MANDAMUS SUIT IS FILED

Action Brought by County Democracy to Beat the Jacksonians.

PARTY SPLIT ON EVE OF ELECTION

rate Democracy Man Brands Effort to Recall Howell Convention as Rank Piece of Political Outlawry.

Democratic harmony reached the bursting point yesterday when the County Democracy filed a mandamus suit in the district court against its ancient enemy, the Jacksonians, to prevent the latter from recalling from its political tomb the convention that nominated Ed Howell for mayor in 1903 as the convention to name the candidates for water commissioner and members of the Board of Education.

The petition was filed this morning in the office of the clerk of the district court, to force the democratic city committee to issue a call for a convention to nominate five democratic candidates for the School Board and one democratic candidate for the Water Board. Judge William A. Redick, after reading the petition, for which James P. Connelly and Daniel Gilus were relators, and which was drawn up and presented by Attorney H. C. Brome, made an order for the issuance of alternate writs of mandamus returnable Saturday morning at 9:30 in the court of Judge Day.

Twenty-nine alternate writs will be issued as soon as they can be prepared in the attorney's office and will be served by the sheriff. They will name the twenty-seven members of the committee authorized by the convention of April 11, 1903, and its secretary and chairman. The names of those to be served follow:

William P. Bullard, Alfred G. Ellick, John Sheehan, Charles W. Young, Anton Kreck, Olhrich J. Jelen, Michael Nittler, Alfred Feenan, Thomas Harrington, Edward Arnold, William Silk, George G. Seay, Lysle I. Abbott, Frank B. Johnson, Otto Baumann, Addison A. Arter, Frank Planck, W. H. Chadwick, George W. Shields, Joseph Sherry, John J. O'Connor, James Schneiderwind, Vincent Czerwinski, Charles Johnson, Lee Van Camp, Joseph P. Butler, Clement L. West, Eli Garrett, Joseph Rapp, jr.

What the Petition Contains.

The petition sets forth that under the law a convention should be called either to nominate five candidates for the school board and the water board candidate or to elect delegates for a convention to be called to nominate these candidates. The petition further sets forth that the members of the city committee which acted in 1903, "or some of them," desire to control the selection of the candidate for the water commissionership and are afraid to trust the voice of the democratic voters. Further, that some of the committeemen chosen in 1903 who now presume to act are dead, others have ceased to affiliate with the democratic party, others have removed from the wards in which they were elected or have removed from the city. The petition, for these and other reasons, asks a peremptory writ of mandamus to command these men, as such committee, to issue a call for a convention as required by law, to give proper notice and to make rules and regulations, and to give such other relief as will be necessary to a free and unrestricted choice of candidates by democratic voters.

As the petition includes all of the members of the old committee, some of those served are not of the Jacksonian faction which gained control at the meeting of Tuesday evening, but of the County Democracy, bringing the suit. For this reason the petition qualifies the declaration that the members are all in favor of a candidate for water commissioner who could not be elected at a primary.

"Mr. Gilus, as a democratic voter," said Mr. Connolly, "and myself, as interested party, have signed the petition. We demand a primary to select candidates for these offices. This is no election, and a nomination is a selection of the man for the water board. For this reason we feel that 7,000 or 8,000 democratic voters of this city should have a chance to say whom they wish for the place."

Rank Political Outlawry.

"This move by the Jacksonians is the rankest piece of political outlawry I ever heard of," said a prominent and thoroughly rate county democracy man. "In the first place, there is no precedent for it, and then it is wholly without reason. Why should the democrats be asked or forced to recall a repudiated convention, a convention whose nominee for mayor ran third in the race with the republican party split? That is what Howell, the product of this Howell convention, did. He being renounced by his party at the polls meant nothing but that the convention which foisted him on the party was rebuked. Then why should this convention again be called back from the grave and permitted to sway again its ghastly sceptre over the party? Might as well go back four years or six years and dig up a convention. There is no limit if this thing is allowed to go unrestricted.

"The Herdman-Howell ringsters must not think they can tramp rough shod over us in this way. We will not stand for it."

All of which goes to show once more the beautiful, peaceful spell of up-to-date harmony that prevails in the camp of the democrats on the eve of election.

BOYS CAUGHT AT BURGLARY

Two Youths from Respectable Families Rifle Saloon Till—Discovered in the Act by Policeman.

