

FRAUD EVIDENCE ENDS SUIT

Judge Leslie Scores Plaintiff Who Tries to Collect Twice.

GIVES JUDGMENT TO DEFENDANT

Court Record Shows that S. J. Johnson Had Already Collected the Money for Which He Was Suing.

Evidence of fraud brought trial of a suit of the Crane company against Samuel J. Johnson of Florence to a summary end before Judge Charles Leslie, of the law division of the district court Monday.

Johnson declared the money for which the Crane company sued was really due from J. J. Cole of Florence. He said that when he ordered the material for which payment was asked, he acted as a dummy for Cole.

The sensational end of the lawsuit came when the court records disclosed the fact that Johnson already had collected the money from Cole.

Trial of the suit had proceeded two days before the dramatic end came. On the witness stand Johnson declared he had acted as a dummy in buying the material. Cole wished to purchase from the Crane company, but that company did not wish to sell to Cole, as it was in a strictly wholesale business.

COUNTY ATTORNEY WILL NOT FILE ANY WICK CHARGES

No action the Omaha Bar association may take regarding the Al Wick police court contempt case will have any effect upon the county attorney's office, according to County Attorney James P. English.

A resolution asking the county attorney to file a complaint charging Wick with constructive contempt was introduced at the bar association meeting Saturday night and referred to a committee. When asked what he will do if the resolution is adopted Mr. English said:

"It will make no difference to this office as long as I am here what the bar association does. I don't mean any disrespect to the association in saying this, but it is not our place to take dictation from the bar association. In contempt cases the county attorney is instructed by the court. If any court orders me to file a complaint against Wick I shall file it and go right ahead, but it is not for the bar association to give such instructions. It is the practice and the custom for the county attorney's office to take instruction from the courts in such matters. This was done in the Connell case, in the Kemmerling case and the Gross case and in all that I can think of."

Asked if he will instruct the county attorney to file a complaint, Police Judge Foster, upon whose court the contempt was committed, said he had nothing to say.

SILVER LOVING CUP FOR JAMES P. ENGLISH

A beautiful silver loving cup was presented to County Attorney James P. English by his staff at a farewell luncheon at the Henlaw at noon. Mr. English made the presentation, and the others briefly expressed their regret that Mr. English will leave the first of the year.

Mr. English responded, expressing his own regret, his appreciation of the remembrance and commending all for loyalty and faithful service. The cup bears the inscription, "Presented to Honorable James P. English, County Attorney of Douglas County, Neb., 1898, 1906, 1907, 1912, by his deputies, his messenger and his stenographer."

Then followed the names of Deputies George A. Magney, Louis J. Platt, James M. Fitzgerald and Charles Haefliger; former Deputies Alfred G. Ellick and W. J. Coad, who recently resigned; Paul P. Steinwender, messenger, and Miss Lottie Martin, stenographer.

UNION PACIFIC ASKS LICENSE FOR WIRELESS

The Union Pacific has applied to the Department of Commerce and Labor for a license to operate and maintain the Miller system of wireless telegraphy here and along its lines to the west. The license, as applied for, provides for the installation of a technical experimental station. There is but one other station of this kind in the United States.

BIG BULGE IN THE MIDDLE

Extravagant Cost of Distributing Farm Products to the Consumer.

Last year the products of all the farms of the United States were worth more than \$6,000,000,000. When these products finally went into consumption the public paid for them more than \$13,000,000,000. In other words, it cost \$7,000,000,000 to distribute \$6,000,000,000 worth of products from the farm to the consumer.

Benjamin M. Youkum, chairman of the board of directors of the Frisco railway system, makes these statements in the current World's Work. For illustration, he follows a carload of watermelons from the field to the table. The carload, he says, represented 1,000 melons, for which the farmer received 5 cents each, but are sold in cities for 40 cents each.

Request Made for License for Wick & Moore Place

Rudolph Gerber, who held a license to operate a saloon at 501 North Thirteenth street last year, has applied for a license at 912 Dodge street, which is the location of the Wick & Moore saloon. The city commission will act on the application in two weeks, the advertisement being run in the official paper in the meantime.

MAIL RECORDS ARE BROKEN

Saturday and Sunday the Two Biggest Days So Far.

SUMMIT REACHED YESTERDAY

Indications Point Out that Christmas Business Will Be Biggest Ever Attained in the Omaha Postoffice.

According to Assistant Postmaster James Woodard the greatest amount of mail ever handled in the Omaha postoffice for two days was handled Saturday and Sunday as a result of the Christmas rush.

"We are all thankful that the parcels post did not go into effect before Christmas," said Mr. Woodard. "As it is we have some twenty extra men handling the rush in the mailing division. If the parcels post were in effect now we would be compelled to have at least 100 more men working than at present."

The officials at the postoffice say that Monday was the greatest rush, and that although there will be a great deal of Christmas mailing today and even, perhaps Christmas day, the rush will rapidly drop off.

STEEL CAR PUT TO THE TEST

Lessons for Railroad Managers Drawn from Recent Train Wreck.

The story of what happened in the railroad wreck on the main line between Frazer and Glen Loch, Pa., ought to be in the hands of all railroad managers and of all others who are interested in the safety of the traveling public. It is the story of the steel car when put to the test; the steel coach as life insurance and life saver.

The train consisted of a baggage car, combination baggage and smoker and ten other cars, or two coach drawn by two monster locomotives in tandem. This tremendously heavy train had attained a speed of sixty miles an hour at Frazer, and then, when it took a down grade, it was still making a very high rate of speed, though the steam had been shut off.

