

SHORTAGE OF WATER

MANY COMPLAINTS FROM WESTERN NEBRASKA IRRIGATORS.

PRIOR RIGHTS ARE IGNORED

The State Engineer Doing All That Is Possible to Rectify Existing Troubles.

State Engineer E. C. Simmons, as secretary of the state board of irrigation, has received many complaints from western Nebraska from irrigators. Complaints are made that claimants are using water to which others have prior rights. Information received indicates that the North Platte river and all of the smaller streams in the western part of the state are almost dry. Lack of snow in the mountains in Colorado and Wyoming is given as the reason for lack of water in the Platte river. Usually these rivers rise the latter part of June from the melting of snow. If the rise does not take place, and this is now doubtful, those who depend upon irrigation in western Nebraska may have great difficulty in getting water. State Engineer Simmons has no funds with which to police canals and there is no way to prevent persons from taking water regardless of whether or not persons entitled to prior claims on streams have been supplied. The irrigator who has a crop that is being ruined for lack of water is not likely to stand idly by and see water flowing down stream to some other claimant who may live many miles away. The state engineer is unable to cause arrests and go into court to prosecute persons who take water out of their turn because he has no funds to expend for such purposes. His two under secretaries, Robert H. Willis of Bridgeport, and Page T. Francis of Crawford are in the field constantly trying to pacify claimants and restore some semblance of order, but it is said the irrigators have about decided to take water whenever they need it regardless of the rights of others. It is believed it will be hard to get juries to convict such persons in their own communities for so doing. All that the state engineer can do is to notify persons complained of that they must not open their headgates till those having prior rights are supplied with water. If this does no good the complainants will have to go into the courts to seek injunctions to enforce their rights.

Attorney General May Leave.

Attorney General W. T. Thompson, according to a rumor current in Lincoln, has been appointed to a position at Washington at a salary of several thousand dollars a year, has accepted the position and will go to Washington at the close of his term of office in Nebraska. Mr. Thompson is now on his way home from Washington and confirmation of the rumor cannot be had at his office or his home. The rumor of his appointment does not specify the nature of the position offered to Mr. Thompson.

Carnegie Money in Nebraska.

Carnegie is still bestowing libraries in Nebraska according to a prominent citizen of Sutton. He states that Sutton has all the material on hand and will commence work on its public library in a few days.

Candidate From Saline.

Frank O. Kucera of Tobias has filed his name with the secretary of state as a candidate for representative on the republican ticket from the Thirty-third district. This includes Saline and Gage counties.

First District Census.

Census Supervisor Helvey and his assistants have completed the compilation of statistical returns in the First congressional district of Nebraska and forwarded the last batch of schedules to the director of the census at Washington. This included the reports from fifty-eight districts on population and twenty-one on agricultural data. The supervisor's office will be maintained for a time in order to take inventories, return unused supplies and finish up correspondence with the bureau, but there is nothing more to be done in the way of listing inhabitants.

Mrs. Coad Gets Divorce.

The supreme court, divided four to three in the opinion, has upheld the contention of Valeria M. Coad with reference to a common law marriage with Mark M. Coad, millionaire and pioneer Nebraskan, and grants her an absolute divorce and alimony of \$29,000 in addition to judgment of the costs of the suit.

Stock Judging Pavillion.

One half of the big stock judging pavillion at the state fair grounds will be completed and fitted up in time for the state fair this fall. Because there was not money enough appropriated to complete the entire building at once just half of it is to be finished for this year. This will be fitted out with tiers of seats and the side to which the other half is later to be added is being boarded up. All will be in readiness for the showing and judging of stock in this building in the fall.

AS TO ROCK ISLAND.

The Road Fails to Pay Its Occupation Tax.

Owing to the absence of Attorney General Thompson it is not possible at this time to get a statement from the legal department as to what would be done regarding the Rock Island railroad, which has failed to pay its occupation tax, and is, therefore, under the law, incapable of doing business in Nebraska legally.

The law which provides for the payment of an annual fee by corporations provides the following penalty for its violation:

Section 8—It shall be unlawful for any corporation, delinquent under this act, either domestic or foreign, which has not paid the occupation fee, together with the penalty for such delinquency, as in this act prescribed, to exercise the powers of such corporation, or to transact any business in this state, after the 30th day of November next following the delinquency. Each and every person who exercises any of the powers of a corporation so delinquent, either domestic or foreign, which has not paid the occupation fee, together with the penalty for such delinquency, or who transacts any business for or in behalf of any such corporation, after the 30th day of November next following the delinquency, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100, and not exceeding \$1,000, or by imprisonment in the county jail not less than fifty days nor more than 500 days, or by both such fine and imprisonment.

