THE OMAHA DAILY BEE: FRIDAY, JUNE 21, 1901.

00000000000000000000000 GRANTS CANAL FRANCHISE to present its truths properly to DEFIANT court will be on the demurrer filed in the federal court. It will involve only the jurisdiction of the two courts and whether his SUPREME COURT An attractive feature of the afternoon was the children's jubilee, conducted by the restraining order can be held effective. Dr. Cassell. A chorus of 100 children sang Dedge County Beard Concedes Right to as decided by Judge Sanborn. Arrayed Against Federal in Rock Island the song "Nebraska," accompanied by the Life Sentence for This Lad. Build Electric Read. waving of small flags, and created great Case. According to the decision of the supreme enthusiasm. Following the singing of the court, Ernest Bush, the 16-year-old boy children was a discussion of Sunday school RESOLUTION UNANIMOUSLY ADOPTED who was convicted of murdering Silas ATTORNEY GENERAL WILL PROSECUTE music. Among the suggestions made were Bailey near Benkelman on February 7. the following: Sunday school songs should them 1899, will have to serve his life sentence be appropriate, attractive and have a pur-All Important Railroads Affected by greement to Be Void if Power Waterunless executive clemency comes to him pose. Six or seven songs are enough for a the Decision-Suits Begun When The chief objection raised by the defendway is Not Built-Option Given Sunday school service. The songs should Fusionists Sadly Wanted ant to the decision of the lower court was Eastern Men on All Rights be varied and should be cheerful and spirthat the evidence did not justify convicited, yet reverent. Patriotic songs may Capital. ration. and Privileges. tion. The supreme court holds that the be sung, secular songs should be used with boy's confession, which was said to have been forced from him by threats, was rest a while and then feeds it moderately. caution. Mrs. Mary F. Bryner explained (From a Staff Correspondent.) FREMONT, Neb., June 20.-(Special.)the use of the blackboard, sandboard and

Quality that stands pat for O honest criticism. Every detail O in the brewing is under the im-O mediate and most rigid super-O vision of masters of the brew-O ers' art. Every brew is aged to O a state of absolute perfection. 0

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BLATZ MALT-VIVINE Tonic for Weak Nerves and Weak Bodies O Druggista or Direct. Val-Blatz Brewing Co., Milwaukee 8

OMAHA BRANCH, 1412 Donglas St. Tel. 1081. 0 80000000000000000008

Lower Rates on the **Burlington**. The following round-trip rates will suggest some vacation trips

at very little expense. Additional information at any Burlington Route ticket office.

sary.

BUFFALO, \$25.75

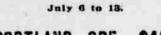
DENVER, \$19.00 June 18 to 30.

COLORADO SPRINGS, \$19 June 18 to 30.

HOT SPRINGS.S.D. \$18.40 June 18 to 30 CINCINNATI, \$22.50

July 4, 5 and 6. DETROIT, \$22.00,

July 5, 6 and 7. SAN FRANCISCO, \$45.00,



PORTLAND, ORE., \$45 TACOMA, \$45

July 6 to 13.

The Dodge county board this morning object teaching in primary classes. It was granted the Fremont Power Canal com- | made plain that artistic ability is not necpany an extensive and perpetual franchise essary, but that very simple pictures or for a single track electric road over and diagrams will answer the purpose. Some- torney General Prout to dismiss the state's across such highways and bridges in this times, after drawing a suitable background suit against the Chicago, Rock Island & year ago. county as the company may desire. The upon the blackboard, paper or paste figures Pacific Railroad company, which was invote on the adoption of the resolution was may be pinned on over the background. unanimous. The matter came up as a spe- Miss Addie Harris of Lincoln advocated cial order of business for 10 o'clock this the triple alliance of the Sunday school, norning. Mesars. M. H. Hinman, L. D. the young people's societies and the tem-Richards, J. F. Hansen, F. W. Vaughn, L. perance movement. Normal graduating P. Larson and others, stockholders in the exercises were tonight, Prof. W. P. Jackcanal company, were present. The pro-posed contract with the county was then L. Kirk delivered an address on "A Celeread by the clerk. A few changes had been brated Christian Worker and the Secret made in it since it was first presented on of Success."

Tuesday, the most important being the DAVID CITY CHAUTAUOUA incorporation of Supervisor Mead's amendment that the franchise be void in case "Pitchfork" Tillman and Congressman the power canal should not be built. Others Landis Among the Speakers vere mostly matters of form only. Who Will Appear.