The mighty train with its enormous weight and high speed and consequent great momentum, met some sort of an obstruction at a bridge, under which the railroad's Trenton cut-off branch runs, and this is what happened:

The locomotives and the two cars immediately following jumped the tracks, but retained their equilibrium, and were finally brought to a halt in a demolished track and roadbed; eight of the coaches toppled over and fell down the steep embankment, three of the cars falling on their sides upon a coal train on the tracks below, and in the train carrying about 250 passengers only four or five were killed and perhaps only as many more very gravely injured.

One car, with many passengers, turned a somersault, but there was no fire and "not a coach buckled," there was no timber to fill the air with flying splinters to maim, mangle and kill; there was little inextinguishable wreckage to crush the passengers and the work of rescue difficult or in many instances impossible, and, in brief, despite the more or less painful injuries of many persons, it is not too much to suggest that from fifty to 100 lives were saved in the disaster just because the cars were of steel and withstood the terrific strain of the impact when the accident happened.

Any person acquainted with the history of railroad traffic can easily imagine what would have probably occurred if a similar accident had happened a few years ago, before the introduction of the steel construction in cars.—Philadelphia Ledger.

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Authorities agree that a good kerosene oil lamp is the best for reading. The Rayo is the best oil lamp made—the result of years of scientific study.

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WANT PAY FOR PARK WATER

Water Board Asks the City to Settle for Hanson Park.

HOLD BACK ELECTION BILLS

Judge Baker Holds that Money Paid for Hydrant Rentals and Other Expenses Covers Park Water Bill.

Water Commissioner Howell and W. H. Bucholz, member of the Water board, appeared before the city commission Monday to urge payment of charges for water used by the city at Hanson park. The council declined to pay, saying the \$100,000 appropriated by the city for hydrant rentals and water for public uses cover the expenses. However, a committee consisting of Councilmen Butler and McGovern and Mayor Dahlman was appointed to confer with the committee from the Water board.

A conference will be held Thursday morning at 9 o'clock. At this conference the question as to whether the Water board is liable for a part of the election expenses, as assessed against them by the council, will be discussed and an agreement probably reached.

Mr. Howell is standing firm against payment of the \$125 for each clerk and judge of election. The amount requested by the commission, Mr. Bucholz said he thought the claim was just and the Water board ought to pay it, but in return he said the city should pay the Water board's bill for water furnished Hanson park.

It is asserted that during the season of water shortage here last summer a great quantity of water was used at Hanson park in violation of the Water board orders. It is for this reason the Water board seeks payment.

City Corporation Counsel Baker says he believes the \$100,000 covers all expenses for water used for city purposes, but he believes the Water board's rulings applicable to individuals will also apply to the municipality.

TWENTY-TWO TO GRADUATE FROM THE HIGH SCHOOL

The third mid-term commencement exercises at the Omaha High school will be held on the evening of January 31 in the high school auditorium when twenty-two graduates will receive diplomas. Dr. John W. Cook, president of the Illinois State Normal school at De Kalb, will deliver the address. Dr. Cook was at one time the teacher of Miss Kate McHugh, principal of the Omaha High school. He was her teacher when Miss McHugh was in school at Bloomington, Ill.

During the last three years the number of mid-term graduates from the Omaha High school have been steadily increasing. The first graduates number fourteen.

LARGE AREA OF WYOMING GRAZING LAND THROWN OPEN

Word has been received at Burlington headquarters and from the Interior department at Washington, that probably about July 1, 1913, 735,000 acres of land of the Wind River Indian reservation, in the vicinity of Thermopolis, Wyo., will be thrown open to settlement and sale.

Generally this is grazing land and the elevation is so great that it cannot be irrigated. Some months ago, D. Clem Deaver, head of the Burlington land department took the matter up with the Interior department, suggesting as the Wind River land is not agricultural the practical plan would be to allow it to be taken in four section lots, the purchasers paying not less than \$1 per acre for the same. In writing to the Burlington, the secretary of the Interior says that he looks with considerable favor upon the Deaver plan and that it is being given consideration.

DR. CONNELL IS FEARFUL OF SPREAD OF SMALLPOX

The city health department is making an effort to prevent a contagion of smallpox which now seems to threaten certain quarters of the city, owing to the large number of exposures. "There have been some very bad exposures," said Health Commissioner Connell. "And it looks like we would have a number of cases of small pox here."

Last week a man with a well developed case of smallpox walked into the police station and shook hands with several policemen. A few days ago the Dunsany apartment was fumigated because two roomers had become ill with the disease and others had been exposed.

Nebraskans at the Hotels. R. F. Smith of Ravenna, Mrs. R. R. Hart of Grand Island, E. A. Lester of Alhambra and Peter Palmer of Oakland are at the Rome.

W. J. Richards of Dixon, Nena Berge of Yreka, J. P. Frye of Hastings, R. H. Latta of Tekamah and H. E. Stowell of Geneva are guests of the Merchants.

F. L. Cleason of Grand Island, E. J. Hight of Plattsmouth, H. S. Stowell of Bertrand and J. B. Howard of Fremont have taken quarters at the Paxton.

John Bergan and J. W. Snyder of Ewing, Fred Henderson of Creston and W. L. Bonfield of Auburn are staying at the Millard.

Mr. and Mrs. John Jensen of West Point, George H. Noble of Creston and John Hogstad of Uehling and Lawrence Coy of Valley have rooms at the Loyal.

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Hotel Loyal CHRISTMAS DINNERS. At 12 M. to 2:30 P. M. At 6 P. M. to 8 P. M. \$1.50 Per Plate (Tables may be reserved.) SPECIAL MUSICAL PROGRAM 6:00 P. M. to 8:00 P. M. HOTEL LOYAL ORCHESTRA Albion Huster, Director. Louisa Newcomb Paul, Soprano Soloist.

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