The Herald.

T. J. O'KEEFE, Publisher.

HEMINGFORD, - NEBRASKA

NEBRASKA NEWS.

Schuyler Wells (Yellow Horn), an Omaha Indian, had his leg amputated below the knee at Pender. Several months ago he ran a rusty nail into his heel.

The southeastern Nebraska district annual camp meeting of Free Methodists is in session at Ashland. There are several eminent representative speakers present from the east and the meeting will hold for ten days.

E. L. Ellis, who resides about two miles north of Seward, was attacked by a Jersey bull and is now in a precarious condition. The bull knocked Mr. Ellis down, after which it pawed him, breaking three ribs and lacerating his face in bad shape with its hoofs.

As William Wakeham of Ashland was taking his cow to water the rope became entangled in his legs and the cow got frightened and ran several rods, dragging him. There were no bones broken, but the old man was very badly bruised. He is over 80 years of age.

During an altercation at Beatrice between Fred Shrader and M. H. Day, the latter was pushed off the walk and struck an iron railing, where his leg caught and he hung suspended in the air. He was released by some bystanders and doctors from Syracuse were summoned. It is thought he is severely injured internally.

NEB State news schmriamu'a

The Union Pacific agent at Gothenburg, W. J. Robinson, while helping a farmer unload some machinery, slipped and fell from the car and struck on his head and shoulders on the rails. He remained unconscious for a short time. He was taken home and a physician called. He may be seriously hurt.

The seven or eight men composing the government life saving crew that is to give daily exhibitions on the lagooon at the exposition have arrived in Omaha, including Captain M. H. Knowles and Keeper Cleaves. The men are already domiciled in the little building erected for them. It will be several days before the first exhibition is given, for these men have come from different stations and have never worked together. They immediately began practicing shooting the line over the mast.

People having "money to burn," as the saying goes, are rarely ever seen in this section, and still scarcer are those having diamonds to burn. Henry Biehn is one of the latter. He had been repairing telegraph lines, and had donned an old shirt, in the front of which shone his diamond pin like the headlight of a locomotive. In removing the old shirt one of the sleeves was torn off, and to make short of the mending, Henry proceeded to stick the garment in the fire, without first removing the pin. The loss was soon discovered, and what could be found of the pin dug out of the ashes. The ornament was valued at $250, and contained twelve diamonds and an emerald. Seven of the stones were recovered, uninjured, it is thought, and Henry is now engaged in washing out "dirt" from a "claim" which he is dead sure contains the yellow metal and a sprinkling of rare gems.

Omaha.—Special—The display of agricultural implements at the Trans-Mississippi exposition is varied and complete. Many of the new models of these labor saving implements are shown in operation, so that visitors may have an opportunity to judge of the value of new improvements or inventions. Beet culture calls for a number of impiements different from those in use for other crops, and there are beet planters, cultivators and pullers in endless arroy. The farmer who devotes his acres to the cultivation of King Corn naturally becomes absorbed in the operations of a corn planter that drops three kernels at a time ninety-five out of a hundred times. The new three-row cultivator for listed corn, the dustless corn sheller and the cornstalk shredder and husker are all interesting examples of man's ingenuity in perfecting labor saving devices. The hay presses, the potato diggers, t he combination feed grinders and the separator with glass sides to show its interior workings, the new disc plows and the riding harrow with folding wings are only a few of the valuable implements which are displayed for the examination and information of the farmer.

The exhibit of irrigating windmills for raising water from rivers or ponds for storage is also an important feature of the implement department.

The dairy goods exhibit is arranged along the south side of the building and is not without attractions in the form of the latest and most improved milk cans and churns. The old-fashioned dasher churn seems to have passed away. The churn of today is operated with a crank, and a slat arrangement in the body of the churn works the butter.

There are churns for dairy and family use, likewise milk weighers and testers and cheese making outfits complete.

An attraction in this department is the Klondike Spring, where drinking water will be free to all visitors.

They were out driving in the mellow twilight and their engagement was yet in its infancy.

"Darling," he said, "are you sure that I am the first and only man whose lips have ever come in contact with yours?"

"Of course, I am, dearest," she replied. "You do not doubt my word, do you?"

"No, no, sweetheart," he answered; "I love you too devoutly for that. But when I put my arm around you a moment ago and you made a grab for the lines, I couldn't help thinking you possessed wonderful intuition."

