

The State Capital

Matters of General Interest FROM Nebraska's Seat of Government

The Express Case Decision.

Judge W. H. Munger, in his opinion in the Nebraska express case, had this to say:

"Under the judiciary act to entitle a party to remove on the ground of diversity of citizenship there must be a controversy between citizens of different states. A state is not a citizen, within the meaning of the judiciary act, but it is argued that as the state has no interest in the controversy which entitles it to maintain the action, therefore, it is a mere nominal party.

"We have just held in the case of the State of Nebraska against the Board of Railway Commissioners against the Chicago, Burlington & Quincy railroad, brought in the supreme court of the state for a like purpose and removed to this court, that the action was a removable one on the ground of diverse citizenship for the reason that the state, though named as a party complainant, had not such an interest as entitled it to maintain the action and hence it was a mere nominal party, and that the real controversy was between the board of railway commissioners, authorized to maintain the action, and the railroad company. In this case, if there is a controversy at all, it is between the state and the express company. Whether or not such a controversy can be maintained by the state it is unnecessary for us to decide. We are only to determine whether or not there is a controversy between citizens of different states. Finding there is no such controversy the case is not removable on the ground of diversity of citizenship.

"Without the emergency clause the law did not go into effect until July 6, it is contended, and that the defendants were not required to put the reduced rates into effect until thirty days thereafter; that the action being brought on the 5th of July was prematurely brought and therefore presents a federal question. We cannot agree to this contention. The mere fact that an action is prematurely brought cannot be said to present a federal question within the meaning of the judiciary act. If that should be so in a case of this character it would be so in every action brought by one individual against another, prematurely to recover on a promissory note or other cause of action.

"For the reasons given, the motion to remand is sustained and the case remanded to the supreme court of the state."

State Wants Pension Money.

The board of public lands and buildings is considering the adoption of a rule that will compel members of the soldiers' homes who receive more than \$12 a month to pay a percentage of their pensions to the cash funds of the homes. Until recently very few soldiers received more than \$12 a month pension, but now many receive more. The policy of the board was to permit pensioners who received \$12 a month to retain all the pension money, but to pay to the home all in excess of that amount. As few received more than that the payments to the home have been very small. Governor Sheldon was not entirely in favor of the proposed rule, but it received considerable support from Land Commissioner Eaton, Secretary of State Junkin, Attorney General Thompson and Treasurer Brian. The rule which appeared to meet with favor from a majority is as follows:

"All who are members of the home at the time of the adoption of these rules, or who may hereafter become such, who are receiving or who may hereafter receive a pension in excess of \$12 and not more than \$19, shall pay into the cash fund of the home 10 per cent of the amount; \$20 and not more than \$23, 20 per cent; \$24 and not more than \$28, 30 per cent. In cases where any member is receiving \$30 or more, he shall pay such an amount as the commanding and the board may deem just.

High School Quality.

State Superintendent McBrien is requiring pupils of high schools who take the normal training course to pledge themselves that they will complete the course. The law requires them to remain in class eighteen weeks and there must be ten in a class. Each high school that qualifies will receive from the state \$350 a year. Some of the schools that have qualified and the number in the class are as follows: Holdrege, 44; Lexington, 34; Hebron, 30; Geneva, 29; Hastings, 21; North Platte, 24; West Point, 13; Wisner, 18; Fairfield, 12; Superior, 15.

Fire Protection at State House.

The old state house couldn't burn now if it wanted to. The water has been turned on in the new anti-fire pipes and the hose is all ready for a conflagration. This was all done out of the appropriation made by the legislature last winter. Incidentally the building has settled two or three inches since the session. Several days ago a creaking and cracking and groaning was heard in Superintendent McBrien's office and the plaster popped over the door and the floor dropped at least a fraction of an inch.

Vacancy in Legislature.

