THE OMAHA DAILY BEE: THURSDAY, MARCH 5, 1891.

WILL LIMIT LAND GRABBING.

Repeal of the Timber Culture and Pre-Emption Laws Peculiar in Effect.

NOT CLEARLY UNDERSTOOD AT PRESENT.

Some of Its General Provisions

Affecting and Amusing Scenes in the Capitol He Mistook Their Capacity.

WAMINGTON BUREAU THE BEE, 513 FOURTEENTH STREET, WASHINGTON, D. C., March 4.

The bill to repeal the timber culture law more for reaching in its effects than wester settlers generally suppose. Besides repeat ing the timber culture and pre-emption laws the new law provides that homesteaders can not commute in six months, but must live on their claims one year before they can com mute, and pay the customary \$1.25 as acre outside the railroad limits or \$2.50 inside th railroad limits, and secure title to their lands Another important feature of this bill i that which practically annuls con tests for lands which have bee Initiated after final proof has been made by the settler. In many instance now pending before the interior department special agents of the land office have reported that the proof made by the settler was un satisfactory, although the land on which proof has been made has either been sold or has been foreclosed under mortgage given by the settler to obtain money for making final

proof and payment. The act also provides for the reservation of sites for reservoirs for irrigation purposes and gives right-of way through all propertie owned by the United States for the building of urigation canals and ditches. Besides the provisions relating to the acquisition of town sites and other property interests in Alaska there is a modification of the mineral land laws which will be of considerable benefit to the claimants, although there may be ie cofficulty in digesting the provision rel

wative to the cutting of timber in mineral President Harrison refused to sign the bil

until there had been a modification of that provision relating to the cutting of timber in mineral states, and this modification will mineral states, and this modification will seriously affect the Black Hills district in South Dakota, as well as other mineral states. Senators Pettigrew, Casey, Sanders and Allea worked nearly all night to bring influence to bear upon the president to sign the bill, and it was largely through the in-fluence of western senators and representa-tives that the modification in the bill was passed through engineers at an early hour this passed through congress at an early hour this morning.

Secretary Noble filed nine specific reason why the bill should not become a law, and was very urgent before the president on insisting that he should veto it. The modifica-tion pussed in the resolution gives the secre tary of the interior power to regulate matters relating to the cutting of timber, and in all cases where the United States has brought suit against people who have removed tim-

It will take about one month for the in terior department to formulate regulations by which land officers can act. Instruction have already been sent to the land officers directing them to allow no further entrie until the rules and regulations of the interio department can be promulgated. The interio department officials are not quite clear as t of all the provisions, and it will the n. take severa, weeks to definitely decide what was intended in this great omnibus bill. One offect, however, is conceded, and that is that it will settle five-sixths of all the contests now pending before the department. it quite probable that the practical workings of the law will demonstrate the fact that the next congress will have to make some modifi-cations of its provisions. There can now be en-tries made only under the homestead, desert and mineral laws. SCENES AT THE WIND-UP.

It was not a very unusual proceeding for the democrats to oppose the resolution thank-

ars and representatives. Many of them may back to congress or appear in duer ic places to maintain the reputations have made in the Fifty-first congress. they have made in the Fifty-first congress, Others will drop out of sight and never be heard of more. Many of these men clasped hands for the last time on the floor of the two houses today. Among the distagraished returng statesmen were four prominent republican mombers of the boxes com-mittee on appropriations. They were Mr. Butterworth of Ohlo, Mr. Can-non of Illinois, Mr. Bayne of Pennsylvania and Mr. McComas of Mary-land. Ail are men of long experience in congress, ablo speakers, experienced law-makers, and sterling republicans. They include in the sonato restaurant shortly after makers, and storling republicans. They functed in the senate restaurant shortly after their congressional careers terminated and they were like prothers in their affectionate regard for one another. When they came up from the restaurant and proceeded to the house from the senate end of the capitol, at 2 o'clock, they were locked together arm in arm, and waiking through the broad corridors joined listily in the song . Don't You Hear Dem Bells." Messes, Butterworth and

Cannon have good voices and they gave them full play, much to the ammement and enter-tainment of thousands who througed the great capitol building.

