

USED PUGILISTIC ARGUMENT

Attorney Rogers Struck General Cowin in the Court Room.

MR. COWIN HAD AN UNGRATEFUL CLIENT

Objected to Paying the Lawyer Who Advanced Money, Saved Him a Fortune and Waited Ten Years for Remuneration.

During the afternoon session of the district court there was a play that had not been billed. The case of John Avondet against J. C. Cowin was on trial in the equity division. The testimony was all in, when Judge Irvine asked the contending lawyers if they wanted to make any arguments. Mr. Cowin replied that he was willing to leave the whole matter in the hands of the court.

Rogers, not being a man who would stand any such playful remarks, reached for Cowin and caught him just below the left eye with a right hander. The blow was not a heavy one, but it was about to be repeated, when Judge Irvine called the two men down and assessed a \$10 fine against Mr. Rogers' bank account. Both of the men apologized, after which the court dissolved the injunction and decided that the Cowin mortgage was valid.

Some forty years ago John Avondet, then a young man, came to this city and by practicing strict economy accumulated quite a fortune, which was invested in property that increased in value as the town took on city airs and extended its limits. Avondet, being a foreigner and not fully understanding the ways of the land, was fat picking for some of the shares he owned. Avondet, being a foreigner and not fully understanding the ways of the land, was fat picking for some of the shares he owned.

One bright morning a few years later he awoke to the realization that he had been cheated out of his own. In casting about for aid and assistance he came in contact with John C. Cowin, to whom the case was stated. Mr. Cowin took the matter under advisement and at the request of Avondet went in to win. Suits were brought, and in the end, after advancing \$1,000 of his own money, Mr. Cowin succeeded in having the former transfers set aside. The trial had cost money, and in order to secure payment for the money advanced Cowin took a mortgage on one of the lots for enough to cover the indebtedness and the cost of the suit.

Ten years passed away, and Cowin, feeling that the debt should be paid, commenced foreclosure proceedings. It was then that Avondet showed his true nature. Avondet secured an injunction to restrain the foreclosure of the mortgage and the sale of the property, alleging that there was no indebtedness and that the services had not been rendered. On this showing the case went into the courts.

STREET CAR ETIQUETTE.

Brutality in Hounding Passengers Not Approved by the Court.

The case of C. F. Haman, a sewer contractor, against the old Omaha Horse Railway company is attracting considerable attention in Judge Ferguson's court, where the plaintiff is seeking to recover the sum of \$5,000 on account of personal injuries which he alleges that he sustained at the hands of an agent of the company.

In September, 1928, when horse cars were upon all of the streets where the motors now run back and forth, Haman and a man by the name of Fox were passengers on the Cuming street line. The two men boarded an eastbound car at Thirty-sixth street, intending to come down to the city center. As the car started, Haman alighted, Fox went up to the box and deposited a dime, paying two fares. A few minutes later the driver pulled his bell and indicated that Haman had better contribute or get off and walk.

Haman insisted that Fox had put up for both, while the driver, Korrikan, claimed that there was no truth in the statement, and that Haman was trying to beat his way. Hot words followed, which ended by Haman saying that he would report Korrikan. Korrikan told him to report and beat it, that he knew his business and would carry no man without he paid his fare or flashed a pass. This playful remark brought on another wave of words, which eventually caused a row, from which Haman came out second best. Bruised and bleeding, and looking as though he had toyed with the business end of a pile-driver, he was put off the car to fend his way to the office of the company, where the conduct of the driver was reported.

Suit was brought in the district court and after a tedious trial, which lasted several days, the jury returned a verdict finding for the plaintiff and assessed the damages at \$5,000. Mr. Haman was not satisfied with any 10 cent judgment and at once appealed to the supreme court, alleging that the verdict of the jury was contrary to law and that the finding was not sustained by the testimony. In commenting on the case the judges of the supreme court expressed the opinion that, according to the testimony of Korrikan himself, the assault was most brutal. The verdict was set aside and the case remanded for a new trial in this county.

JUROR SENT HOME.

A Little Too Ignorant Even for a Modern Jurymen.

Andrew Larson, a farmer from Bennington, was the juror who eluded a bailiff and went home instead of spending the night in the jury room. Yesterday morning he was in his bed to state that he agreed with the findings of the other jurors. When called before Judge Davis to explain his conduct he remarked that he did not know that it was wrong to leave.

COMMISSION MEN BILKED.

Advanced \$300 on Cattle That Did Not Exist.

