

Nebraska DEMOCRATS OF THE STATE OUT IN COLD WATER

Faithful Ones Picking Out the Political Plums That They Would Like to Shake Off the Bush.

Lincoln, Neb., Jan. 13.—(Special.)—“Who is who” in the democratic fight for the United States senate appears to be as far from solution as ever. There are plenty of men in the “mentioned” class, but few have gone far enough to feel the cold political waters.

Attorney General Reed has been swimming around and Edgar Howard says he is in, although he has not officially wet his feet. Both of these men can safely be counted, however, as in to stay and will fight it out with each other, if no other candidates appear.

Morehead May Enter List. Within the last few days it has looked as if former Governor John H. Morehead of Falls City would soon make a showing. It may appear most any time. It is intimated that Governor Neville would take a chance, though he denies all aspirations. There is an old saying that wise men change their minds and while the governor might be wise in getting in, there is still another proposition that calls for much wisdom and that is the meeting of the natural political foe in November, the republicans.

Democrats are trying to gather much consolation from the action of the recent republican conference in Fremont by charging that the conferees dodged the issue of Americanism and adopted an otherwise set of resolutions, but as the much talked of amendment was introduced by Ross L. Hammond, whose Americanism cannot be questioned and whom many have held up as one of Nebraska's foremost typical Americans, it is hard to see where they are going to get very far.

One More Problem. Another problem which democrats are worrying about is what the present governor is going to do about running for a second term. There is a sort of feeling that the governor is getting rather tired of his job. He has faced a situation such as no governor of Nebraska ever faced before and has come out of it so far very creditably, but it is understood that there are some things about which governor he is expected which do not exactly strike him as a very great inducement to have to go up against.

The governor wanted to go to war at the head of either the Sixth or Seventh regiments. He passed up the Sixth that he might stay on a job where the government needed a good man and then he was rewarded by having the government pass him up in his ambitions to head the Seventh.

Should Governor Neville refuse to longer continue in the political game, either as a candidate for governor or the senate, it would be up to the democrats to pick another man to head the state ticket. They acknowledge that the picking in the democratic party is not good.

Pneumonia Ravages Up-State Hog Herds

Stella, Neb., Jan. 13.—(Special.)—Dr. Grau, government veterinarian for Richardson and Nemaha counties, with head quarters at Auburn, states that pneumonia exists to a considerable degree among the hogs in his territory, though they are free from cholera, there being only a few cases here and there. The pneumonia is partly due to the weather and partly to lack of proper care.

Dr. Grau advises that whenever pneumonia appears that the pens be thoroughly cleaned, new bedding supplied and the dust removed by the constant brushing of dust will induce the disease. The disease yields to treatment and the loss has not been heavy.

Cold Weather Has Not Injured Live Stock

Stella, Neb., Jan. 13.—(Special.)—Though the winter began early and an unusual amount of severely cold weather has prevailed it has been an easy winter on live stock, being unusually dry and with little snow. This gave stock, especially cattle, a chance to range and feed at straw stacks, requiring little grain or hay.

There has not been a soaking rain since the first week of September, and cisterns are dry or very low. Friday was the coldest of the winter, from 18 to 29 degrees below zero being reported at various points.

Sweeping Changes in Nemaha County Schools

Stella, Neb., Jan. 13.—(Special.)—Miss Nemaha Clark of Auburn, formerly county superintendent of Nemaha county, is the new principal of Bralton Union Consolidated school northwest of Stella, taking the place of Prof. Bert Taylor. Prof. Taylor and his wife both resigned from the school and she is now teaching in Humboldt. Miss Buckingham of Auburn took Mrs. Taylor's place in the school. The other teachers are Miss Knight of Lincoln, and Miss Willie Davis of Humboldt. The teachers occupy the teachers building on the school campus.

Spencer Man Reported Summoned on Slacker Charge

Spencer, Neb., Jan. 13.—(Special Telegram.)—Albert Look of this city is said to have been summoned to appear before the authorities in Omaha for alleged attempt to evade the draft. He was given a 20-day furlough to allow him to harvest his crop. He later obtained a deferred classification under the draft regulations.

