

GIBSON LAW TO BE TESTED

Validity Question in Habeas Corpus Case in Supreme Court.

REESE OUT FOR SUPREME JUDGE

Will Be Prosecuted if It Does Not File Reduced Freight Schedules.

Missouri Pacific Railroad Warned It Will Be Prosecuted if It Does Not File Reduced Freight Schedules.

LINCOLN, July 9.—(Special.)—The constitutionality of the Gibson anti-brewery bill, passed by the recent legislature, is to be tested very shortly as its validity has been questioned in an application filed with the supreme court asking for a writ of habeas corpus to secure the release of Julius Reusch, arrested for conducting a wholesale and retail liquor business. The application will be heard at 10 o'clock tomorrow. The points raised in the application are as follows:

1. The act is intended for the reason that the subject is not a citizen of the state in the title, the act purporting to be supplementary to some existing act, but not designating the existing act in such terms as to indicate what act it is to become a part of.

2. The said pretended act known as senate file number 78, heretofore known as the act which purports to amend the act of 1905, is intended to be a violation of the provisions of the constitution which prohibit the state from imposing a tax on the sale of liquor.

3. That said pretended act known as senate file number 78, is further, on its face, purporting to amend the act of 1905, which is a law which purports to amend the act of 1905, which is a law which purports to amend the act of 1905.

4. Section 3 of the pretended act does not read "It shall be unlawful to sell, dispense or give away in any public place, or in any private place, any spirituous or vinous liquor in whole or in part, except as provided in this act."

5. It appears from the complaint and the petition heretofore filed in this case, that the plaintiff, Julius Reusch, is a citizen and resident of the city of Lincoln, Lancaster county, Nebraska, and has been such citizen for more than 10 years last past; that he is legally engaged in the business of selling, retail, spirituous and vinous liquors in the city of Lincoln, Lancaster county, Nebraska, and city being more than 4000 and less than 100,000 inhabitants on the 14th day of May, 1907.

Reese Out for Supreme Judge. "If my friends in the republican party desire to nominate me for supreme judge, I shall do nothing to prevent them, and if a majority of this party should vote for me at the state primaries I will accept the nomination, and if elected I will serve the people of the state to the best of my ability."

This is the statement made by Judge M. B. Reese this morning. Continuing, Judge Reese said: "I shall not make a fight for the place. If the nomination comes to me it will be to come as a result of a general sentiment in my favor throughout the republican party, unaided by anything I might do in my own behalf. I have received numerous inquiries regarding my probable candidacy and I take this method of informing my friends of my position."

Missouri Pacific Warned. The State Railway commission has served notice on the Missouri Pacific railroad company that unless it complies with the provisions of the Aldrich maximum freight rate law it will at once be prosecuted and the penalty invoked. This is the only road which has not yet filed its reduced schedules. All the other roads, though some of them are in the federal court for an injunction against the enforcement of this law, have filed reduced schedules, but the Missouri Pacific has entirely ignored the law. The warrants have not yet been issued, however.

Hearing on Barker Santy. The trial of Frank Barker, the condemned Webster county murderer, on an insanity charge, is on before Judge Foster today. His jury being selected this afternoon. A number of newspaper men were selected on the panel by Warden Beemer but as each of them had talked with Barker and investigated his sanity on his own hook, they were all excused.

National Guard School. At the school of instruction for the officers of the National Guard today Captain Cronin talked on administration, and notwithstanding the heat he was listened to attentively until time to go to the ball game, when he dismissed the class. The night Major Cruise of Omaha delivered a lecture, after which Governor Sheldon and Adjutant General Schwarz entertained the guardsmen at a reception at the executive mansion.

Store Re-elected Colonel. Colonel Storck of Fullerton was re-elected colonel of the First regiment last night and today his election was approved by Governor Sheldon. Inasmuch as the executive was out of town last night the result of the votes of the vote was not announced. Colonel Storck had no opposition and received thirty-one votes.

McPherson for District Judge. J. L. McPherson of Minden has filed his name with the secretary of state with the request that he be placed on the primary ballot as a candidate for judge of the tenth judicial district. Mr. McPherson is the first person in the state to file under the new primary law.

News of Nebraska. BEATRICE—At a largely-attended meeting last night it was decided to observe the fiftieth anniversary of the founding of Beatrice with a three days' celebration. A committee of business men was appointed by President Miller of the Commercial club, who will have charge of the affair and will soon make a canvass of the town for financial aid.

BEATRICE—Martha Kleopfer, the young daughter of Mr. and Mrs. Henry Kleopfer, living seven miles southwest of the city, died yesterday. Interment will be at Clearmont.

