

LAWYERS' CONVENTION ENDS

Judge R. P. Davidson of Teosmuck Elected President of Association.

SOME INTERESTING PAPERS PRESENTED

C. C. Wright and F. G. Hamer Speak on "Irrigation"—Judge Hastings, F. A. Brogan and Others Read Papers.

The annual convention of the Nebraska State Bar association came to an end yesterday afternoon, after officers for the ensuing year had been elected, as follows:

President, S. P. Davidson, Teosmuck; first vice president, W. H. Kellner, Auburn; second vice president, A. W. Critch, Chadron; third vice president, W. T. Wilcox, North Platte; secretary, Roscoe Pound, Lincoln; treasurer, C. A. Goss, Omaha; member of executive council, R. W. Brackridge.

At the opening of the afternoon session Francis A. Brogan presented some phases of "The Making of a Law." He referred to the power of courts to set aside the action of legislatures; dividing this power into two classes, one where the act is opposed to the fundamental laws of the land and the other where the act was defective in its form or operation.

"In the exercise of this power," said he, "there has been a well-defined growth. At first there was a strong minority in favor of permitting a legislature to define its own scope of action. At first this power was confined to setting aside laws abhorrent to the constitution; then came a time when some state constitutions made provisions regarding the form of bills. More laws have been set aside in the state of Nebraska on account of defective form than in any other state in the union. The supreme court in this state has gone much further than courts in other states. In this state, before a lawyer can advise a client as to the force of a law, he must not only have a copy of the session laws, but a full copy of the journals of both houses, and then must take chances on those records having been mutilated.

Consolidation of Law Might Fail.

"In the matter of the consolidation of the cities in Douglas county it is safe to say that no bill can be prepared and passed which will successfully stand the scrutiny of the supreme court under the terms of the present constitution. So complex have become the subjects of legislation that it has become impossible to draft a bill which can be said to be a remedy for the evil one subject. The true remedy for the evil is to omit from the new constitution of the state of Nebraska the provisions which have been considering. The effect of this will be to confer more power upon the legislature, but it is to be remembered that the conferring of more power upon the legislature is not a commendable performance of a public duty.

E. C. Calkins of Kearney read a paper on the subject of "Reforms in Revenue Laws." The speaker referred to the permanent school fund of the state as a standing temptation to work men in the legislature; he said that the system of assessing special funds for the redemption of certain obligations should be discarded. Referring to assessments, he said that property should be assessed at its full value and the rate should be correspondingly reduced. The best system of taxation is that which taxes least.

The last paper of the afternoon was by Roscoe Pound on the subject of "The Doctrine of Equity." The paper was an able discussion of a matter of great interest to lawyers.

At the conclusion of this address Chairman Wright of the memorial committee reported suitable resolutions of respect for the memory of W. S. Strawn and Judge Clinton N. Powell, the only members of the association who died since the last meeting.

Wright on Irrigation.

At yesterday morning's session the first subject discussed was that of "Irrigation," on which a paper was presented by C. C. Wright. His conclusions were as follows:

"The common law doctrine of riparian rights to meandered streams in this state and particularly the Platte river are not and have never been considered applicable on account of the condition in the state, the necessity of modification of the old rule, the character of the streams and the established public policy of the state.

The common law doctrine of riparian rights is not applicable to the meandered streams of this state because the title to the beds of its streams and to the waters thereof were vested in the state by the organic act of Nebraska and this doctrine of riparian rights, limiting the use of waters for irrigation, has no application to public waters, but only to those streams which may be denominated private waters or which flow through or over a man's land.

The legislative history of this state in assuming the control of the beds and waters of meandered streams has been such that no one purchasing lands along the banks of such streams can claim any right as against the state in its power to divert and use the waters of such streams.

Lawyer and His Jury.

