Nebraska is Oited to Show Cause Why Writ of Error Shall Not Be Allowed.

CITATION FROM THE U. S. SUPREME COURT

Theory is that Prosecution by Information is Not Good in Law and Constitutional Questions Involved.

Information has just been received in Omaha that Henry Billings Brown, associate justice of the United States supreme court, has cited the state of Nebraska to appear before the supreme court to show why a writ of error should not be allowed in the Henry Bolln embezzlement case. The citation is dated July 28 and is returnable in thirty days. This is in effect a demand for the presentation of the record, and Bolln's attorneys assert that they expect to be able to secure the writ on the showing that will be made. The effect of this would be to reverse the proceedings in the Nebraska courts and to discharge Bolln

The contentions on which the application for the writ is based are exhaustively set forth in the brief which was submitted by Bolln's attorney, Joel W. West. They are of general interest to the public as well as attorneys in that they raise constitutional questions that if decided according to the view of the plaintiff in error would reverse a large proportion of the sentences that have been passed in criminal cases in Nebraska. The main theory, and the one that is most exhaustively argued in the brief, is to the effect that all the proceedings against Bolln are void because no indictment against him was ever returned by a grand jury, and the prosecuting attorney had no legal authority to file the information,

The Enabling Act.

At the time of the admission of Nebraska into the union congress passed what is known as the Enabling Act. Section 4 among other things, provides as follows:

That members of the convention thus elected shall meet at the capitol of said ter-ritory on the first Monday of July next, and after organization shall declare on behalf of the people of said territory that they adopt the Constitution of the United States, whereupon the said convention shall be and it is hereby authorized to form a constitution and state government; Provided, that the nstitution, when formed, shall be republican, and not repugnant to the Constitution of the United States, and the principles of the Declaration of Independence.

Under the provisions of this act, it is contended on behalf of Henry Bolln, that the state of Nebraska thereby adopted not only the constitution of the United States, but also the interpretation placed theron by the supreme court of the United States.

Under the decisions of the supreme cour of the United States it has been held that for an infamous crime, such as embezzle ment, the party must be indicted by a grand jury and that an information by the prosecuting officer is illegal and void. Mr. West's the year. contention, and the one upon which the supreme court of the United States issues the braska became a state.

Prior to the admission of Nebraska into water works. the union no such requirement had ever been exacted from any other state seeking admis- and said he was simply going to say "Amen" sion. Carrying out the principles embodied to what Mr. Johnson had said, and he folin the question above made and applying lowed in the same line of argument. thereof; nor abridge the freedom of speech can it infringe upon the right of the people to keep and bear arms. Nor can it in time advantage ... of peace quarter any soldier in any house without the consent of the owner. Nor can be secure in their persons, houses, papers and effects against unreasonable searches wise infamous crime, unless on a presentwithin the proviso of the federal constitu- motion prevailed. tion Nor in any criminal prosecution can i deprive the accused of his right to a speedy public trial by an impartial jury. To at tempt to do any of these things, contrary to the provisions of the federal constitution within the state of Nebraska, is to proceed

without due process of law. It is also contended that Bolin never had a preliminary examination and that the state on North Twentieth street. Samson, the courts erred in deciding that the showing on this point did not justify a plea of error.

Constitutional Questions. tion by the supreme court of the United use of candidates. The supreme court has taken the ground in several cases that an indictment requisite to prosecution for grave offenses, and it is consequently urged that the legislative enactment that gives public prosecu- class next Monday night. tors the right to inform against men

tional and void. Mr. West quotes the section of the enabling act that provides for the organization of the state government of Nebraska and of the state government of Nebraska and helping himself to everything that is port-then cites section 6 of the state constitu-tion, which provides that "the people of Drummy and Mitchell went out Sunday and Nebraska hereby accepting the conditions in said act specified." Section 8 of the constitution is also quoted as follows: "No person shall be held to answer for a crimiperson shall be held to answer for a crimi-nal offense unless on the presentment or was thought that he would straighten up and indictment of a grand jury except in cases be good, and so he was given an opportunity, of impeachment or in cases cognizable by but his promises were not fulfilled. justices of the peace, or arising in the army or the navy or the militia when in

charged with these offenses is unconstitu-

actual service in time of war or public Continuing, the brief cites section 10 of article I of the new constitution of 1875, in article I of the new constitution of 1875, in which the same doctrine is repeated, with a Ida May Weldon, Kansas City, Mo...... 20 proviso that the legislature may by law