The Rock Island is now in litigation with the state over the railroad legislation enacted by the legislature of 1907 and over an order issued by the State Railway commission to compel it to construct a crossing at Hallam. What effect the cancellation of its charter will have on this litigation Deputy Attorney General Grant Martin would not say, not having looked into the question thoroughly.

The Rock Island is not in very good odor with the legal department of the state or the railway commission because of its refusal to carry out orders of the commission. In the Hallam case, where the railroad was petitioned to construct a crossing in order to save the citizens several blocks' walk in going over the tracks, the commission ordered the crossing constructed. The railroad appealed to the district court and then again to the supreme court. No decision has yet been handed down. That case has been in controversy about two years.

Complaint Against Burlington.

The railway commission has received a complaint from the Milburn-Smith Grain company of Max, objecting to the present facilities furnished at that village by the Burlington Railroad company. The complainants set forth that the railroad does not adequately care for the freight and passenger traffic on the line at this point, and ask that the company be forced to build a depot and stop trains at the village.

The nearest station is Benkelman, nine miles west, and Stratton, the station next on the east, is ten miles away. The town contains a grain elevator, a lumber yard and three stores. The complainants state that they shipped thirty cars grain out of the village since the first of the year, twenty cars of hogs, and two cars of cattle, and that if they had the proper shipping facilities they would be enabled to buy much more.

The most serious complaint is made on the passenger service. The complaint states that the trains are frequently late, and that the passengers are forced to wait for them in the open, and without any sort of protection from the weather. It is stated that as high as twenty-six people have been thus forced to wait, when the thermometer stood at 8 degrees above zero.

Last Chance to File.

The last day for the filing of candidates for the August primaries is July 18. As there are many offices still open and an unusually small number of candidates filed for some other offices of importance it is expected that business will pick up in the office of the secretary of state during the next twenty days.

Normal Board Reorganizes.

The state normal board has reorganized and Dr. Shellhorn of Peru becomes president instead of Mr. Childs, whose term has expired; N. P. McDonald is vice president and Luther P. Ludden is continued as secretary.

Files for Attorney General.

Lenzo W. Terry of Beatrice filed as a candidate for attorney general on the democratic ticket. Mr. Terry was in the race in 1908 for the same office. So far his only opponent is Grant Martin, deputy attorney general. It is not believed that Martin will have any serious opposition for the republican nomination.

County Convention July 14.

The republican county convention of Lancaster county will be held in Lincoln, July 14. At this convention delegates to the state convention will be selected.

Denver Wants Our Help.

Denver is bidding for the national encampment of the Grand Army to be held next year. Department Commander W. W. Ferguson of the department of Colorado and Wyoming, has sent letters to the Nebraska department asking it to support Denver's claim on the meeting.

WHERE DIGNITY SITS ENTHRONED

by EDWARD B. CLARK
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WHEN the Supreme court of the United States sits with full membership provided no deaths occur during the vacation period and provided also that Associate Justice William H. Moody has so far recovered his health that he can join States enters upon its fall term it will and esteem. Some one has said that Governor Hughes, while in the main a his colleagues on the bench.

conservative, is a man who believes that the laws should be interpreted in the spirit of 1910 rather than in the spirit of 1820. The criticism on the judgments rendered on occasion by the Supreme court has been to the effect that seemingly some of the members live in the past, and that objection has been made to allowing new lights to strike the "laws of the ancients."

The Supreme court of the United States is said to be the most dignified body in the world. It looks it, but it must not be taken for granted that these judges, from the veteran Chief Justice Fuller down to the youngest man on the bench, have not their times of relaxation when they give full vent to their sense



JUSTICE DAY



JUSTICE HOLMES

of humor. Justice John M. Harlan, who is seventy-nine years old, has a rare humor and he likes to give it play. Justice Edward D. White of Louisiana, who has been pronounced by many of the leading lawyers of the country to have a "judicial mind" not excelled in the United States, has "hard work at times to keep from giving vent to his humorous conception of things as they appear in court. Such a proceeding would be dubbed undignified, and so Judge White manages to control his flow of wit when in court, but when the tribunal is not in session he gives his mood full play.

Judge Oliver Wendell Holmes, son of one of the most distinguished American scholars and one of its rarest humorists, has a great deal of the fun of his father in him, but self-confessedly he tries to hold his expression in check on many occasions because it might be said that he was trying to make Oliver Wendell Holmes the first, and this the present justice modestly holds, to be impossible.