Judge W. G. Hastings of Crete presented the second paper, which was a discussion of "The Lawyer and His Jury." The speaker briefly traced the early form of jury trial; its development and modification from the introduction of the inquisition by William the Conqueror. He said that the jury system was the cause of the vitality of the common law.

At the request of the association Judge F. G. Hamer of Kearney presented a paper on the subject of "Irrigation," in which he particularly discussed the use of water in Nebraska.

The following persons were admitted to



All Talk

No cures to report, no long record of testing, nothing to give you confidence—but talk, all talk. That's the truth about nearly all cough medicines. But there's a record of 60 years of cures back of Ayer's Cherry Pectoral. And physicians endorse it, prescribe it for colds, bronchitis, and coughs of all kinds. Probably your own doctor does. Ask him. He knows all about it—has the formula.

"I know from personal experience that Ayer's Cherry Pectoral is the best medicine in the world for quickly breaking up a heavy cold that has settled on the lungs."—D. C. SNEDEKER, Pine Hill, N. Y.

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AFFAIRS AT SOUTH OMAHA

Secretary Marsh Says Y. M. C. A. Needs More Room.

NEW IMPROVEMENT CLUB IS ORGANIZED

Purposes to Have Voice in Library Matter, Which Only Adds to the Trouble of the Authorities.

Secretary Charles Marsh of the local Young Men's Christian association yesterday completed his annual report. It shows that the revenue for 1901 from all sources amounted to \$2,692.63. In the matter of disbursements \$1,893 was spent for salaries, while \$388 went for rent, fuel and light. The physical department cost \$150. Miscellaneous expenses make up the balance. There is, or was on January 1, a balance of \$1,893.63 in hand.

It was in 1895 that the association here was organized and the receipts by years follow: 1895, \$1,433; 1897, \$1,113; 1898, \$1,353; 1899, \$1,840; 1900, \$1,550; 1901, \$2,692. The bills payable for 1901 amount to \$1,112, while the bills receivable amount to \$681, leaving a balance of \$511. Commencing with January 1, 1897, with a membership of 261, there has been a steady increase, until now the roll call shows 322 members.

As an evidence of the interest taken in the work of the association, the total attendance at the meeting during the last year was 19,689, as compared with 18,427 the year before.

Secretary Marsh says that the organization is handicapped in every department by lack of room, the equipment being deficient for the needs of the members. An effort is now being made to increase the membership and thus procure financial support enough to either secure more commodious quarters or else increase the present equipment.

New Improvement Club Organized.

Quite a number of citizens and taxpayers met Thursday night at the office of Dr. W. J. McCann and perfected an organization. Dr. McCann was chosen president, Judge F. A. Agnew, secretary, and Henry Michel, treasurer.

Following the organization the club appointed a committee to wait upon the mayor and council for the purpose of suggesting names of men to be appointed on the library board. Another purpose of the club is to secure the location of the building somewhere south of N street and between Twenty-fifth street on the west and Twenty-third street on the east. It is understood that the club will work for a site near Twenty-third and Q streets.

The organization of this club for the purpose named is only causing trouble for the authorities in this library matter. It has been given out that as soon as the library board is appointed and the members qualify and organize, bids for sites will be asked for. No bids exceeding \$2,000 will be considered, as this is the amount of the appropriation.

At any rate, the members of the club assert that they propose to do their utmost to have a public building of some sort erected south of N street.

Report of Transients.

Superintendent McLean of the public schools yesterday completed a report of the children of school age who are not attending school. This report shows that in the first ward there are thirty boys and forty-four girls, making a total of seventy-four. In the second ward the numbers are even, being fifty-eight of each sex, making a total of 116. Over in the third ward the transient offered found 123 boys and 105 girls, a total of 228. The fourth ward, according to the report, has forty-eight boys and twenty-eight girls who are not attending school, a total of seventy-six for this ward. In the fifth ward, which is a large one, the boys number seventy-five and the girls sixty-six; total, 141. The sixth ward shows only twenty-eight boys and twenty-seven girls; total, fifty-five. The grand total reported is 690.