BEATRICE—Beatrice lodge No. 187, Independent Order of Odd Fellows, met last night and invited Mrs. E. McGivern, W. R. McGivern, noble grand, V. B. McGivern, vice grand, W. R. Tripp, right supporter to noble grand, Albert Ledger, warden, E. H.

Upon investigating he found that the dog had jumped in at an open window and taken the bone, after having emptied the kettle of the broth. So much for bachelorhood.

Dalton's Social Side—Several of the boys lost their hats on their way home from a meeting of the Dalton Social club in the new Davis building Saturday night, cause unknown, but presumably it was because of the swiftness of the breeze, thereby pushing the hat up into space, and the high wind that prevailed that night took them adrift on the prairie. One young man pushed his arm through his hat and was using it for a sleeve holder; another young fellow was using his for a bracelet around the calf of his leg. Oh, well, it is a hot wind that blows nobody good. The hat man made the sale of several new hats the next day. He expressed the wish that the Dalton Social club would meet every night—Sidney Telegraph.

On the Bum—Talk about men going on a bum—they are not in it with the women. Last Wednesday about thirty members of the ladies' aid society went to Waterbury and took in a big feed at the home of Mrs. C. P. Rose. Not being satisfied with one whole day off, they bundled up again Thursday morning, and went out to the home of Mr. and Mrs. Frank Dyson. Here they again fed their faces, swung in the hammock, rolled in the grass, quilted, knotted comforts and cavorted around in general good time. In the meantime their poor forlorn husbands had to stay at home, get the meals and take care of the children. Oh, well, we guess the ladies all had a good time, as they came home looking ten years younger.—Allen News.

A Card of Thanks—The day is not far distant when "cards of thanks" will be a thing of the past. When death enters a home, neighbors are invited to do all in their power to place a silver lining back of the dark cloud, and they do not expect or desire any thanks through the public press. One subscriber, however, not to be outdone, sent in the following: "Mr. Editor: I desire to thank the friends and neighbors most heartily in the manner of their cooperation during the illness and death of my late husband, who escaped from me by the hand of death on last Friday morning, while eating breakfast. To my friends and all who contributed so willingly toward making the last moments and the funeral a success, I desire to remember most kindly, hoping these lines will find them all enjoying the same blessing. I have also a good milk cow and roan gelding horse, eight years old, which I will sell cheap. God moves in a mysterious way, his wonders to perform. He plants his footsteps upon the sea and rides upon the storm."—Humphrey Democrat.

GOULD COMPLAINT AMENDED. Most Sensational Allegations in Divorce Bill Ordered Stricken Out. NEW YORK, July 9.—The two most sensational allegations in the suit of Katherine Clemmons Gould for a separation from Howard Gould were today stricken from the complaint by order of Supreme Court Justice McCall. The sections of the complaint stricken out are those which allege infidelity on the part of Mr. Gould and that he tampered with Mrs. Gould's mind. A third section of the complaint, which Mr. Gould sought to have removed from the complaint charges him with having had his wife watched by detectives. This allegation the court allowed to remain in the complaint.

NEBRASKA CITY—The contest in the Pauline Carter company is still on. President H. H. Hootch has filed his answer denying that plaintiff, Macaulay, had paid him the sum claimed, but that Macaulay had received the money in the amount of \$105.95, and that he, Noelling, was ready to pay him \$4,135 for his shares. Mrs. Carter has filed her answer in reply to Noelling's petition. The case will be argued in the district court.

NEBRASKA CITY—The Protestant workers here have joined hands and each Sunday evening during the extreme warm weather will hold outdoor services. The services will be held Sunday evening last and was quite successful. The traveling men of the city are being afflicted with the fever and in their first stage bear the postoffice nine by a score of 13 to 8. They are now in a bigger game.

NEBRASKA CITY—Monday morning William Vandenberg, who was admitted to asylum some time ago as a dipsomaniac, was taken to Lincoln again, as he had violated the provisions of the law.

NEBRASKA CITY—On July 18 the Postal Telegraph company will have a new office here, on account of difficulty with the independent Telephone company, on whose poles it had wires strung and Mrs. Mary Wettkoener, who has been in charge for years, will leave for Beatrice. The new office will be in the old Hill. The tent meetings began last Friday with a large attendance every evening. Rev. Mr. Smith of Wisconsin is his daughter are conducting the meetings.

BLUE HILL—Harvest is on in full blast and will all be completed this week. In most fields two machines are at work. YORK—Ray Jackson, of the firm of Jackson & Kettler, butchers, accidentally stabbed his arm with a nail and blood poisoning set in and his arm is in a very bad condition.