Mr. Vaughu presented an amendment to the franchise that it not go into effect until DAVID CITY, June 20 .- (Special.)-The not less than \$500,000 shall have been ex-

David City Chautauqua will be June 27 to pended on the canal. The canal people July 4. The program and speakers are as follows: Thursday evening, June 27, Chauregarded this provision as wholly unneces-Mr. Richards' called the attention taugua opens. Friday, June 28: Forenoon, of the board to the fact that it was pro-Miss Laura A. Grigg and A. B. Whitmer vided that the franchise should be void in speakers; afternoon, Whitmer, ex-Governor case the canal should not be built, and that John P. St. John; evening, St. John. Satthat was a far more stringent provision than the one requiring that \$500,000 be Simon; afternoon, Congressman Burkett. urday, June 29: Forenoon, Rabbi Abram spent on the canal. After considerable dis- Sunday, June 30: Rev. M. C. B. Mason, ussion the amendment was withdrawn. The forenoon and afternoon. July 1: Forenoon, franchise contract with all the proposed J. F. Kemper, D. D.; afternoon and evenchanges was read a second time and on ing, General Z. T. Sweeney. July 2: Forenoon: C. M. Shepherd; afternoon, Conmotion was adopted.

Conditions of the Tracks. gressman Charles B. Imndis: 'evening. The franchise provides for a single Thomas W. C. Cheeseman. July 3: Foretrack road with right to construct the same noon, R. J. O'Hanlon and Mr. Cheeseman; on such roads and streets within the county afternoon, "Pitchfork" Tillman and O'Hanas the company may desire, the track to lon. July 4: Forenoon, various exercises; be at one side of the road, the inside rail afternoon, Champ Clark.

not less than twelve feet from the center. ACCIDENTS GALORE HAPPEN rossings to be planked or paved the width " the road not less than thirty-two feet

Delivery Team Runs Away and Two Little Girls and a Boy Sustain Falls.

or alterations in the grades, with the consent of the county, as may be necessary. WYMORE, Neb., June 20.-(Special.)-The company is required to alter or re-Tuesday was remarkable for the number of build such bridges as it may use at its own accidents which occurred. Markle & Husexpense, the bridges to be afterwards kept ton's delivery team ran away and the in repair, except planking, which is to be driver, Willie Ellis, was thrown out and done by the company and the county jointly. The franchise is to be void unless the road of Hiram Saathoff, who lives south of town, was thrown from a horse and his collarbone The Canal company has given an option to eastern men on the canal and all rights out of a swing and broke both bones in her and franchises belonging to the company, which of course, includes the one granted Guthrie fell from a porch and broke the

today, and the chances are considered good bone of her arm in the same manner. for the work being done in the near future. The consideration is \$1, the company pract DIETRICH STARTS WESTWARD tically giving away its time and expenses so far incurred for surveys, which amount Nebraska Senator and Daughter Leave to several thousand dollars. People in the for San Francisco and the central and western part of the county are Philippines.

taking much interest in the project, and when the road is built it will without doubt HASTINGS, Neb., June 20 .- (Special.)be extended to Ames and Leavitt, with Senator Charles H. Dietrich and daughter, spurs for the use of the Standard Cattle Miss Gertrude, left last night over the Burlington road for San Francisco, where they will join Adjutant General Corbin,

CONVENTION BREAKS RECORD Surgeon General Sternberg, Chief of Ord- any action brought by the state against a

LINCOLN, June 20 .- (Special.)-The supreme court has assumed a decidedly defant attitude in denying the motion of Atstituted by former Attorney General Smyth sault upon Peter P. Sullivan, will secure to collect penalties for violation of the a new trial, the supreme court reversing delivered April 26 Judge Sanborn of the circuit court of the United States held in ation. language that admitted of only one construction that the attorney general and all state officers were restrained from attempting, at least in state courts, to collect penalties for violation of this law. To proceed

further against this company in the state court would, therefore, be contempt of the federal court. The supreme court, however, denies the jurisdiction of the United States court to interfere and declares that it cannot enjoin a state from the enforcement of its own laws.

Under these two conflicting decision there are but two courses left open to the attorney general. One is for him to continue the prosecution in the state court of the federal court, and the other is to appeal to the United States supreme court from the decision of Judge Sanborn. Mr. lar in every respect to the one under constate. It would seem, therefore, that to asleep when the storm came on her house find now in favor of the state would be to and directly in the path of the cyclone. reverse its own opinions.