SOME HOPE YET FOR BOLLN legislature, in 1885, passed Chapter LIV of the code of criminal procedure, which provides at length for the prosecution of offenses by information and dispenses with the calling of grand juries, except by order of the district judges.

The argumentative part of the brief is largely devoted to an effort to show that this chapter is void under the interpretation placed by the supreme court of the United States on the federal constitution. It is recited that the point was raised by Bolln's attorneys in April, 1896, in a motion to quash the information on the ground that the county attorney had no right to file an information charging the defendant with felony. This continuation was not sustained by the court and Bolin was arraigned a few days after. It is alleged that he stood mute and refused to plead and that the court

entered a plea of "not guilty." The proceedings in the supreme court where the same point was raised, are also cited, as well as the fact that Bolin was sentenced to the penitentiary for nineteen years on several counts and also to pay a

"Without Due Process of Law." The brief then proceeds to argue that the proceedings were erroneous in that Bolln than a couple of hours yesterday afternoon, was deprived of his liberty "without due process of law," the contention being that 'due process of law," in the view of the United States courts, means that an indictment must be returned by a grand jury. It is asserted that the people of Nebraska have no right to adopt any constitutional provision that will take away or abridge any privilege that is secured to them by the federal constitution and that the chapter that abolishes the grand jury is void on this account. This view is supported by an able argument and by copious citations from the leading authorities on constitutional law. It is also contended that the lower court erred in refusing to permit the defendant to have a jury at his preliminary hearing.

HARPER whisky on your sideboard proves your taste is correct. It proves also that you are doing your duty to your guest and yourself keeping the finest whisky ob-

WATER WORKS THE SUBJECT

North Omaha Improvement Club De bates on Municipal Ownership of the Plant.

the Omaha water works plant was the pro- duty. gram Monday night at the meeting of the | G. R. Rathbun, who has acted as assistant North Omaha Improvement club.

who upheld the contention that the city Grounds department, and M. S. Rolls, an should own its own water works, and Wil- engineer. liam F. Johnson and C. H. Gratton on the negative

sixty-eight of the more important cities looked upon it as a needless institution. higher than in many other large cities. Kansas City, Detroit, Milwaukee and New pensed with. York were operating their own water plants with the result that those cities had balances in their water treasuries at the end of

to find out whether it paid the present com- tickets for the day. writ of error, is that the constitution of the pany to operate the plant or not. He state of Nebraska adopted in 1875, providing thought that hurtful political influences among other things that persons charged were the only great objection to the munici- will be ordered at once. In addition to the with crime could be informed against by the pal ownership. He said that even the judici. guards, the services of the five detectives public prosecutor, is null and void and in ary was not free from political influence and conflict with the express provisions of the he was sure that politics would play an imenabling act above quoted under which Ne- portant part and money would be used to guard force will be increased. secure the control of such an interest as the

Mr. Gratton followed on the negative side

them to the power of the people of Ne- | Mr. Craig closed the formal debate by braska to amend or revise their constitution stating that the actual expense of running in view of the construction which is placed the Omaha water plant was about \$140,000. upon section 4 of the enabling act, then to He said that the city paid \$100,000 annually the powers prohibited to states by the con- for hydrants and he was of the opinion that made, several of the members of the ex-