DRANK LIKE OLD TIMPES. The next time Representative Belden of New York, chairman of the republican na-tional committee, orders up liquid refresh-ments for his friends, he will probably ap-proximate the result. Night before last he spread a lunch in the cloak room of the house, and while it was being served, discovered there was nothing to revive the reduced spirits of his friends. Turning to two or three of them, he inquired if they "would have something?" They all replied affirma-tively, and when asked what it would be, one

tively, and when as ked what it would be, one of them said: "I believe I will take a milk panch," "same for me," "same for me," "same for me," was replied all along the line, till probably a dozen had ordered milk punches. Mr. Belden, who never drinks and knows nothing about tobacco, called a porter and told him to go down into the restaurant and told him to go down into the restaurant and to fetch as much as they wanted Mr. Bel-den then turned on his heel and went back on the floor of the house. The next day (yes-terday) the bill came to him. Among the charges was one for forty gallons of milk

MISCRILLANEOUS,

Tom Benton and Secretary of State Allen from Lincoln, are here on railroad commis iou busines

Cashier Ford of the Union National bank of Omaha saw concress close today. The three retiring Nebraska representa

ives leave for their homes tomerrow with neir families During the last two hours of the session Mr. Dorsey had inserted in the record as a part of his speech the review of the execu-tive work of President Harrison's adminis-

ration. He said that it was such a good re-ublican document, and showed such a calthful condition of affairs, that it ought be handed down to posterity in a perma-ent and convenient form.

The Induan appropriation bill, as it becomes a law, appropriates \$100,000 for the Ozallala Sioux, and other friendly Indians, who left Sioux, and other friendly Indians, who left their homes and came into the agencies dur-ling the recent outbreak. This was the re-sult of work by Buffalo Bill and Major Burke. They asked for \$200,000 and came very near getting it. At the last moment the conferees reduced the amount to \$100,000. Buffalo Bill and Major Burke will leave for Nebraska immediately. PERRY S. HEATH.

STATE CAPITAL NEWS.

The Lindquist Case Ended Without Any Sort of Prosecution.

LINCOLN, Neb., March 4 .- |Special to THE BEE. |- The Tracy-Lindquist elopement case came to a sudden ending today and the prisoners were all discharged from custody. The husband arrived at 2:15 this afternoon from Breckenridge, Colo., and immediately repaired to the police station. Lindquist said that the whole trouble originated when Tracy was a boarder at his house in Breckenridge, when Tracy paid too much attention to Lindquist's wife. This treatment the hus-band objected to, and the result was a separation and Anna returned to her father. Last Thursday Tracy showed up at Ruby, and the father ordered them away from the house. At last accounts Lindquist was trying to make peace with his wife. Tracy left town

on the first train. A SMART WITNESS.

THE BOYD-THAYER CONTEST.

TONTINUED FROM PAGE 1.1 sion covers the whole subject, and much more than I can invite your honor's attention to, in this limited argument, but expression dropped from some of the statesmen of that day to which I wish to invite your honor's at tention. In that connection Senator Berria:

ook occasion to say, "I cannot entertain loubt myself of the correctness of the repo of the committee. I cannot conceive the id-of the eligibility of an individual to offic which office he cannot fill at his clection. I cannot conceive that the legislature of the state of Illinois, exercising the power conferred upon it by the constitu-tion of the United States when the legisla-ture elects one who is ineligible." I propose in that some concerning to sole your batter in that same connection to ask your bonors to interpret the constitution of this state wherein it declares that a person shall be eligible to the office of governor only when he has been a side of the United States for cligible to the office of governor only when he has been a citizen of the United States for two years previous to his election. The word eligible must mean capable of being elected. It must be, i word eligible must mean capable of being elected. It must be, if the word means capable of being elected and ineligibility means incapacity to be elected, that Boyd was not elected. It cannot be said that Governor Boyd was ever governor of this state for a single hour. I have heard it remarked that words grow, but I find that the courts, when usurpers pushed themselves into places that did not being to thom, created a word to meet the emergency, and such offler was not called a governor, but they put before it the created word, the qual-

