

HARRY COOPER IS NOT LIABLE

Supreme Court Reverses Verdict Awarding J. R. Ross' Widow Damages

Harry Cooper of Traill county is cleared of all civil responsibility for the killing of J. F. Ross, by his son, McLain Cooper, in 1911, and the verdict of \$3,500 awarded Ross' widow by the district court of Traill county is set aside in an opinion just handed down by the state supreme court.

The case arose in 1910 when McLain Cooper shot and killed J. F. Ross, foreman on his father's farm near Hillsboro. The younger Cooper was arrested on a murder charge, and was acquitted following a trial held in Grand Forks.

Ross' widow then instituted an action for damages against both McLain Cooper and his father, Harry Cooper. No service was ever obtained on the younger man, however, who had gone to Oregon, and the case was heard before Judge C. A. Follick with Harry Cooper as the sole defendant. Mrs. Ross obtained a verdict of \$3,500.

In reversing the decision the supreme court holds that the elder Cooper was in no way responsible for the killing, as his son was acting entirely on his own account, and that no relation of master and servant existed between the two in the affair. In the syllabus, the supreme court says: "The evidence without substantial conflict under very reasonable presumption, infers from or construction of it affirmatively 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 upon Ross there was no relation of master or servant as it existed between father and son."

COLORED SHOESHINER IN TOILS OF THE LAW

A. D. Cunningham Alleged to Have Coveted Another Man's Wife Whom He Threatened to Kill.

The course of true love never runs smoothly. On a warrant sworn out by Tom Mason, colored, A. D. Cunningham, also colored, and proprietor of the Cunningham Shoeshining parlors on Alpha avenue, was arrested last evening by the police. Mason charges Cunningham with an attempt to seduce his wife, and after advances were repulsed, that Cunningham became angered and threatened her life.

When arraigned before City Justice R. J. Purcell, bail was fixed in the sum of \$1,000, which Cunningham was unable to furnish. His case was heard late this afternoon by Justice Purcell.

CHRISTMAS DANGERS CITED BY A. H. RUNGE

State Fire Marshal Sends Warnings Throughout State—Make It Happy Yuletide, He Says.

State Fire Marshal A. H. Runge has sent Christmas danger warnings throughout the state. In his announcement, he says: "It seems important at this time to call the attention of the public to some of the dangers of the lighted Christmas tree, because of the fact that many homes, churches and schools will hold these festivities.

"This is the season when naught but happiness and good cheer should prevail. By caution and carefulness in handling Christmas tree decorations we can make it so. Teach the children the danger from fire and be constantly on the watch for anything that may cause fire.

"Where possible, electricity should be used for lighting, wiring to be done by a competent electrician.

"If candles are used, do not allow the children to light them. Their clothing may catch on fire, or the tree, if dry, will burn.

"Do not use paper, cotton or other inflammable material and see that the tree is securely fastened so that it cannot be pulled over when reaching for things.

"Never leave a lighted tree with children alone.

"Don't put cotton or under the tree to represent snow. Use mineral wool or asbestos. The effect is better than with cotton.

"Don't permit a draft of air to sway the branches of the tree while it is lighted.

"By following these instructions we hope to repeat the record of 1915, when not one single Christmas tree fire was reported to this department, and we ask every man, woman and child to join in this effort to make Christmas the joyous season it is meant to be."

AGED MILLIONAIRE Gives up Fiancee, 28

New York, Dec. 20.—Notwithstanding John B. Manning, 83 year old millionaire, took his fiancee, Miss Honora May O'Brien, 28 years old stenographer, linguist, musician and a pronounced beauty, to visit Cardinal Farley in the archiepiscopal residence yesterday and in the presence of two of his children made arrangements for their wedding early tomorrow, it was announced today, at his home, 81 Riverside drive, there would be no marriage. The decision of Mr. Manning to heed the advice of the six heirs to the banker's \$10,000,000 fortune came after a continuous session of the family arguing with him, since Saturday afternoon. Miss O'Brien admitted the wedding had been declared off, but would not discuss the matter.

NEW FURS Remodel and New S. FRIEDMAN The Furrier. 12 So. 4th St. Dr. G. A. Swendiman. Dentist. 12 So. 4th St.

NEW ELEVATOR COMPANY FORMED

Bismarck, N. D., Dec. 20.—The Farmers' Co-operative Elevator company of Stanton has filed articles of incorporation with the secretary of state. The directors are John F. Albers, Bismarck; Brown, John; Friebe and John Kruckenberg, Sr., all of Stanton.

