

WIDOW OF MURDER VICTIM FAILS TO PROCURE DAMAGES

Supreme Court Holds Murderer Was Not Acting as Agent for His Father

Mary Ross, widow of J. F. Ross, who was murdered by McLain Cooper on the Cooper farm in Traill county, in a tragedy which attracted statewide attention at the time, cannot recover damages for the death of her husband from Harry J. Cooper, father of the murderer and joint employer of the slayer and his victim, the supreme court holds in a decision handed down yesterday.

Story of Case.
The action was an appeal taken by Harry J. Cooper from a judgment of the district court of Traill county, awarding damages to Mrs. Ross. Mrs. Ross brought suit to recover damages from the defendant, by whom the plaintiff's husband was employed as foreman at the time of the murder. There was a quarrel between McLain Cooper and Ross, which resulted in the former firing several shots at the latter, finally mortally wounding him. Just prior to the shooting, young Cooper, acting in the absence of his father, had discharged Ross. The allegation of the widow was that the killing took place in connection with the discharge and ejection of her husband, and that McLain Cooper in so doing was acting as an agent for his father, and that the latter was responsible for

any injury sustained by her husband, arising out of and in the course of his occupation.

Court's Findings.
The supreme court, in an opinion written by Judge Goss, rules that there is no proof to sustain the finding of the jury in the lower court that in shooting Ross, McLain Cooper was acting in furtherance of or to facilitate the discharge or ejection of Ross from the defendant's farm following his discharge, or in any way acting for the plaintiff; and hence there is no liability of defendant to plaintiff for the malicious killing of Ross by the son.
"The evidence, without substantial conflict, under every reasonable presumption, inference from or construction of it, establishes that in killing Ross under circumstances amounting to murder, McLain Cooper was acting independently and for himself in the execution of his premeditated design to kill Ross, and that he was not in any degree or particular acting for his father, the defendant. In the making of this murderous assault on Ross, no relation of master and servant as to it existed between father and son.
Charles A. Pollock was the special trial judge in Traill county. The attorneys were: Charles A. Lyche of Hatton, for the plaintiff and respondent, and F. G. Swenson of Hillsboro and Enns, Hamilton & Bangs of Grand Forks, for the defendant and appellant, Harry J. Cooper.

COURT TERM CONTINUED

Judge Nuesse Excused Jurors This Morning, Continuing Dec. Term Until Jan. 16, 1917.
Asserting that it was improbable that the calendar could be completed before Christmas and in order to per-

mit the jurors to reach their homes and be with their families on Christmas day, Judge W. L. Nuesse of the district court this morning excused the jurors and continued the December term until 10 o'clock, January 16, 1917.
All jury cases on the present calendar will be taken up then in the order as they now stand, it was announced by the court.

Colds Cause Headache and Grip.
LAXATIVE BROMO QUININE removes the cause. Remember to call for full name. Look for signature of E. W. GROVE, 25c.



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Ratio of Machines to Population
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CASES LARGEST NUMBER; SIOUX REPORTS LEAST

Case county, with 2,520 automobiles, has a greater number of gas gigs than any other county in the state. In density of machines, however, Burke stands first, with one car for each ten people, and the two Scotch shires, McHenry and McLean, follow, with one car for every 12 people. The proportion of machines for Case county is one to 16; in Grand Forks and Walsh counties one to 15, and in Burleigh, Bottineau and Ward, one machine to every 14 people. The fewest cars are reported by Sioux county, with a total of 37 machines, or one to every 67 people. It must be remembered in this connection that a majority of Sioux county's 2,155 people are Indians less than one generation removed from the calico pony.

Walla Prepares Report.
These and many other interesting facts are disclosed by a detailed report prepared by E. M. Walla, in charge of the automobile registration department of the secretary of state's office. His report shows that 40,446 machines have been registered during 1916, as against 24,908 in 1915; 17,349 in 1914; 15,975 in 1913; 8,995 in 1912, and 7,301 in 1911. The trend of the state's prosperity and development, ever upward, but progressing with remarkable strides during the last three years, may be traced in these statistics. It may be remarked that more than 60 percent of the cars registered during the last two years are of a substantially better type than those produced by previous years.