Lancaster county has a vacancy in its legislative delegation, the Hon. Joseph Burns, state senator, has moved to Colorado, and at the primaries no one filed as a candidate and no application has been made to Governor Sheldon to include the filling of the vacancy in his election proclamation. Senator Burns has been missed from his favorite haunts for a long time and it developed that he had moved to Colorado, there to look after a round fortune he is tending. By removal his office becomes vacant.

Nebraska Railroad Case.

The opinion of Judge T. C. Munger in the railroad cases which are reported in the federal court, is in this language:

"The question involved in this case is whether the action may be removed into the United States circuit court. The solution of this question depends upon the construction of the act of congress of March 3, 1887, which gives cognizance to the circuit court of the United States of all suits of a civil nature, at common law or in equity * * * in which there shall be a controversy between citizens of different states, in which the matter in controversy exceeds exclusive of interest and costs the sum of \$2,000.

"The complainants contend that the action does not come within the statute for the reason that the act of congress refers only to controversies between citizens of different states and not to controversies between the state and citizens.

"The fact that the suit is brought in the name of the state does not determine whether or not the state is really a party in interest."

Judge Munger then quotes from numerous opinions, in state and federal courts bearing on this question and on the one referring to the point of pecuniary interest the state may have in the controversy. Analyzing various cases, Judge Munger finds that they are not wholly analogous to the one in controversy, as in each case cited by the attorney general, the state had some sort of actual interest, either of property, or to exercise police power in direct prosecution or suit for penalties.

"It is also contended that in case of doubt, it is the duty of the court to remand the case to the state court. This is not the rule of the circuit court of appeals for this circuit.

"But no doubt is entertained that the state of Nebraska in this case has no real interest as an artificial person and therefore the motion to remand will be overruled."

State University Again at Work.

Students are coming in and the largest attendance in the history of the institution is registered.

From the registration so far it appears that the engineering departments are the chief attraction for men at the university. There has been a decided gain in engineering courses over the attendance last year. The forestry department also shows an increase. The academic college seems to prove a less and less attraction every year for the men who come to college, and this year has been no exception. The women still outrank the men five to one in this department. This year they have taken more than usual interest in the scientific courses, and here the ratio between the sexes promises to be much less than it was a year ago. Last year the academic college was attended by 1,039 students, and the industrial by 1,086. There was about an equal number of men and women in the two, taken together, but the industrial had a large majority of men, while the academic drew a large share of the women. The schools of music and fine arts registered more than 600 students last year, and only about 3 per cent were men. This year will show about the same ratio.

Appraising Western Land.

Western county boards are busy appraising the state lands for leasing purposes, and when the report of Perkins county, which was the first to arrive, reached Land Commissioner Eaton he was surprised at the manner in which land values of that county had taken to the toboggan side. He had heard of land values for Perkins county as high as \$15 per acre and none lower than \$5. But the county commissioners informed him that the school land was worth only from 40 cents to \$2 per acre, most of it being listed at 50 cents. The commissioner will reject this appraisal. He refuses to believe the land has had such a drop in value because of food crops and plenty of moisture.

Other western counties are being appraised, and the commissioner is awaiting their figures with considerable interest. He wonders whether other county commissioners will be willing to put such a blot upon the land prices in their counties.

Government Janitor Discharged.

John H. Leckliter, janitor of the federal building, is said to have received a discharge from the government to take effect September 30, but his friends are moving to have him reinstated. As the position is a civil service job a discharge must be for cause. Mr. Leckliter was serving his six months' probationary period. At the end of that time a recommendation for reappointment is necessary to enable the applicant to hold his place. In the case of Mr. Leckliter it is understood that he not only failed to get a recommendation from Custodian Burgess but that his discharge was recommended.

Railroad Men Explain.

C. E. Spens general freight agent of the Burlington and General Superintendent Byram of the same road, called on the railway commission. They discussed classification and talked of a complaint filed by John C. Hengen of Crete concerning an alleged overcharge on a car of lumber from Clearmont, Miss., to Crete. The defense of the road is that the two local tariffs were added together as permitted by the interstate commerce commission.

