

DEMOCRATS CONVENE.

Madison County Delegations are Named.

NAMING OF CANDIDATES DEFERRED

Choose Delegates to State, Senatorial and Judicial Convention—Congressman Robinson May Choose His Delegates—Republican Congressional Committee.

From Monday's Daily Pursuant to call the democratic county convention met at the Marquardt hall in this city at 2 o'clock this afternoon, and was called to order by D. J. Koenigstein, chairman of the county central committee.

T. F. Memminger was chosen as temporary chairman and F. E. Martin as temporary secretary.

A committee on credentials, consisting of Ed O'Shea, A. J. Dunlevy and Albert Degner, was appointed. After a short recess, the committee reported that all precincts in the county were represented except Deer Creek, Emerick, Shell Creek and Kalamazoo.

The temporary organization was then made permanent, and election of delegates to the state convention was proceeded with.

The following named were chosen: J. S. Robinson, T. F. Memminger, W. Hartwig, G. A. Luikart, D. Rees, A. Bear, T. M. Hull, A. P. Childs, A. J. Dunlevy, P. Stanton, J. J. Hughes, F. J. Hale, S. K. Warrick, Owen O'Neill, Fred Scheereger, Joe Osborn.

Motion prevailed that Hon. J. S. Robinson be allowed to select the delegates to the congressional convention.

The following named were elected as delegates to the senatorial convention: I. G. Westervelt, P. F. Zimmerman, W. C. Roland, Fred Davis, A. G. Meyers, Aug. Brummond, Wm. R. Koslosky, Al. Degner, Oscar Uhle, J. J. Hughes, A. Bear, C. R. Hinman, T. C. Osborn, John Dieter, Pat Stanton, J. S. Craig.

As delegates to the judicial convention the following named were elected: D. J. Koenigstein, T. D. Preece, M. B. Foster, Geo. Losey, F. W. Koerber, S. K. Warrick, A. J. Dunlevy, F. J. Hale.

Motion prevailed that the delegates elected to the state convention to elect national delegates, also constitute the delegation to the convention which will nominate candidates for state officers.

After selecting members of the county central committee, the convention adjourned to meet for the purpose of nominating county officers upon call of the chairman.

Congressional Committee Meeting.

The republican central committee of the Third congressional district will meet this evening at the Oxnard hotel in this city to fix time and place and apportion delegates to the congressional convention.

Some of the members of the committee arrived as early as yesterday and others came in today. All members will probably not be here before evening. Those who have thus far arrived to attend the meeting are: C. W. Conklin, chairman, Tekamah; A. W. Ladd, Albion; A. A. Logan, Creighton; J. R. Manning, Wayne; W. E. Peebles and B. F. McDonald, Pender; J. S. Lemmon, Thurston; Fremont Everett, Lyons; H. C. Russel, Schuyler; P. L. Rork, Tekamah; Carl T. Seeley, Madison; J. F. Jenal, Hartington; Carl Kramer, Columbus; Ed Hoare, Fremont.

W. M. Robertson of this city is the Madison county member and Jack Koenigstein is secretary.

BOARD EXPLAINS.

Transportation Outfit Tells Why There Was No Meeting.

The state board of transportation is afflicted with all kinds of trouble, of which the Norfolk case is not the least. Somehow the people have got an idea into their heads that the honorable board should do something besides draw their salary and their breath. They did make a move by appearing in Norfolk in all their dignity and holding a hearing regarding the complaint of the citizens—they even went so far as to make an order to the railroad complained of—but now that the time has come to enforce the order or grant a further hearing they appear to be afflicted with a desire for rest and the persistent urging of them to action is exceedingly tiresome. The object of the board seems to be to let the matter go by adjournment until they are restrained from action by some court.

The World-Herald reporter interviewed members of the board yesterday with the following result.