they put before it the created word, the qual-ifying expression "defacto," and we call him, not governor, but defacto governor. The fact that Boyd is in possession does not prove that the title of Governor Thayer was extinguished. Governor Thayer is the constitutional ex-sentive of this state, and Boyd has about him

simply the semblance of power. The whole brief of my friend is upon the proposition that Boyd is the governor and Thayer is out He mistakes the appearance of things for the reality. In mylife I have seen Booth pla Hamlet to perfection, but 1 never heard 1 contended that Booth was Hamlet. I have seen contended that Booth was Hamlet. I have seen counterfeit moncy pass through the marts of trade, but when it was discovered that the bill was counterfeit, it was not money. We put before it a qualifying word and said counterfeit bill, counterfeit money. We still retain the word morey, and the word bill, but the qualifying word, took from it all its vitality and worth. That is my position in this case. There is a wide distinction between the occupier of an office, and the right to hold it. He is not governor. In that same connection Daniel Webster said, touching the resolution concerning the right of General Shields: "I hold most unquestion-ably that the election was void because the ably that the election was void because the person upon whom the election fell was no ompetent to discharge the functions of th competent to discharge the functions of the office that was intended to be conferred upon him-that is to say, to be a senator from March 3, 1840, for six years. Now, if he could not be a senator from March 3 for six years, then he was not ell-gible for the senatorial term, and it might just as well be said that he might be elected when he had been active years. That Just as wen be said that he might be decide when he had been a citizen six years. That is so clear that i think a little reflection will satisfy every gentleman on the subject." Immediately afterward that great logical reasoner, John C. Calhoun, differing in pol-tics from Daniel Webster, immediately arose by his subsection.

in his place and concurred in the opinion. I was a case where party was buried under foot and the law rose supreme and magnifi-cent in its proportions in the United States senate. Said Calhoun, "I hold that nothing is more certain than that if General Shields is not now a senator of the Unite States, he never can become such by post ponement. The constitution is explicit in re-quiring that no person shall be a senator uness he has been nine years a citizen of the United States. If he is not now a senator there is a vacancy. Illinois would have bu one votehere, and that vacancy must b filled here according to law, and that he i not a senator, is clear because he cannot per form one duty belonging to the senatoria office unless he has been naturalized nin years previous to the commencement of his senatorial term."

If I apply words of John C. Calhoun to this case, it would be that Governor Boyd cannot perform one duty of the office of govbecause he has not been a citizen o the United States two years previous to his election.

The next question was the resignation of General Shields, and upon that subject there is much instructive reading which would throw a great flood of light upon the question, but I am limited in what 1 have to say upon that subject. Daniel Webster said, "If



sen's stock that got lost in the shuffle," will not be palmed off on our patrons this year. We have the goods and it matters not how we got them. We sell them so cheap that some sarcastic people may think we stole them, but that matters not; we have them and you can have them, too, for less money than any other house in the west can furnish them to you

Spring Overcoats.

We have them for \$4, if you want 'em; understand, though, that they are not \$10 coats, but they are eye-openers for \$4.

However, we have a \$6.50 and \$7.50 Overcoat, in four different shades of Meltons, with silk facing and silk sleeve linings, that needs only to be looked at to be appreciated.

We have the very latest style of half box, 5 rows of stitching, silk sleeve linings, and in every respect a complete Gentleman's Spring Overcoat, at \$10.

And if you want to be way up in tone, we have Suits to match them.

To the young man who wants to see a few novelties sweeter than the first rose of summer, we say come in; our Overcoats are on exhibition, and we will be glad to show them to you.

To Mothers:

In the past our Children's Department has been somewhat neglected, for the want of space to handle it properly. This has now all been changed. We have an ample and roomy Children's Department in our store, and we have put in one of the most tremendous stocks of children's goods evershown by any house in the city.

We have over 5,000 Children's Waists in stock this day. They are all the newest and latest designs.

Our 35c waist is as good as our 75c waist was last season.

