

**BRINGING  
UP  
FATHER**

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International  
News  
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Drawn for  
The Bee  
by  
George  
McManus



## WLADEK ZBYSZKO FLIPS STRANGLER LEWIS IN GOTHAM

Polish Wrestler, Barring Dead-  
ly Head Hold, Sends Foe to  
Mat; Downed Before by  
Lewis in Same Tourney.

New York, Dec. 23.—Wladek Zbyszko of Poland won the world's catch-as-catch-can wrestling championship in the international here last night by throwing Ed "Strangler" Lewis of Lexington, Ky., in one hour, 47 minutes and 37 seconds, with a body and scissors hold.

The contest was a grueling one. Seven times one or the other was close to a fall and each time a toe hold was used. The end came when Lewis, who was paying more attention to his seconds than to his opponent, was downed by the Pole with a flying fall. Zbyszko then forced Lewis' shoulders onto the mat.

Zbyszko won the title through the relinquishment by Lewis of the use of the head hold, over which there had been much controversy in the tournament. Lewis received \$1,000 bonus for foregoing his favorite hold.

Lewis had not been thrown previously in the tournament and several nights ago vanquished Zbyszko with the deadly head hold.

Youssouf Hussane of the Balkans, who had met defeat in any of his matches, was compelled to retire from the tournament because of a death in his family.

## ARREST 30 MEN IN CONSPIRACY AT SACRAMENTO

Sacramento, Cal., Dec. 23.—Thirty men were under arrest here tonight suspected by the police of being implicated in the explosion Monday night at the executive mansion here.

The arrests followed the discovery of what Chief of Police Ira Conran said he believed was a plot to dynamite the electric power house of the Pacific Gas and Electric company here tonight.

Chief Conran said the police had information that William Hood, one of the prisoners, was alleged to have remarked that "the dynamiting of the governor's mansion was only the beginning of a series of explosions that would occur in Sacramento."

The mansion was partly destroyed, but neither Governor William D. Stephens nor any member of the household was injured.

Hood, who is said to be wanted in Chicago in connection with an explosion, was taken into custody with G. F. Voeter. According to police officers who had been trailing them in an automobile, they were carrying a box containing 10 sticks of 60 per cent dynamite concealed under cakes of soap.

The 29 other men were arrested in a raid on the local quarters of the Industrial Workers of the World. Hood, who had been staying several days, had been staying in the same place.

### Induces Investment in Stamps

Washington, Dec. 23.—C. S. Pearce, cashier of the United States treasury, today instituted a plan of asking all persons who presented interest coupons of the first liberty bonds for payment to re-invest the proceeds in war savings stamps. Most complied immediately.

**HERE'S MAN WHO THREW "STRANGLER" LEWIS.**  
He's a native of Poland and last night, having induced his wary foe to forego use of the deadly headhold by payment of \$1,000, pinned the heavy Kentuckian to the mat in the international for the catch-as-catch-can championship.



WLADEK ZBYSZKO

## NEBRASKA SUPREME COURT DECISIONS

Opinions and Rulings Handed Down in Various Cases Heard by State High Tribunal.

Following are decisions handed down by the supreme court of the state of Nebraska November 17:

1906—City Trust company of Omaha against Douglas county. Appeal from Douglas. Reversed and remanded with direction to allow deductions of value of mortgage and shares of stock. Letton, J. Hamer, J., not sitting.

1. By the first clause or division of section 1, article ix, of the constitution, the public revenues are required to be provided by the laying of a tax by valuation, "so that every person and corporation shall pay a tax in proportion to the value of his, her or its property and franchises."

2. The rule of uniformity therein prescribed inhibits the legislature from discrimination between taxpayers in any manner whatever.

3. Where the mortgagor of real estate has not agreed to pay the taxes assessed upon the mortgage interest (which section 6349 Rev. St. 1913 declares to be an interest in real estate) individual and corporation holders of mortgages alike must pay taxes upon mortgages held by them respectively in the county in which the mortgaged land lies. Since discrimination between taxpayers is not permitted in taxation by valuation, neither individual nor corporate holders of such mortgages is subject to assessment or taxation of the mortgages in the county of his or its residence or domicil.

4. Construing section 6313 Rev. St.

1913, which provides that a person is required to list as personal property "shares of joint stock or other companies when the capital stock of such company is not assessed in this state," it is held that this does not require the listing and assessment by the holder of shares of a domestic corporation when its capital stock is assessed in the state.

5. Since under the provisions of the constitution before mentioned the same rule must be applied to corporations as to individuals, with respect to taxation by valuation, neither an individual nor a corporation is compelled to list for taxation shares of such domestic corporation owned by either of them, and if the value of such shares has been included in the valuation of the capital stock of a trust company it is entitled to have such value deducted in determining the actual value of such stock for the purpose of taxation.

