

Rediscovering OMAHA

By T. W. McCULLOUGH.

One other phase of the service of James E. Boyd as governor must be dealt with in order to round out the story.

Already it has been told how Governor Thayer sought to hold on to the office, even after his successor had been declared elected. Barricaded in his office, guarded by state troops, the retiring governor had staved an action in quo warranto. On his behalf it was set up that he was expected to hold his office until his successor was duly elected and qualified. Boyd, he charged, was not a citizen of the United States and could not serve as governor.

Boyd had taken the oath of office before a notary up-town in Lincoln. The custodian of the statehouse provided him temporary offices. Then he turned off the heat that supplied Thayer's apartments. Thayer gave up, moved out of the governor's office and depended on court proceedings.

In the court fight, Boyd set up first that as a private citizen Thayer could not question the right of his successor to hold office. Second, that if disqualified, the next in line was the lieutenant governor. Third, that he was a citizen of the United States by right of his father's naturalization, and by reason of the fact that he was an inhabitant of the Territory of Nebraska prior to its being admitted as a state.

James E. Boyd was born in Ireland in 1834. In 1844 his father, Joseph Boyd, came to the United States with his family and settled in Ohio. In 1845 the father filed his declaratory statement of intention to become a citizen. In the belief that his father had completed his naturalization James E. Boyd grew up and cast his first vote in Ohio in 1855. The next year he came to Nebraska and in 1857 was clerk of Douglas county. He held various elective offices in territorial days, once being a member of the legislature, representing Hall county. After the state of Nebraska had been set up, Boyd continued to hold elective office, being twice chosen mayor of Omaha.

In 1860 a new registration law was passed in Ohio, and the father, Joseph Boyd, was unable to establish the fact that he had ever completed his citizenship. News of this was carried to Nebraska. Based upon these facts, it was charged that James W. Boyd was not a citizen.

On January 13, 1891, the case of Nebraska ex rel Thayer against Boyd was formally commenced. One of the points raised had a direct bearing on the citizenship of a great many residents. Under the alien ownership laws then in existence, this touched many in a most tender place. Not only their political, but their property rights, were in jeopardy.

John L. Webster, Oliver P. Mason and Joseph H. Blair represented General Thayer, and John D. Howe, John C. Cowin and J. C. Crawford were attorneys for Governor Boyd. Judge Norval wrote the opinion, which was concurred in by Chief Justice Cobb, declaring Boyd to be not a citizen of the United States. The opinion also held that General Thayer had a right to appear as a private citizen, and that as no one had been elected governor, the preceding governor and not the incoming lieutenant governor should succeed to the vacant office. On this opinion a writ of ouster was issued, Thayer was reinstated in the governor's office.

Judge Samuel Maxwell dissented, in one of the strong, clearly reasoned opinions for which he was famous. He said especially stress on the language of the enabling act of admission, adopted by congress in 1854.

Boyd had been a member of the constitutional convention that met in 1854. The president's proclamation, declaring Nebraska to be a state, was in conformity with the original enabling act, providing for the Nebraska convention. Judge Maxwell held that this provided for the collective naturalization of the inhabitants of the territory.

ADVERTISMENT.
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Nebraska who were proper to be made citizens.

On December 8, 1891, the appeal of Governor Boyd was argued in the supreme court of the United States. John C. Cowin, Henry D. Estabrook and A. H. Garland appeared on behalf of Boyd. Thayer was represented by John P. Dillon, John L. Webster and Joseph H. Blair. On February 1, 1892, Chief Justice Fuller handed down the opinion of the court, sustaining Boyd's claim to citizenship. He had obtained citizenship, it was held, through his father's act, as well as by his being a resident of Nebraska at the time the state was admitted.

Associate Justice David Dudley Field dissented, holding it was a matter in which the supreme court had no right to intervene. That it was a matter solely for the people of the state to deal with. Suppose, asked Justice Field, the people of Nebraska decline to accept the decision of the court, and insist on retaining Thayer in office, how will the mandate be enforced?

Justice Field did not come to that pass, however. The Omaha Bee created a sensation by announcing the decision of the court some two weeks ahead of the time the opinion was filed. There was talk of an inquiry, but whatever was done was done quietly. When the opinion finally was filed, General Thayer, after consultation with his counsel, decided to withdraw at once.

