MAY DAY'S NEW GOVERNOR

Savage Succeeds Dietrich Without Any Ostentation.

COLONEL HAYWARD DECLINES PROMOTION

Will Not Accept Office of Adjutant General—F. B. Alderman of West Point is Oil Inspector—Death of Lieutenant Polk.

LINCOLN, April 30.—(Special.)—Lieutenant Governor Savage arrived this afternoon from Sargent and tomorrow he will succeed Governor Dietrich as the chief executive of the state. The details for the transfer of the office were agreed on at a conference this afternoon between the incoming and outgoing governors. The ceremony will be without any particular feature. Governor Dietrich will simply retire and his successor, after subscribing to the required oath, will immediately enter his new office.

"I have not decided on any appointments and will not until after I take my seat," said Lieutenant Governor Savage this afternoon when questioned concerning the policy he would pursue in office. "I am not going to cross any bridges until I come to them. Seriously, now, I do not know that I am going to be governor. It is true that I came to Lincoln with the intention of taking that position, but you never can tell about anything nowadays, you know, until it has really happened. I have been busy settling private matters and have not given the slightest attention to the affairs of state. I do not know what has been going on down here and I have settled on no definite plans for the future. As to the governor's mansion I will probably occupy it if affairs shape themselves satisfactorily.

"I have started in on this public office proposition not unmindful of its terrors. After I get the run of things I will be prepared to face most anything, even if it rains pitchforks."

Colonel Hayward Refuses.

Colonel William Hayward of the Second regiment, who returned today from his wedding trip to the Pacific coast, informed Governor Dietrich this afternoon that he could not accept the adjutant generalship of the Nebraska National guard, a position tendered to him by the governor several weeks ago. This was a surprise to the governor and he pressed Colonel Hayward to accept the position, but the latter again refused. Colonel Hayward is a young man, just starting in the law business in Nebraska City, and after thinking the matter over he concluded that it would be unwise for him to accept the political office. Governor Dietrich assured Colonel Hayward that he would leave the appointment to fill the vacancy to the incoming governor. His refusal to assume the office here will leave Colonel Hayward in command of the Second regiment.

Deputy Oil Inspector.

F. B. Alderman of West Point was this morning appointed deputy oil inspector for the Third district to take the place of A. B. Todd of Plattsmouth, who has resigned. Governor Dietrich formerly planned to have congressional districts in the state represented by as many deputy oil inspectors, the chief inspector to be alloted to the Sixth district. Mr. Todd, a resident of the Second district, was chosen for the Third district, but he afterwards agreed to withdraw to permit the appointment of a man who lives in the Third district. It is announced semi-officially that Mr. Todd will receive another appointment equally as good as the deputy oil inspectorship.

Death of Lieutenant Polk.

A telegram was received here this morning announcing the death of Lieutenant Frank Polk in the army hospital at San Francisco. Lieutenant Polk was a Lincoln man, the son of Mrs. Eliza Polk, 1607 L street.

At the reorganization of the United States army Polk enlisted as a private and was sent to the Philippine islands. All through the campaign he served with distinction and was promoted gradually to the grade of second lieutenant. He sailed from Manila two months ago and on his long voyage he contracted a severe cold, which later developed into pneumonia. He was sent to the hospital immediately after his arrival at San Francisco.

State Normal Committees.

The State Normal School board met in the office of the state superintendent of public instruction this morning and elected the following committees:

Auditing—William Stuefer, Lincoln; R. A. Tawney, Pierce; John S. West, Benkelman.

Salaries—W. K. Fowler, Lincoln; John S. West, Benkelman; George Rogers, Peru.

Library, Text Books, Rules and Course of Study—George Rogers, William Stuefer, W. K. Fowler.

Boom Lincoln Real Estate.

The real estate dealers of Lincoln have agreed to organize for the purpose of booming real estate values. With this object in view a mass meeting will be held at the office of W. A. Woodward tomorrow evening.

Rev. E. F. Trefz Chaplain.

Rev. E. F. Trefz of Omaha has been appointed chaplain of the First regiment of the Nebraska National guard.

Asylum at Hastings.

The contract for building the new $50,000 wing on the Asylum for Chronic Insane at Hastings was awarded by the State Board of Public Lands and Buildings this afternoon to Burlinghof & Grant of Beatrice.

Bryan Speaks at Funeral.

Services over the body of Norris Humphrey were conducted this afternoon at the family residence, 1202 M street, and afterward at Wyuka cemetery. W. J. Bryan spoke briefly at the house and L. B. Treeman conducted the Knights Templar services at the grave.

Seniors Deliver Theses.