1965—McCague Investment company against Water District of City of Omaha. Appeal. Douglas. Affirmed. Rose, J.; Letton, J. Sedgwick, J., not sitting.

1. The statutes of this state make no provision for appeal from the equalization and assessment of special taxes by a metropolitan water district, and an attempt to prosecute such an appeal confers no jurisdiction on the district court to review the order made.

2. District courts have jurisdiction to review by proceedings in error an order by the board of equalization of a metropolitan water district.

1968—Waldo against Lockard. Appeal from Wheeler. Affirmed. Rose, J. Letton, J. dissents.

1. In an action on a supersedeas bond "to abide and perform the judgment or decree rendered or final order which shall be made by the supreme court in the case, defendants are not liable for rentals and interest, where the superseded judgment does not require appellant to pay them.

2. In a suit for specific performance all damages growing out of defen-

dant's breach of contract are litigable, and separate subsequent actions to recover different elements of such damages for the same breach cannot be maintained.

3. After full satisfaction of a decree requiring defendant to specifically perform a contract to transfer real estate and personal property to plaintiff, the latter cannot, on account of the same breach, maintain a separate action to recover rents and interest for detention of the same property pending litigation.

1969—Flaxel against Flaxel. Appeal. Platte. Affirmed. Sedgwick, J.

1. In an action for divorce the defendant may plead in abatement another action pending in a court of competent jurisdiction between the same parties and for the same cause, and when so pleaded the court has jurisdiction to try and determine the issue.

2. If the husband, as defendant in such action, fails to so plead the former action, and fails to answer or defend against a motion for suit money of which he has due notice in the second action, a final order of the court for the payment of a necessary and reasonable amount as suit money will not be rendered upon appeal.

1970—McCullough against St. Edward Electric company. Appeal. Boone. Affirmed. Sedgwick, J.

1. The interest of a wife in the real estate of her husband, other than the homestead, under Rev. St. 1913, sec. 1265, is not such as to require that she be made a party in an action by the husband, against a corporation with the right of eminent domain, to recover damages for the taking of the land, or for injury thereto in the construction of a public improvement.

2. In such case the husband in his own right can recover the damages caused to the land by such taking.

1970—Bailey against Hurlt. Appeal. Furnas. Affirmed. Dean, J. Letton and Sedgwick, J., not sitting.

1. Where there is competent evidence to sustain the verdict the judgment of the trial court will not be disturbed even though the testimony conflicts on a material point.

2. Where the trial court in its instruction has stated the law that is applicable to the issues raised by the pleadings and the testimony a party to the action cannot predicate error upon the failure of the court to instruct the jury upon a particular point in the absence of a request therefor.

3. Evidence of the unchastity of a complainant in a bastard proceeding, outside the period of gestation, is irrelevant to the issues presented for trial." State ex rel. Evanson against O'Rourke. 85 Neb. 639.

1971—Hartley against Hartley. Appeal. Douglas. Affirmed. Rose, J.

1. In an action on a supersedeas bond "to abide and perform the judgment or decree rendered or final order which shall be made by the supreme court in the case, defendants are not liable for rentals and interest, where the superseded judgment does not require appellant to pay them.

2. In a suit for specific performance all damages growing out of defen-

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3. After full satisfaction of a decree requiring defendant to specifically perform a contract to transfer real estate and personal property to plaintiff, the latter cannot, on account of the same breach, maintain a separate action to recover rents and interest for detention of the same property pending litigation.

1972—Flaxel against Flaxel. Appeal. Platte. Affirmed. Sedgwick, J.

1. In an action for divorce the defendant may plead in abatement another action pending in a court of competent jurisdiction between the same parties and for the same cause, and when so pleaded the court has jurisdiction to try and determine the issue.

2. If the husband, as defendant in such action, fails to so plead the former action, and fails to answer or defend against a motion for suit money of which he has due notice in the second action, a final order of the court for the payment of a necessary and reasonable amount as suit money will not be rendered upon appeal.

1973—McCullough against St. Edward Electric company. Appeal. Boone. Affirmed. Sedgwick, J.

1. The interest of a wife in the real estate of her husband, other than the homestead, under Rev. St. 1913, sec. 1265, is not such as to require that she be made a party in an action by the husband, against a corporation with the right of eminent domain, to recover damages for the taking of the land, or for injury thereto in the construction of a public improvement.

2. In such case the husband in his own right can recover the damages caused to the land by such taking.

1974—Hartley against Hartley. Appeal. Douglas. Affirmed. Rose, J. Letton and Sedgwick, J., not sitting.

1. Where there is competent evidence to sustain the verdict the judgment of the trial court will not be disturbed even though the testimony conflicts on a material point.