is to say, the state of Nebraska can neither | Carr Axford was called upon as a volunby constitutional nor statutory provision es- teer. He thought that the most serious earth. We looked at it in a business way, tablish any religion or prohibit free exercise question was as to what the city would have the same as we would if running a business to pay for the plant. E. E. French was in of our own. When the committee reorgannor of the press nor the right of the people favor of municipal ownership, not only of ized several days ago we discovered that to peaceably assemble and petition the gov- water works, but lighting and other such there were any number of employes who ernment for a redress of grievances. Nor public conveniences. John Morrison thought did not have enough work to justify their rethe city could run the water works to good

affirmative side won out, there being but one and having discovered that we could not it interfere with the right of the people to man who voted no. It was announced that we simply decided to decrease the force and Mr. Quimby would speak before the club on the evening of August 14 on the affirmative and seizures. Nor can it provide for holding side. It was moved that Mr. Prince, engiany person to answer for a capital or other- neer for the water works company, be invited to speak before the club in one month ment or indictment of a grand jury, except on the negative side of the question, and the are ours and consequently we propose to

SHOWS THEM A GOOD TIME

Candidates at Ak-Sar-Ben Den Enjoy a Real Pleasant Evening.

There was a merry time out at the Castle right hand man in the realm of King Aksar-ben V., sent out word that he wanted a lot of candidates Monday night and he got them. There were close to 100 who Briefly stated, the argument urged in the sought the mysteries of the organization, brief is that Nebraska became a member of and for once the instruments of torture were the union after the various amendments to in perfect condition. One man declared that the federal constitution were passed and he had ridden everything from a saddle to that by the terms of the enabling act the a rail, but never found anything that gave laws of the state were subject to the in- him as much pleasure as riding the goat terpretations placed on the federal constitu- that is groomed and fed for the exclusive

Most of the men who cultivated the ac quaintance of the grand mufti and his asbefore a grand jury is an indispensable pre- sistants were business men of the city and they made up a fine class of subjects. An effort will be made to secure a still larger

> Hewitt in the Tolls Again. "Sleepy" Hewitt, whose actions belie his name, has been apprehended by the police. Complaints have been coming in with great frequency of late, charging that he has been found a lot of currycombs and other articles man is out on parole from the penitentiary and word will be sent to the warden that he

Marriage Licenses.

The following marriage licenses were issued Monday John Whalen, South Omaha..... 31 Lizzie Kennedy, South Omaha...... 28

WALTHAM WATCHES

The best and most reliable timekeepers made in this country or in any other.

The "Riverside" (trade-mark) movement is jeweled throughout with rubies and sapphires. For sale by all jewelers.

PRUNING KNIFE IS APPLIED

Exposition Executive Committee Makes Move in Interest of Economy.

RUNNING EXPENSES MATERIALLY REDUCED

Consolidating Departments and Discharging Employes Whose Services Are Not Needed Works a Saving of Many Dollars. .

Tuesday-Fine Arts Day. -Godfrey's British band at the

Government building.
7 p. m.—Opening of the Fine Arts building. Concert by Godfrey's British band on the plazza of the Fine Arts building.
8:45 p. m.—Pain's Battle of Manila with The members of the executive committee

of the exposition were not in session mor yet during that time they did some re trenching that in the aggregate will amount to considerable. While the members of th committee have discharged a number of employes and consolidated some of the de partments, they contend that the success o the exposition will in no wise be impaired. They add that they have had time to in vestigate since taking hold of the manage ment and completing the reorganization and that they have found that there were a number of men employed under the old management whose services were not necessary in the conduct of the exposition. Hence they say that, as a matter of good business policy, they have applied the pruning knife and have now cut off all the frills.

The first thing that the committee did after meeting yesterday was to consolidate the Buildings and Grounds and the Light and Power departments. C. V. Gallagher who was superintendent of the former department, was relieved and Henry Rustin, superintendent of the latter, placed in charge of both.