PERU, Neb., April 30.—(Special.)—The third section of the senior class delivered theses in the chapel of the State normal last night. Titles of themes were: "Democracy and Education," Miss Clara Pease; "Kindergarten Methods in the Grades," Miss Matie Flinn; "Temperance Instruction in the Public Schools," J. C. Dillon; "English Below the High School," Miss Ella Johnston; "Moral Education," Miss Cora Wilson; "Characteristics of a Good Course of Study," C. E. Humphreys; "The Teacher's Study of the Child," Miss Bertha Lash; "Written Examinations—Their Use and Abuse," Miss Anna McKercher; "The Value of Play," Miss Edith Kinsman.

Beatrice Mortgage Record.

BEATRICE, Neb., April 30.—(Special Telegram.)—The total number of farm mortgages filed this month was thirty-eight, amounting to $70,804. Eighty-eight were released, amounting to $121,119, a difference of $50,235. Twenty-eight city mortgages were filed, amounting to $19,770. Thirty-three were released, amounting to $20,215, a difference of $445.

Election of Lehigh Teachers.

LEIGH, Neb., April 30.—(Special.)—At a meeting of the Leigh school board yesterday these teachers were elected: Mrs. Frances Wallis, Miss Flora Gregory, Miss Ellen Frazier. The election of principal was deferred until a later date.

Will Continue His Fast.

BEATRICE, Neb., April 30.—(Special Telegram.)—Henry Cordes has resumed his fast and says it will last fifteen days, during which time he says he will abstain from eating. The amount of food which he consumed yesterday for dinner made him ill and weak and he said this afternoon that this time he would make his word good and fast his fifteen days straight.

MRS. NATION TENDERS ADVICE

Accepts the Invitation of Voters to Becomes Mentor for the Town of Concord.

CONCORD, Neb., April 30.—(Special.)—This town voted at the spring election to accept Carrie Nation as its guide and counselor. The premier has written the town board her first installment of advice, to which she promises to make additions in the future. The letter is as follows:

Dear Mayor and Councilmen: I indeed feel myself highly honored to have such a corps of helpers in conducting the interests of our city of Concord. Although separated by miles of railroad, still I hope we are one in heart.

One of the first duties I shall ask you to have strictly enforced is that you must see that the little children are not allowed to be on the streets after dark unless with parents or guardians.

I hope you have made a wise selection of a chief of police. I have not been able to find a chief in the whole state of Kansas that could be relied on.

I am thinking of coming up to see you and be present at a meeting of your respectable and responsible in council assembled. In the rush of police courts, jails, joints, prosecuting attorneys and other serious obstacles I have, and may for some time, be restrained from a sweet and loving visit which I hope to make you.

Should there be any trouble about enforcing the law against smoking and in the event of any one persisting in throwing their vile breath in another's face I would most respectably advise that the offender be obliged to have his cesspool of a mouth swabbed out with weak lye, just strong enough to remove the cuticle, so as to render him incapable of poisoning himself or anyone else.

My undying love to all and kisses for the blessed little lambs. Tell them to give me the number of school children. I wish to send them a "Home Defender" button.

I wish the ladies would organize the whole town into a "Home Defender" army. We may be called out at any time.

I have just received a copy of our paper, the Concord Call, through the columns of which I will often write you.

Your loving "Home Defender,"
CARRIE NATION.

Topeka, Kan., April 16.

AMATEURS IN LINCOLN OPERA

Mayor Moores Sits in a Box to Enjoy the First Production of "The National Flower."

LINCOLN, April 30.—(Special Telegram.)—A company of amateur players, headed by Mrs. J. W. McDonald and Miss Regina Harod, tonight at the Oliver theater put on the operetta "The National Flower," for the benefit of St. Theresa's pro-cathedral. Among the distinguished people in the boxes were Governor Dietrich, Mayor Moores of Omaha, Colonel C. J. Bills of Fairbury, Lieutenant Governor Savage and Colonel Miles of Hastings. Colonel W. F. Cody purchased two boxes, but was unable to be present. The operetta was written for this performance by Miss Carry Adams of Terre Haute, Ind., and the music was by Max Adamsky, connected with Innes' band during the Transmississippi Exposition at Omaha.

New Feature for Closing Day.

WYMORE, Neb., April 30.—(Special.)—At a meeting of the Business Men's association last night, it was decided that at the close of the school term the middle of June, the last day of school is to be made a holiday in which the whole city will participate. The pupils will be taken to the park and entertained. A band will be engaged and there will be a basket dinner. Messrs. C. E. Beinert, H. W. Dimmitt and John Hilder were appointed as a committee.

Valparaiso to Remain Dry.

VALPARAISO, Neb., April 30.—(Special.)—The newly elected Board of Town Trustees organized by electing John Oeschger chairman, M. B. Griffin clerk and E. C. F. Kemmerer treasurer. Of the board two are license and three anti-license. Valparaiso will be dry one more year.