Work in Campaign.

Senator Burkett left for Washington to aid Mrs. Burkett in getting located so that the children can start into school. He will return to Lincoln shortly to take part in the fall campaign wherever he can be of service.

Food Commissioner J. W. Johnson

is sending notice to meat packers, meat dealers and all persons selling meat for use in Nebraska containing a warning about the sale of short weight packages or packages which are not branded with the net weight.

MADE PROBE OF OIL TRUSTS



Dr. David Talbot Day has been chief of the mining and mineral resources division of the United States Geological Survey since the year 1886. He made the great petroleum investigation for the government.

HER BODY A SHIELD.

ONLY CARE OF CALIFORNIA WOMAN WAS HER CHILD.

Run Down by Automobile Mrs. Kirchner, of Los Angeles, Thought of Nothing But Protecting Little One.

Kirchner refused to be taken to the emergency hospital. After she had given an account of the accident to Acting Capt. Brown Mrs. Kirchner was taken to her home in the machine by which she had been injured. Vance was not arrested, as Mrs. Kirchner declared that she did not care to prosecute him.

Vance declared that as he started to turn the corner Mrs. Kirchner stepped directly in front of his machine, which struck her before he could make a move to avert the accident. He said that he was running very slowly at the time of the accident and was sounding his horn as he turned the corner.

Black Cat Kills Child.

City of Mexico, Mexico.—Genaro Gomez, an infant three months old, was killed while lying in his cradle by a large black cat at Plateros, the home of the Gomez family.

The baby's mother had gone away from the house to see a neighbor, leaving the little one sleeping in his cradle. There were no others in the house at the time, and though some of the neighbors heard the baby crying they thought nothing of it, as the screams of the child lasted but a short time.

When the mother returned home she was horrified to find the infant dead. The cat had chewed the baby's face almost completely up, and had terribly lacerated his arms, breast and legs. The shock has left the mother in a very critical condition, and fears are felt for her recovery.

Girls Sail to Get Husbands.

Liverpool.—The remarkable exodus of marriageable young women from this country to the United States and Canada is emphasized by the departure of 1,000 unmarried women on the steamer Baltic alone, while several hundred more were among the total of 5,000 passengers carried on three trans-Atlantic steamers.

HER LOVE FOR DOG WAS STRONG.

Woman, After All, Could Not Bear to Have Pet Killed.

children. But I have no money and can not pay the tax, and I might be arrested if I don't."

"I'm sorry, lady, to see you lose such a pet," Crane told her. "If you had decided to have the dog killed humane Inspector Smith back there will do it."

The dog jumped and cavorted about as she followed the woman to the humane office. Smith asked several questions, and then told the woman he would kill the animal. She went with the inspector into the basement in order to coax the dog there. Coolly the inspector selected a bottle of deadly poison from a cabinet. Two or three drops of it causes instant death to dogs, and Smith started toward the bulldog with the bottle in his hand.

"My God, stop," the woman cried dramatically, and with large tears running down her cheeks. "I'm very poor, but I'll go back to the washtub and rub my hands off before that dog shall be killed. What's two or three days' work compared with the love of a dog like that. Come on, Fanny, we'll go back home."

Before the astonished Smith could speak the woman kissed the dog and ran up the stairway and out of the building. She did not leave her name.

Love is the greatest thing in the world—and, incidentally, the most expensive.

Indianapolis.—A woman, poorly dressed but of respectable appearance, went into police headquarters with a bulldog about as friendly as the police had ever seen. Even before the woman spoke the animal was wagging her tail and making friends right and left. There was a friendly expression in the dog's eyes and the members of the department present could see at a glance that the dog was of a disposition to be trusted.

"What can we do for you, lady?" asked Desk Sergeant Crane.

"I came to get rid of my dog," she replied sorrowfully. "You see, I can't afford to pay the tax."