Prout to Push Vigorously. and he will attempt to secure a hearing at the beginning of the September term. The question involved is one of the most

important to the people of Nebraska that has come under the jurisdiction of the state legal department for many years. If a favorable decision is finally granted it will mean that the state can enforce the maximum freight rate law, and still more, it will the small bone in his leg broken. A son mean that the various railroad companies are already liable for upwards of \$1,000,-000, and possibly more, as the penalties for past violation of the law. If the final decision is favorable to the railroad company it will mean that the maximum freight rate law is, as it has been generally treated and considered, a dead letter on the statute books

The opinion delivered in denying the motion to dismiss is credited to the court at large, the name of the author not being given. The syllabus, which is the law as the court sees it, declares that "The cir-

cult court of the United States is without jurisdiction to enjoin a state from the enforcement of its own laws. That which the federal court is without power to do directly it cannot accomplish indirectly. It is no valid ground for the dismissal of nance A. R. Buffington and others of the corporation that the federal court has Session of State Sunday Schools at army and sail on the transport Hancock granted an injunction to restrain the at-

fully corroborated by other evidence. The court also affirmed the decision convicting Hubbard Savary for murdering a man named Johnston at Humboldt about a

Leroy Alyea, accused of a felonious as-

maximum freight rate law. In an opinion the decision of the lower court on account of technical defects in the inform-

Liable to Pass-Holders

A decision holding that a railroad company is liable for damages for injuries done to a passenger carrying or riding on a pass was delivered in the case of Collier against the Chicago, Rock Island and Pacific Railroad company. Several years ago Collier was injured in a wreck on the railroad near this city. He brought suit against the company and was given judgment for \$130. The railroad company appealed, but the decision was affirmed.

Cyclone Makes Impression.

Dr. W. H. McHenry of Nelson was in the city several days ago and the recent tornado at Dorchester suggested in his mind sevand by doing so place himself in contempt eral cyclone reminiscences. One cyclone in particular had made a deep impression. "Eight or nine years ago we had an old fashioned twister in Nelson and the freaks Prout has decided upon the latter and ac- it performed were wonderful to behold" said cordingly he will carry the case to the he. "That cyclone was almost human in United States supreme court. A case simi- its intelligence, judging from some of the things it did. Several incidents happened sideration, but with the Burlington railroad which knocked out completely the Doras defendant instead of the Rock Island chester tornado story. In the north parrailroad, was tried before that tribunal of town there lived an invalid who had meals of any moment, so he cats in season several years ago and decided against the not walked a step for five years. She was and out of season. He has no regular

ration or measured meal, so he eats to repletion. He comes home utterly tired Well, sir, that storm picked her up so from field or store and sits down to a gently that her somnolent senses were dehearty meal. He gets overheated and

Attorney General Prout has declared his luded into the belief that she was making intention of pushing the case against the a quick voyage in an airship. Her bed railroad company with all possible vigor sailed gracefully through the air for almost a mile, the invalid smiling in her dreams. Then she was gently deposited between two straw stacks upon eight or ten feet of chaff. But that wasn't the wonderful part about it. Down in town Warren Knapp runs a soda water fountain. That cyclone whisked around his store pretty lively and in the general confusion mixed an ice cream sods, flavored it with pineapple syrup and carried it to the bedside of the invalid. By her pillow it descended with a gentle thud and she awoke to find two long straws, carefully selected from the farmer's straw pile protruding from the glass. An hour later the invalid was rescued and taken to the home of a neighbor. The soda water glass was donated to the museum of the local High school.'

To Inspect All Companies.

Adjutant General Colby today issued ordetailing Lieutenant Colonel Talbot and Major Vickers of the First regiment and Major McDonnell of the Second regiment to immediately begin the annual inspection of all companies of the Nebraska National guard. These officers will divide ing of the body, and so restores weak erthe work between themselves, each taking gans to normal activity and the whole a certain number of companies for inspection.