On Sunday, February 7, 1892, he notified Governor Boyd, then at home in Omaha, that the executive office would be open to him Monday morning. A formal note of abdication would be sent by General Webster. I was then night editor of the Omaha Bee. When I reached the office early on Sunday evening, I found Edward Rosewater and J. B. Haynes, then managing editor, rather anxiously awaiting the arrival of General Webster on the train from Lincoln. They told me what was going on, and suggested that I go with Mr. Webster and write the story for the morning paper.

Shortly after 7 o'clock General Webster appeared at the office, and he and I started on our mission. As we stepped out of the building onto Farnam street, we sighted a street car coming up the hill. The general said he was very tired and did not relish plowing through the deep snow to the Boyd residence at Nineteenth and Davenport streets. If I would carry the message and his regrets, he would take the car and go home and get some rest.

"Of course, I assented, and with the letter of withdrawal, which was very brief and coldly formal, I trudged over to the governor's home. Here I found a little party waiting. With Governor Boyd and Mrs. Boyd were his son-in-law, Ellis Bierbower and Mrs. Bierbower and Charlie Ogden, Mrs. Bierbower's close political friend and adviser. They expressed regret that General Webster had not come. The governor announced his intention of resuming office in the morning, which he did. Then we all took a drink, I lighted one of the governor's cigars, and trudge back to the office to write the news story, trying to slide how I could write a dramatic story out of an incident that had turned out to be rather flat.

Dinkey, Dolley, Grunt and Stick Part of Lingo Used Every Day by Phone Workmen for Many Years

By ELIZABETH GOULD.
"Bring the dinkey and the dolley. If the grunt has shot a hole, get the dead man handy and set the stick. After that, we'll get on an arm and put the bottles on the stick." This line of talk is of everyday use by the telephone linemen. It is just their way of expressing their thoughts and this slang has come down through generations of workers.

The telephone lineman has a unique list of names for his equipment. When the railroad engineer tells another man in the yards that he is "going to get out the goat and loosen up the bright irons," it sounds queer. When translated, it only means the engineer is going to get out the switch engine to loosen up the throttle.

Underworld vernacular is difficult to understand. Who would guess that a cannon means a pick pocket, a leather is a wallet, a gat is a gun, a racket means the line of crime followed, and a rap is a charge against a criminal.

In the newspaper office the morgue is where all the pictures are kept and the deadline is the time when the last bit of news can be written for an edition.

The telephone lineman's lingo seems a little more complicated, but is simple enough when understood. The man who digs the holes for the tele-

Messenger Boys Stand in Line at Box Offices for Their Patrons, Protect Frightened Maidens From Mouse Peril

Western Union Youngsters Get Peek at All Kinds of Industrial Pursuits; Many Get Good Positions.

By ELIZABETH GOULD.

A nurse for the children while mother and father go to the theater, a chauffeur, a boy for a father and son banquet, a boy to carry parcels, an escort for the children to the football game—these are just a few of the assortment of duties performed by Western Union boys.

When not occupied with these various duties found in Omaha, the boys are delivering messages at homes and business houses, always on the watch for an opening either in the telegraph company itself or in a business house where the work has interested them.

Some of the messengers are engaged to stand in line at the box office. One boy answered a call to a business office and found that the girls there had called him to find a mouse that was frightening them. In Wichita, Kan., last June during a flood the boys donned bathing suits and delivered messages in the flooded district.

Training School.
The messenger work is a training school, declares J. J. McCloskey, city superintendent of the Western Union, who began as a messenger boy 25 years ago in Missouri. He knows all the feelings and aspirations of the telegraph messengers and makes a sympathetic listener to the boys.

"Many of our boys are good material and have far greater ambitions than being telegraph boys all their lives," said McCloskey. "We appreciate this fact and as we do not always have something better to offer the boys we do what we can to show them opportunities in other lines."

"In the first place many of our boys go to school. As many of them are under 17 they must attend vocational school part time in accordance with state law. Many of the boys who are over 17 go to night school, taking a course in law, medicine, or other special work. Some attend high school and work half time."