YORK—George M. Jacobs has decided not to rebuild his business college at York, which was recently burned down. Prof. and Mrs. Jacobs have both been engaged in Lincoln the coming year, and will have charge of the business department of the Commercial College. The school from which Mr. Jacobs graduated, YORK—The bids for paving district No. 2 were opened this afternoon and the contract awarded to M. Ford company, who just completed the paving of district No. 1. The price was \$2 per square yard for brick pavement and 30 cents per foot for combination curb and gutter. There were no bids for the other districts.

YORK—Wheat harvesting is being pushed as fast as machines and men can be found, and this week will see most of the crop safely in sheaves. FAVORABLE—Bonds for the new school building, being raised by stock subscription, and the Board of Education, are making necessary arrangements to start the building in the fall.

GENEVA—Wheat harvest is going on with fine weather for it.

NEBRASKA FROM DAY TO DAY. Quaint and Curious Features of Life in a Rapidly Growing State.

A man who is able to write a check in writing a dozen who write poetry.—Auburn Granger.

What Counts—Allen may have a Methodist preacher that can "lick" "our" and a pretty scrappy editor, but when it comes to pretty girls, Winside steps out in front of 'em all.—Winside Tribune.

Tough Luck—A young man living near Valparaiso and enjoying single blessedness missed his dinner one day last week. He put a ham bone to boil and went to the field, feeling assured that dinner was preparing. Returning to the house when it was nearly noon he saw a stray dog in the yard munching a bone.

AFFAIRS AT SOUTH OMAHA

Council Springs a Surprise by Cutting Down the Levy. MAKES ECONOMY NECESSARY. Cutting Down Expenses During Remainder of Present Fiscal Year Necessary in Order to Prevent a Deficit.

The council introduced the general levy ordinance last night and sprung a surprise by cutting the levy to 8.3 mills. On a valuation of \$2,068,877.84 this will produce \$170,859.30. Against this only 90 per cent may be drawn, leaving the actual available funds \$153,773.50. Such a figure indicates a policy of the most rigid retrenchment for next year. It has been assumed that the city would be obligated to spend \$200,000 in the coming year. There is no possibility of reaching this figure from the levy. The balance at the close of the year will be practically nothing, and there is no hope of other collections bringing in more than \$25,000. Therefore there remains for the city expenses about \$200,000. In the eleven months elapsed of the present year the expense has been \$201,000. It will reach \$215,000.

The mayor sent in a communication stating that he would not allow any boozing of funds beyond the expenditure permitted by the charter. He therefore requested that 100 arc lights be cut off for the balance of the month. The Board of Fire and Police Commissioners was instructed to cut down the expense of the police department to cover the \$500 shortage. This means that fully six patrolmen will have to be laid off for the balance of the year. For next year eighteen arc lights will have to be dispensed with and no others may be added. Similar economy will have to be pursued in all other departments. The interest on the city obligations, counting the bond issues conservatively at \$1,250,000, equals \$60,000. There is in the fund \$61,617. This leaves \$1,188 to pay the maturing obligations. The interest during the present year will reach the large sum of \$70,000, of which \$62,143 has been paid already. Next year the interest will be still larger. It is apparent that there will be a shortage of \$25,000.

The following is the exact division of the funds of the levy ordinance: General fund.....\$34,200 Fire fund.....15,000 Public Light.....15,000 Water fund.....13,500 Library fund.....4,500 Park fund.....2,500 Street repair.....6,200 Judgment.....7,100 Interest fund.....5,611 Total.....\$128,511 Total taxes, 1906.....\$212,743.53 Total taxes, 1907.....\$210,859.30

Street Vacated for Mill. The council passed on several important measures. One of them was the recommendation of the ordinance vacating C street, between Twenty-eighth and Twentieth. This was done on the petition of H. M. Christie, who announced that a large Minneapolis flouring mill company was on the point of locating on property in that vicinity. It is practically assured, therefore, that the concession will be granted. Mr. Christie will withdraw the name of the company, although he said that a representative was in the city last Wednesday to look after the affairs of his company, it having been reported that the concession would be made last Wednesday night.

An ordinance ordering the issuance of bonds for the paving of C street was introduced. The work will cost \$1,600. The ordinance providing for the issuance of \$30,000 intersection bonds was passed. The city attorney reported unfavorably on a settlement of the claim of J. L. Cohn, whose horse was hurt at Twentieth and N streets. He recommended a settlement with Miss Anna Meyers for personal injuries. Her claim was \$71. W. H. Queenan filed his official report on the valuation of the real and personal property of the city. The total is \$22,666,857.