This report has been compiled by Superintendent McLean, after a careful comparison with the names in the census report and the actual enrollment in the public and parochial schools. It is understood that an effort will be made to enforce the compulsory educational laws in relation to these children.

Who Pays the Bill?

Since the announcement has gone out that all of the nine members of the Board of Education have been elected by the grand jury, some of the members of the Taxpayers' league have been asking who will pay the bills for defending the members. Judge J. B. Breen is the regular attorney for the board, but as he receives a salary of only \$300 a year, it is thought that perhaps the board should employ additional counsel in order to assist in the defense. Then again there is the question whether each member will demand a separate trial and employ his own attorney. On this point the members of the board are mute. Developments clearly indicate that the board will appropriate school board money to employ consulting attorneys to assist Judge Breen, in case he is called up to represent the board when the members are arraigned in the criminal court.

That Retirement Scheme.

Senator Millard is taking an interest in the proposition to retire employees of the Bureau of Animal Industry who have reached the age of 60 years. Yesterday several of the older employees of the department have received letters from the senator asking their opinion on the matter. The feeling here seems to be that the idea is a good one, and it is being heartily endorsed, especially by the fourteen employees in the department who will be affected by such a measure.

Tom Hector Quits.

For the first time in fourteen years Tom Hector is out of office. He started in as city clerk of South Omaha in 1888 and was elected by a nice majority when there were only about 200 voters in the city. From the office of clerk he was elected city treasurer and served three terms of two years each. Before his term as treasurer expired he was elected county commissioner and served six years. Hector says that all he is going to do now is to run for mayor of South Omaha in the spring.

Setting Foundations.

Chief Engineer King of the Stock Yards company stated yesterday that the foundations for the new insulated loading sheds at the Cudahy plant were being laid. The stock yards company has half a hundred men at work grading and relaying tracks to conform with the plans for the loading platforms. It is necessary to lower the tracks at the Thirty-third street end of the railroad and this work is being pushed as rapidly as possible during the pleasant weather. The relaying of the tracks, along with the insulated platforms and the sheds, will cost the Cudahy company in the neighborhood of \$20,000.

Death of Samuel Wyman.

Samuel J. Wyman died yesterday at his home, 1011 North Twenty-first street. He deceased was 79 years of age and had been ill only a short time. He had resided in South Omaha for fourteen years and during the last year of his life was employed by the Union Stock Yards company. Two children,

W. B. Wyman and Mrs. F. W. Goodspeed,

are here to mourn the loss of an exceedingly kind and lovable parent. Funeral services will be at the family residence at 2309 O'Connell Sunday afternoon. While the members of Bee Hive lodge of the Masons have charge of the services, the lodge has invited Rev. H. L. Wheeler and Rev. George Van Winkle to officiate. The interment will be at Laurel Hill cemetery.

Magic City Gossip.

Police Officer Kruger is out again after a short illness. A son has been born to Mr. and Mrs. J. J. Mahoney, Fifth and Y streets. A case of smallpox is reported at the home of David Boyer, Twenty-ninth and H streets.

Mrs. Roy A. Davis of Gibson, Neb., is visiting her parents, Mr. and Mrs. Ivor Thompson.

There will be a sparring contest between Ole Olson of Chicago and Eddie Gardner of Omaha at the home of Jim's hall on Friday evening, January 17.

The week of prayer observed by the churches of this city will close tomorrow at the Young Men's Christian association rooms. Secretary Marsh was in charge.

Frank Maurer, Twenty-first and P streets, was reported dead at the health bureau at that time. He is to have another hearing and the hearing before Judge Gordon counts for naught.

This is the program as mapped out at present, but if by some trick of fate Judge Gordon should be in the ascendency at or before that time, it will be subject to amendment.