The case of the state against W. E. Thello is on trial in the criminal division of the district court. The charge is made that some time ago the defendant went to Perry Bros., commission men at South Omaha, and represented that he was a member of the firm of Woodward Bros., residing in the central part of the state. He stated that he had a lot of steers which he expected to ship to the South Omaha market and to Perry Bros. To help him along in buying feed, he wanted \$300 until the cattle were sold. The Perry's swallowed the story and advanced the money, but later they found out that Thello was not a stockman and that he was not the owner of a single steer. The case of affairs accounts for the present prosecution.

BRACE OF VERDICTS.

Awarded \$1,500 for a Broken Leg—A Commission Allowed.

When Igne Madsen sued the Omaha Street Railway company she expected to recover \$12,000 as a compensation for the injuries sustained on account of a broken leg, which she alleged she received while riding on one of the defendant's cars. The case was submitted to the jury Tuesday, and yesterday a verdict for \$1,500 was returned.

The jury in the case of Denny against Knudsen, an action brought to collect compensation on the leasing of a building on Iowa boulevard street, returned a verdict yesterday, finding for the plaintiff and assessing the damages at \$1,000.

GRIEVANCES OF SWITCHMEN

Union Pacific Min Complain of Arbitrary, Despotie Yardmasters.

WILL CONFER TODAY WITH MR. DICKINSON

Employees Also Want a New System of Computing Overtime—Baker, the Cigar Thief, Turned State's Evidence in Montana.

Union Pacific switchmen have some grievances and a committee from the Switchmen's Mutual Aid association, headed by George Farmer, will have a conference today with General Manager Dickinson. The Omaha men say they have tried to complain of, but at some other points the switchmen accuse the yardmasters of being arbitrary and despotie, of laying them off from ten to thirty days for trifling accidents that are naturally charged to ordinary wear and tear. There will also be a demand for a new system of computing overtime, but the matters at issue are said to be not vital. No serious troubles are anticipated by officials, but there may be more in this grievance than appears on the surface.

Omaha, Council Bluffs and South Omaha men have a separate local union, but all work practically as one union, and it is claimed that since organization wages have been raised and conditions of working improved, that 75 per cent of the switchmen are in the union and more coming in every meeting night. Local leaders say they have no important grievances of their own in sight, but that the principal work of their organization at this time is to fight against and prevent any encroachment of privileges, reduction of wages and other matters that would deprive them of the right to organize without being summarily bounced for so doing.

FUNNY MR. BAKER.

Mistaken Ideas About the Union Pacific Secret Service Corrected.

Mr. W. E. Canada, superintendent of the special service of the Union Pacific, has returned from his trip to Dillon, Mont., in company with Baker, whom he arrested in Chicago for holding a case of cigars. Mr. Canada does not have the most profound regard for Montana justice. Baker turned state's evidence and was held in \$1,000 bail by the district judge of Beaver Head county, while "Night" Yardmaster Abrahamson of Lyman, who is alleged to have done the stealing, was held in \$500 bail to appear March 13.

The evidence before the court showed that one case of cigars was stolen, consisting of sixty boxes, fifty of which Mr. Canada is able to account for, Baker sent a package of eleven boxes to his mother in Chicago and marked the consignment, "Buffalo horser and Indian trinkets." But when the package got to its destination only nine boxes showed up. Mr. Kelly, who was propelling the pump handle, talked Baker into an interview with the Union Pacific officials, asked the prisoner where the other two boxes went. "In a twinkling in his eye, Baker replied: 'I suppose one of your men got them,' which raised a hearty laugh among those in the attorney's office.

"I wish you would disabuse the minds of people that I am at the head of the detective service of the Union Pacific," said Mr. Canada to a Big Man. "There is no detective service on the road, and, if there is, it is plain marked 'special service.' He is known to everybody on the road, and there is no 'old sleuth' business about him. We tried the detective service, but without much success. As it is now everybody assists us in trading lost goods. It is our business, and nothing is thought of it. It is purely a branch of railroad work that must be done, and we go about it in a business way."

RAILWAY NOTES.

G. A. McNutt of the "Katy" is in the city trying to rustle business for his line in conjunction with the Missouri Pacific. The Burlington has the longest run on record between Chicago and Denver, carrying the Wilson-Barrett company special from the World's fair city to the Mountain city in twenty-seven and one-half hours. The company left Chicago Monday morning and arrived in Denver Monday morning ten minutes ahead of schedule time. Railroad officials are congratulating themselves over the business trip. The bill before the Montana legislature by a vote of 37 to 15. With the governor's signature the bill becomes operative in sixty days from its passage.