Our Children's Suits start from 3 to 15 years old, ranging in price from \$2 to any reasonable price for a boy's suit.

We have paid special attention to suits for short and stout boys, so bring in your plump and fat fellows and we'll fit em.



Why we do, and there isn't another man in town dares open his head, for we offer-

Fine fur stock of all the latest blocks from a one-inch brim to the size of a Ouaker hat, in

Dunlap and Knox Blocks For Only 95c.

The same square crowned Railroad Hat that was so popular with us last year at \$2.50 we have promised the manufacturer to sell at least 5,000 of. There is but one way to do that and that is to name a price--we say

\$1.50 for That Hat.

That may seem impossible, but we have promised you no "cock-and-bull" and will stick to it, though it may come hard. We won't say much about Pocket Hats and

Crush Hats, but we have more of them than some people have hay, and the price will be right.

The long and short of it is: We are in the swim, and let those follow who can. Their journey will be rough and rugged. THE OLD RELIABLE 13th and Farnam

disqualified from holding office he was in-hibited from being elected. 1 want more particularly to draw your honor's attention to his construction of two other sections of the constitution. The one relating to the term of offices of the governor and that relat-ing to the rights, powers and daties and priv-ileges of the lieutenant governor. That pro-vision of the constitution relating to the lieutenant governor provides that in the case of the death, absence from the state, impeachment or other disability of the gov-ernor then the lieutenant governor may perernor then the lieutenant governor may per-form the duties of that office. Permit me for