"Secretary Laws of the state board of transportation was asked today what grounds exist for the complaint of the Norfolk Business Men's association, published in the World-Herald this morning, to the effect that while the hearing on their case had been set for March 6, at Norfolk, the board failed to appear and failed to answer communications regarding the matter.

"Mr. Laws prefaced his statement with the declaration that the Norfolk case made him so tired that he could hardly bear to talk about it.

"The truth is," he continued, "that on March 1 the board met and postponed until March 15 the live stock hearing, the corn rate hearing and the Norfolk hearing, in consequence of the restraining order secured from Judge Munger. I know that the Norfolk people should

have been notified, but I was so busy I neglected to do it.

"As the restraining order was not argued before Judge Munger yesterday, as expected, on account of the sickness of one of the attorneys, it is probable that the date for these hearings will have to be again postponed. It is difficult to understand how the board could hold the three hearings all at 11 a. m., on March 15, the time decided on, especially as the Norfolk complainants were promised that their hearing would be held in their own city."

As a result, undoubtedly, of this interview, the following letter was today received by the secretary of the Business Men's association:

LINCOLN, March 9.—Mr. Chester A. Fuller, Norfolk, Neb.—Dear Sir: We notice in the World-Herald today your letters claiming you were not notified about the action taken in your case. This case was postponed from March 6th to March 15th together with other cases that were tied up on account of the action taken by the railroads in the federal court. This adjournment was taken on the motion of Mr. Porter, and said hearing is to be held here on March 15th with others. Now, if it is not convenient for the people of Norfolk interested in this case to be present at that time here at Lincoln, we will adjourn it to some other date at Norfolk. Our failure to notify you of this change was an oversight and we regret that it happened. Yours truly,

STATE BOARD OF TRANSPORTATION, By Sec. James C. Dahlgren.

The Election Law.

There has been some question concerning the law under which the city election is to be conducted this spring and for the purpose of getting at the truth of the matter a reporter for THE NEWS interviewed City Attorney Mapes in regard to it. His opinion is that decisions of the supreme court in recent cases put out of operation all the late laws regarding elections in cities of the second class and that the law of 1883 is the one under which elections are to be held.

This is the law under which elections were conducted in Norfolk up to four or five years ago and it provides that the term of office of mayor, city clerk and city treasurer shall be but one year.

The first election under the new law was when Dr. Bear was chosen for mayor, and Mayor Simpson was also elected under the new law. Each of these gentlemen held the office for terms of two years, but the mayor, city clerk and treasurer elected this spring will hold their offices for a term of but one year, as provided under the old law.

The new law also provided that the city engineer in a city of this class should be appointed by the mayor. The old law, now in force, provides for his election. A more recent law provided for the election of chief of police and city attorney, but this has met with the disapproval of the supreme court and these officers will be appointed, as usual, by the mayor.

The decision which declares unconstitutional the law of 1885 is the result of a case in which a man named Foxworthy started a suit to recover damages from the city of Hastings for injuries received through the culpable omission of the city. The law of 1885 was an amendment to the one of 1883, giving the same power to a city containing 5,000 inhabitants as the law of 1883 gave to cities of 10,000 inhabitants. A motion has been filed for a rehearing in the case, but it is not considered that this effects the decision rendered.

The following quotations are taken from the opinion of Justice J. Sullivan, which clearly shows that Norfolk is not entitled to operate under the same provisions as a city containing 10,000 inhabitants:

"As the original and only legitimate title of chapter of the Session Laws of 1885 was clearly not broad enough to cover legislation amending the title to chapter 16 of the Session Laws of 1883, we shall, in the further consideration of this case, deal with the former act under its proper title—the title by which it became known during its passage through both branches of the legislature. Leaving out of view, then, the spurious portion of the title and the first section of the act, the question for determination is this: Was it competent for the legislature to make the provisions of an act entitled 'An act to provide for the organization, government and powers of cities of the second class having more than ten thousand inhabitants,' applicable to cities having less than 10,000 inhabitants by an enactment, the object of which, as expressed in the title, was to amend the first four sections of the original law? To prevent surrogative legislation, the constitution declares that no bill shall contain more than one subject, and the same shall be clearly expressed in its title' Const. art. 3, § 11. This provision of the supreme law forbids amendatory legislation, which is foreign to the subject of the original act, and which would not be embraced within the title thereof. If the amendatory law might have been made a part of the original act at the time it was passed, it is valid; otherwise, it is not."