Warrants of \$50 each were being distrib-Medical Discovery" are those of chronic

HORSE SENSE

With a Human Application.

me my liver was out of order and that The man who owns horses is careful of had indigestion. He gave me a treatmen

He is careful that they are fed regularly. He sees to it that their feed is proportioned to their needs and conditions. They are fed at stated times and with a measured

No man feeds a horse which is just off a No horse owner rushes a heated horse from the harness to the spring, and lets

it drink its fill of cold water. A horre is a valuable asset and the

owner takes no chance of injuring its 'Pleasant Pellets,' and in two months time bealth Now consider how the horse owner treats

Times (

was feeling better than 1 had for years before. I can truthfully say Dr. Plerce's himself. He doesn't think regularity of medicines did me more good than any ;

had ever taken. COMMON SENSE CURES

until it caused waterbrash and vomitin of a slimy yellow water. I consulted :

physician and he told me I had a form o

dyspepsia and treated me for about at-

months with but little benefit. I still kep

getting so weak I could scarcely walk.

then tried another physician and he tole

and I got some better, but only for a short

time. I then tried another one who said

I had chronic indigestion, ulceration o

the lining of the stomach, torpid liver and

kidney affection. He treated me for more

than a year and I felt much better, but i

did not last. 1 then took to using severa

widely advertised patent medicines, bu

received no more than temporary relles

while using. I then tried Dr. Pierce's

medicines, using his 'Golden Medical Dis

covery,' 'Favorite Prescription' and the

The logic of the cures effected by Dr. Pierce's Golden Medical Discovery is easy to understand. Physsical life is sustained by food. The strength of the body is derived from the nutrition in food. It is a natural conclusion that when the body and its organs grow weak it is because of failure to assimilate the nutrition contained food. This is exactly in what occurs when there is disease of the stomach and its associated organs of digestion and nutrition. There is a loss of nutrition with a corresponding loss of strength and lowering of vitality. Physical weakness therefore points to disease of the stomach and digestive and nutritive tract When this disease is cured

by "Golden Medical Discovery" perfecdigestion and nutrition are re-established and the weak body becomes strong again "When commencing to take your 'Gol den Medical Discovery'" writes Mrs. Vir ginta F. Griffith, of Flattop, Mercer Co. W. Va., "the doctors said I had chronic drinks copious draughts of cold water. He inflammation of the liver, stomach and treats himself as he would allow no one to bowels, also some kind of female trouble treat his horse, and he wonders why his My neighbors told me after I got bette stomach gives out, his digestion is impaired that they thought I had consumption and he grows weak and miserable. If a and no one thought I could get well. This man would treat himself as well as he was my condition when I first wrote to treats his horse he would not suffer from you. After being sick over a year and disease of the stomach and its allied ortaking doctors' medicine and all kinds o patent medicine recommended, my stom

A COMMON CAUSE OF DISEASE. ach and bowels were in a bad condition There is no doubt that careless and irso that the lining of my stomach' and regular eating and drinking are the most powels peeled off leaving them as sore prolific causes of disease. When the rtomand raw as ever a sore could be on the ach is diseased the whole body suffers surface of the body. Everything I at from innutrition and its consequent physhurt me so I could eat nothing but a ical weakness. The heart feels it-the little rice or an egg. My chest was se lungs feel it-the liver feels it-the kidneys sore all through that when I would draw feel it-the nerves feel it, and as a genmy breath it seemed like a thorn pricking eral rule, the beginning of "doctoring" is me. Expectoration was almost constant when the heart, lungs, liver, kidneys or There seemed to be a large lump in my nerves show signs of disorder. The stomleft side. It is impossible to describe al ach, is as a rule, not considered, or fails my aches and pains, as it seemed every to receive the treatment necessary to the organ of my body was more or less in volved. I have taken nine dollar's worth Dr. Pierce's Golden Medical Discovery

in all of your medicine, and consider my cures diseases of the stomach and other self a well woman." organs of digestion and nutrition. By Sick people, especially those suffering enabling the perfect digestion and assimfrom chronic diseases, are invited to conflation of food, it enables the strengthensult Dr. Pierce by letter free, and so cb tain, without charge, the opinion of a specialist on their ailments. All corres body to vigorous health. The most nopondance strictly confidential. Address table cures effected by the use of "Golden



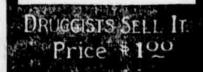
SYMPTOMS LIKE THESE-

BELCHING BAD BREATH, BITTER TASTE BLOATING After Meale HEARTBURN. BACKACHE. HEADACHE. DIZZINESS. NERVOUS WEAKNESS, LOW SPIRITS.

ndicate bad digestion, a disordered system and failing state of health.