2. Where the trial court in its instruction has stated the law that is applicable to the issues raised by the pleadings and the testimony a party to the action cannot predicate error upon the failure of the court to instruct the jury upon a particular point in the absence of a request therefor.

3. Evidence of the unchastity of a complainant in a bastard proceeding, outside the period of gestation, is irrelevant to the issues presented for trial." State ex rel. Evanson against O'Rourke. 85 Neb. 639.

1975—Hartley against Hartley. Appeal. Douglas. Affirmed. Rose, J.

1. In an action on a supersedeas bond "to abide and perform the judgment or decree rendered or final order which shall be made by the supreme court in the case, defendants are not liable for rentals and interest, where the superseded judgment does not require appellant to pay them.

2. In a suit for specific performance all damages growing out of defen-

dant's breach of contract are litigable, and separate subsequent actions to recover different elements of such damages for the same breach cannot be maintained.

3. After full satisfaction of a decree requiring defendant to specifically perform a contract to transfer real estate and personal property to plaintiff, the latter cannot, on account of the same breach, maintain a separate action to recover rents and interest for detention of the same property pending litigation.

1976—Flaxel against Flaxel. Appeal. Platte. Affirmed. Sedgwick, J.

1. In an action for divorce the defendant may plead in abatement another action pending in a court of competent jurisdiction between the same parties and for the same cause, and when so pleaded the court has jurisdiction to try and determine the issue.

2. If the husband, as defendant in such action, fails to so plead the former action, and fails to answer or defend against a motion for suit money of which he has due notice in the second action, a final order of the court for the payment of a necessary and reasonable amount as suit money will not be rendered upon appeal.

1977—Hartley against Hartley. Appeal. Douglas. Affirmed. Rose, J.

1. Where there is competent evidence to sustain the verdict the judgment of the trial court will not be disturbed even though the testimony conflicts on a material point.

2. Where the trial court in its instruction has stated the law that is applicable to the issues raised by the pleadings and the testimony a party to the action cannot predicate error upon the failure of the court to instruct the jury upon a particular point in the absence of a request therefor.

3. Evidence of the unchastity of a complainant in a bastard proceeding, outside the period of gestation, is irrelevant to the issues presented for trial." State ex rel. Evanson against O'Rourke. 85 Neb. 639.

1978—Hartley against Hartley. Appeal. Douglas. Affirmed. Rose, J.

1. In an action on a supersedeas bond "to abide and perform the judgment or decree rendered or final order which shall be made by the supreme court in the case, defendants are not liable for rentals and interest, where the superseded judgment does not require appellant to pay them.

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dant's breach of contract are litigable, and separate subsequent actions to recover different elements of such damages for the same breach cannot be maintained.

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1979—Flaxel against Flaxel. Appeal. Platte. Affirmed. Sedgwick, J.

1. In an action for divorce the defendant may plead in abatement another action pending in a court of competent jurisdiction between the same parties and for the same cause, and when so pleaded the court has jurisdiction to try and determine the issue.

2. If the husband, as defendant in such action, fails to so plead the former action, and fails to answer or defend against a motion for suit money of which he has due notice in the second action, a final order of the court for the payment of a necessary and reasonable amount as suit money will not be rendered upon appeal.

1980—Hartley against Hartley. Appeal. Douglas. Affirmed. Rose, J.

1. Where there is competent evidence to sustain the verdict the judgment of the trial court will not be disturbed even though the testimony conflicts on a material point.

2. Where the trial court in its instruction has stated the law that is applicable to the issues raised by the pleadings and the testimony a party to the action cannot predicate error upon the failure of the court to instruct the jury upon a particular point in the absence of a request therefor.

3. Evidence of the unchastity of a complainant in a bastard proceeding, outside the period of gestation, is irrelevant to the issues presented for trial." State ex rel. Evanson against O'Rourke. 85 Neb. 639.

## AMUSEMENTS.

### EMPRESS

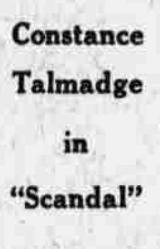
Home of the Big Double Show  
Presenting

LINCOLN OF THE U. S. A.  
A Play of the Red, White and Blue

TORCAT'S NOVELTY  
Presenting Only Act of Trained Game  
Roosters

FOX & MAYO  
Two Boys and a Piano

PAYTON & HICKEY  
"The New Chauffeur."



Constance  
Talmadge  
in  
"Scandal"

Wm. S. Hart in "The Knight of the Trail"

### GAYETY

ALWAYS GOOD, USUALLY GREAT

Twice Daily ALL WEEK Mat. Today  
Final Performance Friday Nite

Here's what's on our Christmas tree for you;  
come pick it off—

Dave Marion  
(SNUFFY HIMSELF)  
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With the Greatest Cast Ever Assembled  
in One Company.