Average Employment Short.
The average period of time the boys stay with the telegraph company is about five months. "That seems to be a short period," said the superintendent, "but you must realize that time averages the boys who stay but a day or two with the old reliable who remains with us two or three years. Five months is short and puts us to a great deal of trouble in hiring new material constantly."

Only the other day an official at the branch house of a large rubber company told me he was interested in one of our boys and intended to offer him a position. The boys deliver messages to all sorts of places and get acquainted with the officials in various business houses.

Only Alvinson, cashier of the Omaha National bank, and J. T. Refregier, assistant cashier, started on their business careers as messenger boys in the office of the telegraph company, according to McCloskey.

Other Messenger "Alumni."
Officials in the telegraph office in Omaha who started 25 years ago as messengers are J. Floyd Percival, division commercial manager, and A. D. Bradley, general manager. Arthur Proctor, who graduated from Omaha High school in 1908, worked as messenger while attending school. Upon

handling poles. To shake a pole is to drag it from one place to another. To cut a buck is to make an error in transposing wires, and to cut a Murphy is to put in a transposition. Anything over 110 volts is hot stuff. Plug pushers are operators and brass pounders are telegraph operators. The headset used while a lineman is on a pole is a feller, and the subscriber's telephone set is a subset.

A certain code has been adopted by the workers, said Edward O'Keefe, installer. BDR means bells don't ring, and CHO is a short way of saying "can't hear others." OCH means others can't hear, and XED is crossed with another line. George E. Johnston, Nebraska division plant chief clerk, says that such codes have been in use for many years in telephone work.

Even while at the switchboards the workers have shortened their statements. "She is coming in permanent" means that the light shines all the time. "Tagging in" is to test every wire. A short circuit is called a short and when the insulation is not good there is a leak. To tattoo a nail is to drill holes in the ground in the monkey and jumper keys are men who work on certain frames that hold wires.

Even when pay day comes that is the day when the ghost walks.



J. J. McCloskey, city superintendent of the Western Union, who started work as a messenger boy 25 years ago.

Messenger No. 8, who did a flourishing business in telegrams during the Davis meeting, Davies meeting and Lions convention in Omaha. Here is Lewis Grubbill, 3164 Calhoun street, Florence. He is wearing one of the new caps just given the boys.

He did a flourishing business in telegrams during the Davis meeting, Davies meeting and Lions convention. He says all of his earnings go to his mother.

Five of the clerks in the offices of the telegraph company here were formerly messenger boys. "We are able to absorb between 5 and 10 per cent of our boys in Omaha," said McCloskey. "The messengers' interest in their work makes them helpful as clerks."

In addition to indoor baseball and basketball for the boys, a junior Omaha safety council is held for them, where they learn first aid work and swimming.

JEWELERS' MEET TO OPEN MONDAY
A party Monday evening in the Hotel Fontenelle will open the convention of the Nebraska Retail Jewelers association. A mesh bag machine will be in operation at the convention which will continue through Tuesday and Wednesday.

The address will be as follows: General Insurance, by J. S. Alexander, Omaha; "Operation of Jewelry Repair Department," by J. G. Irwin, Lincoln; "National Association," by Charles Woodbury of Kansas City; "National Publicity Campaign," by T. L. Combs of Omaha; "National Convention," by C. A. Tucker of Lincoln; "Protection for the Jeweler," by J. H. Church of Omaha; "The Inside of Your Store," by F. D. Thomas of Grand Rapids, Mich.; and "More Profits for the Jeweler," by L. H. Busch of Omaha.

NEW STORES BUILT ON AMES AVENUE
A substantial improvement has been made at Fortieth street and Ames avenue by the erection of a brick store building on the northwest corner. The building consists of three modern store rooms.

RETAILERS MEET IN OMAHA FEB. 23
Entertainment in the Brands restaurants, visits to the jobbing houses and other events are included in the program for the annual convention of the Federation of Nebraska Retailers, to be held in Omaha, February 23 to 26 inclusive.

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No cases accepted that I can not help—Tenth year of successful practice in Omaha.

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MURPHY DEALERS BANQUET GUESTS

Andrew Murphy & Son, distributors of Maxwell and Chrysler cars for this territory, will hold a dealers' banquet and entertainment in their showrooms, Fourteenth and Jackson streets, Tuesday evening.