"It would hardly be contended, in view of the decisions here and elsewhere, that an original act, which according to its title, related exclusively to cities having 10,000 inhabitants might embrace legislation affecting cities having less than 10,000 inhabitants."

"The restrictive title would, in such case, clearly exclude from the operation of the law all cities having a population of less than 10,000; and it is equally clear that an act purporting merely to amend such a law would furnish no indication that the amendatory legislation was dealing with a different class of cities. For these reasons we conclude that the act of 1883 was not applicable to the city of Hastings."

REPUBLICAN CAUCUSES

Candidates for Councilmen are Chosen.

DELEGATES TO CITY CONVENTION.

Eiseley, Kern, Halverstein, Beck and Hutchison Nominated for Councilmen, Second Instructs for McFarland for Clerk—Primaries Saturday.

From Tuesday's Daily. The republican city caucuses were held last evening pursuant to call. In the Third ward, which seemed to be the battle ground, there was a lively contest, and those who favor the principles emanating from the "Good Government Club" seemed to have things about their own way. In the Second ward it is estimated that about half of the delegation is in sympathy with the new movement. If the delegates to the city convention who were nominated last evening are elected at the primaries to be held Saturday afternoon, the probabilities are that the "Good Government" idea will control about half of the delegates in the city convention, and there may be a lively scuffle over the nomination for mayor. For the good of the party, however, it is to be hoped that harmony will prevail in the convention, and that a good man whom all can support will be nominated, otherwise the city will inevitably be turned over to the democrats.

FIRST WARD. The First ward caucus was held in the city hall and was organized by the selection of W. H. Widaman as chairman and Geo. H. Spear, secretary.

After several ballots had been taken C. F. Eiseley was nominated for councilman.

Ballots were prepared for delegates to the city convention and the following named were chosen:

- Wm. Hemphill, H. H. Patterson, H. Rokes, Ed Wegner, M. W. Spenner, Al. Johnson, W. A. Hemleben.

The following were chosen as committeemen from the ward: Geo. H. Spear, H. H. Patterson and W. A. Hemleben.

The primary election to choose the delegation will be held at the office of the police judge next Saturday from 12 o'clock to 6.

SECOND WARD. The second ward nominated W. L. Kern for councilman for full term and Gay Halverstein for short term.

The following delegates were selected to represent the ward in the city convention:

- M. L. Ogden, C. J. Stockwell, Clyde Eiseley, L. M. Gaylord, J. W. Ransom, Jos. A. Light, Fred Karo, Frank H. Beels, J. Jefferies, W. M. Robertson, H. G. Bruggemann, R. W. Mills, H. M. Roberts, C. J. Stockwell was chosen judge and H. M. Roberts clerk of primary election.

J. W. Ransom, C. J. Stockwell and Clyde Eiseley were elected as central committeemen.

The following resolution was unanimously adopted.

Resolved, by the republicans of the Second ward, that the delegates elected to attend the city convention be instructed to use all honorable means to secure the nomination of Samuel R. McFarland for city clerk.

After instructing the central committee to fill any vacancies on the ward ticket, the caucus adjourned.

THIRD WARD. The Third ward caucus was called to order by F. E. Hardy, chairman of the central committee. John R. Hays was elected chairman and W. N. Huse secretary.

R. W. Williams and F. W. Beck were placed in nomination for candidate for councilman. Upon a ballot being taken, F. W. Beck was found to have received 21 and R. W. Williams 13, and the chair declared Mr. Beck the nominee of the caucus.