The Burlington city office will move back to its old quarters, 1324 Farnam street, on Sunday. We are not surprised that people will not take a new coach, when they know the value of Dr. Bull's Cough Syrup.

INTEREST TO INVENTORS.

The American Newspaper Publishers' association, of which this paper is a member, has a standing offer of a gold medal, valued at \$50.00, to be awarded to anyone who invents any mechanical device whereby the process of producing newspapers is cheapened, or that will be in any way beneficial to publishers. The secretary of the association at 206 Potter building, New York, will be pleased to correspond with any person who has anything in this line to offer.

THE NEW STATIONERY STORE.

Two doors south of postoffice, will open today with a new and complete line of ladies' society stationery, commercial stationery, office supplies, news and periodicals. Will aim to keep constantly in stock such goods as the trade demands and hope to merit a share of your patronage. T. I. HUMBLE, 116 South 15th St.

THE SERVICE OFFERED BY THE BURLINGTON.

The service offered by the Burlington's 450 p. m. train for Denver is a perfect combination of fast time, magnificent equipment and smooth track.

SPECIAL LOW RATES.

To Mobile, Ala. On Monday, March 6, my second excursion will leave Council Bluffs for Mobile, Ala. 600.00 acres of choice farming and fruit growing lands along the line of the Mobile & Ohio R. R. at from \$1.50 to \$5.00 per acre. Stop over privileges at all points south of Jackson, Tenn. For further information and a descriptive land folder call on or write to Room 201 Merriam Block, Council Bluffs, Ia.

Low Rate Excursion.

My twelfth special excursion to Houston, Tex., via the Santa Fe route, leaves Omaha March 6, 1933. Address R. C. Patterson, 425 Range building, Omaha.

Contractors Must Clean Up.

The Board of Public Works has issued an order to contractors to remove from the paved streets all dirt that has fallen from the dump wagons. This applies particularly

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Short Lived Shams

AMATEUR ROSE CLUB.

Some Omahans Are Growing a Hundred Varieties of Roses. An association will be formed in this city within a short time, having for its object the encouragement of rose culture. G. W. Tribbles of the Union Pacific railway and V. G. Lippincott, chief clerk of Bradstreet's Mercantile agency, are the originators of the movement and are at present busily engaged in the work of preparation.

The promoters are enthusiastic over the subject. They say there are many people in the city who are willing to co-operate with them, and who can make a fine and varied display should a public exhibition. There are residents of the city who have as many as 100 varieties, W. I. Kierstead being among them, and a considerable number have fifty and upwards.

It is probable that within a month the first meeting of the organization will be held. In the meantime all persons who desire to become members should communicate with Mr. Tribbles or Mr. Lippincott and have their names enrolled.

OLD OMAHA DEAD.

John D. Cowie, Formerly Manager of N. B. Falconer's Store. A telegram announcing the death of John D. Cowie, who was for several years manager of N. B. Falconer's store. On leaving Omaha Mr. Cowie went to Grand Island, where he went into business. Afterwards he removed to Minneapolis, where he was conducting a business enterprise at the time of his death.

Mr. Cowie had been for some years a sufferer from consumption and during the winter had been traveling through the south in hope of checking the progress of the disease. He had started home from the Hot Springs and reached St. Louis, where he was taken worse and died at 9 o'clock Tuesday evening. He leaves a wife and five children at Minneapolis. His wife's relatives reside in Omaha.

REALLY INSANE.

While on Trial He Was Thought to Be Shamming. Frank Holly, the young man who was convicted of forgery at the last term of court and sentenced to one year, will be given another chance to breathe the air of freedom, as he has been pardoned by Governor Cromwell.

While in jail and at the trial Holly worked the insanity dodge, but he was not successful, the court and jurors thinking that he was shamming it up. After going to the penitentiary he grew worse and a clean bill is the result of his efforts.

The Rugged Child

is largely an "outdoor" product. Fresh air and exercise usually produce sound appetite and sound sleep. Sickly children obtain great benefit from Scott's Emulsion of cod-liver oil with Hypophosphites, a fat-food rapid of assimilation and almost as palatable as milk.

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The promoters are enthusiastic over the subject. They say there are many people in the city who are willing to co-operate with them, and who can make a fine and varied display should a public exhibition. There are residents of the city who have as many as 100 varieties, W. I. Kierstead being among them, and a considerable number have fifty and upwards.

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