officer, as my friend would put it, but an officer under the consti-tation of this state which shall continue in the office by virtue of that power which the people of this state conted him when the people of this state conted him when the people of this state ciolbed him when the election took place two years ago. It was a continuing authority under the constitution which shall never be defaced antil the people elect a successor in the manner known to the law and one so elected possessing the con-stitutional fitness to fully accept and perform the duties of such office. A case is reported in 18th Gration where there was a failure of election and only have there was a failure of election and only have here was a failure of election and qual-cation of a successor to Governor Pierpoint. in and onul. the outet Section of a successor to Governor Pierpoint. I that Thayer could not maintain the action Sovernor Pierpoint held over after his term. He then referred to Mr. Webster's "exect had expired. The speaker of the serate tive changes' and chained that there was claimed to become governor by reason of nothing init. The matter of holding referred that contingency. The supreme court in that | to all executive afficers who should hold the case held that until there was an election and | office until their successors were aualification of a governor that Governor Pierpont's term of office had not expired and that he was lawfully governor. That is pre-cisely the question here. My friend further criticises the case of West Virginia of C. When the incumbent of the gubernatorial chair assumed it with prima face evidence of election the title to office of the past govciticises the case of West Virginia of of election the tile to office of the past gov-form a substance of the past gov-ernor is gene. Governor Boyd had gone in with the best of evidence. He had been The returns as deposited in the office of the secretary of state disclosed the fact that Gov-ernor Goff received a majority of all the votes the oath of office, had qualified and was in possession of the office. What better prima facie evidence could be desired : There were ast. He took the onth of office and gave the bond. So fao as formalities were concerned he was qualified and he did qualify. He two ways of determining a legal title office. One was by quo warrants and the other by contest. Nothing could be accomplished in either way for weeks. Here sought to obtain possession of the documents from the outgoing governer, but the supreme court of West Virginia said in that case, you have not been elected and quali-fied in the manner known to the law. was the straight legal title. What were the oing to do about it? Nance, the boy, eld was not governor, although he held the The speaker of the senate was precisely the office, but someone who had gone before him same as the lieutenant governor here, and claimed the office of governor. Said the was the governor, but nobody knew it ridiculous' Somebody had said that Boyd was this and that and that he had fought duel. What proof was there i If somebod court to the speaker of the senate, you cannot take this office until a successor has been elected to Governor Wilson, in the manner said it, did that settle it? Mr. Howe then took up the authorities which had been cited by counsel for ex-Gov-ernor Thayer, As to the West Virginia cases, he wanted to know why they had been provided by law, clothed with the constitu-tional qualities to fulfill and perform the duties of that office. There, if your Honors please, is precisely this question Without further argument 1 submit the brought into court, some of them having been spuraed by the feet of the court already. He then talked of the Nevada and Pennsylvania question, together with the printed briefs, for your further consideration. General Webster was followed by Judge cases and showed that they had no bearing on the case. Judge Mason endeavored to lead Mr. Howe Mason who based his argument on the constitution provision defining the qualifications for governor. He characterized Howe's ar-gument as proceeding upon the presumption that taking the oath of office and giving a argument closed. bond was the only qualification required. He defended the course of (General Thayer and Judge Cobb said the court would probably decide by tomorrow as to whether the prehis counsel and closed with a tribute to the ceedings before the court were on a motion character and worth of Governor Thayer. or demurrer. Mr. Howe Closes. Western Postmasters. In the afternoon the Thayer-Boyd quo WASHINGTON, March 4-|Special Tele warranto argument was concluded by an elogram to THE BEE. |-The following postmasquent and forcible review of the arguments ters were appointed today: Nebraska adduced by the attorneys for the ex-governor. Rogers, Colfax county, M. J. Conboy, vice P Mr. Howe said that the law required Vetter, resigned. that within ten days the incumbent of the gibernatorial office should qualify, otherwise the latter would be de-clared vacant. Had Thayer done that? Iowa: Otrando, Mitchell county, Miss E. Van Camp, vice M. Van Camp, resigned, Smyrna, Clark county, Jemina N. Staley vice E. Bennott, resigned. South Dakota: Holabir The gentlemen on the other side had made no showing, admitting all their law and facts, that he was entitled to the seat. The judge, he said, had held that the ten days Holabird, Hyde county, (S. Harris, vice A. B. Tiles, resigned ; Lester-ville, Yankton county, I. Sayler, jr., vice J. Kitterer, removed ; Lodi, Clay county, R. did not begin until after Thaver had ascer-tained that he was a hold-over governor. If Pierce, vice G. L. Masson, resigned; Lyoa ville, Brule county, H. W. Lyon, vice C. E Thayer did not ascertain on January 6 that he was a hold-over governor, when would he ascertain it! Would it be this year or would Lyen, resigned. it be next year? He then complimented Judge Mason upon his eloquent effort and asked De Witt's Lattle Early Risers; only pill to cure sick headaches and regulate the bowels. on what pretease that geatleman's client claimed the seat. It was simply the state-ment that he "stood upon the constitution." "Yes," continued Mr. Howe, "he stood upon it not only with one foot, but with two feet." Marriage Lucenses The following marriage liceases were issued yesterday: Judge Nance, it was said, was not eligible to Nume and address. Ace the office of governor because he was not thirty years of age when elected, as required John P. Domina, Waterloo Lillie A. Blakeman, Waterloo. by law. That gentleman was only twenty-nine years and 364 days old, but the sover Luther E. Carter, Cass dounty Mattle L. Bruce, Cass county eignty of the state ignored it. There were some technicalities so void of decency that the sovereignty of the state will not respect. It Edwin D. Cox, Omaha. Selma Nelson, Omaha John Suit, Council Rinffs Ivy Miller, Council Bluffs was not less a crime to rob a man of an office on a technicality than it was to rob a man of a farm on a technicality. And yet this man was standing on the constitution! Who was this man? ife was **a** man who has held of-For Cure of SPRAINS STRAINS STRAINS STRAINS Stacobsoil Cures fice for thirty years and who in that time has not earned a dollar in legitimate business. What kind of a citizen was James E. Boyd : What kind of a citizen was James E. Boyd ? He had come to America from Ireland when a more lad and had moved to this country thirty years ago. He came as a carpen-ter, worked as a carpenter, and all the time he has been honorable and foremost in the ranks of our citizen ship. Who has done more for Nebraska? And yet Thayor, with such a record, says Boyd is not a citizen because when his father came from heland the present governor was but a lad of about nine years of age, and be cause his father did not take out his second

NOTICE TO DRUGGISTS.