J. F. Lutz Sentenced.

BEATRICE, Neb., April 30.—(Special Telegram.)—J. F. Lutz, who has been in jail here since February 21, awaiting a hearing for a new trial, was today denied a new trial and sentenced to one year in the penitentiary. Lutz lived at Cortland, this county, and was convicted of barn burning.

District Court at Osceola.

OSCEOLA, Neb., April 30.—(Special.)—The May term of district court for the Fifth judicial district is now in session at Osceola, with Judge S. H. Sohnberger of Wahoo presiding. The petit jury will not be drawn until next Tuesday.

Contract Goes to Beatrice.

BEATRICE, Neb., April 30.—(Special Telegram.)—George A. Berlinghof of this city was today awarded the contract for architectural plans and specifications for the new penitentiary building at Lincoln.

Liquor Case at York Appealed.

YORK, Neb. April 30.—(Special.)—Charley Green was fined $150 and costs for selling liquors. Green appealed to the supreme court. He is out under $500 bonds.

Nebraska and Nebraskans.

Wausa proposes to have water works before the season is ended.

The Albion Gun club will hold a two days' shooting tournament May 2 and 3.

Nelson is making an effort to secure telephone connection with the outside world.

The Elmwood Review has suspended publication, leaving only one paper in the town.

Captain and Mrs. Cornelius O'Connor of Homer recently celebrated their golden wedding.

A pipe organ is being placed in the Congregational church at Albion. W. W. Ricker of Omaha is setting it up.

A. J. Knolin & Co. of Columbus are busy clipping their large flock of sheep. They expect this year's clip will amount to 120,000 pounds.

J. H. Miles of Falls City was the best bidder for the $20,000 worth of refunding water bonds to be issued by that city and they were sold to him.

Sheep shearing is in full blast in the western counties. There are numerous flocks numbering from 5,000 to 15,000, and the clip will be a large one.

R. Pennington of Springfield set a net in a slough near his place and on lifting it the next morning found a large otter. It had become entangled in the net and drowned.

The State Fish commission has started out on its spring trip planting fish in the Nebraska streams. The first trip was made up the Elkhorn road in the north part of the state.

McCook authorities have been appealed to to put a stop to the boys playing marbles "for keeps." The argument is advanced that it is the youth's first lesson in gambling.

The United Brethren of Ainsworth have dedicated a new church. When the day of dedication arrived there was a debt of $350 remaining, but the congregation speedily paid enough to wipe this out.

A fat man's ball club is to be organized in Gordon, one of the conditions of membership being that the applicant shall weigh not less than 200 pounds. A game with the featherweights is in prospect.

Eva and Winnie Douglas, who live near Stanton, ate what they supposed were artichokes. They proved to be wild parsnips. The doctors worked over them for several hours and succeeded in saving their lives.

Members of one of the classes of the York High school daubed their class number over the sidewalks surrounding the school grounds, using pitch paint. The faculty, being unable to locate the culprits, compelled the entire class membership to assist in removing the paint.

A. J. Langer has sold the West Point Republican to J. C. Elliott. Mr. Langer has conducted the Republican for several years and made it one of the best county papers in the state. His successor is an old newspaper man, but will hive his hands full in keeping the paper up to its former standard.

Tramps have been making Kearney headquarters for some time past, and the police have decided to abate the nuisance. The members of the fraternity are arrested and given the privilege of working or getting out of town. Up to date none of the men arrested have elected to work.

OMAHA DISTRICT CONFERENCE

In Joint Convention with Epworth League at Blair.

ADDRESS BY REV. DR. J. F. BERRY

Progress of Twentieth Century Forward Movement to Be Considered Today by Rev. Dr. D. K. Tindall of Omaha.

BLAIR, Neb., April 30.—(Special Telegram.)—The Omaha district conference and Epworth league convention of the Methodist Episcopal church began its session here tonight and will continue until Thursday evening. The exercises were opened by devotional and song service led by the resident pastor, Rev. J. L. Vallow. Then followed an eloquent address by Rev. J. F. Berry, D. D., of Chicago. Members of the church and Epworth league in this city have been untiring in their efforts to make this session of the conference a success and the church was crowded to hear Rev. Dr. Berry on the opening night. Fifty delegates are in attendance and more are expected tomorrow.

At tomorrow's session, after the organization, reports and other business, Rev. D. K. Tindall, D. D., of Omaha will speak upon the progress of the twentieth century forward movement of the tenth general conference district and will be followed at the afternoon session by Rev. A. C. Hirst and Rev. J. A. Johnson of Omaha and Rev. F. H. Sanderson of Fremont. The evening exercises will open with a devotional service, followed by Rev. E. E. Hosman of Lincoln, who will have for his subject "The Outlook for Our University." The district league has an elaborate program prepared for Thursday's session and the entire conference will be a success in every way.