CROWDS LURED BY DRAFT TO COURT

Twenty or More Lawyers Are On Duty to Assist Registrants Who Appear.

The rotunda of the court house each day is crowded with a motley crowd of registrants filling out questionnaires. Twenty or more lawyers are on duty as members of the Douglas County Advisory board.

The united work of all the lawyers disposes of about 500 cases a day, about 90 percent of whom claim exemption, or if they do not claim it themselves, wives or other dependents claim it for them.

Registrants are of all sizes and styles. Big and little, crippled and sound, white and black, bright and dull, lively and slow. There is a babel of tongues, Yiddish, Russian, Polish, Roumanian, English, Italian, and a dearth of interpreters.

There are women too, big, little, old, young, white, black, some with babies, some with toddling youngsters clinging to their skirts, some with the garb of widowhood and the gray locks of age, accompanying stalwart sons on whom they depend for support.

One of the unpleasant features of the affair is the alacrity with which citizens of foreign birth lead their fellow countrymen to the tables and desert them, to avoid acting as interpreters.

There are bits of conversation to be overheard. “Well, mother, I’m Irish and I’m game. I’ll go to it call me.” “But, Mike, I’m too old to get along alone and I’m not going to sign any consents.”

“No, indeed, honey,” says a stout colored woman to a dapper young fellow who is looking at her. “I don’t care to sign you no, suh. Youse mah own dependence and I’m a’goin’ to keep you, Sposin’ that kaiser shoots a bomb into you, who’s goin’ to support mah? No, indeed, honey. No, indeed!”

At one of the tables sits a man with a worried look and he lingers long over one of his answers. “Say,” he says to a lawyer, “Can’t I get out of answering that question? That’s all over long ago, and I don’t want to make that down.”

The lawyer shakes his head and a whispered conversation follows. Then the man wipes the perspiration from his forehead and the lawyer writes down the answer. It is an admission of a conviction for crime, a murder committed in the heat of passion while in his teens, for which he served a term in prison. In another year the registrant would have been beyond the draft age.

From one corner of the rotunda comes the echo of a vigorous colloquy between husband and wife. He is a husky, red-headed man, and she a snappy-eyed little Irish woman. He wants her to insist on her claim of dependency. The little woman sets her foot down with a stamp that is heard all over the rotunda.

“No, indeed, I won’t sign any consents to let you stay home. You never did anything for me and I’ve had to work for myself. I’d be better off without you than with you, and I hope they take you and do it quick.”

World Classic of Patriotism Supplied Italian Soldiers

It is not surprising that every soldier in the Italian army has been furnished with an idiomatic translation of Edward Everett Hale's “The Man Without a Country,” for it is a world classic of patriotism, capable of thrilling to deeds of heroic self-sacrifice all who are not like Scott's hypothetical ingrate.

“With soul so dead, This is my own, my native land.” It might well be circulated in every language, for its appeal is universal. Its vividness, its verisimilitude and its psychological insight have made it so powerful that it leaves an enduring impression on every reader. It is regrettable that copies were not early put into the hands of internationalists, whose queer conduct has been so embarrassing in the great war.

Every member of congress might profitably ponder its great lesson. It is a strange fact that this classic, everywhere proclaimed a consummate work of art, designed for all peoples and all times, was really written as a political campaign document, to affect a gubernatorial election in a single state. It appeared anonymously in the December, 1863, number of the Atlantic Monthly. Its author, who, by the way, was a grand-nephew of the immortal Nathaniel Hawthorne, that he had but one life to give his country, aimed it at Clement L. Vallandigham. He expected it to appear in October, so that it might help John Brown, republican, union candidate for governor of Ohio, beat Vallandigham. It was not needed, for Brown won by 100,000, but Dr. Hale never forgave the “language” in the office of the Atlantic, amounting to an “infidelity,” which deferred the appearance of the story until after the election. It will be recalled that after Vallandigham had been defeated for re-election to congress, because of his opposition to the war, he was arrested in May, 1863, for disloyalty. President Lincoln changed the court-martial sentence of imprisonment to banishment from the federal lines. Being not well received in the south, Vallandigham went from Wilmington to Bermuda, and thence to Canada, staying there when nominated for governor. The title of the story fitted him well. But if it had appeared in time, would it have lived? Campaign literature seldom does.—St. Louis Globe-Democrat.