In order to satisfy the public that we mean what we advertise, you are hereby notified that ir there is any complaint made, or people are not satisfied with the effects of the Turkish Remedies, that is Turkish Tea, Liniment Cough-Cure, Asthma Cure & Hahn's Golden Dyspepsia Cure, to notify us and return empty package, and we will cheerfully refund the money.

ing Speaker Reed. Two speakers have failed to get a vote of thanks, while thirteen, in-cluding Mr. Polk, who was good enough to become president, suffered the negative vote nority when a vote of thanks was of the proposed

Inmediately after the house adjourned there were scenes presented in the private room of the speaker, which were sufficient to consign to oblivion any personal feeling that might have been entertained toward him by anyone. Quite all of the republican members, singly or in pairs, called to shake the speaker's hand and bid him goodby Many of the expressions made to him wrought u his feedings of gratitude and affection till the great big fellow, six feet three in his great big fellow, six teet three in his stockings and weighing 275 pounds, wept like a child. Several times he at-tempted to respond to the personal allusions made to him, but the tears choked his volce and he could only nod his head and squeeze the hands of those who gave evidence of their fealty to and regard for him. It was truly a love feast. And it may be said Tom Reed was never so popula with the republicans in congress as he is to night, for he gave evidence this afternoon of a regard for friends that he has never befor shown.

There was nothing unusual in the closing scenes in the senate. That august body maintained its dignity to the last, When Mr. Morgan of Alaoana, resigned his mem-bership of the committee on for eign relations the first unusual inci-dent occurred. The request of Mr.

eign relations the first unusual incl-dent occurred. The request of Mr. Morgan created as much surprise as a thun-der clap from a cloudless sky. No one ap-peared to understand him. Half the senators arose to their feet and objected. Several went to him and asked him why he wanted to quit this committee, where he has serve so long and with so much distinction, for Mr Morgan is the ablest democrat on the com mittee, if not the ablest man on the demo cratic side of the senate in all respects. The Alabaman simply shook his head and replied that he was determined to quit the service o the committee. It is said that the advers criticisms made by the democratic press befor his action in endorsing the proposition of the committee on foreign relations to place the United States government's credit be hind the Nicaragua canal scheme was what led him to resign from the committee. Senator Morgan has been very sensitive in thi matter. He had the pleasure, however, of hearing more than a dozen republicans and

democrats eulogize him and his public ser vices and then of seeing the senate unan mously decline to accept his resignation. There were three or four amusing incidents at the close of the senate. Among the dis-tinguished men on the floor of the chamber was Secretary Blaine. When Vice Press dent Morton's gavel fell for the last time Senator Ingalls arose from his seat, walked secretary of state and in the mosolettin and impressive manner extended hi hand. When Mr, Biatno had grasped the hand of the Kansus statesman warmly, the latter said :

statesman out of a job salutes you." Mr. Ingalls then turned about and lef without another word.

That stald and solemn old constitutions lawyer and distinguished senator. Mr. Evarts of New York, who is now a private citizen, approaching Senator Paddock, chairman of the committee on agriculture, and author of the pure food bill, extended his hand and said:

"A retiring statesman assures you that hereafter, in family or on farm, he will never use anything but pure food." A beautiful fioral gavel was placed upon the desk of Mr. Manderson of Nebraska, the

new president pro tempore of the senate. Among the spectators on the floor of the senate was Mr. Peffer of Kansas, who suc-

ceeds Mr. Ingails. Senator Peffer is a very gaunt and "skinny looking" man with a long flowing beard that tapers to a point and to the as though it were dyed, but I am told it is of a natural color. Some one remarked to Mr. Ingalls just as he was about to leave the floor :

"I see your successor is here." The retiring senator looked over his spec tacles and in his usual surcastic manner said

He is one of those cadaverous per sons that rise to the surface after the expla-

LEFT IN GOOD SPIRITS.