A communication was received from the Union Pacific railroad to the effect that it could not at present furnish the city with plans of the proposed Q street viaduct. The chief engineer stated that the force was working on the plans. An ordinance was introduced making Twenty-third street a boulevard. A lengthy petition was received, asking that this be done.

A paving district was created for the improvement of Q street from Twentieth to Twenty-fourth. The city engineer reported favorably on the L street viaduct. He said that it could still bear an ordinary load. The weakest point is directly over the Union Pacific tracks, where the acid of the engines has cut off about a third of the thickness of the floor beams. He recommended that the viaduct be kept open. A number of special ordinances providing for grading and sidewalks were passed. The clerk was instructed to advertise for bids for the construction of temporary sidewalks of permanent material.

The Omaha Electric Light and Power company was ordered to lay down its poles on U street from Eighteenth to Twenty-fourth and on S from Eighteenth to Twenty-fifth. Gus Hamill & Co. were allowed \$405.00 for sidewalks laid under city contracts. The council and the building inspector had a squabble over the tearing down of the Riley Feed store on Twenty-fifth street near N. It ended by peremptory orders being given to give until July 16 as a limit for the removal of the building. The building inspector does not want to tear the building down.

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LITTLE ONES WANT HOMES

Child Saving Institute Now Has Many Varieties for Hopitable Homes.

If any person desires a baby in the home the opportunity is now presented in the following from the Child Saving Institute: At the Child Saving Institute twenty-four babies are waiting for good homes. Black eyes and blue eyes, winsome boy babies and girl babies look up appealingly into the faces of visitors. Hundreds of homes need these little ones that carry sunshine and inspiration with them wherever they go. Those who go there this week can make choice from a large list. The reason for the accumulation of so many was an epidemic of measles last spring, which hindered the work of placing. That trouble is entirely gone and the bright, promising little ones need homes. There are older boys and girls at the institute for adoption.

A committee on placing children in homes will be at the home Eighteenth and Ohio streets, from 10 o'clock until 12 o'clock on Tuesday afternoon, to receive applications and have conferences. That trouble is entirely gone and the bright, promising little ones need homes. There are older boys and girls at the institute for adoption.

ELLERY'S BAND MAY BE HERE. Manager Gillan of Auditorium Trying to Arrange for a Two Weeks' Stay.

Ellery's band may come to Omaha this summer, says Manager Gillan of the Auditorium. Mr. Gillan would like to get it and the band manager replied he could not come unless he got a four weeks' engagement. Mr. Gillan thinks Lincoln and St. Joseph or perhaps Lincoln and Sioux City would take the band one week each and has made this suggestion to the management. Omaha could support the band two weeks, and if the two other towns would take it the other two weeks it would pay Ellery to make the western trip. He is now at Chicago.

RATE FOR HARVEST HANDS. Union Pacific, Burlington and Missouri Pacific Will Grant Cent Fare Into Kansas.

TOPEKA, Kan., July 9.—Governor Hoch today received replies from the Missouri Pacific, Rock Island, Burlington and Union Pacific railroads concerning the establishment of a cent rate for parties of five or more on one ticket from Chicago and intermediate points to the Kansas wheat fields, and all but the Rock Island's reply were favorable. The Rock Island contends that the farmers east of the Missouri river need men as badly as do the Kansas farmers.

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ROYAL TOURIST

A high power motor car that can't make fifty miles an hour is a poor vehicle. So let us admit and eliminate the question of speed, since even poorly built engines can produce it occasionally.

The great question is, how will they stand up under the speed the engines warrant? How long can the engine keep it up? How long can the other parts stand the strain and how does the body fare—likewise springs, axles, etc., ad libitum?

Endurance! That's the thing which proves the motor and the car. And the only motors and cars which can satisfactorily answer these questions are those whose proportions are scientifically correct and each of which resists and works with the others as the engineer intends.

So far as the Royal is concerned, it is answering the questions every day wherever it is owned—and it is answering to the utter satisfaction of everyone who asks. It has answered the questions fully since the first year it was built, for its principle then is its principle now. Its motor design of years ago is its design of to-day and will continue so until science shows Jardine—our engineer—a better one.

So far as the Royal's beauty is concerned, it is the American beauty. See it and you will say so. Ride in it and try it out and you'll be a Royalist together with other discriminating men who buy the best of everything regardless of price.

1907 Royal Touring Car, 45 H. P., Model G, \$4,000. Royal Limousine, \$5,000. Write for catalogue containing blue prints of car. Members A. L. A. M. ROYAL MOTOR CAR CO. CLEVELAND, O.

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