

ADJUTANT GENERAL COLBY

Beatrice Man Appointed in Nebraska National Guard. Reform School Law is Attacked. County Superintendents Notified How to Enforce School Attendance—Sites Considered for State Fair.

LINCOLN, May 6.—(Special.)—Acting on advice of numerous members of the Grand Army of the Republic throughout the state, Governor Savage late this afternoon appointed Leonard W. Colby, Beatrice, adjutant general of the Nebraska National guard. This action of the governor was not unexpected by those who were in touch with the old soldiers. Previous to January, the incumbent of this office had always been an old soldier. General Colby recently received an appointment to the regular army.

Leonard W. Colby came to Nebraska in 1871 and settled in Beatrice, where he has since remained. He was born in Ohio. After the war he entered the University of Wisconsin and was graduated from that institution in 1876. One year later he was admitted to the bar. In 1877 he was elected to the state senate from the Nineteenth district, comprising Gage and Jefferson counties.

In 1881 he was chosen colonel of the First regiment, Nebraska National guard, and remained in that position three years. Next he filled the position of brigadier general nine years. During the Spanish-American war he served as brigadier general of the Second brigade, Third division of the Sixth army corps, stationed at Chickamauga.

At the option of County Attorney Caldwell of Lancaster county, the new reform school law, championed and pushed through the last legislature by Senator Currie, is scarcely worth the paper it is printed upon. At the same time the introduction of the state according to a previous decision of the supreme court, was without any law easily enforceable for the disposition of youthful criminals and incorrigibles. The constitution of the state fixes 15 years as the limit of adult sentence, but the legislature some six or eight years ago passed a law making 18 years the limit. The constitutionality of the law was called in question in a civil case, in which a ward had sued her guardian for damages for false imprisonment. The supreme court, after the holding of the trial court, when the case was first presented to it, that the law was unconstitutional, because of the variance in the matter of age.

It was because of this holding of the court that the law now called in question by Mr. Caldwell was introduced through the legislature. About the time the legislature adjourned, however, the supreme court on a rehearing of the old case decided that while part of the law was void, the remainder was enforceable and was a complete act in itself.

Points Out Contradictions. Mr. Caldwell says, however, that the new law is a bundle of contradictions and is incapable of enforcement. It made but two changes in the old law, placing the age limit at 16 and substituting 16 years instead of 21 years as the time at which boys committed under the act could be discharged. It also provided that the laws should not apply to the boys now in the industrial school. In other words, every incorrigible boy now in custody at Kearney must stay there until he is 21, unless paroled, while no boy who may hereafter be sent there, can be kept beyond the age of 16. This, says Mr. Caldwell, is class legislation, because incorrigibility is not a crime and therefore the penalty is not changeable at the will of the legislature.

Second article in the new law relates to commitments in the girls' industrial school. Section 5 provides that all proceedings necessary to give the act full force and effect shall be made and carried out in accordance with sections 5, 6, 7, 8, 9, 10, 11 and 12 of article I, chapter 15 of the compiled statutes of Nebraska.

Section 6 of this act repeals articles 1 and 11 of chapter 15 of the compiled statutes of Nebraska, thus in so many words repealing those sections of article I, which the preceding section in this act said should govern the procedure in case of girls. The author evidently meant the sections in his bill which were substituted for similarly numbered sections in the statutes, but after the act became a law did not intend it to become a part of the statutes and the repealing clause therein could refer only to the statutes as they were compiled in 1899.

The repeal effect, says Mr. Caldwell, is that the law repeals all those sections relating to the procedure for committing incorrigible girls without substituting anything in their stead and leaves the county attorneys of the state in no position to conduct prosecutions against youthful females of criminal instincts and practices. Mr. Caldwell will ask the attorney general for his opinion in the matter, but he inclines to the belief that the law will not stand the test of the courts and that the old law which the supreme court recently upheld will form the basis of action in cases of this character.