"Jim's Bacon is not necessarily cooked," said Attorney Tom Donohue, in addressing Judge Berka yesterday morning. "And I'm glad we have two chances. That's the beauty of having two police judges. If you don't like the ruling of one of them, recognize that at other."

"Sleepy" Hewitt, who was discharged Thursday, and Jim Bacon were co-defendants on the same charge and the evidence against them is the same. Since Hewitt's case was dismissed it is likely that Bacon's will be also.

Mister and Mister.

Judge Gordon, as usual, spent the morning out in the hall, closely guarded by Officer Davis. At 10:30 he arose, continued a batch of imaginary cases until tomorrow morning and dismissed a mythical court.

An hour later Judge Gordon and Judge Berka met on the street. It was the first time they had met face to face since the clash of last Tuesday morning and for an instant it looked as though they were going to be "strangers." Then Judge Berka smiled voluminously and held out his hand. Judge Gordon seized it.

"There's no reason why we should be personal enemies, Mister Gordon."

"None whatever, Mister Berka. You have your way and I have mine," said Judge Berka. Then they forced a laugh and separated.

"Gordon and Eller, have got something up their sleeves," said a police station habitue yesterday, "and I think know what it is. They are waiting for Judge Berka to bind someone over to the district court, then they're going to get him out of jail on a writ of habeas corpus, and when it comes up for a hearing before a district judge they'll test Judge Berka's right to the office of police judge."

Attorney Eller, to whom this report was communicated, would not deny that he had in mind some such scheme.

PLUMBING ORDINANCE GOES

Joe Johnson is Fined Five Dollars for Working Without a Permit.

Joe Johnson, a plumber, was arraigned in police court Friday on a charge of violating the city plumbing ordinance by working at his trade without a permit from the city Board of Plumbing Inspectors. He pleaded guilty, and was fined \$5 and costs. The heaviest fine thus far imposed by the new police judge.

The case is of interest also because it is the first to be brought under the plumbing ordinance passed last winter.

FOR MARKET AND CHURCH

Clear Sky Favors Nebraska Shoppers and Worshipers, Though Winds Be Fickle.

WASHINGTON, Jan. 10.—Forecast for Saturday and Sunday: For Nebraska—Fair Saturday and Sunday; variable winds. For Iowa—Fair Saturday and Sunday; west to northwest winds. For Illinois—Fair Saturday; colder in southern portion; Sunday fair; brisk northwest winds. For Missouri—Fair Saturday; colder in west and south portions; Sunday fair; northwest winds. For Kansas—Fair Saturday and Sunday; northwest winds. For Wyoming, Colorado and Montana—Fair Saturday and Sunday; variable winds. For Oklahoma, Indian Territory and Arkansas—Fair and colder Saturday; Sunday fair; north winds. For North Dakota—Fair Saturday and warmer in west portion; Sunday fair; northwest winds, becoming variable. For South Dakota—Fair Saturday; Sunday fair and warmer in east portion; variable winds.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Jan. 10.—Official record of temperature and precipitation compared with the corresponding day of the last three years.

1902, 1901, 1900, 1899.

Maximum temperature..... 37 24 28 34

Minimum temperature..... 34 14 24 27

Mean temperature..... 34 14 24 27

Precipitation..... 00 .01 T T

Record of temperature and precipitation at Omaha for this day and since March 1, 1901:

Normal temperature..... 20

Excess for the day..... 14

Total excess since March 1, 1901..... 1119

Normal precipitation for the day..... .02 inch

Deficiency for the day..... .63 inches

Precipitation since March 1..... 24.11 inches

Deficiency since March 1..... 6.37 inches

Deficiency for cor. period, 1901..... .49 inches

Deficiency for cor. period, 1900..... 4.39 inches

Reports from Stations at 7 p. m.

CONDITION OF THE WEATHER.

Temperature at

Time of day

Wind

Direction

Force

Clouds

Moisture

Barometer

State

City

Country

World

Universe

God

Devil

Man

Woman

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