Fire Causes \$1,500 Loss In Restaurant at Minden

Minden, Neb., Jan. 13.—(Special.)—Fire damaged the McCurry restaurant Saturday morning to the extent of a \$1,500 loss on the restaurant and fixtures and \$800 on the building, some of this being covered by insurance.

Considerable damage was also done in W. S. Wimmer's store next door, the basement being flooded and some of his goods being damaged by the water.

The Way to Furnace.

I defy anybody to run it; for this furnace has a mind of its own and an odd ambition to behave like a thermometer. On a warm day it goes up, on a cold day it goes down; in severe weather it takes the time of a determined man to head it off from becoming a large, inconvenient refrigerator. As for dissecting cold bills, the creature likes coal. I have even thought that it made strange, self-congratulatory, happy noises whenever there occurred a rise in the price of its favorite edible.—Atlantic Monthly.

Civilians in Italian Streets Witness Spectacular Sky Battle With Germans Airmen Flying at Height of 12,000 Feet

Teutons Conduct Campaign of Terrorism; Seek to Frighten Peasantry Rather Than Gain Military Advantage.

(By Associated Press.) Italian Army Headquarters in Northern Italy, Jan. 13.—Aerial warfare on an extensive scale is developing now that operations along the Piave river and on the mountain front have become inactive owing to the wintry conditions.

Beginning with a series of night raids during the moonlight over Padua and other undefended Italian cities, the enemy now is becoming bolder and daily appears in broad daylight above the small cities near the front. The raiders approached yesterday and the crowds in the streets saw a spectacular battle in the sky. The Germans flew at an altitude of 12,000 feet, where the temperature was 30 degrees below zero. From the ground the aeroplanes looked like tiny specks in the bright sun light. Shrapnel from the city's air defenses, burst all around them.

Capronis Chase Raiders. A great cheer went up from the crowds as a fleet of Italian Capronis made straight for the raiders. The Germans adopted the ruse of dropping and the sightseers became tumultuous in their shouts because they thought the enemy machines were being driven down by the Italian airmen.

But the raiders regained stability and succeeded in planing away until two of them were brought down by Italian airmen. Both of the raiders were captured and proved to be Germans, as had been expected.

As they alighted, the enemy aviators sprang from their machines and set them afire before their captors could interfere. A third raider was taken at about the same time by a British chaser on the upper Piave river.

No one was killed by the raiders, but a fragment of falling shrapnel wounded a man who had been standing in the street.

Would Terrorize Civilians. These daylight raids after the recent series of destructive and deadly night raids over Padua, Castel Franco Cienza, Mestre and Monte Belluna, lead to the impression that the enemy has embarked on an extensive air raid policy somewhat similar to the submarine campaign. The air attacks are directed chiefly against civilians, instead of the military, apparently with the purpose of terrorizing the civilian population.

The enemy's avoidance of fighting in the open with the Italians and their allies makes it evident that the invaders are less interested in obtaining mastery in the air on the military front than in spreading fear among the inhabitants of the towns and the peasantry far behind the front.

Among the many recent raids only one has been made against a military objective. This was against an aerial camp of the Italians and the British near Treviso, and was so heavily repulsed—11 enemy machines being destroyed—that all later raids have been made against the undefended communities.

Reminiscence of an Unsung American Hero

Everybody knows about young Deatur's exploit, when he burned the captured Philadelphia in the harbor of Tripoli. Lord Nelson himself called it “the most bold and daring act of the age.” But how many know that this brief war against the North African pirates also produced a “General” Eaton—the first man who ever planted our flag on foreign soil?