SHOOTS AT HER FOUR TIMES

H. A. Simmons of Shenandoah Fires Revolver at Nebraska City Woman.

NEBRASKA, CITY, Neb., April 30.—(Special Telegram.)—A man who gave his name as H. A. Simmons of Shenandoah, Ia., was arrested today upon the charge of shooting with intent to kill. Mrs. Sidney Botts states that Simmons accosted her while she was standing in front of her house and upon her refusal to answer his questions, he drew a revolver and fired at her four times, none of the bullets taking effect.

Baker Divorce Case Continued.

HARRISBURG, Neb., April 30.—(Special Telegram.)—District court convened here yesterday with Judge H. M. Grimes in attendance. Twelve cases were docketed, being mostly foreclosures and confiscations.

A crowd was attracted here by the Baker divorce case. The case is to be heard later, as Judge Grimes granted a continuance upon motion of plaintiff's attorneys, who were not ready for trial. The question of the temporary custody of the 3-year-old child and alimony resulted in the plaintiff's securing custody of the child during the balance of the month until the case is finally disposed of. The plaintiff secured $200 temporary alimony. Attorneys W. W. White of this city and Ed Mann of Gering appeared for the plaintiff and J. J. Halligan of North Platte for the defendant.

STRIKES OIL IN A TUNNEL

Discovery is Near the One Made While Sinking a Well for the Railroad.

EVANSTON, Wyo., April 30.—A gusher of oil was struck in the Aspen tunnel of the Union Pacific and great excitement prevails. The strike is in the vicinity of the well in which the Union Pacific struck a flow of oil while boring for water six weeks ago. There is great activity in the recently discovered oil fields at Pioneer Hollow, Aspen and Piedmont.

Pennsylvania, California, Chicago and Omaha capitalists have secured large tracts of land and will bore for oil. Local parties have also ordered machinery and will sink oil wells.

Sale of Bear Butte Mine.

DEADWOOD, S. D., April 30.—(Special.)—In the Bear Butte mining district the sale of the Bullion mine by Dr. H. H. Muggaley to eastern parties has been consumated. It calls for $1,250,000. The mine is located in the Bear Butte district, nine miles southeast of this city. The purchasers intend to erect a 500-ton smelter on Bear Butte creek. It is likely that a railroad will be built into the camps from here, which will open up several of the old producers again.

Breaking Government Horses.

FORT MEADE, S. D., April 30.—(Special.)—Frank Bernhard, one of the soldiers delegated to break new horses to the government saddle, was thrown and sustained a broken leg. The army saddle makes most of the horses angry at first, even though they have been broken to ride before. Each horse is put through a course of exercises to show the good and bad traits. One horse was brought in that was a family pet. He was put through the exercises and showed off well until he was made to lift his feet. He then proceeded to kick everything in sight and he was not accepted. The contractors have delivered fifty of the 428 horses.

South Dakota Incorporations.

PIERRE, S. D., April 30.—(Special.)—These articles of incorporation have been filed:

Woodmen Hall company, at Altamont, Deuel county, with a capital of $1,500. Incorporators, W. A. Tribitt, E. T. Guernsey, H. S. Guernsey.

Sonora Copper and Silver company, at Pierre, with a capital of $1,000,000. Incorporators, S. E. Hostetter, H. C. Berninger, L. L. Stephens.

League of Educators and Co-Operative college extension, at Pierre, with a capital of $1,000,000. Incorporators, C. Franklin, J. Baxson, J. E. Evans.

Export Lumber company, at Pierre, with a capital of $75,000. Incorporators, J. F. Babbitt, Ralph M. Jacoby, L. L. Stephens.

Hetland Building and Improvement company, at Hetland, with a capital of $30,000. Incorporators, John Thompson, L. E. Halloy, P. R. Crothers, F. R. Greenberg, Nels C. Pederson.

United States Smelting and Refining company, at Pierre, with a capital of $5,000,000. Incorporators, Harrison B. Meech, Wallace C. Beebe, T. P. Estes.

Old Orchard Grocery company, at Pierre, with a capital of $50,000. Incorporators, George L. Hyde, Victoria L. Hyde, L. L. Stephens.

Mervin Land and Mineral company, at Yankton, with a capital of $50,000. Incorporators, John H. Gansey, Robert E. Adams, Everitt L. Hudson.

Order for Sioux Falls Encampment.

PIERRE, S. D., April 30.—(Special.)—Commander Lawrence of the state Grand Army of the Republic has issued general order No. 4, in which he calls attention to the details of the coming encampment at Sioux Falls, announcing therein the rate of one fare for the round trip, which has been granted by all railroads. He announces as aides on the department staff: Nelson Gardner, Aberdeen; J. H. Kinsman, White Lake; M. V. Redding, Frederick; George M. Lynch, Elk Point; Harvey Howard, Lennox; J. O. Hodson, Esmond; James Douglas, Carthage, and H. E. Thompson, Belle Fourche.