One of the engineers from the Maxwell and Chrysler factory will be present to make a talk on building of automobiles. There will also be a speaker from the MacManus Advertising company to make a talk on "How to Advertise."

Murphy & Son expect approximately 75 dealers to be present from the eastern Nebraska and western Iowa. They are making a special showing of models in their show room during the week of the auto show as well as a display at the show itself.

OMAHA WOMAN IS LOSER IN SUIT

Teumseh, Neb., Feb. 14.—District Judge J. B. Raper has dismissed Mrs. Henriette Owens' damage case against Johnson county. Mrs. Owens, a resident of Omaha, sued C. S. Phelps of Grand and county of Johnson jointly for \$20,000 for personal damages alleged to have been suffered January 11, 1923.

Mrs. Owens had missed her train at Beatrice, and Phelps offered her a ride. At a point near Crab Orchard there was an accident, and both Mrs. Owens and Mrs. Phelps were badly injured. Mrs. Owens alleged carelessness on the part of Phelps, and sued the county because of a poor place in the highway.

The case against Phelps will be tried in the March term of the court.

ELECTRIC LEAGUE TALK POSTPONED

Martin L. Pierce of North Canton, O., well known publicity man, will not be able to give his scheduled talk before the Omaha Electrical League Monday evening, it was announced Saturday.

Telegraphic reports said that Mr. Pierce is confined to his bed with influenza. Instructions from his physician to remain there for at least another week. Due to his inability to come to Omaha to give his talk, the meeting has been postponed indefinitely.

WOMAN FAINTS, FALLS ON STOVE

Beatrice, Feb. 14.—Mrs. A. Oltman, aged resident of Cortland who was found lying unconscious on the kitchen floor at her home, is recovering. Her face was badly burned. It is thought she suffered a fainting spell and fell against the stove.

BRIEF CITY NEWS

T. P. A. Annual Party.—The annual party of Omaha Post A, of the T. P. A., will be given in the Elks club ballroom next Saturday evening. The party will be dancing and cards.

Fee Motion Filed.—A motion for a new trial for Deputy Sheriff Ernest Fee in the first of two assault cases in which juries found him guilty, was filed in district court Saturday morning.

John Small Convalescing.—John C. Small, advertising man on the Omaha Bee, is convalescing at his home, 506 North Twentieth street, after an illness of three weeks. His daughter, Mrs. M. Fox of St. Louis is here.

M. E. Morrison Returns.—M. E. Morrison, secretary of the Ellye Hotels company, returned Friday from a trip through Canada, the Pacific coast and Mexico. He was gone about a month and gathered hotel ideas in many places.

West Leavenworth Meeting.—The West Leavenworth Improvement club will meet at the hall, Forty-ninth and Leavenworth streets, Monday night at 8. The feature of the meeting will be a demonstration in telephone operation by the Northwestern Bell company.

Missionary Federation.—The Missionary Federation of Omaha and Council Bluffs will hold its regular quarterly meeting next Tuesday at the First Christian church, Omaha, Twenty-sixth and Harney streets. The meeting at 12 o'clock in the afternoon will be Mrs. E. M. Johnson, state secretary of N. W. M. S.

"Dirty Tricks" Aren't What They Were in 1905, When Judge Baker Did Them

By EDWARD BLACK.

"Are you going to give a reception?" asked a village cut-up, directing his inquiry to Judge Ben S. Baker.

"No, but I can," replied the judge, without rhyme or reason. "The judge stated that his reply was what some would call a 'wise crack,' but not a 'dirty trick.'"

"I played a dirty trick only once in my life, and that was about 20 years ago, in district court, when Judge Cunningham H. Scott was on the bench," the judge reminisced. "Most of the lawyers to whom I told the story asserted that I was justified under the circumstances, as there is some consolation after all."

The story is of a woman who fainted according to a plan and who was interned in her home for two weeks. And it was all to save her husband.

Her name was Mae McCabe and his name was Bill McCabe. Bill had been indicted on a charge of arson in connection with the burning of a fur store. The strongest evidence the state had against Bill was that furs similar to the stock kept in the fur store, were found in his home after the fire. The defense was trying to prove that the furs were in the McCabe home before the fur store was established. Judge Baker was defending McCabe.