The portion of the Department of Admissions, looked after by J. J. Points, was consolidated with the Transportation depart ment and given to A. H. Lee, who has had charge of the latter department. This A debate upon the municipal ownership of change relieves Mr. Points from further

to Mr. Points, was relieved, as was John The question was debated by J. Y. Craig, O'Keefe, a clerk in the Buildings and The Bureau of Information was doolished,

which necessarily left John Boyles without Mr. Craig opened the debate. He gave an a job. This bureau was established some exhaustive history of the Omaha water works weeks ago over the protest of a number from their inception. He said that out of the members of the committee, who even In the Emergency hospital, the services fifty-four owned their own water plant. He contended that Omaha's water rates were of S. A. Preston, an assistant physician, and higher than in many other large cities.

The axe fell upon the neck of E. L. Forgan, who was designated as a custodian of tickets. His duty was merely to count ou W. F. Johnson said he had been unable and hand over to the ticket sellers the

Others Who Go.

Fourteen guards were let out for cause and a complete reorganization of the force were dispensed with. However, it is probable that when the large cowds come, the

Several of the men who have been employed in raising and lowering the flags were discharged, it being found that fewer men can do the work and do it as well. J. H. Hadkinson, superintendent of th Horticultural department, was discharged

and R. Unger appointed to fill the vacancy. H J Penfold was elected chairman o the executive committee and Miss Nannie McGough secretary.

Discussing the removals and changes instigation or suggestion of any person on maining on the pay roll. Since then we have figured around to see if they could not The matter was put to a vote and the be provided with additional exposition work,

> "In letting these men out we have neither excuses nor apologies to make. We are serving the stockholders of the exposition protect them and that is all there is to it."

double up the work.

SIOUX INDIANS ARE NOW HERE. Party is Made Up of Numerous War

The Sloux Indians from Pine Ridge agency already they are proving to be one of the principal attractions. They came in over the Elkhorn road at 5 o'clock yesterday morning and were escorted to the Transportation building, where they will remain until the work on the water and sewerage system is completed, after which they will his health. be removed to that portion of the Bluff tract, south of the Horticultural building, where their camp outfits and tepees are now located. Until that time they will be fed at the restaurants on the grounds. The Sioux Indians who are now here num-

ber about 100-men, women and children- W and are of the Ogallala tribe. They are fine specimens, being tall, straight and athletic. Many of the men are young, while others have seen the snows of many winters. A number of them were in the Wounded Knee battle, fought in the winter of 1891 between the Sloux and the soldiers. Old Red Cloud, the head chief of the nation, is not here. His son, Jack, however, is in the party. The principal chief who is here is Little Wound, who years ago was considered one of the worst Indians on the reservation.

Today's Musical Program Following is the exposition musical pro

ram for today: Lieutenant Dan Godfrey's British band, fternoon program, 2:30, at the Government building:
March—The Dashing Lieutenani Bond
Overture—The Bohemian Girl Balfe
Valse—Ma Charmanie Waldteufel
Selection—Reminiscences of Heroid Godfrey
Largo in F. Handel
Cake Walk—Uncie Rufe's Jubilee Rollinson
Selection—The Fortune Teller
Victor Herbert

Bohemian Dance..... Tarantella March-Funston's March..... Evening program, 7 o'clock, at the Fine Arts building: .Sousa Fantasia-Erminie Reiter Galop.....

lee Water is Free. The refrigerating machine located in the s furnishing large quantities of ice water The cooled water is supplied from a large tank, which has a capacity of about fifty parrels. Faucets are inserted in this tank and cups are provided.

Bicycle Races at the Exposition. Bicycle races have been carded for temorrow afternoon at 2.30 o'clock at the exposition grounds. The races will consist of three events, one mile open, one-

balf mile open and a two-mile handlear Already there is a large field of entries The races will be pulled off on the course at the northwest corner of the grounds There will be no admission fee, a ticket to

the grounds admitting to the races. Collection of Indian Curios. The collection of the Indian curios and nuseum owned by Patrick Ryan of Chadron has been installed in the Colonial build ing. It consists of 4,000 articles and includes many interesting things. In the collection are numerous articles picked up from the Custer battlefield on the Little! Big Horn. In addition to the curios there are several heads of deer, elk, antelope and other animals, all mounted.