The shots from the Spaniards' cannon crashed through the seaside hotel.

The guests stirred uneasily in their couches.

"It's only today we paid our bills," they exclaimed, "and we simply won't shell out again; so, there!"

With which they gave themselves over to slumber.

First Bunco Steerer (disgustedly.)—We'll have to try some other game. These countrymen are all on. Let us work de city people.

Second Bunko Steerer (surprised)—City people! Buncoe city people? How?

First Bunko Steerer—We will open an antique furniture store.

Ned—She says that she's connected with all the richest families in town.

Ted—Yes; she's a telephone girl.

SCHEMERS BALKED

IN THEIR EFFORTS TO OVERRIDE THE LAW.

JUDGE KEYSOR'S DECISION

IN THE OMAHA FIRE AND POLICE COMMISSION CASE.

Holds That the Board Appointed by Governor is Entitled to Control Until Final Disposition of Case by the Supreme Court.

Omaha.—Special—As heretofore announced in these columns, a set of desperate republican politicians have been doing everything known to the profession of city ward strikers and unscrupulous attorneys in the courts to override the law and take possession of the police powers of the city of Omaha.

At first great efforts were made to force Governor Holcomb to appoint a fire and police commission which would be owned and controlled by a coterie of desperate politicians who have always operated with the pluguglies of Nebraska's metropolis in the carrying of elections by fair or foul means—mostly the latter. In this they failed and Governor Holcomb appointed a set of commissioners whose private business and political records were equal to any set of men in Omaha. But the unprincipled schemers never abated their efforts to put the police powers into the hands of those who are known to be friendly to the ways that are dark and tricks that are vain, which the tough and very dangerous element in Omaha and other big cities are known to habitually practice.

Judge Cunningham R. Scott, whose ranting and venomous displays on the bench and elsewhere having secured an appointment for his son under the republican administration of Omaha, was in the nature of things a suitable judge for the gang to appeal to to decide the present fire and police law unconstitutional, which he did with a great deal of very evident satisfaction.

The matter was taken before the supreme court and there a majority of the court (Judge John J. Sullivan dissenting) decided in favor of Judge Scott's decision, holding the law unconstitutional, but the court stayed the execution of their order of ouster until the police commissioners could apply for a new hearing. The gang which was after the police powers, however, were impatient and undertook to force the police board out of the way and set up business for themselves, hence the district court was appealed to and Judge Keysor issued the following order. This order simply gives the fire and police commission the usual rights of making a showing why an injustice has been done and a new hearing should be had.

The worst and most disreputable element in the republican party is backing the whole proceedings and the people of Nebraska can well imagine what the gang consists of when it is known that even ex-Treasurer Bartley and ex-Auditor Eugene Moore and a number of other convicted public thieves would not be caught associating with them.

Judge Keysor's opinion is as follows:

This case comes before me as a judge sitting in vacation on motion for a temporary injunction. The material facts are undisputed, and I will state them briefly.

March 19, 1897, the governor of this state, acting under the statute pertaining to metropolitan cities, appointed William C. Bullard, Daniel D. Gregory, Robert E. L. Herdman and James H. Peabody, who are the plaintiffs, as members of the board of fire and police commissioners.

They immediately qualified and entered on their duties as such, and from that time to the present they have continued to act as members of said board, and have been in possession of its records and of its rooms in the city hall. For convenience this board will hereafter be designated as the "old board."

Subsequent to the appointment of the old board the mayor and city council, believing that the law under which the governor acted was unconstitutional, and that the old board was an illegal one, appointed Charles J. Karbach, Peter W. Birkhauser, Matthew W. Collins and Victor H. Coffman as members of the board of fire and police commissioners. These gentlemen filed their bond and took the oath prescribed, and became members of the new board. They demanded possession of the offices from the old board, and were refused. In order to determine which was the legal board, the attorney general of the state began an original action of quo warranto in the supreme court, making both boards parties to the suit.

June 23, 1898, the supreme court entered a judgment in favor of the new board, and adjourned sine die soon afterward. The old board refused to surrender its offices and records on the ground that it had forty days in which to file a motion for a rehearing. Thereupon the new board applied to the judge of the supreme court for a writ of ouster, but its application was denied.

Then the old board asked said judges for an injunction to prevent the new board from assuming to act as the board of fire and police commissioners, pending the hearing on the motion for a rehearing. This said judges denied, as the proof shows, because the term of the supreme court had closed and because the district court, or the judges thereof, could be applied to for such relief.