At that time (1804) Eaton was the American envoy to Tunis. He conceived the audacious plan of depositing the wicked bashaw of Tripoli by force of arms and setting up instead the bashaw's brother, who was an exile among the Mamelukes of Egypt. It doesn't sound like a very scrupulous respect for the rights of a small state, but Eaton was authorized to attempt it by his chiefs in Washington, though they couldn't promise him much support.

Eaton didn't care for assistance. He went to Egypt and raised a band of adventurers—white and tawny and black, all under the American flag. They crossed the Desert of Barca. The first point of attack was the important coast town of Derna, which was guarded by 3,000 Tripolitan fighting men, but which Eaton and his adventurers carried by storm.

Eaton was wounded in the first attack. He lay there, on a bastion of dried mud, with his face to the westward toward Washington—still giving his orders as the sun went down. There was a final assault; then down from the last redoubt of all came the old pirate ensign, and up went the Stars and Stripes instead.

At that, in spite of his wounds, Eaton was for going on and storming Tripoli as well. But peace intervened, and Eaton—drops thenceforward out of sight.—Munsey's Magazine.

Death Calls Woman At Plattsmouth

Mrs. Salena Cummins, aged 76, of Plattsmouth, widow of the late John C. Cummins, well known pioneer citizen and public official of Cass county, died Saturday night at her home at Plattsmouth, of pneumonia.

She is survived by three sons and one daughter, Charles D. Cummins of Omaha, Dr. E. D. Cummins of Lincoln, Dr. Frank L. Cummins and Miss Kittie Cummins of Plattsmouth, and one sister, Mrs. Emily Drew of Omaha, and two brothers, James L. Colvin of Grangeville, Idaho, and Silas H. Colvin of Larkock, Cal. Omaha relatives are Frank S. Richardson, Gerald M. Drew, Clyde W. Drew, Dr. Charles R. Kennedy, nephews, and Mrs. Harry Northcutt, niece.

Mrs. Cummins came to Nebraska with her parents in 1857 in a covered wagon, crossed the river at Plattsmouth, where they located, and for more than 60 years has lived in or near Plattsmouth.

Burial will be at Plattsmouth at 2 p. m. Monday.

DAYLIGHT BILL IS TO BE PUSHED AS WAR MEASURE

Act Passed by Senate in June Will Be Taken Up by House; Would Conserve Coal, Light and Power.

Washington, D. C., Jan. 13.—The daylight saving bill, which passed the senate last June, will be considered by the house soon after the emergency railroad and other war legislation recommended by the president is out of the way.

Speaker Clark, Majority Leader Kitchin and Representative Thetus Sims, chairman of the house committee on interstate and foreign commerce, will work for the passage of the measure.

The bill, which provides for the advancing of the clocks of the nation one hour from the last Sunday in April to the last Sunday in September, is now in the interstate and foreign commerce committee of the house, where it was pigeonholed by Representative W. C. Adamson of Georgia, who was chairman of that committee until December 18.

The present chairman, Mr. Sims, is in favor of the proposition and will press for action on it.

Speaker Clark Approves It. “I think from what I know of the bill,” said Speaker Clark, “that it is a good thing, especially in the saving of fuel and light. We are told it will save coal, and I believe it will.”

Chairman Sims said: “I am strongly in sympathy with the purpose of the measure. At first I thought it the product of some enthusiast who did not know what he was about, but the more I know of it the better I like it.”

Adopted in Europe. “This is no new proposition, for 12 European countries have adopted it and every one of them is pleased with it. If we do not follow other countries there will be inconvenience to bankers, railroads and other industrial enterprises.”

The measure would mean a great increase in production in this country. It would also mean a great saving in light and fuel and power. It is said that hundreds of thousands of tons of coal were saved by the city of London by the adoption of the system.

Representative W. D. Borland of Missouri, the first member of the house to advocate daylight savings is confident the bill be passed.