To Remove County Seat.

ABERDEEN, S. D., April 30.—(Special.)—Eureka is seeking to compel the removal of the county seat of McPherson county from Leola to Eureka. An order signed by Judge Guffy has been served on the county officers at Leola to show cause why they should not be compelled to remove the county records to Eureka. The order is returnable at Eureka May 2, and is based on the result of the fall election, which gave Eureka a majority.

Mormons to Reclaim Land.

BASIN CITY, Wyo., April 30.—(Special.)—At a meeting here Thursday it was decided to reclaim the land on the west side of the Big Horn river from the mouth of Gooseberry creek down to Greybull river. Here will be located 1,000 families of Mormons that are now packing up and getting ready to trek across the Wind river mountains from Utah. It is understood the new settlers will be here in time to plant crops this year.

Huron Commencement Date.

HURON, S. D., April 30.—(Special.)—The board of education has fixed Tuesday evening, June 7, as the date for commencement exercises for the graduating class of the Huron city schools.

The Truttman school house in Kellogg township was destroyed by prairie fire a few days ago.

Brand Commissioners to Meet.

PIERRE, S. D., April 30.—(Special Telegram.)—The new brand commission, as appointed by Governor Herried, holds its first meeting tomorrow. There are a large number of brands to pass upon. The commission will be in session for several days.

Flour Mill to Supply Indians.

YANKTON, S. D., April 30.—(Special.)—The Excelsior Milling company of this city has been awarded the contract for supplying the Indians of South Dakota and other nearby agencies with 1,000,000 pounds of flour during the coming fiscal year.

Captain Lawrence is Candidate.

PIERRE, S. D., April 30.—(Special Telegram.)—Captain Phillips Lawrence of this city, who has for a long time held the position of assistant secretary of state, is in the field as a candidate for superintendent of the reform school.

Found Dead in Pool of Water.

TYNDALL, S. D., April 30.—(Special.)—An old man named Valentine was found dead in a pool of water by the roadside. It was impossible to tell whether it was a case of suicide or heart failure. Deceased worked a truck garden.

Bounty on Marshall County Gophers.

SIOUX FALLS, S. D., April 30.—(Special.)—The commissioners of Marshall county have followed the example of the commissioners of Brown county and offered a bounty of two cents each for gopher pelts.

South Dakota Hay Sells High.

TYNDALL, S. D., April 30.—(Special.)—Hay is selling as high as $9 on the street. Many of the farmers in the country are out. The ordinary price is $3 per ton.

GENOA BUILDINGS GO UP

Senator Dietrich Secures Prompt Action for Indian School.

GILLESPIE OF LINCOLN A MESSENGER

Bids for Cheyenne Public Building—Iowa Postmasters—Supplies for Beatrice Rural Free Delivery Extended.

WASHINGTON, April 30.—(Special Telegram.)—Senator Dietrich, when in Washington last week, presented to the commissioner of Indian affairs a petition signed by citizens of Genoa, Neb., asking that the work of constructing the new buildings provided for in the Indian appropriation bill be pushed to completion as rapidly as possible. Senator Dietrich bore down upon the fact that the school under the present management was giving excellent satisfaction and that the dissentions that had almost rendered the school valueless had passed away under the new regime; therefore he desired immediate action taken along the lines of the petition signed by the citizens of Genoa.

Today Acting Commissioner Tonner replied to the verbal request of Senator Dietrich by letter, stating that his wishes would be complied with and that it had been ascertained that $30,000 was immediately available for the purpose of erecting a main building at the school and that plans and specifications had been agreed upon. It is understood bids will be invited in a short time for the construction of the buildings decided upon by the Indian office.

Gillespie of Lincoln, Messenger.

W. E. Gillespie of Lincoln has been appointed messenger by Senator Dietrich, at a salary of $1,400, to take effect May 1. Gillespie was lately connected with the Dawes commission as an appraiser in the Indian territory, but resigned his position in the territory and came to Washington, where he met Senator Dietrich, and the appointment is the outcome.

The testimony of Lieutenant Richard H. Townley of the navy, at present superintendent of the Manila nautical school, who entered into active service of the navy by a special bill passed at the last session of congress, through the earnest and persistent work of his wife, is causing widespread comment in navy circles here. Mr. Townley is a Lincoln man and was retired from the navy for wounds received while in action. Later he recovered the full use of his faculties and sought to be reinstated, but there was considerable opposition to this, as his reinstatement would transplant men in classes below him, and it was therefore decided to pass a special bill for his re-entrance to the active service.

Cheyenne Public Building.

Bids were opened at the treasury today for the construction of the public building at Cheyenne, Wyo. The lowest bidders were Foster & Smith of Minneapolis, who bid $184,737 for sandstone and $187,737 for limestone.

Iowa Postmasters.