The new board then claimed the right, under the judgment of the supreme court, to act as the board of fire and police commissioners, and the city council passed resolutions declaring the new board to be the only lawful board, requiring the police and fire departments to recognize and report to the new board, and announcing that any officer of the fire or police department who should refuse to recognize or obey the new board would be deprived of his pay during the period of such refusal and would be subject to discharge for insubordination. Thereupon the old board brought this action, praying that the new board be enjoined from acting, or assuming to act, as the board of fire and police commissioners, and from interfering with the old board in the discharge of its duties, until the case in the supreme court shall be finally disposed of, and the old board is lawfully removed from office.

The decision of this motion for a temporary injunction depends upon the answer to two questions: First, is the quo warranto proceeding which the attorney general instituted, still pending in the supreme court? Second, has a court of equity, or a judge thereof, power to grant the injunction prayed for?

The injunction asked for can in no way affect the quo warranto case in the supreme court, or have any bearing whatever upon the title of the members of either board to the office claimed. The object sought is simply to hold matters in statu quo until a final judgment is entered in the supreme court and a writ of ouster has been issued thereon. And before proceeding to answer the questions above propounded I desire to say that my duty of either granting or receiving the injunction in issue does not rest upon the alleged superior qualification of either board or upon any alleged misconduct of the old board.

Counsel on both sides admit, and rightly, too, the immateriality of all the evidence concerning the efficiency or inefficiency of the police board, and that evidence will therefore be disregarded on this hearing.

A CLEAR RIGHT.

The right of appeal from decisions of inferior tribunals is amply provided for in our constitution and laws. So, in the supreme court, a defeated litigant may move for a rehearing. The right to move for a rehearing in the supreme court is an individual safeguard, for there being no appeal from that court, it is the only remedy available for the correction or reversal of an erroneous judgment in the case. No one ought to be prejudiced in any respect in the exercise of that right; certainly not the old board in the quo warranto proceedings. The judgment in that proceeding was rendered by a divided court; it pronounced an act of the legislature unconstitutional, and thereby deprived the governor of a power given him by said act.

The decision is of great importance, be it right or wrong, and every good citizen is deeply interested in having it tested by a motion for a rehearing.

The supreme court, acting under authority of law, adopted the following rules:

"A motion for rehearing may be filed, as of course, at any time within forty days from the filing of the opinion or rendering of the judgment in the case."

Under this rule the old board fairly had the right to file a motion for a rehearing within forty days from June 23, 1898, and until the motion be disposed of, if filed within time, if the supreme court still has jurisdiction of the case. It may modify, reverse or affirm said judgment, and while the right to do so exists the case must be held to be still pending in the court.

NOT SELF-EXECUTING.

The judgment is simply a determination of the rights of the parties thereto. It does not execute itself. No one may take into his own hands the execution of a judgment in his own favor. Judgments are executed by the sheriff or some proper officer, acting under an appropriate writ. If the writ be withheld by the court the fruits of the judgment are not obtainable. It is the right and duty of the supreme court to enforce its own judgments. The refusal of that court to issue a writ of ouster is conclusive evidence that they do not intend the new board to enjoy the fruits of that judgment until the motion for a rehearing is filed and disposed of.

That court still has control of said judgment and of the means of enforcing it; and I am unable to perceive by what right or on what principle of law the new board even if fortified by resolutions of the city council may, in effect, enforce said judgment in its own behalf.

The new board, however, claims the right to act at this time by virtue of section 711 of the code, which is as follows:

"If judgment shall be rendered in favor of such claimant he shall be permitted to exercise the functions of the office after he has qualified as required by law."

I am of the opinion that the judgment referred to in this section is not one that is subject to modification or reversal on rehearing, but is a judgment that is final in the court where it is rendered. Nor do I think that it confers on the successful claimant the right to enforce the judgment himself, for section 712 provides as follows:

"The court, after such judgment, shall order the defendant to deliver all books and papers in his custody, or under his control, belonging to said office."

This the supreme court has not yet done, and until it does so order the old board is entitled to retain possession thereof.

THE OLD BOARD IS RIGHT.

Under the decision of the supreme court the old board is now and always has been a board of de facto officers. That a court of equity or a judge thereof, in vacation, has the right and power to protect a de facto board in the performance of the duties of its office, pending an action in quo warranto, brought to test its title to said office, is so clearly settled by reason, common sense and the authorities cited, that I pass on to consider whether or not I ought to exercise the power in this case.