Not long ago a lawyer went to the residence of one of the associate justices of the Supreme court, a married man and one who the lawyer thought was the staidest of the staid. The visitor had gone to see the justice to get some advice on behalf of a person who he knew was a family friend of the one of whom he was seeking advisory help.

It seems that the man's wife had died, and while the husband was a kindly disposed and most excellent man generally, his father-in-law and mother-in-law insisted on taking the children who had been left motherless. The widower did not want to part with his children and neither did he want to make a fight which would bring the children into public notice and show that he had had a breach with his wife's father and mother.

The lawyer who was calling on the justice said, "What would you do if your father-in-law and mother-in-law on your wife's death tried to get your children away from you?" The answer came quick and sharp, "I'd tell them to go to the devil."

Now it happened that the justice's wife was sitting at his elbow and the lawyer at this strong expression from the judicial minded one looked with trepidation at Mrs. Justice, expecting to see her overcome with mortification at her husband's outbreak. The visitor was relieved and also somewhat surprised when Mrs. Justice said, "I'd tell them to go to the devil, too."

The household court being thus unanimous, the lawyer went away and gave advice to his client, and the presumption is that within a day or two the father-in-law and mother-in-law went to the devil.

The justices of the Supreme court put on their robes in a room which is across the main corridor of the capitol from the courtroom. In order to reach the bench they are obliged to cross the corridor and this they do in procession, the clerk of the court leading the way like a pioneer and being followed by the chief justice and the associate justices in order of rank.

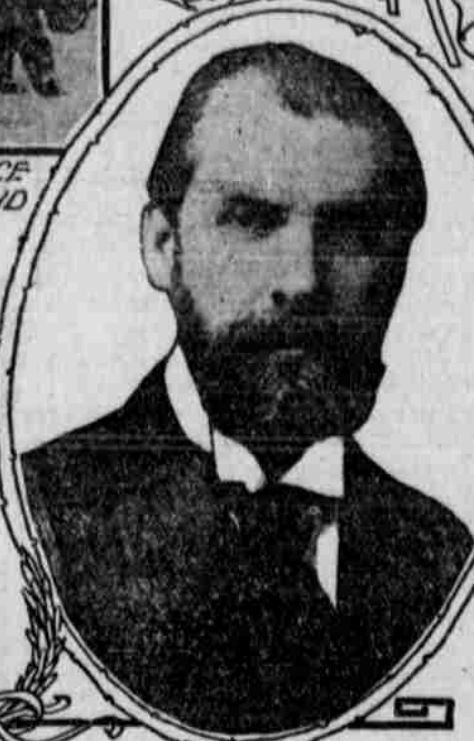
It is on the stroke of twelve, noon, that this procession takes up its way, and as it is known that noon is the hour for the court opening the corridor is always filled with people who want to see the judges file by. Just before they appear



CHIEF JUSTICE FULLER AND JUSTICE LURTON



CHIEF JUSTICE FULLER



JUSTICE HUGHES IN OFFICIAL ROBES



JUSTICE WHITE

In the doorway of their robing room four attendants take up their places in the corridor and stretch across it two thick silken cords, thus making a passageway through which the procession moves. It is the most dignified looking proceeding possible and the justices look neither to the right nor the left, but conscious that there are scores of on-lookers, each one bows, but bows straight ahead in order that there may be no discrimination in courtesy between those of the public who are standing on the right and those standing on the left. It is a perfectly impartial bow which it dignified it strikes

ing proceeding and while it is dignified it strikes some people also as being awfully funny.

Every Monday, as soon as court assemblies, it is the custom to read decisions on cases which have been considered and on which the court is to pass judgment. If the decision of a great case is expected the courtroom always is crowded and the members of the bar, newspaper men and others who have been present before on like occasions, look anxiously to see which judge is to read the important decision. If any one of three or four justices is to read it there is a distinct sense of disappointment, because nobody except the reading judge is likely to hear the decision. In other words, some of the justices of the supreme court have such weak voices that not even the men closest to them can catch what they say and everybody must wait until the decision can be read before knowing what it means.

This inability or perhaps lack of desire on the part of some of the justices to read out loud, is a great trial to the newspaper correspondents who are anxious to telegraph the news of the decision at the earliest moment possible. There are other troubles which beset the correspondents as well as those which come from the poor enunciation and the weak voices of some of the justices. Legal language is the hardest kind of language for the layman to understand, and the result is that when the decision is read the first part of occasionally makes it seem certain that one side has won the case, while the tail end of the decision may reverse everything and give the case to the other side.