"Do you want to give the dog away?" the sergeant asked.

"Yes, if some one would have her," came the reply. "But, oh my, no one wants her, and I guess the only thing to do is to have her killed."

With this the woman burst into tears and between her sobs she declared her dog was the best animal that ever lived.

"Why that dog is everything in our little household. I can go away and leave the doors open and it is only necessary to tell her to stay there and watch. She is a protection against any one who means harm to me and the

Yellow Jackets End Picnic.

Women Tear Off Skirts and Fight Swarms of Insects.

their safety depended upon precipitate flight. Dash they did, fighting as they fled, until they had cleared the woods, leaving behind them part of the edibles intended for their feast. In Ardmore, the children had their wounds treated.

The pupils had rallied sufficiently next day to attend a session of the Sunday school, but a shudder ran through the ranks when in making up the class schedules the secretary called for a report from the "Busy Bees."

Mia Hands.

Nice—There's one unmistakable sign of a gentleman, and that is that he keeps his hands clean.

Kidder—But sometimes it isn't possible for a gentleman to keep his hands clean. Now, I know one—

Nice—Nevertheless, he's not a gentleman if—

Kidder—But this man employs 250 of them in his factory.—Philadelphia Press.

AUTO HAD REVENGE

GOT GLORIOUSLY EVEN WITH CAR THAT WRECKED IT.

Affair Closely Resembling a Duel to the Death Afforded Diversion to Crowd on San Francisco Street Recently.

San Francisco.—An electric car, a gasoline runabout, a willing and over-zealous motorman, two amateur automobile enthusiasts and a chorus of appreciative street car patrons—these composed the principals, supporting cast and audience which figured in a one act arena spectacle put on without prior announcement in the middle of Sutter street between Pierce and Scott.

The event, which had every element of a tragedy but at the same time was replete with delicate humor which converted it into a comedy, was in the nature of a gladiatorial struggle to the death between electricity and gasoline. As an exhibition of mortal combat it was an equal of the melodramatic thriller of a 10 cent theater, for all concerned got it in the neck in the end.

The automobile—a one cylinder affair—started the trouble; but then, too much should not be said about its faults for the dear departed should not be reviled. Suffice it that the machine suffered paralysis in the middle of the eastbound street car track and that the ministrations of its two occupants were of no avail. Its wheels absolutely refused to go around either, in answer to the appeal of its own engine or when urged by the strong arms of its disgruntled passengers. Then the street car came up behind and stopped.

"Wha 'smatter?" sang the motorman to the accompaniment of a bell solo with his gong.

"Give us a shove," came the answer. "We're stuck."

The motorman was accommodating. He unslung the heavy connection bar used when a well car goes to the assistance of a sick one, and attaching one end to the front of the car, braced the other against the back of the automobile. Then he turned on all the juice.

It was a foul blow. The automobile was looking for a steady shove and it got a slap. The bar flew in the air, the street car gave a bound, there was one resounding crash and a couple of yells, and the automobile was a subject for the machinery morgue. It had refused to budge even with several hundred volts of Patrick Calhoun's soothing syrup behind it, and the heavy car made a scrap heap of it. But in its expiring gasp the auto sent back as good as had been given and evened up the score. Its drive chain, wrenched loose from the machinery, whirled out with a hiss of hate, struck fair and true, and for the fraction of a second formed a connection between the motor box of the street car and one of the rails.

"Bang!" Retribution had been received. The car demolished the automobile, but the automobile short circuited the whole Sutter street system in return. And then the passengers got out of its dark, silent car and gazed at its lifeless bulk standing there over the ruin it had wrought. Only one or two of them swore; all the rest sat down on the curb and laughed.

Poured Pepper into Boy's Eyes.

Ardmore, Pa.—Determined that Henry Skinner, Jr., aged 12, should not peep when it came his turn to be "it" in a game of hide-and-seek, a half-dozen youthful companions held him flat on his back and poured red pepper into his eyes. His screams frightened the boys implicated in the affair and they fled, while Skinner was led home by a neighbor.