Children's Day Tomorrow Wednesday is down on the card as thill dren's day. It is not scheduled for the children of any particular locality, but for those of the entire world. On this day the little folks will be admitted to the grounds, regard less of residence, provided they come within the age limit, the maximum of

which is 15 years.

Around the world in 400 days is the pro gram which Dan C. Nugent and family and Mrs. George L. Hassett of St. Louis have mapped out for a journey which was started from St. Louis Sunday evening at : o'clock. The party is composed of Mr and Mrs. Nugent and their interesting family of four children-one son and three daughters and Mr. Hassett and wife. They arrived here on schedule time and left for San Francisco, from where they will sail for Honolulu August 9. They expect to ar rive at the Hawaiian islands on August 16 After that comes a tour of the Orient, comprising a visit to Shanghai, Hong Kong, Manila, Singapore, the island of Ceylon thence to Calcutta and Bombay. They expect to arrive in Rome April 6 next, and then follows an extensive tour of the continent and Great Britain, during which al points of interest will be visited. Augus-25, 1900, the party will sail from Liverpool to New York. Mr. Nugent has mapped out the itinerary with great care and ex pects to make every point on schedule time

Joe Weishanger was engaged in superin tending some alterations in a building near Tenth and Dodge streets the other day and while standing near the curb he made peculiar find. He had occasion to take silver dime from his pocket to give to man and in the act he dropped it on the ground. He stooped to recover it and something shining caught his eye. He picked up the glittering thing and after removing the clay and dirt that surrounder it disclosed a handsome meerschaum pipe with silver mountings. On the front of the pipe was the inscription "O. T. Couch silver wedding, June 23, 1868." A search through the city directory fails to reveal an O. T. Couch as a resident of this city A pawnshop at one time occupied the premises where the pipe was found

Personal Paragraphs Mr. and Mrs. John P. Cook of Beatrice

are in the city. John Hayes of Red Oak, Ia., is at one o Mrs. Frank C. Batton of Baltimore is guest at the Millard hotel.

Hilt Wescott of Plattsmouth is in the ity, visiting the exposition. Mr. and Mrs. F. P. Shumaker of Cleve land, O., were in the city Monday.

Mr. and Mrs. Frank Crane of Watertown J. D., visited friends in town Monday. Miss Bertha M. Davis is spending two weeks in Denver and Colorado Springs. Mr. and Mrs. Frank Crane of Watertown S. D., are in the city to view the exposition Robert S. Oberfelder, one of the fish com nissioners of Nebraska, is at the Her Grand Prof. A. E. Davisson, one of the instruc-

Prominent Lincoln people at the hotel's Dora Batcheldor. Albert Sheips and Joseph Bryant Young of Davenport, prominent politicians, were in

the city Monday. Edward O. Wild, editor of the St. Joseph Journal of Commerce, is in the city to take in the exposition.

Dr. W. M. Dorward and Mr. H. C. Brome left on Saturday for a month's fishing in the

board of dental faculties. Governor Stanley of Kansas, accompanied

his wife and a lady friend, arrived in the and while we are doing so, their interests city yesterday afternoon for the purpose of visiting the exposition J. A. McCabe. United States internal rev

enue agent, formerly stationed at Milwau-kee, has been transferred to Omaha and will e the assistant of Revenue Agent Whitlock J. W. Bowen, formerly city clerk of Linlooking up the interests of the Grand Arms have arrived on the exposition grounds and of the Republic reunion, which is to be held already they are proving to be one of the during the month of September at Lincoln. H. K. Whitlock, son of Revenue Agent Whitlock, has returned from Denver to spend a few weeks looking over the exposi-tion. He was a member of the Fiftieth lowa regiment in the Spanish war and is temp rarily located in the west for the benefit of

> At the Her Grand: W. J. Reynolds, Crip ple Creek, Colo.; J. A. Payne, Hamburg, Ia.; Robert S. Oberfelder, Sidney, Neb.; H. C. Eddy, Chicago; Herb Northey, Dubuque, Ia.; T. J. McDonough, Chicago; J. E. West Rushville; Warren S. White, San Francisco; Mrs. C. H. Stinson, Fort Morgan, Colo.; F. W. Peters, St. Louis; B. Normes, Buffalo; George A. McNutt, Kansas City; Charles McArthur, New York; W. C. Brooks.