Urged as a War Measure. “The adoption of the daylight saving plan is urged as a war measure by the Chamber of Commerce of the United States, representing 80 trade and commercial bodies. The advisory commission to the National Council of Defense passed a resolution endorsing it. It is urged as a war measure by committee on public safety of Massachusetts.”

Maine, Vermont, New Hampshire, Rhode Island and Connecticut and many in dividends, cities, towns and civic organizations throughout the country.

The measure's advocates claim that it will accomplish the following results: Promote the greater use of daylight or recreative purposes.

Benefit the physique, general health and welfare of all classes of the community.

Reduce the industrial, commercial and domestic expenditure on artificial light.

Reduce the use of fuel by closing up the furnace one hour earlier at night.

Give to school children an hour longer for play and diversion after school hours.

Omaha Captain Tells of Dangers on War Front

An officer of the Fort Omaha balloon school gives this interesting outline of the dangerous work that will be done by the American balloon corps at the battle front in France. It is peculiarly timely because another detachment is awaiting orders to go to the front.

“The methods of the air squadrons are simple and concise,” he said. “When the troops are preparing to go ‘over the top,’ large numbers of balloons are concentrated as secretly as possible in masked camps, in order not to betray what is about to take place.”

“At the appointed moment they will take the air and divide up every detail of the battle amongst them. Some will record the artillery fire, shot by shot; others will see to it that the work of demolition behind the enemy's lines is effective; others will guard against any reinforcements or traps.”

“As the American forces advance the balloons also will move forward along routes previously prepared. The work of the balloonist is intricate in its detail. Every change that takes place on the enemy's side of the 8-mile range of his eye is promptly reported by telephone to the ground. Thus, if a train is seen to

CUMING FARMERS ELECT OFFICERS

West Point Banks Choose Officials; Ernest Thiele, Pioneer Settler, Dies on Old Homestead.

West Point, Neb., Jan. 13.—(Special.)—The Cuming County Farmers' Institute held their annual meeting in this city. The officers elected were: William Gramke, president; Adam Schiferi, vice president; H. F. Fuhrman, secretary; Samuel Backenbauer, treasurer; directors, Conrad Gerken, Otto H. Brockman and Charles A. Anderson.

Mrs. W. T. S. Neligh was elected president of the auxiliary.

The three banks of West Point have elected officers and directors as follows: West Point National: President, J. T. Baumann; vice president, H. W. Baumann; cashier, J. W. Shearer; assistant cashiers, L. W. Johnson and B. J. Fisher. Directors: J. W. Shearer, H. H. Hunter, Otto J. Stuefer, H. W. Baumann and J. T. Baumann.

First National: President, Chris Hirschmann; vice president, W. K. Kuebler; cashier, William Gentrup; assistant cashier, W. T. Knievel. Directors: Chris Hirschmann, Wenzel Woudele, William Gentrup, Henry Schinckel and F. D. Hunter.

Nebraska State Bank: President, Dr. T. D. Thompson; vice president, “German” Koch; cashier, A. F. Walla; assistant cashier, J. F. Zajick. Directors: T. D. Thompson, Herman Koch, A. F. Walla, J. F. Zajick, F. D. Hunter, Joseph Kaup and James Mortensen.

Pioneer Settler Dies.

The death of Ernst Friedrich Thiele, one of the oldest settlers of Cuming county, occurred at his old homestead, northeast of town. He was 84 years old. Mr. Thiele was a native of Brandenburg Germany, and homesteaded in this county in 1864.

Funeral services were held from St. John's Lutheran church, Rev. William Mangelsdorf, pastor, officiating.

The County Board of Supervisors of Cuming county has organized for the coming year. Martin Bysong was elected chairman, succeeding H. G. Paulsen, who has occupied the county chair for the last six years.

The campaign on Wednesday for the sale of thrift stamps in the public schools of the city resulted in a sale of \$793 worth of stamps. The amount raised in town outside of the schools was \$637.96.