The victim is a son of Dr. Henry Skinner, and the youths accused of the cruel treatment are members of prominent Ardmore families. The police took up the case, but proceedings will depend upon the result of the boy's injuries. Under medical treatment his eyes are being gradually restored to normal conditions and his eyesight may not be affected.

Fate of Cow That Ate Dynamite.

Norwich, Conn.—Albert Scofield is blasting rocks and stumps on his farm. He reached a field one morning just in time to see one of his cows swallow two sticks of dynamite which had been left in the cleft of a big stump over night.

Scarcely had the cow taken the dainty morsels into her mid-stomach when acute indigestion attacked her, and jumping the fence she ran through the village bellowing in pain. Scofield at a most respectable distance chased her.

Armed with trusty rifles farmers joined in the chase. At a distance of 200 feet the cow was shot and killed and the following sign placed on her body:

"Do not jar this. It will go off."

Daring Attempt to Steal Body.

Columbus, O.—While the death watch was seated in an adjoining room three men made a daring attempt to steal the body of Mrs. L. L. Northstone.

The watchers, aroused by the barking of a dog, hastened to the scene and found a white man of professional appearance climbing into a window from which the pane had been removed. On the lawn stood a negro in livery, while a third man was attending the team attached to an undertaker's cart.

The men hastily mounted the cart and drove away at breakneck speed, followed by revolver shots from policeman who had been attracted to the scene.

Mistake Friend for Deer.

Benton, Ark.—Mistaking Fred White for a deer, A. Beatty raised his gun, aimed into the underbrush and fired. The object of his aim toppled over. Running a hundred yards to the spot to which he fired Beatty discovered the dead body of his hunting companion. White's head was blown off. White was a prominent citizen of Benton.

FASHION'S REALM



ROBE OF "TOILE FRAISE" ROBE OF WHITE LINEN.

The bell-shaped hat has had a great triumph, and when one considers the extreme ugliness of its outline, and the rarity of the saving grace of becomingness, this is little short of amazing. The latest bell-shaped hats are made of ecru lace, and bound with velvet or silk, with a full befeater crown of lace, tied with ribbons at one side, while usually a rose is laid on the left side of the brim. Stitched linen is also called into service for the bell-shaped hat, and trimmed with a twisted scarf of chiffon it looks its best. Again, it is made of white chip and bound with black chip, the crown being a mass of flowers sewn closely together. And further have I noticed the questionable charms of the bell-shaped hat expressed in colored crinoline lined with black moire, the sole trimming on the crown being an immense mass of waving feather culled from the back or breast of the farmyard fowl.

One of the most effective hats—for a woman of "certain age"—I have seen this year was a large cloche of exquisitely fine "crin," with a full transparent crown of point d'Esprit and a large chou of black satin ribbon at the left side; just above this chou there was a cluster of three black ostrich tips, and jutting from the center of these a large and full white algrete. It was decidedly a large hat, but so quiet and "lady-like" that it would not attract undue attention, and to its fair owner it proved delightfully becoming. More and more it becomes the fashion to wear black hats with white gowns and to accompany these with fine black spotted veils, edged and inserted with fine ivory lace. One or two notable leaders of fashion in Paris started this fashion at the end of the last season, and it has "caught on" amazingly; with a pure white gown and black hat in which not a single tinge of color is introduced, looks surprisingly distinguished; and most women look their best with something dark on their heads. Something quite dark or something quite light. This is a safe rule. Of course, there are women who can wear medium tints on their heads with good results, but these are the exceptions; black—in the best and lightest materials—is quite safe for a summer hat and, besides this, it is exceedingly fashionable.

Let us speak now of the new sleeves which are set in folds or pleats from shoulder to elbow, and which then extend in mitten fashion right down to the wrists. These sleeves are leaning into favor with the Parisiennes.