PRICKLY ASH BITTERS

s a positive and speedy cure. It lears the body of poisonous secretions, cleanses the blood, aids digestion, strengthens the kidneys, purifies the bowels and imparts renewed energy to body and brain.



5500 REW ARD1

We will pay the above reward for any case of Liver Complaint, Dyspepsia, Sick Headacha Indigestion, Constipation or Costiveness we cannot cure with Liverita, the Up-To-Date Little Liver Pill, when the directions are strict-ly complied with. They are purely Veretable, and never fail to give settisfaction. 25c boxes contain 100 Pills, 10c boxes contain 40 Pills, 5c boxes contain 15 Pills. Beware of substitutions and interface Settisfaction. 25c boxes contain 100 Pills, 10c boxes contain 40 Pills, 5c boxes contain 15 Pills. Beware of substitutions NERVITA MEDICAL CO., Cort. Clinton and Jackson Sts., Chicago, Ill. Sold by For sale by Kuing & Co., 15th and Dourse

For sale by Kulin & Co., 15th and Douges St., Omaha, Neb.; Geo. S. Davis, Council Hiuffs, lowa

MONNEY Refunded. We satisfield with it positive to a starting of the starting

Hastings Largest in History of Association.

and grading to be done by the company.

The company is also to make such changes

s built within five years.

company in its business.

lation

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Chadron.

provements.

they will stop a few days at Honolulu. HASTINGS, Neb., June 20 .- (Special.)-Prepares for Chautauqua. The Nebraska State Sunday School asso-BEATRICE, Neb., June 20 .- (Special.)convention now in session Preparations are being made for the opening day of the Chautauqua tomorrow. Hon. here is the largest the associ-G. A. Murphy, president of the assembly, ation has ever held. The session last will make the opening speech at 8:00 a. m. night at the Presbyterian church was at-The Fisk Jubilee singers will make their by over 700 people. Dr. Cassel led the opening song service. Mrs. Bryner appearance tomorrow night. On next Sunday the Knights and Ladies of Security of Chicago spoke of the responsibilities of Christian workers and acrostic key words will be here, 1,200 strong. They have chartered a special train. On June 30 the were placed on the blackboard as the address proceeded. The only trust Frs. Bryner can recommend is one composed of pastors and parents, superintendents and teachers, by the incorporation of Christian

co-workers. Mrs. Bryner urged that the truth be presented to children in such a way that they could readily understand it 7:00 p. m. and an evening sermon by J. J. Rapp. and would desire to follow it. A basket collection was taken in aid of Funeral of Will Scott. the state Sunday school work and a number BEATRICE, Neb., June 20 .- (Special Telof pledges given for financial support duregram.)-The body of Will scott, who died ing the coming year. vesterday at Omaha, arrived on the Bur-

Miss Belle Kearney of Mississippi was lington tonight. A committee of Elks from ntroduced and delivered a temperance this city went to Omaha to accompany him. address. The opportunity to hear this The body was met at the depot by 200 gifted southern woman and noted temperfriends and the streets for several blocks nce worker was a treat to the delegates. were filled with carriages. The funeral will These officers were elected: President, be at 2:30 tomorrow from the First Pres-Prof. W. R. Jackson of Lincoln: first vice byterian hurch, conducted by the Elks. president and normal superintendent, Mrs. W. H. Kimberly of Lincoln; second vice Harvest at Wymore Begins.

resident and home department superin-WYMORE, Neb., June 20.-(Special.)endent, G. G. Wallace of Omaha; third The wheat harvest has begun, J. L. Dawvice president and superintendent of pri- son having started his binders this morning. mary department, Miss E. Lena Spear of The weather for ripening has been ideal Central City; recording secretary, W. E. and there have been no bad storms. The Nichols of Minden; treasurer, E. J. Wight- acreage is much larger than last year and man of York. District trustees: First dis- the yield will run twenty to thirty-five trict, Rev. Samuel Garvin of Nebraska bushels per acre and is of excellent quality. City; second district, G. G. Wallace of By the first of next week the harvest will Omaha; third district, E. B. Young of be on with a rush. Wayne; fourth district, Dr. C. G. Barnes of