Compulsory School Attendance. State Superintendent Fowler today sent county superintendents throughout the state full instructions for enforcing the compulsory school law passed by the last legislature. According to the provisions of the law, all children between the ages

CRACK SHOTS OF NEBRASKA

They Fleck to Lincoln for a Week of Sport at Traps. THIS IS THEIR ANNUAL TOURNAMENT. Chancey Powers, Famous Wild Shot, is First of Those to Arrive From Other States—Other Record Smashers.

LINCOLN, May 6.—(Special Telegram.)—The Lincoln Gun club games have been put in readiness for the coming of the sportsmen who are to compete in the twenty-fifth annual tournament of the Nebraska State Sportsmen's association, which begins tomorrow morning. Noon lunches will be served and the shooting will be practically continuous from morning till night. Many of the crans on which the traps are set, a large delegation is expected tomorrow in time for the opening of the tournament. Chancey Powers of Decatur, Ill., famous wild shot, was the first to arrive. W. D. Townsend, H. L. McDonald and F. S. Parmelee of Omaha came in this evening. Fred Gilbert and R. M. Keim of Spirit Lake expect to break records. George Roberts is also on the scene. Other stars are W. N. Hicks, Scotia; Lee Burley, Norfolk; Lewis Ehrhardt, Atchison, Kan.; and Chris Gottlieb, Kansas City.

The Board of Public Lands and Buildings spent the whole of today in considering the state fair site question, two bids are being put up for the site, the lessee of the Burlington Beach offering to surrender all claim to 500 acres of land in the vicinity of the lake for a consideration of \$10,000 and the State Hotel offering to surrender a bid of \$22,300 for the old state fair site. The land included in the Burlington Beach scheme belongs to the state and the price asked is merely for the lease rights granted by the state several years ago. There are no buildings or improvements, but the lessee points out the fact that there would be \$25,000 left of the appropriation made by the last legislature to erect buildings. It will take two or three days to look into each proposition and at the end of that time the decision will be made. The owners of Lincoln park wished to submit a bid, but the board refused to accept their offer, as the period set for receiving bids was over.

GENERAL COLBY'S ARMY LIFE

Serves in Two Wars and Has Long Been Prominent in Nebraska Militia Organization.

BEATRICE, Neb., May 6.—(Special Telegram.)—General L. W. Colby, who was this afternoon appointed adjutant general of the Nebraska National guard, was also a member of the Nebraska National guard, and served in the Spanish-American war and in the Philippine war. He was in the latter war as a member of the Nebraska National guard, a number of the members of Company C and a big crowd of citizens. General Colby was two hours from his home by train when he delivered a few words of thanks. The city of Beatrice is overjoyed at his appointment.

The general served two years as a private in the civil war and after that was captain of a company of infantry in the 1st Missouri. Following this he was lieutenant of the old organization of Company C, Nebraska National guard, then known as the Paddock guards. He procured uniforms and an armory for the company and led for them in the field. He was appointed captain of this company and served as such until he organized the First regiment of the Nebraska National guard, of which he was made colonel, which position he held for six years and commanded the Nebraska state troops. In 1887 a brigade was organized and General Colby was commissioned a brigadier general and placed in command. He commanded this brigade for nine years, until the beginning of the Cuban war, when he declined to be a candidate for re-election and commanded the organization of the American Cuban Volunteer legion. The Spanish war having begun, he tendered his services to the United States and was commissioned brigadier general of volunteers by President McKinley, serving until the close of the war.

MR. MILLARD IN LINCOLN

Senator is Greeted by Many Politicians, but Says His Call is on Private Business.

LINCOLN, May 6.—(Special Telegram.)—Senator J. H. Millard formed the central figure in an animated group of politicians at the Lindell this evening. He was the recipient of many greetings from numerous lawyers who had gathered for the session of the supreme court. Later in the evening he conferred with several local politicians and state officers, among the latter being State Treasurer Steuffer and Auditor Weston. The two reporters Senator Millard said: "My presence here has no political significance whatever. I came here to attend to private business and expect to return to Omaha tomorrow. I have not seen Senator Dietrich since I met him at Washington and did not expect to meet him here."