Iowa postmasters appointed today: Almoral Station, Delaware county, J. K. Young; Edna, Lyon county, Alfred Ross; Patterson, Madison county, G. A. Potter.

Bank Reserve Agents.

Reserve agents approved: First National of Lincoln, Neb., for First National of Elmwood; Merchants National of St. Louis for Nebraska National of Omaha.

Surgeon at Deadwood.

Dr. A. H. Bowman was appointed pension examining surgeon at Deadwood, S. D.

Supplies at Beatrice.

Contracts were awarded for furnishing supplies for the Beatrice, Neb., public building for the next fiscal year to Frank Salls for ice; O. W. Beckwith and Emil Long, for miscellaneous supplies.

Rural Free Delivery.

Rural free delivery will be established June 1 at Spencer, Clay county, Iowa. The route will embrace forty-one square miles, containing a population of 585. M. E. Chase was appointed carrier. The postoffice at Annieville is to be discontinued.

Contract for Wyoming Indians.

Benjamin F. Saunders of Salt Lake City, Utah, was awarded a contract for supplying cattle for the Shoshone Indian agency, Wyoming, at $12,771.

Lightning Juggles the China.

BELLE FOURCHE, S. D., April 30.—(Special.)—The house of George Craft was struck by lightning a few nights ago. The bolt entered by the chimney, tore out a part of the brick, knocked off the lids of the cook stove, entered a table in the kitchen, over which the woman of the house working, broke two lamp chimneys, jumped to the water pipe and followed it into another room. There it turned a washbowl over without breaking it and followed the water pipe into the ground. Nobody in the house was injured.

The correct number of "THE DOTS" and list of prize winners will be published in The Sunday Bee, May 5.

The Callahan Acquittal

Comment on Judge and Jury.

A Withering Rebuke.

Kansas City Journal.

A prejudiced and dishonest jury is not an uncommon spectacle in this country, but it is not often that a judge takes occasion to rebuke such a jury in scathing and withering terms from the bench. There are times when juries, through incompetence or a misunderstanding of the court's instructions, bring in verdicts wholly out of accord with the evidence. But sometimes it is plain that the jurors have simply disregarded their oaths and returned a finding that they know is grossly unjust. From the language used by Judge Baker in his comment on the verdict in the Callahan case at Omaha it would seem that he had such a jury before him. Nothing could be stronger than the blistering rebuke he administered to the twelve men who said upon their oaths that Callahan was not guilty of the crime of complicity in the kidnaping of the young son of Edward Cudahy.

It is refreshing to see a judge who has the moral courage to tell a dishonest jury to its face that it is dishonest and unworthy of the respect of any good citizen. If there were more such exhibitions from the bench there would be fewer travesties on justice from the jury box. Even a dishonest juror will hesitate before rendering an unjust verdict if he knows the judge will rebuke him publicly and in such terms as will blast his reputation in the community where he resides. As to how the prosecuting attorney in the Cudahy case was induced to accept the men who composed the panel does not appear, nor is it related in the dispatches what their standing was as citizens. But Judge Baker evidently regarded their finding as so prejudiced and inexcusable as to deserve the most vigorous words of condemnation he could employ.

Court in Contempt.

Chicago Post.

After deliberations lasting thirteen hours the jury which, with Judge Baker of the district court, had tried James Callahan on the charge of kidnaping young Cudahy brought in a verdict of not guilty. This does not mean that the evidence against the defendant was not strong; it means that a reasonable doubt was left in the jury's mind as to the guilt of the prisoner, and this entitled him to acquittal. It is not for an outsider, especially at a distance from the scene of the proceedings, to say whether or not the reasonable doubt the jury entertained actually existed. It must be admitted that many jurors do not know how to distinguish between a doubt and a reasonable doubt.

But we have to deal with men and things as they are, and trial by jury is intended to represent the average intelligence and character of our present communities. The jury is made by the law itself the judge of the reasonableness of any outstanding doubt, and it is a sheer outrage and gross impertinence for the bench to censure a jury for a verdict which does not happen to commend itself to its judgment. According to the dispatches Judge Baker was dissatisfied with the verdict of the Callahan jury and presumed to lecture and reprimand the latter for its (alleged) failure to protect the interests of justice.

He is quoted as saying that he could not account for the acquittal or conceive of the motives which prompted it. He hoped that never again would any one of the twelve men sit in the jury box, and he discharged them as unfit, reckless and devoid of intelligence. It is a pity that none of the jurors had the boldness to remind Judge Baker of his proper province and to refuse to listen to gratuitous, improper, impudent criticism from him. The law gives him no more right to lecture the jury than it gives the latter to censure him for what it may consider unsound rulings on the admission or exclusion of evidence. How would a judge relish being denounced as an ignoramus by a jury? Yet ignorant rulings are made by judges every day, and the higher tribunals are busy ordering reversals of the lower courts.