The members of the old board were appointed under color of law. They are in possession of their office and have performed the duties thereof for a year or more. They are liable to a suit for damages if they are finally ousted. They ought not to be disturbed in their office until they have been as fully heard as they desire and the law permits. The old board cannot now surrender their office to the new board without fatal prejudice to their own motion for a rehearing, because our supreme court has held that it will not listen to a contest for an office which has been voluntarily surrendered to the claimant. If the old board is bound to retain its office in order to secure its legal rights to a motion for a rehearing then it seems to me that it has the right to perform the duties thereof.

CAN'T INDORSE CONNELL'S IDEA.

To the proposition of the city attorney that the new board will not attempt by force to interfere with the possession of the old board, but will, without possession of the records and office room, quietly and peaceably assume to act as a board of fire and police commissioners, I cannot give my consent. Such a course would disorganize the fire and police departments, or at least seriously affect their efficiency. It would subject the firemen and policemen to an unnecessary and uncertain choice of masters and it would not be creditable to the reputation of our city.

It is not the policy of the law, nor according to any principle of our government, that two police boards should contend with each other for supremacy by winning, in any way they can, the allegiance of the firemen and policemen.

These servants of our city ought not to be called upon to hazard their positions or their pay on a guess as to which is the lawful board or as to what the supreme court may do on a rehearing of the quo warranto case, if a rehearing should be granted.

It is the duty of the supreme court, by its interpretation of the law, to decide which is the lawful board, and it will finally do so, in the regular course of legal procedure, and will, at the proper time, either confirm the title of the old board or will, by the power vested in it under the law, deliver possession of the room, records and the offices to the new board, which will then be entitled to act as a board of fire and police commissioners.

I am firmly convinced that the old board is entitled to the temporary injunction prayed for, and the motion, therefore will be sustained.

THE COURT'S ORDER.

The required bond was filed and Judge Keysor issued the following order:

In the district court in and for Douglas county, Nebraska. William C. Bullard et al., plaintiffs, vs. Frank E. Moores et al., defendants—Order.

On this 12th day of July, A. D. 1898, this cause came on for hearing in vacation before Hon. W. W. Keysor, one of the judges of the district court of the Fourth judicial district of the state of Nebraska, upon an application by the plaintiffs for an injunction against the defendants, restraining the said defendants, and each of them, from acting, or assuming to act, as members of the board of fire and police commissioners of the city of Omaha, and restraining the said defendants, Victor H. Coffman, Charles J. Karbach, Matthew H. Collins and Peter W. Birkhauser, from interfering, annoying or harassing the said plaintiffs in the exercise of the duties of the board of fire and police commissioners of the city of Omaha, upon consideration of the proofs, and the court being fully advised in the premises, finds that the allegations of the petition are substantially true, and that the plaintiffs are entitled to the relief prayed for in said petition.

It is, therefore, considered, ordered and adjudged that a temporary injunction issue against all of the said defendants, their agents and employes and officers associated with them, from interfering with the said plaintiffs in the discharge of their duties as members of the board of fire and police commissioners of the city of Omaha, and enjoining and restraining said defendants, and each of them, from acting, or assuming to act, as a board of of fire and police commissioners of the city of Omaha, or from, in any manner, interfering or directing the officers or employes of the fire and police departments in the discharge of their duties as such officers.

And it is further ordered that if the said plaintiffs, constituting the board of fire and police commissioners of the city of Omaha, prior to the expiration of the said forty days from the 23d day of June, 1898, file a motion and a brief for rehearing in the case of the state of Nebraska ex. rel. Constantine J. Smyth, attorney general, vs. Frank E. Moores et al., then this order shall continue until the supreme court of the state of Nebraska passes upon and determines the rights of the respective parties upon said motion for a rehearing.

To all of which order and ruling the defendants at the time except.

It is further ordered that the plaintiffs give bond herein in the sum of $1,000, to be approved by the clerk of the court.

WILLIAM W. KEYSOR, Judge.

Action Against Mallalieu.