They Weren't Married.
On the night before the day when Mrs. McCabe was to have been called as a witness on behalf of her husband, Judge Baker learned that the McCabes were not married, although they had been living together for a year. This domestic condition was known to the prosecution and also to the court.

"The prosecutor was waiting for Mrs. McCabe to take the stand to obtain from her an admission of their illicit relations, and I knew of this intention of the prosecutor," said Judge Baker. "It is not my duty to get rid of Mrs. McCabe as a witness. She had been in the court room during the trial and I knew that it would not look well in the eyes of the jury if I did call her and the jury learned of the common law relation of the McCabes it would not go well for my case. So, during the morning when Mrs. McCabe was to have taken the witness stand, I conceived the idea that she should faint during the close of the testimony of the last other witness, and that she should faint in the presence of the jury and thereby eliminate herself as a witness."

The records show that Mrs. McCabe fainted according to program and that she fainted according to all of the accepted rules of that period. She was about 23 years old, attractive, modest in appearance, and she fainted as if she had been struck down. The jurors were impressed. Judge Baker expressed surprise. He suggested to the court that Mrs. McCabe would not be able to be a witness until at least 2 p. m., so the court was dismissed until afternoon.

Jurors Were Worried.
At 2 p. m. Judge Baker informed the court that the attending doctor stated that Mrs. McCabe would not be able to leave her home for two weeks, and thereupon the defense rested its case. The jury returned a verdict of not guilty for McCabe and nearly every juror inquired of the condition of Mrs. McCabe.

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10:45 P. M. to 12:45 A. M.
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After the case was over, Judge Baker took it upon himself to require the McCabes to have a marriage ceremony.

During the progress of the trial, Judge Scott leaned over and addressed Judge Baker with: "You seem to be a pretty good lawyer; you'd better come up here and I'll go down there."

"No, your honor," Baker replied, "I want someone down here to defend McCabe."

An interesting sidelight of the story is that Mrs. McCabe was so affected by her make-believe faint that she was in fact required to remain in her room for two weeks. The physician stated that the attendant shock was as much as if had actually fainted.

"Yes, that's the only dirty trick I ever played, but I was justified," said Judge Baker. "The prosecutor and the court were in a conspiracy to trim me, and I trimmed them."

Cotner College Notes.
Charles Darrie of St. Louis, superintendent of adults and teacher training of the department of religious and missionary education of the United Christian Missionary society and a member of the faculty of the leadership training school at the college library an auto-graphed copy of each of the books which he is the author. These books are "The Christian Family" and "The Art of Winning Souls."

E. F. Shively of Lincoln, president of the board of trustees and of the board of education of the Disciples of Christ, spoke in chapel Tuesday on the work of the better organization.

President C. E. Cobley gave the chapel address on Thursday, speaking on "Words."

A youth club held its annual banquet at the Bethany church Monday evening, more than 50 being present. Special guests were the members of the faculty of the leadership training school at the college. The club's secretary, superintendent of religious education, Miss Ruby Painter of Des Moines, elementary superintendent of the northern district, Charles Darrie of St. Louis, national superintendent of adult and teacher training, Mrs. L. L. Wetzel of Bloomington, Ill., former elementary superintendent of the northern district, John G. Allen, general secretary of the Nebraska Christian Missionary society, was also a guest.

Dean J. K. Shellenberger spoke in chapel Tuesday on "Can Morals Be Taught?"

The girls' oyster and pea glee was at the weekly luncheon of the Pathfinder club of Lincoln last Wednesday.

John A. Albert, general secretary of the South Side Christian church at Omaha, gave the second number of the week of the Wednesday lecture course in lay church leadership on "The Local Church."

Ben R. Cherrington of Denver, student secretary of the Y. M. C. A., for the week of the Wednesday lecture course, addressed an informal group regarding the Harry Potter summer conference.

Miss Clara May Ackland and Harry Potter, both of Geneva, were married Sunday afternoon at the home of the bride's parents. Mr. and Mrs. E. D. Potter will make their home on a farm near Grifton.