The next business was the selection of 18 candidates for delegates to the city convention and about 30 names were proposed. After some debate it was decided that the candidates should be elected by ballot, which resulted in the selection of the following named:

- W. H. Bucholz, W. J. Gow, W. H. Blakeman, A. J. Johnson, G. M. Thompson, H. L. Snyder, E. O. Mount, I. Powers, F. E. Hardy, P. T. Birchard, C. C. Gow, J. B. Hays, J. B. Maylard, R. B. Weller, F. W. Beck, A. H. Allison, W. H. Bridge, W. R. Hoffman.

The primary election will be held at

the lumber office of L. C. Mittelstadt on Saturday, from 12 o'clock noon to 6 o'clock p. m. L. C. Mittelstadt was elected chairman of such primary and J. W. Gibson, secretary.

FOURTH WARD. The Fourth ward caucus was held at the drug store of J. L. Hershiser, and selected as candidate for member of the council J. K. Hutchison. As candidates for delegates to the city convention the following named were chosen:

- Fred Hollingsworth, A. H. Viele, C. J. Chapman, W. H. Livingston, W. H. Rish, Gilbert Anderson.

The primary election will be held at the drug store of J. L. Hershiser on Saturday afternoon.

Summons by Publication. Ollie M. Foxworthy Plaintiff, vs. George Foxworthy Defendant.

To George Foxworthy non resident defendant: you are hereby required to take notice that on the 6th day of February, 1900, the plaintiff filed her petition in the district court of Madison county, Nebraska, against you, setting forth that you have been willfully absent from her for more than three years last past without any fault or provocation on her part. That being of sufficient ability to provide for, support and maintain her, you have wantonly, grossly and cruelly refused and neglected so to do she prays that she may be divorced from you, and be restored to her maiden name of Ollie M. Wade and for general equitable relief. You are required to answer said petition on or before the 19th day of March, 1900.

Dated February 6, 1900. OLLIE M. FOXWORTHY, By Barnes & Tyler, Her Attorneys.

Notice to Non-Resident Defendant. John J. Farley, defendant, will take notice that on the 23rd day of February, 1900, Caroline E. Farley, plaintiff herein, filed her petition in the district court of Madison county, Nebraska, against said defendant, the object and prayer of which are to obtain a divorce from the defendant from the bonds of matrimony, on the ground that the defendant has willfully abandoned the plaintiff for more than two years. The plaintiff prays for a decree of divorce from the defendant from the bonds of matrimony, and for the custody of Myron M. Farley, a minor and child of plaintiff and defendant.

You are required to answer the said petition on or before the 9th day of April, 1900.

Dated February 24th, 1900. CAROLINE E. FARLEY, Plaintiff, By Mapes and Hazen, her Attorneys.

In the District Court of Madison County, in the State of Nebraska. Lewis H. Painter vs. Marie E. Painter.

The defendant, Marie E. Painter, will take notice that on the 23rd day of February, 1900, Lewis H. Painter, plaintiff herein, filed his petition in the district court of Madison county, Nebraska, against you, for a divorce from the bonds of matrimony, from you, for the reason that prior to the first day of September, 1897, you willfully deserted the plaintiff and for more than two years last past you have been willfully absent from the plaintiff without a reasonable or just cause.

You are required to answer said petition on or before the 2nd day of April, 1900.

You will also take notice that on the 20th day of March, 1900, between the hours of 10 a. m. and 4 p. m. at the office of Poots & Soloman, Room 501, Rand-McNally Building, in the city of Chicago, in the county of Cook and state of Illinois, the plaintiff above named will take the testimony of Ed Houkman, a witness in this action, to be used as evidence on the trial of the above entitled cause, with authority to adjourn from day to day until such deposition shall have been taken.

W. M. ROBERTSON, Attorney for the Plaintiff.

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