Several Cases at Beatrice. BEATRICE, Neb., May 6.—(Special Telegram.)—George Platt's two children were taken ill Wednesday and Dr. Fall pronounced the disease smallpox and notified the city clerk, referring the cases to the city physician, Dr. Walden. Dr. Walden diagnosed the cases Thursday and said they were chickenpox. The two children were summoned and arrived here at noon today. He pronounced the cases smallpox. He also found Mrs. Wherry and two of her children had the same disease. Both children are under quarantine.

Catholic Buildings at Bloomfield. BLOOMFIELD, Neb., May 6.—(Special Telegram.)—Father McNamara's home is nearly completed by the West Box congregation has raised \$12,000 towards their new \$25,000 church, on which work was recently begun. It is expected to have the building completed before winter. It is of stone and brick. The work of rebuilding the attended Menominee church is progressing rapidly. The new building will be of stone and one of the finest church edifices in this part of the state.

More Smallpox at Beatrice. BEATRICE, Neb., May 6.—(Special Telegram.)—Two more cases of smallpox have appeared here, one in Mr. Kuhn's family, on the west side of the river, and one in Mrs. Busey on this side of the river. Dr. Towne of Omaha made a diagnosis of these cases tonight and ordered the families quarantined. This makes seven cases. Dr. Towne is on the south side diagnosing another case which is said to be smallpox.

Victim of Cerebral Hemorrhage. FREMONT, Neb., May 6.—(Special Telegram.)—Dr. C. H. Wolter of Milligan, Neb., died at the Fremont hospital this morning of cerebral hemorrhage. While waiting for a train at the Elkhorn depot last Wednesday he was seized with an epileptic fit and taken to the hospital. His condition grew rapidly worse. His wife, who is visiting at Superior, was notified and arrived this afternoon.

Creeks Near Randolph Overflow. RANDOLPH, Neb., May 6.—(Special Telegram.)—It has been raining here almost continuously for thirty-six hours. At times the rain fell in torrents, and creeks are flooded. Little damage has been done further than the delay of farm work. Travelers report the rain general over northeast Nebraska, and that in a few localities it was accompanied by a light hail.

Table Rock Ground is Soaked. TABLE ROCK, Neb., May 6.—(Special Telegram.)—Two and a half inches of rain has fallen here, since Saturday night. It rained nearly all of Saturday night, a good portion of yesterday and last night, and with light showers today. The ground is well soaked and is in fine condition.

Grand Island Divorce Cases. GRAND ISLAND, Neb., May 6.—(Special Telegram.)—District court convened today. There are eleven criminal cases on the docket and seventy-four civil cases. Twelve civil cases are in divorce. Of the criminal cases there is not one that will be tried at

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In the possession of Prosecuting Attorney White are confessions signed by Donovan, John Proving and wife, which, it is alleged, prove the existence of a conspiracy to defraud the insurance companies. At least half a dozen others are under suspicion and may be arrested if the evidence being collected by the authorities is found to warrant it. The list is said to include some of the most prominent men in Macon county. Joseph Heifner, agent of the Iowa State Insurance company, who has taken an active part in running down the money of the insurance companies, has already cost the insurance companies \$40,000.

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BELLEUE AS A HOME SITE

Reasons Why It is a Desirable Residence Suburb for Omaha Citizens.

BELLEUE, Neb., May 6.—To the Editor of the Bee: I sometimes wonder why Omaha people have not taken advantage of the opportunity for comfortable suburban residence afforded by Belleue. The very name of the town is an indication of its attraction, for certainly nowhere along the Missouri river can a more delightful view be found than that which stretches away from the crest on which the village stands. A broad expanse of fertile bottom land, the river and the Iowa bluffs in the distance, the beautiful forest in the background, all combine to make the picture one of ever pleasing aspect. Here is an ideal location for a home away from the dust and noise of the city. The town is only eight miles from Omaha and four miles from South Omaha, with trains stopping three and four times a day, thus affording an excellent chance to get from home to business and back again. Citizens here have no saloons and there is no gambling house nor a billiard or pool room in the town. Exceptional advantages for a pleasant home, especially for the summer season, are offered.