Lincoln.—Special—Attorney General Smyth has filed a petition in the district court of Buffalo county, in which he asks for judgment against John T. Mallalieu, F. J. Switz, F. J. Robertson and J. H. Irvin for the sum of $4,458.38. The three defendants last named are sureties on the official bond of Mallalieu as superintendent of the state reform school at Kearney, and the petition alleges that the money sued for was received by Mallalieu as superintendent during his incumbency of the office and that it was money belonging to the state of Nebraska, obtained by Mallalieu from the sale of sugar beets and seeds sold from the school farm, and that the money was never accounted for by him nor turned over to the state nor to his successor in office.

The petition recites that Mallalieu was superintendent of the school for several years down to the time C. W. Hoxie, his successor, took possession in 1897. That in 1891 he sold to the Oxnard Beet Sugar company twenty-two car loads of beets for the sum of $1,386.47; in 1892 forty-three car loads at $2,855.54; in 1893, seven car loads at $442.88; in 1894, twelve car loads at $633.36; in 1895, twenty-eight car loads at $1,812.23, and in 1896, thirty-three car loads at $1,921.58. That of the total amount of money for which these beets were sold during these years Mallalieu has accounted for $5,009.10, still leaving $3,971.56 unaccounted for.

The petition sets out that in 1892 Mallalieu sold to the D M. Ferry company seeds and in 1896 sold seeds to D. Landreth & Sons, and of the money received on these sales $485.72 was not accounted for.

The petition sets up that these beets sold to the Oxnard company and the seeds sold to the seed firms were all raised on the farm at the institution and were raised by the superintendent and sold by him and the money received by him as such superintendent, and that the property and the proceeds belonged to the state. Mallalieu having failed to turn this money received for the beets and seeds over to the state he and the sureties on his bond ar now seud by the state for this amount. This suit is based on the report made by the legislative investigating committee, which, with the defense of Mallalieu were published several months ago.

Things Forbidden in War.

It is, perhaps, not generally realized that the game of war is hedged round by as many restrictions as a boxing contest under Queensberry rules. These regulations, says Tit-Bits, which are under the sanction of all the civilized countries of the world, are designed to insure fair play for the combatants.

When it is intended to bombard a place, due notice should be given, so that all women and children may be removed to a place of safety; and every care must be taken to spare churches and hospitals, as well as all charitable or educational buildings.

All chaplains, doctors and nurses are protected in every possible way, and are not to be taken prisoners or in any way injured.

Any soldier robbing or mutilating an enemy is liable to be shot without trial, and death is the penalty for wounding or killing a disabled man.

The bodies of the enemy are to be carefully searched before burial, and any articles found on them which might lead to their identification are to be sent to the proper quarters.

Explosive bullets must not be used, and quarter must be given to the enemy whether he asks for it or not. In an attack on the enemy there must be no concealment of the distinctive signs of the regiments. Poisoning drinking water is strictly forbidden.

CAT Tongues cmfwy shrdl shrdlu

The tongues of the cat family are covered with recurving spines. In the common cat these are small, but sufficiently well developed to give the tongue a feeling of roughness. But in the lion and tiger the spines are strong enough to enable the animal to tear away the skin of a man's hand by merely licking it.

VERY IMPORTANT

ATTORNEY-GENERAL SMYTH'S WORK IN U. S. COURT.

UNTIED OFFICER'S HANDS

MODIFICATION OF MAXIMUM FREIGHT RATE DECISION.

A Great Victory--State Board of Transportation Heretofore Bound Hand and Foot by U. S. Court Injunction, are Now Free to Act.

Attorney General Smyth has secured from the supreme court of the United States a most important modification of the decree in the maximum freight rate cases.

The decree in those cases was entered by Judge Dundy of the Federal Court for the district of Nebraska on November 24, 1894. This decree was supposed to be in accordance with the opinion of Judge Brewer who tried the case and held that the maximum freight rate law was unconstitutional because the rates named therein were unreasonably low. While the decree restraining the enforcement of the maximum freight law was to that extent in conformity with Judge Brewer's decision, it went further and embodied two provisions which extended beyond what Judge Brewer intended and which were far reaching and most disastrous in their effects upon the rights of the people of the state.

By the first of these two provisions the state and its board of transportation were restrained from reducing any of the freight rates fixed by the railroad companies of the state to the level named in the maximum rate bill or below that level. The intention of Judge Brewer was to restrain the enforcement of the rates fixed in the bill when taken as a whole, and not the enforcement of any one of those rates taken separately. It is not difficult to see that while the enforcement of all the rates as a body might result very injuriously to the railroad companies, yet the enforcement of one or two of those rates might not work a reduction in the total earnings of the roads which would be unreasonable. To illustrate, suppose the board of transportation desired to reduce the rate on corn, or wheat, or cattle, or merchandise, it might do so and yet not so affect the total earnings of the companies as to make the reduction unreasonable. The decree as entered prohibited the state board from making such reductions.

