

FILES BRIEF FOR THE BOARD

Attorneys for Bullard, Cragory, Herdman and Peabody Get Action.

CONTENTION OF THE COMMISSIONERS

Respondents Argue that the Court Has No Right to Interfere with the Law Giving the Governor Appointive Power.

LINCOLN, April 27.—(Special).—The attorneys for Commissioners Bullard, Gregory, Peabody and Herdman, respondents in the case brought by Attorney General Smyth to oust them from their positions as members of the Fire and Police commission of the city of Omaha, have filed their brief with the clerk of the supreme court.

In arguing the case the attorneys for the respondents say the court has no authority to even consider a writ of ouster. In support of this position they cite authorities to show that while the constitution of a state may not provide for the appointment of a commission by the governor, the legislature may legislate upon any subject not prohibited by that constitution. This they say is not only the rule in Nebraska but also the rule in every state in the union, with one exception.

As a reason for leaving the appointive power of the Fire and Police commissions in the hands of the governor, the attorneys for the respondents contend that it has been the usual custom in all cities in nearly all states to put the police under the direction and in that of some one appointed by the governor or some designated state officials, thus taking the force out of local politics and for the benefit of the community.

It is contended that firemen occupy the same relative positions with reference to their work as firemen and that they are in a measure state officers. In support of this contention, the case of Gillispie against the City of Lincoln, reported in Neb. 26-24, is cited.

Justice Reese, attorney for complainants, has been given four weeks by the supreme court to file final brief in the case.

TIBBLES CASE GOES OVER. The Tibbles case came up before the State Board of Transportation again today and another continuance was granted for the next meeting being May 20. The attorneys for the roads were present and asked for further time in order that the questions propounded by the board could be fully answered. It was strictly according to program that this delay should be made and there was no objection, so the case went over to the next meeting.

The State Printing board met today and awarded the following contracts: Jacob North, \$1,500; auditor's books, \$18; 6,000 auditors' blanks, \$7; 4,000 copies state board directory, \$23.35 per page; Hunter Printing company, 1,000 copies state superintendent's directory, \$15; State by curial company, 1,000 auditors' blanks, \$7.50.

The Lathers' Protective union of Omaha filed articles of incorporation with the secretary of state today. The articles provide for the mutual protection of its members and has no capital stock. The officers are: President, George W. Knott; vice president, C. H. Allen; treasurer, R. A. Williams; secretary, W. F. Randall.

The Webster Manufacturing company of Wynona incorporated today with a capital of \$15,000. The incorporators are: Webster, C. D. Hagerman and J. Enos White. The company will manufacture certain dental supplies.

LINCOLN LOCAL NOTES. The Odd Fellows of this city celebrated the seventy-ninth anniversary of the establishment of the order in America at their annual meeting today. The program of music and speaking was carried out. Addresses were made by W. H. Cotton, Rev. L. P. Ladden, D. C. Cline and J. C. Pentecost. The evening session was held at the hall and a number of stirring speeches were made and the music, which consisted for the most part of national airs, was well received by the patriotic audience.

Robert Denham, a well known old settler of Nebraska, died at his home yesterday afternoon. The funeral was held today at noon.

The excise board met yesterday afternoon and selected the members of the police force, thus ending the suspense of the large number of applicants for positions. Nine men were given a chance to hunt other jobs. W. C. Roberts, the health officer, still holds his place and may not be changed. James Malone of the Burlington detective service was made city detective.

The executive committee of the state Sunday school association met here today and decided to hold the state convention at Omaha during the last week of September, the object being to have a big Transmississippi meeting.

An officer from Audrain county, Missouri, was today and had a requisition honored for the return of the county. He was under arrest at Omaha and is wanted in Audrain county to answer for stealing \$40 in cash and jewelry amounting to \$240 from a woman down there.

Odd Fellows Anniversary. NEHAWKA, Neb., April 27.—(Special).—The seventy-ninth anniversary of Odd Fellowship was celebrated here tonight by Nehawka lodge and invited guests. The lodge had 104 and exactly 104 were in attendance. After the banquet several fine speeches were made in response to toasts. Nehawka claims the largest and most enthusiastic lodge of Odd Fellows in the county.

Enlistments at Aurora. AURORA, Neb., April 27.—(Special).—A most enthusiastic war spirit is being aroused here by the new conscription coming from the east and other points, where preparations

for going to the front are being made. Yesterday General Devereaux Bates, an old soldier of the Civil War, and Lieutenant F. McCarthy started the organization of a company under the call for volunteers, and at this writing over thirty-five of the best men in the city are enrolling for active service. The rifle and drum corps was marching through the streets this morning and things begin to look as if they will get ready to go to the front.

Verdict for Defendants. AUBURN, Neb., April 27.—(Special).—The case of J. W. Darrah against G. W. Cornell, Edgar Ferneau and Otto Juel for damages in the sum of \$5,000 was heard in the district court yesterday before Judge Baker. The jury returned a verdict in favor of the defendants.

Enthusiasm at Ashland. ASHLAND, Neb., April 27.—(Special).—Enthusiasm for war is being manifested in Ashland and many of the business houses on Silver street have hung "Old Glory" to the breeze. Last week Hon. Jesse N. Moon, judge of this city, wrote to Governor Holcomb offering to raise a company of volunteers under his name. Judge Moon's offer was promptly accepted by the supreme court, and while this appeal was pending, Mr. Darrah, who was then mayor, ordered the judge to remove the flag from the city and street commissioner went there for that purpose, when Mr. Juel, acting upon the advice of his attorney, Mr. Cornell, had them removed and put into jail, and it was for this arrest that Mr. Darrah claimed damages. The case was tried before a jury and a verdict was returned this morning for the defendants.