Albion; fifth district, T. A. Moss of Atkin-Damages Battle Creek Buildings. ion; sixth district, Rev. L. P. Ludden of BATTLE CREEK, Neb., June 20 .-- (Spe-Lincoln; seventh district. E. C. Knight of cial.)-Severe electrical storms, accom-York; eighth district, L. P. Albright of panied by heavy rains and some hail, al-Red Cloud; ninth district, Rev. L. E. Hummost every day since June 7, culminated phrey of Farwell; tenth district, H. M. yesterday morning in a terrific rain and hail Amsburg of Broken Bow; eleventh district, storm. Windmills and outbulidings were E. D. Einsel of Holdrege; tweifth district, blown down and considerable damage done tuted for violation of the board's order 2. J. Watson of McCook; thirteenth dis- to crops. Chimneys were blown from the were therefore dropped. trict, Mrs. M. E. Arnold of Gandy; four- Methodist church and the Newark residence teenth district, Rev. W. L. Troyer of Ger- here. ing: fifteenth district, A. E. Fisher of

Farmer Charges Slander. PLATTSMOUTH, Neb., June 20 .- (Spe-The last day's session began with a bible study, conducted by C. L. Kirk of Denver. cial.)-Thomas Mansons has brought suit in The speaker dwelt on the essentially evandistrict court against Thomas A. Sullivan,

gelistic nature of Sunday school work. a farmer residing four and a half miles Rev. F. F. Lewis of Holdrege presented south of Plattsmouth, to collect \$5,000 damhe advantages that have come to the Sunday schools from interdenominational orthe plaintiff alleges that the defendant acganization. From this organization have cused him of having stolen corn and chickcome the various publications bearing upon ens from him. bible study and upon methods of Sunday

Chadron Academy Graduates. school work and statistics which have CHADRON, Neb., June 20 .- (Special.)proved of great benefit in suggesting im-Commencement week of Chadron academy came to a close Friday night. The bacca-The round table conducted by Prof. Hamlaureate sermon was by Rev. John H. Annil, an enjoyable feature of the conven-The graduates are: Guy McCoy. dress. tion, discussed the duties of superintend-Claude Lundy, Samuel Jacobey,

ents and pastors. Rockey, Melinda Wagner and Carrie Munk-The history and nature of Lome departers. The same faculty will continue next ment work were presented by Rev. H. A. Carnahan of Central City. The delegates year. were much in sympathy with this line of Boy Receives Charge of Shot.

work. TILDEN, Neb., June 20.-(Special.)-Prof. Hammil outlined a plan for a sum-Charles Celsligle, jr., was injured yestermer training school in Nebraska, where day morning by a shotgun. He had been teachers could receive expert training in hunting and had stood his weapon against the bible and methods of teaching. Mrs. a building. As he went toward the house Bryner described the Chicago Summer the gun fell and was discharged, the load

Training school for primary teachers. A of No. 6 shot entering the boy's ankle. large number of Nebraska teachers expect Amputation may be necessary. to attend the Chicago school, which meets in July. Masons Buy New Lodge Hall.

At the afternoon session C. L. Kirk of PLATTSMOUTH, Neb., June 20 .- (Spe-Denver continued his series of bible studies, considering the topic "Conse-cration and Education." "The teacher White hall and will have it overhauled and should give himself, heart and soul, to his made into one of the finest lodge roms in after election. work," he said. "He should study the bible | the state.

general from the prosecution the Philippines. On their way over torney thereof.

Directly to the Point.

The opinion, which is brief and directly to the point, says: "The attorney general has presented a motion to dismiss this cause for the reason that he has been enjoined by the circuit court of the United States for the district of Nebraska from the prosecution thereof. During the present term in this very same case we held that the federal court was without power or jurisdiction to enjoin the state, and that the attemped restraint of the attor-Court of Honor of Kansas City will be ney general by such court was an attempt here, arriving on a special train. The fea- to restrain the state itself. 85 N. W. tures here Sunday will be Rev. Dudley's Rep., 556. What the circuit court can-

sermon in the morning and Rev. Dixon of not do directly it may not do indirectly. New York in the afternoon, 'the sacred That is clear. Attached to the motion is a Judge Sanborn, circuit judge, in Starr against Chicago, Rock Island and Pacific

court had jurisdiction to enjoin the attorney general. The argument of the learned jurist is not convincing as to the soundness of his conclusion upon this subject. With our former opinion we the document.

are entirely satisfied and until the supreme court of the United States has spoken on the subject it will be adhered to." The history of the case dates back to

1893, when the federal court issued an order restraining the Rock Island Railroad company from reducing its rates to those prescribed in the maximum freight rate law and prohibiting the attorney general and other state officials from attempting to enforce the provisions of the act. The injunction was never vacated.