Discovered in the act of rifling a till in Koenigsbruegger & Ewoldt's saloon, at 2311 Leavenworth street, at 3 yesterday morning, Sam E. Miller of 2819 Leavenworth street and Edward Lynch of 2307 Mason street, aged 18 and 19 years, respectively, were arrested and the charge of burglary was placed against their names at the city jail. They were arraigned before Acting Police Judge Bachman on the charge, waived preliminary examination and were bound over to the district court on a bond of $800 in each case.

About 3 o'clock this morning Officer Edgehill observed one of the lads crawling under the bar and hiding himself in the shadow of a doorway, and saw him take the money from the till. Calling one of the nearby residents to watch the front door, the officer ran to the rear entrance, where he saw a window had been broken. Peering through, he saw the cellar lights had been turned on and the burglars walking about. The young men tried to go out of the back window, but were surprised by Edgehill shoving the muzzle of his gun through the opening and warning them to keep still.

"Go back boys," said Edgehill, kindly, "go back or I'll blow your heads off." The boys went back.

When the patrol wagon arrived with extra officers the two submitted to arrest without the least show of resistence. Both acutely felt their shame and stood in the middle of the room with their heads down. Lynch backed away when the handcuffs were about to be placed on him, but that was the only move either made.

Lynch works in the Union Pacific freight yards and Miller had been doing the same sort of work but of late has been out of a job. Both are from respectable families and no reason can be assigned for them doing such foolhardy work. Mr. Ewoldt, one of the proprietors of the saloon, who has known the boys since they were mere children and who has befriended them again and again, was very much affected when he discovered who the burglars were.

"Why did you do it boys," he said with a catch in his voice, "why did you do it? I would have given you the money rather than have this."

The money in the till, amounting to $27.25, was found on the stairs leading to the cellar where it had been dropped when the young men found themselves trapped.

MORE PUPILS THAN AT FIRST

Public School Attendance is Greater Than Reported on the Opening Day.

The public schools showed a gain in attendance of 200 on the second day, reducing the disparity with last year's figures to only 228. The biggest defection is from the Lake and Lothrop schools, both situated in the district of the new Sacred Heart parochial schools. The latter are accredited with drawing away the attendance of about 175 pupils.

"The schools now are thoroughly organized and on a working basis," said Superintendent Davidson. "There are no cases of overcrowding and conditions generally are satisfactory."

Truant Officer Parker is making the rounds of all kinds of business institutions to discover wherever children under 15 are employed. After locating such children he makes an investigation at their homes as to age and financial condition of the family. If it is imperative that the child should work he is compelled to go to night school, but if the father is alive the truant officer insists upon the proper attendance during the day. About fifty children under 15 years of age have been found working this year, but their cases have not yet been fully looked into.

COAL PRICES LITTLE LOWER

Schedules Less Than One Year Ago, According to Bids Submitted to City.

Tabulation of the bids for coal received by the Advisory board of the city show prices are a few cents less in nearly every case than a year ago. For anthracite a price of $9.90 is named by the C. W. Hull company, and for Weir City steam coal a figure of $2.80 by Sunderland Bros. Rock Springs coal is quoted at $6.80 by Sunderland Bros. and screened Missouri lump is named at $3.85 by Victor White. The awards will be made at another meeting of the board to be held in a few days. The figures for feed and forage for the fire and police department horses ran about the same as last year.

Card of Thanks.

I desire to express my heartfelt thanks to my many friends and neighbors for the numerous kindnesses shown and the beautiful floral offerings given during the sickness and death of my beloved husband. Among those I especially wish to thank are the Omaha Plattdeutsche Verein, who so kindly escorted him to his final resting place; the Orpheus Singing society, for their pathetic music, and for the brotherly feeling shown by the Neighbors of Beech camp No. 1454, M. W. of A.

MRS. FRANZ WERNER.

Lecture Tonight.

A lecture on "The Church in America; Her Establishment and Missionary Work Among the Colored People and Indians and in Alaska," will be given in the basement of Trinity Cathedral, Eighteenth and Capitol avenue, tonight (Friday evening, September 9th) at 8 o'clock by the Rev. Charles Scadding. The lecture will be illustrated by 200 beautifully colored stereopticon views. There will be no admission charges.

Omaha Driving Club.

A meeting of the members of the Omaha Driving club has been called for 8 o'clock this evening at the office of F. A. Nash, room 6 New York Life building. It has been urged that this meeting be largely attended, as besides considering the coming field day other matters of unusual importance will be presented for consideration. The field day will be held as the closing matinee of the season and is expected to be a red-letter event from gong to gong.

