewhere. Ours must become known as the "popular priced shop".

Special for Ak-Sar-Ben Week: High class tailored and fancy trimmed suits, made of serges, whipcords and stylish mixtures, misses' and women's sizes: \$17.50

Values up to \$27.50. See our windows.

Nebraska

KERR PRAISES THE GUARD

Inspecting Officer of Regular Army Reports on Work.

LETTER TO ADJUTANT GENERAL

Major Birkner's Hospital Corps Complimented—First Regiment's Activities at Pole Mountain Creditable.

(From a Staff Correspondent.) LINCOLN, Sept. 28.—(Special.)—Adjutant General E. M. Phelps has received a letter from Captain Robert W. Kerr of the medical department of the United States army, who acts as the inspecting officer of the regular army, in which he gives the hospital corps of the Nebraska guard a boost and gives Major Birkner, who has charge of the medical corps, an especially good recommendation. In speaking of Major Birkner he says:

"One of the best militia officers that I have served with." He reports the major excellent in his knowledge of field service, professional qualification and zeal, and very good in his knowledge of army regulations, manual of the medical department, knowledge of blank forms and internal administration of sanitary organizations. They are qualified for the service, and it would be of great help to them if, in the coming year, they could camp with a field hospital of the regular service."

The enlisted men are marked "excellent" in soldierly appearance, school of the detachment, manual of the litter and manual of the loaded litter, knowledge of equipment, very good in bearer work without litter and in practical and theoretical first aid, prompt at emergency situations in leadership and efficiency. The corps took charge of litter squads on one general field maneuver at the Grand Island camp.

The inspector further says: "This detachment of the hospital corps is an orderly body of men, prompt at emergency situations, and free from the use of intoxicants in camp." In regard to the efficiency of the corps for field service, increasing its personnel to war strength and allowing one month for training in a concentration camp, the inspector says: "The enlisted personnel with one month's training would be a most efficient organization."

He considers the weakest features of the organization lack of field work and small attendance at camp. The most encouraging features, he says, are the attitude of the men towards instruction and the efficiency of Major Birkner as a medical officer. The inspector says he was informed that part of this field hospital camped at Pole Mountain, Wyoming, during a part of the time army maneuvers were held there.

Judge J. R. Thompson Is Dead at His Home

GRAND ISLAND, Neb., Sept. 28.—(Special Telegram.)—The funeral of Judge J. R. Thompson will be held at his residence in this city Monday afternoon at 1 o'clock.

John Richard Thompson, formerly judge of the district court and in the days when the populist party was in the ascendancy candidate for nomination for governor and supreme judge, passed away at his farm home, twenty miles west of this city, last night at the age of 62 years of consumption, from which he had been a severe sufferer for some months and slightly affected for a number of years. He leaves five children, Mrs. Dr. Farnsworth, Mrs. Grace Jones, Mrs. Kate Carr, John P. Thompson and Mrs. D. W. Musser and two brothers, Hon. W. H. Thompson, state chairman of the democratic committee, and Ross Thompson of Iowa. Mr. Thompson was a native of Ohio and came to Iowa with his parents in 1864 and to Grand Island in 1879. He was twice married, his first wife departing life in 1888, and the second, to whom he was married in 1900, in 1908.

Bryan Will Speak at Fairbury. FAIRBURY, Neb., Sept. 28.—(Special.)—The Jefferson county democrats met in the court room at Fairbury and organized a Wilson and Marshall club with fifty members. W. H. Barnes was elected president and E. A. Wunder, secretary, and S. M. Bailey, treasurer. Arrangements were also made for the Bryan meeting to be held in Fairbury next Wednesday, October 2. A reception committee will go to Beatrice to meet the distinguished Nebraskan. Mr. Bryan will speak at the city park at 3 o'clock.

Franklin Progressives Meet. UPLAND, Neb., Sept. 28.—(Special.)—The Franklin county progressive convention and the Twentieth senatorial district progressive convention were held in Franklin today with a large attendance, all parts of the county being represented. Bert Weller of Bloomington was chosen as county chairman and a full set of committeemen were appointed. The county and senatorial republican candidates were endorsed. Senator Sackett addressed the meeting in a two hours' talk.

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Advertisement for AK-SAR-BEN VISITOR suits, featuring an illustration of a man in a suit and hat, and text describing the quality and variety of the clothing.

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Advertisement for Omaha & Council Bluffs Street Railway Co., featuring the text "TO THE PUBLIC!" and details about train schedules.

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Just sent in the coupon below at once for the free trial treatment. It will show you conclusively what Pyramid Pile Remedy will do. Then you can get the regular package for 50 cents at any drug store. Don't suffer another needless minute. Write now.

FREE PACKAGE COUPON. Pyramid Drug Company, 457 Pyramid Bldg., Marshall, Mich. Kindly send me a trial treatment of Pyramid Pile Remedy at once, by mail, FREE, in plain wrapper, so I can prove its splendid results.

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Ask Beaton, the Druggist, to show you the Eger Intestinal Cleanser at the 15th and Farnam St. Store.

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