Farm Work Well Advanced. FREMONT, Neb., April 27.—(Special Telegram).—Farm work is pretty well advanced in this vicinity. Small grain is in and some of it up. It is now warmer weather and rain. Corn planting has commenced. Pastures are in only fair condition and need rain. The American Chicle company has contracted for a much smaller amount of sugar cane than last season, owing to its stock on hand. The price paid is the same as last season—\$9 a ton at the mill. A much larger acreage could have been secured.

Case of Paralysis. RED CLOUD, Neb., April 27.—(Special).—Yesterday John Griffith of this city, who owns a farm near the city, was suddenly taken seriously ill after partaking of his dinner. He was seized with muscular paralysis and became unable to speak or move his limbs. His only son, George, who was working him, got him into a buggy and brought him to the city, where he was taken to a physician's care. He was much better this evening, but still quite sick.

Stimulating Station Opened. REPUBLICAN CITY, Neb., April 27.—(Special).—The Beatrice Creamery company, near Beatrice, Neb., opened its skimming station at this place Monday morning at 10:30 o'clock. At 2:30 p. m. an interesting and instructive address was delivered by Prof. W. H. Hatcher of Lincoln University on the subject of "Hurry for Ashland" and a vigorous display of caps and flags were heard and seen from every car.

North Platte. NORTH PLATTE, Neb., April 27.—(Special Telegram).—Twenty-five hundred people assembled at the depot this forenoon and gave a grand send-off to the Nebraska National Guard, which is en route to the front. The demonstration continued for over an hour and the enthusiasm was intense. As the train pulled out twenty locomotive whistles were blown and the cheering and cheering offered as the train left. There are about sixty stalwart young men in the company.

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Marking Corn at Mead. MEAD, Neb., April 27.—(Special).—The local farmers are paying for a bushel for corn and thousands of bushels have been marketed here in the last few days. The Farmers' Grain and Stock company, which sold two cars of the week and last night, will sell all it has cribbed the last of this week.

Burglars at Decatur. DECATUR, Neb., April 27.—(Special).—The hardware store of James Ashley was broken into last night. A quantity of knives, razors, revolvers and other stuff was taken. No clue to the thief or thieves has been obtained. The store is in the building made through a window.

Celebration at Central City. CENTRAL CITY, Neb., April 27.—(Special Telegram).—The Odd Fellows celebrated the seventy-ninth anniversary of the founding of their order yesterday afternoon and evening by a street parade in the afternoon and an address by ex-P. G. M. Hoagland of North Platte.

Seven Enlist from Osceola. OSCEOLA, Neb., April 27.—(Special).—Seven of Osceola's young men have enlisted in the David City militia company, as follows: Ray Pharesat, Fred Karrer, Charles Behrer, Edward Lowman, Wilbur Johnston, Austin Jeffrey and William Lewis.

Campfire at Sutton. SUTTON, Neb., April 27.—(Special).—A stirring and patriotic meeting was held in the opera house last evening. Speeches were given by veterans of '61 and many are signing up for volunteer reserves. War is the sole topic of the hour.

Guardsmen Go to Lincoln. (Continued from First Page.)

corp, the city council, Columbus fire department, Baker post, No. 6 Grand Army of the Republic, and company K, and paraded the principal streets until nearly dark. When the company left it was amid fringes of cannon, cheering and waving of flags and handkerchiefs. The company is commanded by Captain Kilian, and is composed of six hundred well-dressed men.

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LINCOLN, Neb., April 27.—(Special Telegram).—Nearly Lexington's entire population turned out today to bid the departing militiamen goodbye. Six hundred school children, each equipped with a flag, headed by the Knights of Pythias band, marched to the depot. The Lexington boys were merged there with the North Platte company.

YORK, Neb., April 27.—(Special).—Two thousand York people bade goodbye to company A, First regiment, Nebraska National Guard, as it left for Lincoln. This city has perhaps never before seen such stirring times as have been those of the last few days. The knowledge that the York company would go for war has quickened public interest into excitement. Last night an open air reception was tendered the company by the citizens. Speeches full of patriotic fervor were made by W. Stewart, Rev. R. T. Cross, George W. Post, G. B. France, Rev. B. F. Fillmore and Rev. L. Long. Captain C. K. Schuman's guards made a brief speech in response. This morning business was suspended by proclamation of the mayor and the city schools dismissed.

ASHLAND, Neb., April 27.—(Special Telegram).—One of the greatest popular demonstrations, equalled in magnitude and enthusiasm in late years only by the political demonstration of the 19th of June, occurred in this city this afternoon when the Burlington fast mail, containing five extra coaches and loaded with the Omaha Guards and Thurston Rifles, came to a standstill at the depot in East Ashland. Long before the arrival of the train, whose regular schedule time in Ashland is 10:30 p. m., thousands of people were thronged and nearly 1,000 men, women and children were present. The public schools were dismissed for the afternoon and the city was in a great commotion. The depot, waving flags as they went, the train arrived here at 4:16 o'clock. Its coming was heralded by the booming of cannon. William Smith, a resident of Ashland, the late civil war, having this part of the demonstration in charge. When the train stopped the Thurston Rifles and struck up some stirring music. The Omaha boys of Omaha were immediately pleased with the reaction at this place Monday morning at 10:30 o'clock. At 2:30 p. m. an interesting and instructive address was delivered by Prof. W. H. Hatcher of Lincoln University on the subject of "Hurry for Ashland" and a vigorous display of caps and flags were heard and seen from every car.

NORTH PLATTE, Neb., April 27.—(Special Telegram).—Twenty-five hundred people assembled at the depot this forenoon and gave a grand send-off to the Nebraska National Guard, which is en route to the front. The demonstration continued for over an hour and the enthusiasm was intense. As