MISSIONS AND PROHIBITION

Baptists Want Former Protected in Congo Free State.

WILL ASK CONGRESS TO INTERCEDE

Omaha Association Resolves to Suppress the Liquor Traffic, Condemning License System as Impotent to Do It.

The Omaha Baptist association adopted resolutions immediately prior to its adjournment yesterday, urging congress to intercede on behalf of the Christian missions of the Congo Free State against the reported criminal oppression, instructing its officers to present the matter to the attention of Nebraska's senators, advocated the prohibition of the liquor traffic, denouncing the license system and denounced the Sunday newspaper in harmony with its view of Sabbath desecration.

The convention which had lasted for three days adjourned at 12:15 p. m. The association will meet next year at Wahoo, the time to be announced later. Rev. J. W. Conley, pastor of the First church of Omaha will preach the annual sermon then.

These meetings which have been held at Grace Baptist church, Tenth and Arbor streets, have been largely attended by clergy and laity from the seven counties comprising the association.

The memorial committee reported twenty-one deaths during the last year among the churches of Omaha district.

Missions, Prohibition and the Sabbath

The following resolutions were adopted:

Whereas, reports received from the Christian missions of the Congo Free State indicate that the people of that state are suffering from criminal oppression for which the government of that state apparently is responsible, and

Whereas, a memorial asking for an impartial investigation of conditions existing in the Congo Free State under the rules of the Congo government, rules made by the powers that created that government, is now under the consideration of the United States senate,

Resolved, that the Omaha Baptist association records herewith its earnest hope that the congress of the United States will take favorable action with reference to this memorial, and be it further

Resolved, that the officers of this association be hereby instructed to bring this action to the attention of our United States senators from Nebraska.

Resolved, that the license system is vicious in principle and a failure as a remedy. It cannot be enforced without sin. As a temperance measure is it a mockery and does not in any sense curtail the evil of the liquor traffic. It has not hindered the alarming increase in the use of intoxicating liquors not diminished the lamentable and outcrying misery which results from the legalized saloon.

Resolved, that we stand unequivocably for total abstinance for the individual and for prohibition in the state and nation. We earnestly exhort our churches to use every available and honorable influence for the overthrow of the liquor traffic and its political champions.

Resolved, that we commend the Women's Christian Temperance union, and the Anti-Saloon league to the co-operation and support of our membership.

Resolved that we record our loyalty to the Christian Sabbath and earnestly represent to our people that every consideration of religion and humanity calls for its inviolate preservation. We sincerely deprecate the printing of Sunday newpapers and similar business ventures on the Sabbath.

Thanks to Mr. Fellman.

The thanks of the association were tendered to Rev. B. F. Fellman for the excellent program provided for the meeting of the association and to all who participated in the program.

Rev. B. F. Fellman was elected a delegate to the state Baptist convention to be held at Fremont.

The following were unanimously re-elected members of the board of trustees of the Widows and Orphans of Deceased Ministers' fund: W. Earnest Johnson, H. C. Rhoades of Omaha and Frank Griswold of Fremont.

A resolution was adopted urging the delegates to the state Baptist convention to seek to have some provision made by that convention for the support of aged and superannuated ministers and their wives.

BEATRICE SETTLES SUIT

Satisfies Old Judgments as Outgrowths of Bonded Indebtedness Created for Paving Improvements.

The judgments recently issued out of the United States circuit court against the city of Beatrice and its officials have been satisfied and paid; the necessary evidence to this effect having just been filed in the United States circuit court.

The cases were those of the United States on the relation of Chester B. Masslich, against James P. Saunders as treasurer of the city of Beatrice; The Bangor, Me., Savings Bank against The City of Beatrice; The Tompkins County, New York, National Bank against The City of Beatrice and Chester B. Masslich against The City of Beatrice.

These suits, representing approximately $15,000, were the outgrowth of a bonded indebtedness created by the city of Beatrice for paving improvements during the boom period of fifteen or sixteen years ago. In the period of hard times following the city was unable to pay the interest and bonds as they matured and consequently an effort was made a few years ago to compromise with the creditors by the issue of refunding bonds at a lower rate of interest. A large majority of the creditors of the city agreed to the proposition, but C. B. Masslich, as attorney for the Bangor Savings bank and the Tompkins County National bank, would not agree to the proposed compromise.