Origin and Meaning of Khaki Traced to India

What is the origin of khaki? To whom is the army indebted for it? Khaki is said first to have been adopted in British India, in 1848, by Sir Henry Burnett Lumsden, who had been asked to equip a corps of guides to collect intelligence and to conduct an English force on the northwest frontier of India. The cloth used was a light cotton drill, as suited the climate in Hindustan, and took its name from a native term, “khaki,” which means in the Urdu language, “dusty,” being derived from “khak” or dust. Thus the term applied to the color of the cloth rather than to the material. According to the dictionary, it is pronounced kaykee by the natives, but the English pronunciation is as kharkhee, and this is the correct pronunciation.

Having been approved, the use of the cloth spread from the guides to others in the Indian army, and it was worn in the Sepoy mutiny of 1857 by the English troops. In the Boer war, 1899-1902, khaki was adopted in the British service for an active service uniform, and so worn by all English and colonial troops in Africa. But as cotton was not warm enough for the African highlanders, uniforms of the same kind were made of serge, and the term khaki thus included woollen as well as cotton fabrics. Because it was well fitted for the climate of Cuba and the Philippines, the United States chose khaki for the soldiers' uniforms during the Spanish-American war.—Philadelphia Ledger.

move forward' not exactly on schedule, if there is the slightest change in the shifting or number of troops, if a vehicle passes a spot that it has not passed before, if digging is begun on a new series of emplacements—all these things, and many more, are reported.”

Berlin Prof. Says Kaiser May Renounce All Gains

Amsterdam, Jan. 13.—Addressing the Polish society of Berlin, Prof. Hans Delbrueck, of the University of Berlin, who has on several occasions made important statements regarding future peace, said that Germany might completely renounce territorial acquisitions, both in the east and west. Honestly, he added, was desirable, not on pacific grounds, but on those of higher political sagacity. The practical proof of the correctness of this conception, he contended, was to be found in the success of the British policy with respect to South Africa.

Ambitious Funston Men In Need of School Books

Kansas City, Mo., Jan. 13.—Camp Funston is in need of more books, according to a letter received here by Furd B. Wright, public librarian, from R. Tucker, Young Men's Christian association secretary at the camp. Mr. Tucker says that the men have plenty of historical books and volumes devoted to war study, but that the big need now is for ordinary, every-day school books in every line.

“I am having daily demands for educational books, along almost all lines,” Mr. Tucker said. “The men are very anxious to take advantage of their spare time by trying to improve their education. They are a busy lot, but ambitious. I am having constant calls for spellers, algebras, histories, trigonometries, geographies, English, French and Spanish grammars, radio, telegraph and telephone books and books on other technical subjects.”

NEBRASKA SUPREME COURT DECISIONS

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

The following are rulings on miscellaneous motions and stipulations in the supreme court of the state of Nebraska, recently handed down: Opinions filed December 22: 1940—Carahan against Chicago, Burlington and Quincy Railroad company. Appeal. Affirmed. Letton, J. Sedgewick, J., not sitting.

1. In cases brought under the federal employers liability act approved April 22, 1908, the assumption of risk as a defense is abolished only when the negligence of the carrier is in violation of some statute enacted for the safety of employees. Jacobs against Southern Railroad company. 241 U. S. 129.

2. If an employee having knowledge of a defect in machinery gives notice of the same to the employer or some one who stands in his place and is promised that the defect shall be remedied his subsequent use of the defective appliance for reasonable time relying on the promise will not be held to cause him as a matter of law to assume the risk.

3. A section foreman who has charge of the tools and appliances used on the section, has power to hire and employ men within certain limitations and to direct the labor of a section foreman, is not a fellow servant of the laborer in matters regarding the condition and safety of the tools and appliances under his care and direction.

4. As to such appliances a complaint of defective or unsafe condition made to the foreman is a complaint to the employer and a laborer is not required to use some higher officer or agent of the master.

5. In an action under said statute defendant is “liable for injury or death resulting, in whole or in part, from the negligence of any of the officers, agents or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, etc.”