In some states juries are judges of law as well as of the facts in criminal cases; in others they are confined to the facts alone. Within their law-given sphere they are and should be supreme. It is high time the usurpation and arrogance of certain judges were checked in an emphatic manner. We punish contempt of court, but there ought to be punishment for contempt of juries.

Verdict a Misfortune.

Kansas City Star.

The evidence against Callahan seemed direct and unequivocal. He was identified by the boy without reservation as having been one of the men who kept him in custody for several days. This identication ought to have been absolutely reliable, for from the first young Cudahy declared that the men did not wear masks while acting as his keepers, and he had sufficient time to become familiar with their physical aspects.

Under these circumstances the acquittal of Callahan was a great surprise, and the censure of Judge Baker seems entirely appropriate. The jury thus far has made no explanation of its reasons for acquitting Callahan. The report that two of the jurors accepted service under the conviction that no kidnaping had occurred is a serious reflection upon their integrity. The opinion of the prosecutor that the men who decided this case were influenced by the fact that the victim was a wealthy man is a plausible theory, based upon frequently expressed sentiments of the less prosperous classes toward men of fortune. It is worthy of note that no attempt was made by the defense to prove that there had been no kidnaping. There was an effort, on the other hand, to show that there had been no extortion, inasmuch as the ransom was paid by one who was not in personal jeopardy. This point, of course, was not sustained.

The suggestion that this acquittal may have been brought about through the fact that the big ransom was paid by one who could easily afford to pay it is not a pleasant reflection upon the possible course of the law administered by the jury system. The crime of kidnaping, pure and simple, is the same no matter who the victims may be. It is measured by the suffering it imposes rather than the ransom it exacts. The rich are not immune from the anguish of bereavement. It is an especially revolting thought that jurors of limited means might excuse and indirectly encourage such a crime merely because it is almost exclusively practised upon persons of wealth.

A GIFTED AND BEAUTIFUL GIRL

Threatened With Nervous Prostration,

PROMPTLY SAVED BY PE-RU-NA

MISS ROSE CULLEN, OF BUTTE, MONT.

Miss Rose Cullen, President Young Women's Club, of Butte, Mont., writes from 921 Galena street, as follows:

"Peruna has many friends in Butte. I cannot say too much in praise of it While finishing school I became very nervous and exhausted from over-study. I was weak and sick, and could neither eat, sleep, nor enjoy life. A couple of bottle of Peruna put new life in me. I find that having it in the house and taking a dose off and on keeps me in fine health.

"A large number of my friends place Peruna at the head of all medicines.—Miss Rose Cullen.

How Peruna Quickly Cures Backache, the Bane of Womankind.

MRS. G. W. HEARD, Hempstead, Texas, writes:

"We have moved recently, and I must have lifted something that was too heavy for me in straightening things up, for I had such a backache and could hardly stand on my feet at all. Beside, I was so tired all the time. My face was spotted and feel all right before I finish one of Peruna and was soon real well. When I feel tired and all run down I take Peruna and feel all right again before I finish one bottle. I know it is a wonderful medicine, and both myself and husband praise Peruna.

"There has been a great deal of sickness through this part of the country, but thanks to Peruna, which we use freely, our own family has escaped with almost no sickness at all.

Could you but see our baby, Ruby, (to whom we gave Peruna for bowel trouble) you would see from her robust looks that you need no better advertisement in this little town. She is so fat and rosy, is nearly five years old now, and is a great believer in Peruna."—Mrs G. W. Heard.

Given Up to Die—All Doctors Failed—It Proved to be Catarrh of Stomach and Was Cured by Peruna.

W. A. Mitchell, dealer in general merchandise, of Martin, Ga., writes:

"I wrote you some time ago concerning my wife's case. She had tried all of the best doctors, and we got to where we thought all they did was against her. She weighed about 190 pounds when she was in good health. When she commenced with our family physician in April, 1898, she weighed about 130, but kept going down all the time. She went to Atlanta, Ga., and took treatment, but it did her no good. Then she went to Harmony Grove, Ga., and took treatment form the best physician there for three months. She kept going down under his treatment, although he was considered the best physician in the county. She went down from 120 pounds to 68, and we saw she could not live long. She was a skeleton. We consulted an old physician who told her to use Peruna. She gradually improved and got stronger. She has gained 28 pounds since she has taken Peruna, and is gaining every day and does her own housework.

"She was well known when she was so low, and now everybody wants to know what cured her. She had indigestion and catarrh of the stomach. It is as good for children as for grown people. We haven't had to have a doctor for one of our children since 1898."—W. A. Mitchell.

If you do not derive prompt and satisfactory results from the use of Peruna, write at once to Dr. Hartman, giving a full statement of your case and he will be pleased to give you his valuable advice gratis.

Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.