Several other cases were pending in this court on the same issue against the city of Beatrice, but these are practically disposed of now, the satisfaction of the several judgments being a practical dismissal of the cases.

OLD MAN CALLED A THIEF

Locked Up at City Jail and Accused of Stealing Corn from Farmer.

Fred Anderson, of the firm of Anderson Bros., millers at Irvington, walked into the police station early yesterday and remarked:

"Is this where thieves are put?"

"The identical place," said Desk Sergeant Marshall.

Anderson walked out to his buggy, which was standing outside, and helped an old man to alight.

"Come on, Pete," he said gallantly, "we found the place all right, all right." Then to the desk sergeant: "This is the man I charge with stealing corn."

The old man was Pete Hiler, also of Irvington, who denied ever stealing anybody's corn.

"Aw, gwan, Pete," said Anderson, jokingly, "what did you tell me coming in in the buggy and where did you get that corn?"

Pete thought for a moment or so, then his face illuminating as if with a bright idea, he said:

"Why, he gave it to me."

"Who did?"

Pete thought again, a little longer than before, and again his face shone.

"Why, the Ewarts," he said.

Hiler is 61 years of age and at one time had a farm of his own at Irvington, but during the last few years he has been living by doing odd jobs for the farmers around. His family is living at Irvington.

Hiler is being held at the county jail pending further investigation by the authorities.

NOTE COMES LITTLE TOO LATE

Answer from South Omaha Man to Woman Advertising for Husband is Tardy.

A certain young woman recently placed a want ad in the columns of The Bee, saying she would like to meet a man of a certain description, her intention being that of matrimony. Within a day or two answers began to come in. Within four days she had a large batch of answers and although she made her selection from among the first receipts, letters have not ceased to come to her address. Here is one received this morning, the name of the sender being withheld:

South, Omaha, Neb. Sep. 4, 1904.

Dear friend

I Saw your add in the omaha daily bee and I ain't very bizy so I rite to you. I tell you how I look or Some what close to it I am 5 ft 8 inch tall way 190 lb blue eyes light hair Complection light full of fun alys out for good time got a good yob worked in won plase four 3 year I am 33 year old and would love to get a quainted with some good ladie

I belong to good orders

and good looking and alys wair good close and now if you mean bisness anser soon and we Change pho Graff and we meet Some place where it would be Convent four you

I close four this time four I don't know how to rite to a stranger oh, I gess I turn

hoping to here from you soon good by

This man signs his full name, and gives the number of his residence, but unfortunately the woman to whom he wrote had already secured the results looked for and closed negotiations.

GUARDIAN NOT SATISFACTORY

Administrator of Estate and Custodian of Children Object of Neighbors' Wrath.

A citation was issued this afternoon from the office of the clerk of the county court to James W. Kranda of 1313 William street to appear Saturday morning and show cause why he should not be removed as administrator of the estate and guardian of the children of the late James Kranda.

This action is taken as a result of the decided displeasure expressed by the neighbors of the manner in which Kranda has performed the duties of his office. Wednesday night a neighborhood row resulted from a family affair in the Kranda home, and the police were invited to disperse almost a hundred of the people living in that part of town who had gathered and were taking a more or less active part in a disturbance of the peace.

At the time of his death the elder Kranda was a widower with several small children. He left real estate consisting of two houses and a life insurance policy. The younger man, shortly after his appointment as administrator and guardian, was married. There is said to have been much friction since that time, ending in the outbreak of Wednesday night.

DETROIT MAN PROVES GOOD

Easy to Separate From What Little Cash He Has with Him.

The platitude about 30 cents and appearances is exact and all that is necessary in speaking of Harold Beal of Detroit.

Two strangers and a penniless man with a freight bill to pay removed Mr. Beal from $4 of his contingent expense wad and left him 30 cents. He explained the matter at the police station. It seems he had been in the city but a short time, when he became acquainted with a man at Eleventh and Farnam streets, who employed Beal to work on his (the employer's) grandmother's farm, which was said to lie close to town. Beal considered this pretty good work on his part, getting employment in so short a time in a strange town. Later another man came along and Beal must have allowed the knowledge of his money to become public, for shortly the party strolled down to Ninth and Farnam streets, where a new person came in with the freight bill and the troubled face. Beal was induced to advance the cost of drayage.

WALLACE HELD IN DENVER

Man Wanted in Omaha for Alleged Forgery is Detained in Colorado.