1941—Walla against Walla. Appeal. Douglas. Affirmed. Sedgewick, J. An appeal from the county court of justice of the peace to the district court must be taken within 10 days as provided in Rev. St. 1913, sec. 845, unless prevented by some act or neglect of the court.

1942—State ex. rel. Douglas against Smith. Appeal. Douglas. Affirmed. Rose, J. Letton, J., not participating. The Nebraska statute providing the fee chargeable by the clerk of the district court for his services, allowing him to retain a specified sum annually and requiring him to pay the balance to the county treasury, did not require him to account to the county for naturalization fees which he was authorized to collect and retain under the act of Congress, Revised Statutes, 1913, section 2425.

1943—Homan against Hall. Appeal. Douglas. Affirmed. Letton, J. Rose, J., not sitting. A fiancée cannot maintain an action for damages against a third party who has seduced her, but solely because her betrothal was induced by the defendant to break his engagement.

1944—Palmer against Parmele. Appeal. Case. On motion for rehearing, former opinion modified; motion for rehearing overruled.

NO SYLLABUS. 20372—Beadle against Beadle. Appeal. Douglas. Affirmed. Mortensen, J. 1. Where suit is brought by a father against his minor children, under 14 years of age, for the partition of lands in which they are tenants in common, service of summons on the minors, and on the plaintiff in the suit as their father and guardian, is sufficient to confer jurisdiction on the court to appoint a guardian ad litem and, if subsequent proceedings are regular to decree the partition and sale of the land and divest the title of the minor defendants.

2. In the appointment of a guardian ad litem for a minor there is imposed upon the court a special duty to guard the interests of the minor, and the guardian ad litem ought not to be selected at the suggestion of interested parties but upon the independent judgment of the court.

December 20 and 22, 1917.—The following are rulings on miscellaneous motions and stipulations: 1945—Walla against Houser. Motion of appellant to dismiss appeal allowed. Appeal dismissed. 1946—Walla against Houser. Mandate to issue forthwith.

20204—State Bank of Bladen against Strickler. Stipulation allowed; rule day extended to February 1, 1918.

19727—Tynon against Missouri Pacific Railroad company. Motion of appellant to modify judgment and to dismiss appeal, overruled.

20416—Ekelson against Union Pacific Railroad company. Motion of appellee to advance sustained. Cause advanced and set for hearing at session of court commencing March 4, 1918; appellant given until January 22, 1918, to serve brief; appellee given until February 22, 1918, to serve brief.

20223—Pierson against Boettcher. Stipulation allowed. Rule day extended to February 1, 1918.

20414—Gruye against State. Stipulation allowed; rule day extended to March 1, 1918.

20193—State ex. rel. Jensen against Omaha & S. I. R. Co. Stipulation allowed; rule day extended to February 1, 1918.

The following opinions were filed: 1946—Carahan against Chicago, Burlington and Quincy Railroad company. Affirmed. Letton, J. Sedgewick, J., not sitting.

19701—Walla against Walla. Affirmed. Sedgewick, J. 19746—State ex. rel. County of Douglas against Smith. Affirmed. Rose, J. Letton, J., not participating.

19777—Homan against Hall. Affirmed. Mortensen, C. J. Rose, J., not sitting.

20196—Palmer against Parmele. On motion for rehearing, former opinion modified; motion for rehearing overruled. 20372—Beadle against Beadle. Affirmed. Mortensen, C. J.

The following cases affirmed without opinions: 19423—First National Bank of Bridgeport against Hume.

20482—Hiat against Board of Supervisors of Holt county.

Affirmed. Martin, C. 19793—Benton against Metropolitan Casualty Insurance company of N. Y. Reversed and remanded. Martin, C. The following are rulings on motions for rehearing: 19259—Eversen against Eversen. Overruled. 19443—Meyer against Chicago & N. W. R. Co. Overruled. 19452—Brookstein against Eshober. Overruled. 19494—Bates against Detmold. Overruled.