Against All Chief Railroads.

During his last term of office ex-Attorcey General Smyth instituted proceedings against all of the principal railroads, excepting the Burlington, to recover alto-

gother over \$1,000,000 in penalties. Some of these cases were for violation of the maximum freight rate law and others were for violation of an order issued by the Board of Transportation. The supreme court of the state subsequently declared the law creating the Board of Transportation to be unconstitutional and all cases insti-Some time in March the case of the State

against the Rock Island railroad was called for hearing before the supreme court and the attorneys for the defendant company appeared with a copy of the injunction issued by the federal court back in 1893. The supreme court at once held that the restraining order issued by the federal court was "utterly and absolutely null." ages for alleged slander. In the petition The case then came up in the federal court on a demurrer.

In overruling the order of the fe court the supreme court held that order was null because it was repus to the eleventh amendment of the fe constitution. On that point Judge born, in his opinion, held that the forcement of the rule-that the court which first takes jurisdiction must retain and exercise it to the exclusion of all pro-Emil ceedings in other courts until its jurisdiction is exhausted by the final judgment or decree by its effective execution-is indispensable to prevent unseemly conflicts between courts and their officers and "confusion worse confounded."

It should not be forgotten that all of the penalty litigation instituted by the former attorney general was begun at a time when the fusion party in Nebraska was sadly in need of capital and that these suits were made the basis of many campaign arguments by the spellbinders last year. It has been intimated by reliable authority St. Louis, part cloudy St. Louis, part cloudy St. Paul, part cloudy Davenport, part cloudy Helena, clear that Mr. Smyth was aware of the restraining order when he began the suits under the maximum freight rate law, but certain it is that by some strange circumstance it was not brought to light until

The appeal to the United States supreme

military department today to all companies of the guard, for payment of barrack rent. Under the law each company is allowed this amount

annually for its headquarters. Articles of incorporation of the Sloux Beet Syrup company of South Sloux City, Neb., were recorded in the secretary of state's office today. The company will deal in beet sugar and chicory products. It is capitalized for \$100,000 and incorporated by William C. Peterson, Louis Jeep, F. A. Wood and A. J. Kramper.

Execution Against Western Union.

An execution against the Western Union Telegraph company was sworn out today by the attorneys of the Call Publishing company. The two corporations fought for years over the question of whether the concert by the Second regiment band at copy of the recent opinion delivered by Call could recover damages for discrimination in telegraph tolls between morning and afternoon newspapers. The United Railroad company, holding that the federal States supreme court finally gave the Call a judgment. This has not been paid. As soon as Sheriff Branson can find a place big enough to store the wires and poles of the company he may conclude to act on

Famous Street Railway Case.

Against the wishes of the city attorney the famous street railway company paving tax cases will come before Judge Cornish next Saturday. It was the desire of the city's representatives that the case go over to the next term, but the traction company urging no further delay the continuance was not granted.



However, Until Tomorrow for the Latter.

WASHINGTON, June 20 .- Forecast: For Nebraska and Kansas-Partly cloudy Friday and Saturday; cooler Saturda;; southerly winds.

For Iowa-Fair in southern, showers in northern portion Friday and Saturday; southerly winds.

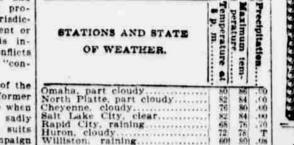
For North Dakota and South Dakota-Showers Friday and Saturday; cooler Saturday; southerly winds.

Local Record.

OFFICE OF THE WEATHER BUREAU OMAHA, June 20.-Official record of tem-perature and precipitation compared with the corresponding day of the last three years:

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

Carlo Carlo Carlo	
deral	Excess for the day
t the	Total excess since March 1
t the	Normal precipitation
gnant	Deficiency for the day
ederal	Total precipitation since March 1., 10 inche
	Deficiency since March 1 1.86 inc
San-	Deficiency for cor. period, 1900 1.35 inc
en-	Deficiency for cor. period, 1899. 4.85 Inche
Constant and the second	
which	Reports from Stations at 7 P. M.



T indicates trace of precipitation.

Chicago, clear Kansas City, clear Galveston, clear Havre, part cloudy Bismarck, cloudy.



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