This prohibition, however, was but significant when compared with the other provision referred to. That provision restrained the railroad companies of the state from reducing any of the rates which they had in force at the time the decree was signed. By this provision was taken from the legislature and the board of transportation the right to ever reduce railroad rates below what they were in 1894. Whether those rates were reasonable or unreasonable was not a subject of investigation in the trial of the case. The only rates which were investigated were the rates named in the maximum freight rate bill, which reduced the rates then in force 30 per cent. Judge Brewer said that that reduction was unreasonable, but he did not say that the rates then in force were reasonable, nor did he say that a reduction of those rates 10 or 15 per cent would be unreasonable. Nowhere in his opinion can there be found any warrant for saying that one, or two, or three of the rates then being charged by the companies might not be reduced not only to the level named in the maximum freight rate bill, but to a point much below that. Yet this decree as entered prohibited the reduction of any rate charged in 1894 by the railroad companies. At a glance it can be seen that if that decree was permitted to stand the legislature could not cut any one of those rates 1 per cent. The rate on cattle might be most unreasonable, and so might it be on wheat, or corn, or merchandise, in a word on the things which the people of the state are principally interested in, but the legislature would be powerless to grant any relief, even in the smallest degree. It was a clever trick on the part of the attorneys representing the railroad companies to have those two provisions incorporated in the decree. The trick was very nearly successful, and if it had been the people of this state would have lost for all time their right to regulate in any respect the freight rates of the railway companies of this state.

How did these two provisions come to get into the decree? Why did the court permit them? The answer is plain. The decree as drawn, was, before the Judge signed it, submitted to Mr. John L. Webster, the $10,000 assistant of Attorney General Hastings, and was by him approved. With his approval, and no objection from the attorney general, the court supposed the decree was in accordance with Judge Brewer's opinion and signed it.

When the supreme court handed down its decision in March of this year, Attorney General Smyth discovered these two provisions in the decree and saw the disastrous effect they would have if permitted to remain there. He called Mr. Webster's attention to them. That gentleman admitted their importance, but said nothing could be done, and refused to make any attempt to have them eliminated. The attorney general, however, was not satisfied with this course of procedure and took steps at once to apply to the supreme court to have the decree modified. He prepared the necessary papers and argument and proceeded to Washington and submitted the matter to the court. In a short time thereafter the court decided that his position was correct, and that both provisions should be eliminated from the decree.

As the decree now stands it is within the power of the Board of Transportation to do anything it may desire to do within reason with respect to the freight rates of the railroad companies, except the enforcement of the maximum freight rates as a body. The board may reduce the rate upon corn, upon cattle, or wheat or merchandise, or any other commodity if, in its opinion, the rates thereon are too high.

Prior to the obtaining of these modifications the board was powerless to do anything with respect to rates. The Omaha Bee and other republican organs persistently attacked the board because it did not reduce rates and give the people relief on this commodity or that, but these papers well knew that it was not the board's fault that relief was not granted. The fault rested with the decree of Judge Dundy, which decree was entered with the consent and through the connivance of republican officials. If, therefore, the board of transportation has done nothing to relieve the people of the state against the unjust rates charged by the railroad companies, it is not its fault, but the fault of its republican predecessors, Joe Johnson, W. A. Dilworth and J. M. Kountz.

Immediately upon the supreme court granting the modification, which was done about the middle of May, the board of transportation proceeded vigorously to the work of investigating the rates being charged by the different companies, and it is expected that within a short time an order will be entered granting material relief to the people. "Why didn't the board make this investigation before?" says some republican howler. Simply because the railroad companies refused to permit it to do so, on the theory that the decree as it then stood restrained the board from acting.

The success of Attorney General Smyth in securing these modifications is worth more to the people of the state of Nebraska than fifty times his salary. If the same republican crowd which was in control when this decree was entered was now in possession of the state house the decree would never have been modified, and thus would have passed away the last right of the people of this state to regulate the railroad companies.