There was one striking instance of this in a great case which was decided three years ago. The city of Chicago was trying to effect changes in its street-car system. The street-car companies held that their franchise was good for 100 years and that the city could not oust them from any of their privileges under their franchise. The case went to the Supreme court and was of tremendous interest to all the cities in the United States. Moreover, the speculative interests of the country were awaiting the decision with the keenest anxiety and interest, for if it went one way it meant that certain stocks still would be of great value, and if it went the other way it means that they would be worth little.

The decision was read in the Supreme court by a judge who had a good voice. Everybody had made up his mind that if the Supreme court decided that the railroad companies had a hundred years' franchise they had won the case and that the city had lost. This was regarded as the crucial feature of the whole controversy.

The newspaper correspondents from the great cities were in attendance at the court when the decision was read and they were ready to dispatch messengers instantly to the telegraph office with a brief dispatch saying either "The companies win," or "The city wins." This was all that was to be sent out at the first instance, for the situation was understood in every newspaper office in the country, and a single tip as to which side won would be sufficient to release long stories of the railroad controversy, and other stories already written of what the victory meant

for the companies or for the city. In the very first part of the decision the statement was made that the Supreme court had decided that the companies had a franchise for 100 years. Instantly some of the correspondents sent dispatches, "The companies win." Two or three correspondents were held in their seats by a cautionary word from a veteran who had done long service in the Supreme court. He said, "Wait."

In a few minutes, as the reading went on, it became apparent that the court had decided that while the companies had a franchise for 100 years they had practically no rights under it. On the strength of the mistake which was made in sending out some of the first dispatches on that day stocks went up and then when the truth came out they tumbled so fast that they hurt their heads.

When the justices led by the clerk and the chief justice enter the Supreme courtroom everybody stands. When the judges have taken their seats the court crier, after the manner of court criers since the time of the patriarchs, declares that the high and honorable court is in session and that justice is to be dispensed. Just before taking their seats the justices bow to the assembled throng and the throng bows back. When the court crier's voice has died away everybody takes his seat and the proceedings begin.

The Supreme court sits in the old senate chamber of the capitol. It is the room where Webster, Hayne, Clay, Calhoun and others fought their battles. The gallery is a tiny affair capable of seating only about thirty people and the wonder is how when Webster delivered his great oration in reply to Hayne there could have been present the great crowd of which history tells us.

It was in the Supreme courtroom that the electoral commission which decided the Hayes-Tilden contest held its sessions. The fifteen members of that commission occupied the seats of the justices and it is said that during the progress of the hearing the little room was crowded literally to suffocation and that many people were overcome. It is an historic chamber and it is one of the places to which visitors to Washington bend their steps.

In the membership of the Supreme court there are two veterans of the Union army and two veterans of the Confederate army. John Marshall Harlan, who is a Republican, raised the Tenth Kentucky infantry and served in Gen. George H. Thomas' division. He rose to the rank of colonel and his name was before the senate for confirmation as a brigadier general at a time late in the war when his father's death compelled him for family reasons to retire from the service.

Oliver Wendell Holmes of Boston graduated from Harvard college in 1861 and at once entered the Union army. At the battle of Ball's Bluff in October, 1861, Holmes was shot through the breast and for a long time it was believed he could not possibly recover. He did recover, however, and went back to the front, taking part in the battle of Antietam, where he was shot through the neck, and again his life was despaired of. Once more he recovered and went to the front, only to be wounded again at the battle of Fredericksburg.

Justice Edward Douglass White was born in Louisiana and he served through the Civil war in the Confederate service. Horace Harmon Lurton, who was appointed by President Taft to the vacancy caused by the death of Justice Peckham, entered the Confederate service when he was only seventeen years old and he served three years. He was with General Buckner at Fort Donelson when the Confederate commander surrendered to General Grant. Lurton was Grant's captive and it is not at all probable that the northern soldier had any conception that this youthful prisoner was one day to be appointed to the Supreme court of the United States by a Republican president.

CITY MAN AS A "COME ON."

The average city man thinks the farmer who buys a "gold brick" in need of a guardian. Yet thousands of these same city men have paid for "bricks" which any farmer would have known were the commonest kind of brass. There are all sorts of them nicely prepared for city men.

Now it is a scheme to buy fruit land on the Pacific coast. Our city friend is told he can make \$1,000 an acre from the start. A few days ago I found a young man almost on his way to the bank to draw \$500 for such a scheme, says a writer in the Metropolitan. He had a guaranty that in five years he would be drawing \$3,000 annually from his "farm." Next is some co-operative scheme for growing peaches in Texas or oranges in Florida. You do not work. You simply buy stock in the enterprise, pay for it, of course, and then sit in the shade and draw your dividends. You sit in the shade—no doubt of that—and the dividends draw like the memory of evil deeds.