Chief of Police Donahue is in receipt of a letter from Chief Delaney of Denver saying John B. Wallace, wanted in Omaha for forgery, has been arrested at Denver on another charge of forgery. Wallace is said to have passed a worthless check on T. J. Daly, plumber, 701 South Sixteenth street, August 20. The check was signed "Capital Heating company of Chicago," and was for $25. Wallace changed his name to Wall when he reached the Colorado town. In view of the fact that the Colorado authorities have a good case against the man, it is thought he will not be brought to Omaha for trial.

Assistants to Cooley.

Two assistants were put to work yesterday in the water board office to help Engineer Cooley in checking over the schedules of the water company, making measurements and estimates. One man from the engineering department also has been transferred temporarily to aid in the work, which is encumbered with much detail.

Curing Child of Lockjaw.

Frank McKeon, the 11-year-old son of Mr. and Mrs. John McKeon of South Omaha, who is being experimented on by Dr. McCrann for lockjaw, was much better Thursday morning. When Mr. McKeon called at Jetter's brewery to see his son he found the lad so much better that he could open his mouth and not only partake of nourishment but speak. Dr. McCrann is very much encouraged with his experiment and is confident that by confining the patient in the chill room at the brewery for a few days more a complete cure will be effected.

Woodmen of the World Special Train to St. Louis.

The Woodmen of the World have arranged with the Wabash to run a special train, leaving Omaha Union station at 8:45 a. m., Council Bluffs 9 a. m., Sunday, September 11. A very low round-trip rate, $8.50 from Omaha, $8.25 from Council Bluffs, with correspondingly low rates from all stations.

Everyone invited to join special train. Insist upon your ticket reading via Wabash, the only line with its own station at main entrance of World's fair grounds, thus saving time, extra car fare and annoyance. For all information call at Wabash city office, 1601 Farnam street, or address HARRY E. MOORES, G. A. P. D. Wabash Railroad, Omaha, Neb.

Special Summer Tourist Rates to Kentucky, Tennessee, North Carolina and Virginia.

The Chicago Great Western Railway will sell special round trip tickets at very low rates to Crab Orchard, Ky.; Middleborough, Ky.; Lake Springs, Conn.; Olive Springs, Tenn.; Asheville, N. C.; Hot Springs, N. C.; Roanoke, Va.; Glade Springs, Va.; Radford, Va., and other points. Tickets on sale daily, good to return until October 31. For further information apply to S. D. PARKHURST, General Agent, 1512 Farnam street, Omaha, Neb.

Special Summer Tourist Rate to Detroit, Mich.

The Chicago Great Western railway will sell round trip tickets at one fare plus $2.00. Tickets on sale daily. Good returning until October 31. For further information apply to S. D. Parkhurst, General Agent, 1512 Farnam St., Omaha, Neb.

$20.00 to Chicago.

The Chicago Great Western Railway will sell special round trip tickets to Chicago at $20.00. Tickets good for return until October 31. For further information apply to S. D. Parkhurst, general agent, 1512 Farnam street, Omaha, Neb.

Home Visitors' Excursions Fair.

Tuesdays in September and Oct. 11. Good thirty days. Half fare plus $2. Many points in Indiana, Ohio and Kentucky.

Inquire at the Northwestern Line office. 1401 and 1403 Farnam St., Omaha.

Funeral Notice.

The funeral of J. N. Davis, jr., will be held Friday afternoon, September 9, at 2 o'clock from the residence of parents, J. N. Davis, 2128 Sixth avenue, Council Bluffs, Ia. Interment at Prospect Hill.

Temple Israel.

Seats for holidays September 10 and September 19 may be obtained at Moritz Meyer Cigar Co.; Sach's Cigar Co.; A. Mandelberg, the jeweler; J. L. Brandeis & Sons; Nebraska Clothing Co., or of the secretary, 538 Bee Bldg.

Marriage Licenses.

The following marriage licenses were issued up to noon September 8:

Name and Address.	Age.
Charles Rasmussen, Omaha	30
Amelia Gieselman, Omaha	23
Frank Bennett, Omaha	38
Ella Ringer, Burwell, Neb.	29
John S. Boles, Woodbine, Ia.	23
Ila M. Moore, Omaha	22
William F. Hall, Lincoln	30
Jeanne B. Townsend, Beatrice	21
Frederick J. Schnell, Omaha	28
Emma Myers, Omaha	26