To lose the maximum rate case has cost the people more than $22,000, every cent of which was expended by republican officials, and not one cent of which went into the pockets of a fusionist. Ten thousand dollars of the amount went for the assistant to Attorneys General Hastings and Churchill. This assistant was none other than the high toned, high priced republican attorney, John L. Webster, who now wants to break into Senator Allen's place in the United States senate. But he is not entirely to blame, for he was ably aided and abetted by the republican attorneys general, republican members of the board of transportation and the republican secretaries thereof, one of whom, Mr. Joe Johnson, is now and for some time has been the self-constituted critic and defamer of the men whose work it has been to correct his mistakes and save the people from the consequences of his misdeeeds.

TEXANS ARE TALKING SENSE

West and South Must Have Better Transportation Facilities.

Omaha, July .—The forty Galvestonians who came Saturday to spend two or three days at the exposition are rapidly getting in touch with local jobbers and business men. In the party are several commission merchants, three or four lumber manufacturers and dealers, two or three sugar importers, several wholesale grocers, an oil refiner, a cattle dealer, fifteen or twenty capitalists and others.

"There is a fine opportunity for Omaha to establish a big business with Galveston," said one of the gentlemen of the party. "We are large consumers of your local products, and if we can establish the necessary relations we can get together on a basis that will be of benefit to both Omaha and Galveston. You have packing house products, grain, vegetables and fruits. We want them. Take apples, for instance. We consume a great quantity of apples every year, but never can get enough to supply the demand. It's the same with cherries, raspberries and other small fruits. Now, if you people can put apples to us at a reasonable price, we can take many a carload from you. We want your grain for consumption and for export. We don't raise enough wheat or corn in Texas to meet the local demand. Your packing house products can be handled by us in immense quantities. Mr. J. Purcell of Purcell & Co. of our city wants to secure shipments of apples. Mr. J. P. Joughn, Mr. Henry Stern and some of the others in our party can handle your packing house stuff. Mr. T. J. Kelly and Mr. J. W. Jockusch of Jockusch, Davison & Co. are in the grain business.

"On the other hand we want to furnish yellow pine and cypress to you. Mr. Charles H. Moore of the Lock-Moore & Co. (limited) and Moore & Goodman is one of the largest lumber manufacturers and dealers in America. Mr. J. F. Grant of our party is a lumber dealer of long experience. We will buy more commodities from you than you will from us. Our section of the country is one that your business men ought to give attention to, especially as we are on the eve of one of the greatest commercial waves of expansion that America ever experienced. Your wide-awake merchants must realize the fact that the gulf ports are going to do the bulk of the trading with the West Indies.

"When the war closes there will be a widening of commerce on the Gulf of Mexico that will tax the facilities of all the seaport towns of Texas, and Louisiana. Already our people at Galveston are trying to charter vessels for the Cuban trade. The Mallory line, the Lone Star line, the Morgan line and the Cromwell line will have steamers in the Cuban and Porto Rican trade and, I understand, the Kansas City, Pittsburg & Gulf will have both passenger and freight steamers in service between Port Arthur and our new gulf possessions.

NICARAGUA CANAL CERTAIN.

"But great as will be our trade with Cuba and Porto Rico, large as will grow the exports of grain and other trans-Mississippi products to Europe, we believe that the building of the Nicaragua canal will give to the gulf ports a commerce immeasurably larger and greater. The Nicaragua canal is a certainty. This war—the voyage of the Oregon—settled that. It would be well for the merchants of Nebraska, Kansas, Iowa and Missouri to be alert to the development that is coming along the shores of the Gulf of Mexico".

The well informed business men of Omaha realize that the heaviest and most important shipments over north and south lines to the Gulf of Mexico are our farm products. If these products could be secured their natural rights in the matter of transportation it would be the means of keeping many millions of dollars here at home in the pockets of the producers, which, under the present system of transportation, is filched from them and unjustly taken to the already overfielled coffers of eastern and foreign industrial bondholders.

The German emperor will remodel large portions of the old royal castle in Berlin, to make it habitable. Large amounts have already been spent in alternations during the last ten years. The object of further expenditure is on the score of economy. Hitherto the emperor's guests at festival occasions have been lodged at the hotels.

The heat was so intense in New York city on the 1st and 2d insts. that the automatic fire boxes sent in a number of false alarms. The mercury registered 100 degrees in the shade.

Parisian barbers are legally compelled to wash their hands after attending a customer and before waiting on another. They must also use only nickel-plated combs.