It is not to be learned that one of the reasons for Belleue not being more generally used by Omaha people as a place of residence is that the title to much of the available land has been involved in litigation. This has now been settled and clear title can be given. Citizens here know that land can be bought that Omaha and South Omaha business men will take advantage of the situation and that many of them will come here to live. Any resident of Belleue will be glad to give information concerning the same.

ONE OF THE PEOPLE

Beatrice Health Board to Decide. BEATRICE, Neb., May 6.—(Special Telegram.)—The health board here today decided, after considerable discussion, to leave the advisability of closing the city schools because of smallpox entirely in the hands of the Board of Health. Dr. Towne spent this evening visiting cases suspected of smallpox. Citizens here are now quarantined ten cases of what he says are genuine smallpox.

Exeter Gets Much Moisture. EXETER, Neb., May 6.—(Special Telegram.)—From Friday evening to Monday morning almost two inches of rain fell, thoroughly soaking the ground. Oats were suffering from want of moisture. There has been but little corn planted in this vicinity, nor will there be any more next week.

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Kodol Digests what you Eat Dyspepsia Cure

In speaking of indigestion, Dr. Lewis says: "It is deplorable that so many hundreds of thousands of Americans suffer from indigestion. It means that the blood of the nation is becoming impure; for undigested food poisons the blood. Unless a method is devised for overcoming this malady, our race must deteriorate." Many persons use soda tablets to neutralize fermenting food; this only makes a chemical receptacle out of the stomach, and injures its sensitive structures. Others feed on pepsin, which is better, but not sufficient, for it digests only albuminous foods. The preparation best fitted to relieve and absolutely cure indigestion is KODOL DYSPEPSIA CURE. It contains every known digestant and digests every kind of food. Its use is a common sense method of treating all stomach troubles, and the results are always certain. It can't help but do you good. Prepared by E. C. DeWitt & Co., Chicago. The 51c bottle contains 2 1/2 times the 50c size. When you need a soothing and healing application for piles, sores and skin diseases, use DeWitt's Witch Hazel BALVE. Beware of counterfeits.

CALIFORNIA THE BEST PERSONALLY CONDUCTED TOURIST EXCURSIONS Run via the GREAT ROCK ISLAND ROUTE

Weak Nerves People cannot help worrying when their nerves are weak. That feeling languid, dullness and exhaustion is the result of a condition which often precedes insanity. The power to work on study diminishes and despondency depresses the mind and ruins the work. If you are suffering the tortures of Nervous Debility there is no knowing how soon you may decline to something more horrible. But you can get well. The strength and vitality, and happiness can be restored by the use of Sex-in-Oil.

Candy Cathartic CANDY CATHARTIC IN BEST FOR THE C.B.C. DRUGGISTS. Genuine stamped C. C. Never sold in bulk. Beware of the dealer who tries to sell something "just as good"

Blue Wing at Joplin Sold Judge Smith Secures One of International Company's Mines for the Minority Fraction. JOPLIN, Mo., May 6.—The Blue Wing mine, the property of the International Zinc company, was sold today by the receiver, pursuant to a court order. Two factions of the stockholders were represented, the majority by H. B. Shoemaker of New York, the minority by Judge Q. Smith of Joplin. Judge Smith bid \$5,000, securing the property.

Better Late Than Never! APPLIES TO THE USE OF Dr. Pierce's Golden Medical Discovery Taken early it will CURE THE COUGH Taken when the Lungs are affected IT WILL CURE WEAK LUNGS STOP HEMORRHAGES AND RESTORE SOUND BODILY HEALTH. IT ALWAYS HELPS. IT ALMOST ALWAYS REALS.

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