The sitting figure in the sketch which accompanies this article shows and the following sign placed on her body:

"Do not jar this. It will go off."

Bears Preparing for Hard Winter.

Jim Tompkins, the Mount Hood woodsman whose predictions last fall of a hard winter was verified, is again out with a pronouncement to the effect that the coming winter will disconcert that of last year and will in fact be a "peeler." Mr. Tompkins again bases his prediction on the habits of the bears, which he states are more numerous in the lower valley than last year and are foraging almost in the dooryards of ranchers to fatten up for a "powerful spell of killing weather."

"Them snowstorms we had last winter," says Mr. Tompkins, "won't be a marker to what we'll catch this winter. Every sign known to nature is hollerin' it loud, and the bears comin' in close to town is a sure sign. Another is the bark on the trees. Whenever it gets as thick as it is now look out. Git plenty of wood, friends," concluded the woodsman, "and git it quick, fer you'll have use fer it mighty sudden."—Hand River correspondence Portland Oregonian.

Crabs chew their food with their legs.

who find the half-and-half business rather dowdy. Sleeves similar to those in the sketch look exceedingly well when carried out in crepe de Chine and Maltese lace—both materials being in a pale shade of beige. The lace of Malta is in great favor this year; the kind most used on summer dresses is rather coarse and made in silk; it is—as a rule—in a very pale shade of beige and it harmonizes deliciously with Tussore silk with crepe de Chine in the same shade. Filet net, inset with Irlande or ornamented with applications of white linen, continues to enjoy a triumphant career; it is effective and pliable, and, above all, it is new. I am not, and never shall be, an admirer of filet—except for certain trimmings, but I rehearse the possibilities of the net as a background.

Fortunately there is no indication that gown sleeves will attain unwieldy dimensions, such dimensions as they did a dozen years ago or less when the upper sleeve resembled nothing else so much as it did a small balloon, and when the tallest and slightest of women with the narrowest shoulders could wear them and look older than a monstrosity.

The loosely-fitting coat which reaches above the knees, and is cut on the front, shows an ever-increasing popularity. The latest edition of these shows a seam above the waist, and a broad outlining of galon which extends round the wide armhole and appears again at the base of the full square sleeve. Such a coat have I seen in reseda green with braiding in black, worn with a high-waisted skirt, over a shirt of filet net, and crowned with a big black bell-shaped hat made of tightly-stretched silk, adorned with a panache. This is destined for autumn wear.

The Irish lace coat, long or short, usually boasting a saquee back, lined with mousseline, or unlined, is having a great vogue, and very pretty indeed it looks. Altogether, I notice a tendency towards wearing coats which differ from the skirts, and the voile skirt of a light color is accompanied with great success by a short, or three-quarter, coat of glace, voluminous lace frills on the sleeves, and lace or net jabot.

Symptoms.

"Maybe that boy of yours will be famous some day," said the friend. "I shouldn't be surprised," answered Farmer Cornstossle; "he does like to wear curious clothes an' say things that sound more surprisin' than sensible."—Washington Star.

Wooden Soldiers Found in Egypt.

Among the objects found in recent excavations in Egypt was a whole company of wooden soldiers fifteen inches high.

Heredity.

Fond Mamma (a little anxiously)—Don't you think the baby is a trifle—well, high-colored?

Tactful Family Friend (inspecting the lobster-tinted infant)—Oh, he's only what one ought to expect from the offspring of such a literary man as his father.

Fond Mamma (brightening)—What's that?

Tactful Family Friend—He's just well red.—Baltimore American.

Wine Sold on Time Limit.

In the south of France wine is now sold by the half-hour. On payment of two cents one can go into a wine cellar and stay there for half an hour.

Large Sum for Amusement.

An English statistician has just demonstrated that England expends annually on theaters and music halls almost \$38,500,000.

Glasses Cure Stammering.

Cases of stammering are reported by English opticians to have been cured by fitting glasses to correct defects of the eyes.