MONKEY TALKER OFF FOR AFRICA TO DECOY APES

New York, Dec. 20.—With Professor Richard Lynch Garner, an expert in monkey language, as a decoy, scientists from the Smithsonian institute and the American Museum of Natural History are on their way to the French Congo, Africa, after skins and skeletons of gorillas for a group to be mounted at the American museum. The party left yesterday aboard the steamship Chicago, of the French line.

Professor Garner once lived for seven years in a bamboo hut in Africa, studying the language and habits of apes. He acquired a vocabulary of 20 words which, he said, is the limit of the ape linguistic accomplishment.

Armed with this vocabulary Professor Garner will sit as a decoy, employing the language to lure gorillas to the land where men are to be stationed with rifles.

COLORED MAN WAS BOUND OVER

Smith, Alleged Bootlegger, Unable to Furnish \$500 Bail.

Charles N. Smith, colored, arrested yesterday on the charge of bootlegging, waived examination this morning before Judge Phil McLoughlin, who bound him over to the district court in the sum of \$500, in default of which he has been committed to the county jail. Smith has been employed by A. D. Cunningham, another colored man, as shoeshiner in his parlors on Alpha avenue. Cunningham, who has troubles of his own, was tried on a different charge late this afternoon before Justice Purcell at the city hall.

Mixed up in the action are two other colored men. George Anderson demands that James Robinson return to him a suit of clothes of which he alleges Robinson dispossessed him. Robinson claims that Anderson gave him the clothes as security for \$4 which he owes him, and refuses to invest him with his property until the money is forthcoming. As a measure of precaution, and to prevent anything being "slipped over" on him as he expressed it, Robinson is wearing the clothes.

Robinson, who hails from Rugby and claims no definite place of abode, was committed to the county jail in default of \$200 bail as a witness in the action against Smith, which will not come up for hearing in district court until about the middle of January.

FARM MEETING HELD IN CITY

Complete Details of Organization of Better Farming Association.

The Grand Forks County Better Farming association began an important meeting at the court house this afternoon, at which time re-organization plans were perfected. It was the first meeting of the association since the new independent plan was adopted, and many details, incident to working out a program and systemizing the work, had to be disposed of.

This evening at 6:15 o'clock, the visitors will be guests of the Commercial club at dinner, after which an informal program will be given.

Thomas Cooper, director of North Dakota agricultural college extension department, President F. L. McVey and A. D. Cunningham, vice president, were among the speakers. Mr. Cooper spoke of the work of the county agents and outlined a few things that could be accomplished in Grand Forks county.

The meeting this afternoon was closed with a musical program given by members of the Wesley college conservatory faculty. At the close of the evening, the high school male double quartet will sing and Miss Newton will speak.

O. K. Lagson presided at the meeting in the absence of President Hans Georson.

The work of the association will be carried on for a short time by the old officers, until the vice president has to be elected by the respective farmers' clubs of the county.

MAYBE SANTA WILL KNOW Who Telephoned, Anyway

A little Chestnut street girl tried today to telephone to Santa Claus. She sent in a "159" call to The Herald.

"I'm a little girl, 7 years old," said a childish voice on the wire. "I'd like to have you connect me with Santa Claus."

"I can't do that now," the reporter said, "but tell me what you want and I'll try to deliver the message."

"Well, I want a doll," she said, "and slippers for mamma, a pipe for papa and some toys for brothers and sisters."

There was a buzzing on the wire. The reporter couldn't get her name. Then she was gone.

AN OLD FASHIONED NEW YEAR'S JUBILEE

The custom of watching out the old year will be observed at the Hotel Dacotah on New Year's eve. A program of appropriate music has been arranged, to be continuous with the serving of an elaborate dinner from 8 o'clock to midnight, and Chef Lowrie is working on a menu that will please all palates. When the bells and the whistles have signaled the departure of the old year all of the guests will join in a festive welcome to the new year with well-made novelties and then the floor will be cleared for dancing, which will continue from midnight to 2 a. m.

The usual big Christmas tree is to be erected in the lobby of the Dacotah tomorrow and will be lighted with innumerable incandescent lamps and will be the scene of a special Christmas eve celebration. Reservations are being made for the Christmas dinner and for the New Year's eve celebration.

ITALY AWAITING DEFINITE OFFER

Rome, Dec. 18, via Paris, Dec. 19, 5:20 a. m.—Foreign Minister Sonnino said in the chamber of deputies today that several resolutions which had been introduced in the chamber in regard to the peace proposals of the Central powers, seemed to be based on the supposition that the government had or would have concrete and precise indications as to the basis on which negotiations would be opened.

"As I said on the day before yesterday, this supposition does not correspond with facts," the foreign minister continued. "There is no sign of conditions in regard to negotiations in the enemy's note. I possess no information in regard to eventual conditions of peace beyond the note from the enemy which I read in the chamber."