> Nebraskans at the hotels: F. L. Joy, Fre nont; George F. Burr, Lincoln; B. F. Mar shall, ir., A. J. Wilkins, York; Charles H Winship and son, Fremont; J. E. Evans, North Platte; A. V. Whiting, Lincoln; E. P. Meyers, Ogalalia; Smith Winchell, Clark-son; W. G. Simonson, Alliance; F. G. Honie, Ogalalia; J. S. Crannell, Crab Orchard; Charles Eatinger, Nebraska City; J. M. Hanna, C. A. Bailey, Ainsworth; W. H. Gifdersleeve, Wayne.

Beatrice.

At the Millard: Frank C. Williams, Charles C. Cummings, Philadelphia; James C. Watkins, George F. Smith, New York; F. R. Loeb, Rock Island; J. E. Scott, Detroit; Mrs. Frank C. Bolton, Baltimore; F. Emmel. Mrs. Frank C. Bolton, Baltimore; F. Emmel, St. Louis; S. A. Myers, Charles Trover, Pittsburg; W. A. Doane, New York; Mr. and Mrs. C. E. Hale, J. A. Colbin, Kansas City; B. F. Ankeny, E. Crawford McClure, Alliance; F. W. Johnson, Deadwood; B. M. Kultz, New York; D. C. O'Riell, Portland; George Russell, Ilion; F. E. Wagner, Minneapolis; W. S. Shearer, Des Moines; F. H. Millard, Milwaukee; W. E. Peebles, Pender.

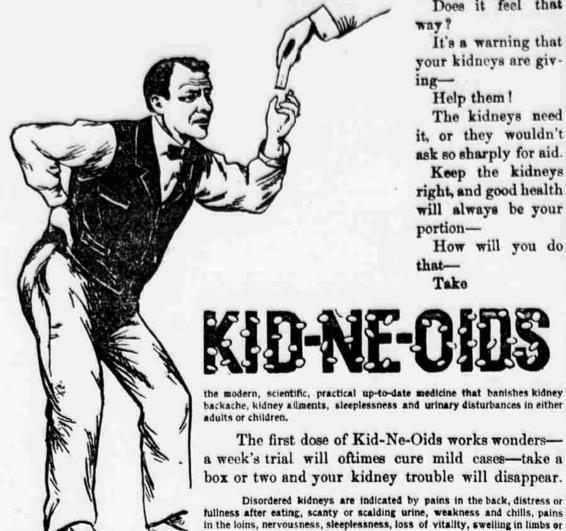
My Records—Talk No. 44— I have a complete record in my of-

fice of every person whose eyes I have ever examined. I keep these records Mendelssohn classified, numbered and indexed. can turn at once to any name and can "Lohengrin" Wagner Wagner Waltz-Royal Bridesmaids Dan Godfrey Fantasia-Erminle Jacobowski Reiter Galop. Zikoff bow much and in what were in at that time. how much and in what way. If you have bought glasses of me and they have been broken or lost I can supply Machinery building is now in operation and a perfect duplicate. If you are out of town and lose your glasses you can mail an order to me and another pair will be promptly sent you.

J. C. Huteson,

Manufacturing Optician, Kodaks, Cameras and Supplies. 1520 Donglas St.

BACK BREAKING? YOUR



Does it feel that

It's a warning that your kidneys are giving-

Help them! The kidneys need it, or they wouldn't

ask so sharply for aid. Keep the kidneys right, and good health will always be your portion-

How will you do that-Take

backache, kidney ailments, sleeplessness and urinary disturbances in either

box or two and your kidney trouble will disappear. Disordered kidneys are indicated by pains in the back, distress or fullness after eating, scanty or scalding urine, weakness and chills, pains

body or both, and sediment in the urine. Kid-Ne-Oids are in yellow tablet form—put up in boxes—sell for 50c a box at all drug stores-your druggist will tell you of cures they effected here

at home-he will vouch for the truth of our every assertion. Morrow's Liverlax cures constipation, biliousness, costiveness—they

seil for 25c a box—at all drug stores. Kid-Ne-Oids and Liverlax, manufactured by John Morrow & Co., Chemists, Springfield, Ohlo.