FREE ADVICE by our Physicians and a FREE SAMPLE of our medicine also Free Home Treatment a 116 page illustrated book describing symptoms and cause of diseases with best treatment, also many valuable receipts and prescriptions in plain language, saving you heavy doctor's bills, ask for it.

Dr. Kay's Renovator

Cures the very worst cases of Dyspepsia, Constipation, Headache, Palpitation of Heart Liver and Kidney diseases and bad results of La Grippe. Send for proof of it. Write us about all your symptoms. Sold by druggists, don't accept any substitute but send us 25 cts. or $1.00 and we will send Dr. Kay's Renovator by return mail. Address, DR. B. J. KAY MEDICAL CO., Saratoga Springs, N. Y.

VIM VIGOR VITALITY FOR MEN

Mormon Bishops' Pills have been in use over 50 years by the leaders of the Mormon Church and their followers. Positively cures the worst cases in old and young arising from effects of self-abuse, dissipation, excesses, or cigarette-smoking. Cures Lost Manhood, Impotency, Lost Power, Night-Losses, Spermatorrhoea, Insomnia, Pains in Back, Evil Dreams, Seminal Emissions, Lame Back, Nervous Debility, Headache, Unfitness to Marry, Loss of Organ, Constipation, Stops Quickness of Discharge, Strengthens and Enlarges Small, Undeveloped Organs. Stimulates the brain and nerve centers. Restores vigor and potency to every function. Don't get despondent, a cure is at hand. A written guarantee, to cure or money refunded. Sent by express, prepaid, on receipt of price. 50 CENTS. Address, Mormon Remedy Co., San Francisco, Cal.

FOR SALE BY MYERS-DILLON DRUG CO., 16TH AND FARNAM.

NEBRASKA'S NOT SO WARM

Being in Remote Washington the Weather Forecaster Risks Some Doubtful Rhetoric.

WASHINGTON, April 30.—Forecast:

Nebraska—Fair, continued warm Wednesday. Thursday partly cloudy, not so warm; south to west winds.

Iowa—Fair, continued warm Wednesday and Thursday except probably Thursday in northwestern part; south to west winds.

South Dakota—Fair, continued cold weather. Thursday party cloudy, probably showers; south to west winds.

Kansas—Fair, continued warm Wednesday and Thursday.

Colorado and Wyoming—Generally fair and continued warm Wednesday and Thursday, except probably cooler Thursday in western portion; southerly winds.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, April 30.—Official record of temperature and precipitation compared with the corresponding day of the last three years:

	1901.	1900.	1899.	1898.
Maximum temperature	85	70	76	71
Minimum temperature	62	48	49	54
Mean temperature	74	59	62	62
Precipitation	.00	.00	.52	.28

Record of temperature and precipitation at Omaha for this day and since March 1:

Normal temperature	51
Excess for the day	18
Total excess since March 1	88
Normal precipitation	.12 inch
Deficiency for the day	.12 inch
Total precipitation since March 1	2.96 inches
Deficiency since March 1	1.64 inches
Excess for cor. period, 1900	.28 inch
Deficiency for cor. period, 1899	2.33 inches

Reports from Stations at 7 P. M.

STATIONS AND STATE OF WEATHER.	Temperature at 8 P. M.	Maximum temperature	Precipitation
Omaha, clear	81	85	.00
North Platte, clear	78	82	.00
Cheyenne, clear	70	78	.00
Salt Lake City, clear	78	80	.00
Rapid City, clear	84	90	.10
Huron, part cloudy	86	92	.00
Williston, clear	84	90	.00
Chicago, part cloudy	78	84	.00
St. Louis, clear	84	88	.00
St. Paul, cloudy	84	86	.00
Davenport, part cloudy	80	84	.00
Kansas City, part cloudy	82	86	.00
Helena, part cloudy	74	74	.00
Havre, clear	80	82	.00
Bismarck, part cloudy	82	90	.00
Galveston, cloudy	70	84	.00

L. A. WELSH,
Local Forecast Official.

ALL COMPETITION DISTANCED

Denver, Salt Lake, Portland, San Francisco.

THE UNION PACIFIC

Fastest Time.

Only ONE NIGHT to UTAH.
Only TWO NIGHTS to CALIFORNIA.
Only TWO NIGHTS to OREGON.

Shortest Line Missouri River to

Salt Lake City	194	MILES SHORTER THAN ANY OTHER LINE
San Francisco	268	
Portland . .	258	

BEST TRACK.

Sherman Gravel (decomposed granite), the finest ballast in the world, is used on the main line of the Union Pacific, making a perfect roadbed.

No Dust, No Jarring, Smooth and Easy Riding.

New City Ticket Office
1324 Farnam St.
Tel. 316.

$500 REWARD!

We will pay the above reward for any case of Liver Complaint, Dyspepsia, Sick Headache, Indigestion, Constipation or Costiveness we cann