METHODIST CHOR TO HOLD MEETING

An important meeting of the First Methodist church choir will be held in the downtown studios of Wesley college tomorrow night, according to Director H. C. Enysart. The meeting is called for the purpose of completing preparations of special Christmas music.

DELEGATELY ELIMINATED.

"How did you get Mrs. Bounce out of your bridge club?" Did you ask her to resign?

"No, we didn't like to do that, but we all resigned except Mrs. Bounce, and then we all got together and formed a new club."

The coffee supplied by Brazil, it is estimated, is sufficient to make 119,000,000 cups a day.

LOCAL FIREMEN SAIL JAN. 15

Coss and Willoughby, Enlisting at Peg, to Fight For the Allies.

Charles Coss and "Duke" Willoughby, local members of the Grand Forks fire department, who recently went to Winnipeg and enlisted as members of a Canadian contingent, will sail for France January 15, according to word received by friends here today. It is not known to what battalion they have been assigned for service beyond stating that Mr. Coss had been ill. He is the son of Mr. and Mrs. E. P. Coss, 229 Euclid avenue.

The young wife of Coss, to whom he was recently married, left here some time ago for Winnipeg in an effort to effect her husband's discharge, which apparently was unsuccessful.

WHITE FAMILY IS EVICTED

Street Filled With Belongings—People Objected to Foreclosure.

The grand finale to a stubbornly fought legal battle waged during a period of several years during which Lizzie M. White and John F. White, her husband, stubbornly refused to accept the court's dictum that they be dispossessed of the old Central hotel property at 203 South Fourth street, following foreclosure proceedings instituted by the Northwestern Mutual Savings and Loan association of Fargo, was staged last night when Sheriff A. F. Turner and deputies descended upon the entrenched household and evicted the family and household goods from the premises. The case has become almost a classic, with the woman playing the principal role.

Mr. and Mrs. White, it is claimed, traded their farm lying near Emerald for the property, assuming mortgages held against it by Mary E. Adams and the State Bank of Reynolds. The Northwestern Mutual Savings and Loan association of Fargo paid the old mortgage and the White's are said to have given them a new mortgage for this and other amounts involved in the deal.

Foreclosure proceedings were instituted when Mrs. White, who in the meantime conducted the hotel as a rooming house in the absence of her husband, refused, it is claimed, to pay any of the principal, interest or taxes. When the case came up for hearing, it was thrown out of court on account of some discrepancy in the records attached to the mortgage, which it is said one of the parties had not signed. Proceedings were then started by the Northwestern Mutual to foreclose under the old mortgage.

The case was bitterly fought, finally being carried to the supreme court. The Whites were cited to show cause, which they failed to do to the satisfaction of the court, which issued an order to the sheriff's office to place the property in the possession of the Northwestern Mutual people, which was done yesterday.

While the Northwestern Mutual was given possession under a special execution by the sheriff in November, 1915, efforts to evict the family from the premises were fruitless, they simply refusing to abide by the decision of courts, executions, orders or anything else that might be decreed. A peaceable compromise was exhausted. Mrs. White, it is alleged, having made dire threats of summary treatment to be meted out to anyone representing the company who visited the place. Intimidated by the fear that blood might be shed if a battle royal should be promised, a settlement, no definite action of eviction took place until yesterday, when Sheriff A. F. Turner and his deputies headed the force of peace officers to the place of the eagle of war.

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The Christmas Store



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580 Guards Facing Trial for Protest

El Paso, Texas, Dec. 20.—By orders of General George Bell, Jr., commanding the Eleventh army division here, a rigorous investigation is under way to determine whether discipline shall be administered to 580 guardsmen of the Eighth Ohio national guard infantry for signing a "round robin" protest, addressed to an Ohio newspaper, against a further stay on the border and against camp conditions and food. In official quarters it was stated that the ringleaders or possibly all the signers of the protest may be subject to mild discipline. Until all the facts are laid before General Bell, no action will be taken.

COMPROMISE BILL URGED

General Conservation Scheme for the Flood Waters in the West Suggested in Congress.

Washington, Dec. 20.—A compromise flood control bill will be submitted to the senate commerce committee by Senator Newlands tomorrow in an effort to bring together advocates of the Newlands general water conservation and flood control scheme and champions of the pending house bill, which would appropriate \$50,000,000 for the control of the lower Mississippi and Sacramento rivers.

Chairman Fletcher asked that the compromise bill be drafted and submitted.

Senator Newlands heads an informal organization of Northwestern senators who have agreed to fight any control measure limited to specific projects.

Little Uruguay is keeping up with the procession, and its government is now constructing a dry dock large enough to hold the greatest ocean liners.

Herald Want Ads Bring Results.

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