For Sale by Myers-Dillon Drug Co.

BACK FROM THE PHILIPPINES TAX ORDINANCE DIES EASILY Grantner against the moving of the house

Twenty-Second Infantry, Talks of the War.

Corporal George Bailey of the Twentyguest of a leading hotel. Corporal Bailey happens. No rollcall was taken on the mohad many interesting things to say of con- | tion to place it on file and the vote was ditions and experiences in the Philppines. | somewhat doubtful one, but a majority of

ing," he remarked to a reporter, "that the be against it. Oregon boys who have just returned from | When the ordinance was taken up protests

are: L. P. Sir, E. Bignell, Joe Burris and Of the Three Lawton is Most Efficient. | maintain the pavements. There was no tellconfidence in Shafter as a general. They ting special taxes on them might not go. have less still in Otis. I have been in forty He made the motion to file. engagements under his command and not

the last three named. the Oregon boys dub him, but he can fight | would be content to see it killed. The mo Filipines as well as Indians. The Oregonians | tion to place on file was declared carried. say he was not aggressive enough, would not give the Filipinos battle. On the contrary he fought twenty-two engagements, winning them all, and had a fatality list of only six

killed and thirty-one wounded. "In all the engagements that have been fought the Filipino loss has not been much greater than ours. The "round robin" of newspaper correspondents told the truth when they said that important facts have been suppressed by the censorship. The will require more troops and a first-class and it was none too soon to take the mat-Filipinos are putting up a good fight and it general to subdue them.

'At San Isidor we learned that the enemy had eighteen American prisoners. One of the number, an artilleryman, left a letter under the planks of a prison floor telling bout their capture and the way they are reated. As a general rule the natives use risoners fairly well.

"It was the Twenty-second infantry men who charged up Melinta hill the day Colonel | If You're Warm-Egbert was killed. The bullets were flying thick and fast. The Americans routed the natives out of their trenches and then ocupied the places they left. That afternoon nen lying in the trenches on both sides of me less than a yard distant were killed and thought I was pretty lucky to escape withut even a wound.

"There were a number of singular inack of his hand, through the first of the value, wo layers of cartridges in his bosom and doubled up a cartridge in the second layer so firmly as to still retain the brase missle in the fold. As the box was directly over his stomach the close call can be appreciated."

Corporal George Bailey, Late of the Council Votes to Place it on File-Municipal Ownership of the Water Works.

The council said good-bye to the proposed second infantry arrived home from the vehicle tax ordinance Monday afternoon in lately the road had needed the ground and Philippines Sunday morning, his term of committee and placed it on file. Nothing her house had been moved off. The council service having expired last month. He is a more will come of it unless the unexpected promised to look the matter up. "I read in one of the papers this morn- the members seemed from their remarks to paved at once the objections to the opening

the Manila campaign characterize General from the wheel clubs of the city were read. Lawton as an Indian fighter of insufficient Bingham then said that he had talked with ability to cope with conditions in the Philip- a great many owners of vehicles, from rich pines. Politicians will make capital out of men who owned a large number to poor statements like that, although they are un- men who drove express wagons and hardly tors in the college of agriculture, is in the true. I have fought under the general made a living by doing so. He had found since the beginning of the Spanish war. I none in favor of the scheme. The express the powers prohibited to states by the constitution, there would, with respect to Nestitution, there would, with respect to Nethe company received \$400,000 yearly from ecutive committee said: "We did this purely Missouri Pacific railway at Lincoln, is in have had a chance to compare their methods regular tax on their property, a license fee have been under Shafter and Otis, too, and men, especially, had objected to paying the and then in addition to these two a tax to "The rank and file of the army have little ing, Bingham said, where the process of put