Record by Counties.
A record of the cars registered by counties, in 1915 and 1916, with the estimated population of these counties to 1915, follows:

County	1915	1916	Pop.
Adams	125	228	5,407
Barnes	900	1,361	18,706
Benson	429	705	12,705
Billings	30	67	3,250
Bottineau	710	1,186	17,337
Bowman	150	252	5,041
Burke	522	895	9,097
Burleigh	547	964	14,157
Case	1,849	2,520	40,436
Cavalier	577	918	15,811
Dickey	508	806	10,604
Divide	331	620	8,894
Eddy	172	338	8,156
Elliott	221	379	5,894
Emmons	325	583	10,323
Foster	354	573	6,054
Golden Valley	329	429	6,038
Grand Forks	1,267	1,889	28,658
Griggs	455	625	6,567
Hettinger	264	513	7,711
Kidder	224	400	6,948
LaMoure	593	885	11,453
Logan	151	283	7,037
McHenry	688	1,250	16,850
McIntosh	164	352	8,020
McKenzie	194	390	10,809
McLean	553	1,148	15,879
Mercer	168	341	6,790
Morton	700	1,311	26,717
Mountrail	345	702	11,135
Nelson	597	943	10,331
Oliver	68	179	4,053
Pembina	1,530	2,491	14,341
Pierce	267	433	9,703
Ramsey	593	978	15,070
Ransom	456	729	11,045
Reynolds	412	679	8,098
Richland	1,127	1,406	21,285
Rolette	216	403	9,694
Sargent	572	881	9,634
Sheridan	200	482	8,169
Sioux	17	37	2,135
Slope	77	227	5,101
Stark	506	833	14,247
Steele	410	530	7,016
Stutsman	753	1,210	24,091
Towner	367	478	5,147
Tram	1776	1,001	12,538
Walsh	901	1,337	20,373
Ward	1,013	2,005	28,068
Wells	638	1,074	13,204
Williams	547	886	18,143

Totals 24,908 40,446 636,950
One Car to 16 People.
Based upon the census estimate of Secretary of State Thomas Hall in the year 1915, the ratio of automobiles in North Dakota would be one to each 16 people. Using the latest federal estimate of approximately 750,000 people for North Dakota, the

ratio is one machine for every 18th person.

West Best Buyer.
It is interesting to note that with the exception of a few counties in which the saddle horse is still a popular means of locomotion, such as Billings, Slope and Williams, the percentage of cars is greatest west of the river. The increase in number of cars during the last three years has also been greater in this region, keeping pace with the expansion in population.

BUYS RESIDENCE PROPERTY.
Attorney C. L. McCoy has purchased through the J. H. Holihan agency

the Brooks Hoskins house in upper Fourth street. Mr. McCoy and family will take immediate possession.

WIFE DESERTION CHARGED

Jacob Beaver, 55 years, arrested by Deputy Sheriff Welch south of Flasher, N. D., last Saturday on a charge of wife desertion, was arraigned before Judge Dolan of the police court this morning at 10 o'clock and a continuance granted until 10 o'clock Friday morning.
Mrs. Beaver, who lives at TRVEE, al-

leges in her complaint that he abandoned both her and the little child, leaving them without means of support.

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COATS! COATS! \$25 Values, \$14.98 \$19.50 Values, \$10.00	HATS Values up to \$7.50, prices \$2.98 and \$1.98
BIG BUNGALOW APRONS , dark and light colors, regular 98c values price, 69c	MUSLIN UNDERWEAR of all kinds at big reductions
SKIRTS Values up to \$7.50, price \$3.98	OUTING FLANNEL GOWNS Values up to \$1.50, price 98c

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