The point was raised that the city could once has he appeared on the fighting line. not legally impose another tax, and Mercer, That is not the kind of man the boys want the introducer of the ordinance, admitted for a leader. Favorites with the fighters that it probably could not. But he did not are men like Funston, Lawton, Joe Wheeler | think that anyone would resist its enforceand Miles. The soldiers who are fighting ment in the courts for so small an amount. in the Philippines want a change of gen- He said, however, that he had introduced Dr. George S. Nason has gone to Niagara in the Philippines want a change of gen- He said, however, that he had introduced fails to attend the meeting of the national erals and they want as Otis' successor one of the measure simply as a suggestion for a means to repair the streets, and if the coun-"General Lawton is an Indian fighter, as cil did not agree that it was a good one, he

> Ownership of Water Works. Municipal ownership of the water works cropped up again. Stuht said that it was a fit subject to consider in connection with the repairing of the pavements. If the city owned the water system the city would save so much of what it now pays for street bydrants and there would be plenty of money in the general fund to repair pavements Next June, Stuht said, the city would be enabled by law to purchase the water system ter up.

Bingham said that for the last two months the chairman of the fire, water and police committee had had the matter in mind. Burmeister is chairman of the committee mentioned.

The council received a protest from Anton

of Mrs. Stundon to the vicinity of Twelfth and California streets. It came out that because the city had allowed Mrs. Stundon to occupy a part of Dodge street for fifteen or twenty years she had become a ward of the city. A piece of ground had been leased for her from the Union Pacific railroad, but

The opening of Thirteenth street north was talked of, but nothing was done. It was suggested that if the street were not

All weak places in your system effectually closed against disease by DeWitt's Little Early Risers. They cleanse the bowels, promptly cure chronic constipation, regulate the liver and fill you with new life and

vigor. Small, pleasant, sure; never gripe.

Touched for a Twenty. A man from out of town, who would no ive his name, told the police that he was "touched" in a wine room Sunday night for a \$20 bill. He was unable to give the woman's name who had relieved him of his ash, but was able to give a description that enabled the officers to place her under ar rest. She owned up to having taken the money and tendered the cash to the man, who said he would not prosecute for the eason that he did not want any publicity n the matter.

So Many People



Have headaches that are due to the over tasked eyea-Eye helps that help and relieve are the kind we have been furnishing -Our optical department is in charge of a competent and practical optician who will examine your eyes free of charge-We guarantee Batisfactory

THE ALOE & PENFOLD CO., Leading Scientific Opticians. OMAHA. 408 Farnam. OPPOSITE PAXTON HOTEL.

Get one of our big palm leaf fansthey're free for the asking-they will keep you cool and our welted sole oxfords will keep the bottoms of your feet from burning-narrow shoes and light soles make many a sore foot in hot weather-the best shoe made for any one that is on his feet a great stances where men were saved from death deal is a heavy welt-we have a pereemingly by miracles. There was one fect foot-form shoe in light top or oxprivate who fell at Mariquina. In addition ford style-tan and black with heavy to his belt of cartridges he carried a small welt soles-wide enough for the bottom pasteboard box containing twenty cartridges of the foot to rest on the sole-not on n the bosom fold of his blouse. While the floor-not simply one line of these withdrawing a cartridge from his belt a but many lines-at \$3.00, \$3.50 and Remington brass bullet passed through the \$4.00-Drex. L. Shooman's usual high

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It's a Great Combination— This reduced profit and popular-

priced idea of ours-but it's beginning o tell already-people that know what pianos are are not slow to grasp the opportunity of purchasing such standard instruments as the new scale Kimball-Knabe-Kranich and Bach or Hallet & Davis-when prices are reduced as we have reduced them—then our easy terms make it possible for all to avail themselves of the chance-Have you seen our exhibit of Kimball planos in the Liberal Arts building?—this is worth

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