It has been many years since so many men were retired at one stroke to private life as stepped down from public duties today. The number is over one hundred and fifty sena-ceive the mayor's approval

udge Field, a jury and several wear wyers have been engaged since yesterday oon to secure much needed information from udge George Hilton, who is the principal witness for plainting in the case now on trial where William W. Dunham as administrator of the estate of Mary E. Dunham, deceased sues Friend Buell for \$3,200 damages for breach of contract.

The case of Charles Longwell vs Simon Greenstone was settled and dismissed.

THE KNIGHT'S PRIZE DRILL.

Last evening was Pythian night in Lincoln and a very agreeable time was had. Pythian Sisterhood gave a supper, followed by a social at Castle hall which was well attended. At 9 o'clock at Bohanan's hall the prize drill took place. The exercises were opened by an exhibition drill by the unifo rank. Addresses were made by Will I. Schism, grand chancellor of Nebraska, and Major General Carnaban of the uniform ratik. Then followed the prize drill for a handsome sword and belt, for the best drilled knight in the sword manual and school. The con-In a swore J. J. McCleilan, Appollo divis-ton: F. S. Stretton, S. A. Warner, Lincoln division: W. M. Clark, W. J. Jones, Robert S. Browne and J. O. Tarber, Lincoin divis-ion. They were drilled by Lieutenants Douglas, Chapel and Hornefius and Captain Berger. The decision of the judges will be riven tonight at the armory, when the sword vill be presented.

SUPREME COURT.

The following opinions were handed down oday in the supreme court: Cowles vs Thompson, Ecror from Buffalo

ounty. Affirmed. Opinion by Justice Norval.

State ex rel Short vs the board of count commissioners of Sherman county. denied. Opinion by Justice Maxwell. Wri State ex rel Scovall vs Wilson Manda mus. Writ allowed. Opinion by Justic Manda Maxwell.

State ex rel Ahern vs Walsh. Mandamus. Writ denied. Opinion by Justice Norval. Gretzinger vs state. Error from Richardson county. Reversed and remanded. Opin ion by Justice Maxwell

mercial State bank vs Rowland. Commercial State bank vs riowand, Error from Pheips county, Reversed and remanded, Opinion by Justice Norval. Early vs Wilson, Error from Buffalo county, Affirmed, Opinion by Justice Maxwell

ODDS AND ENDS.

Sheriff Reuben Towne of Thayer county prought in a French woman to the asylum to day who had gone crazy on religion. He was accompanied by his mother, Mrs. Dora Towne, who is at present the guest of A. C. Reddish, 363 Washington street. The State Detective association has re-relved a letter from W. N. Wiars, 6244 Peoria street, Englewood, III., asking for in-formation regarding the whereabouts of Howard Brudden, who was formerly a Ne-braska detective. His brothers and sisters ire anxious to hear from him.

Detective Pound has received word that his uncle, Elijah Pound, a resident of Chip-ewa Falls, Wis. is dead, at the advanced age of ninety. Deceased is the father of ex-Governor Pound of Wiseonsin, and has a

brother living aged ninety-two. Dave Rowe has signed Phil Tomnoy, a sec-ond baseman, and H. H. Raymond, a short stop. Both were with the champion Louisvilles tast season, and are excellent men.

Judge Stewart and a jury are engaged in county court wrestling with the case of Im-porting Draft Horse company vs John R. Orvis, et al. It is an action to recover money for a horse sold defendant, which the latter

says did not fill its guarantee. P. W. Worthington asks the county court to give him \$294.25 from F. W. Baldwin. which he says is due him for boring a tole in the ground for Baldwin, but which the latter ordered him to quit boring for him.

A New Depot for St. Louis.

St. Lotis, Mo., March 4 .- Special Telegram o THE BEE.]-The new Merchants' Bridge Terminal railroad company decided to erect a magnificent depot, to cost not less than \$500,will undoubtedly pass both houses and re-

the election was void, a vacancy cannot be created by resignation. There is a vacancy already. There is nothing for General Shields So Senator Berrien said: to resign. seems to me that the indications are very clear that it is the opinion of a majority the senate that this election was absolute void at the time when it was made, and if for no other cause, because the individual elected was not qualified to take his seat on March 4

last, on the day, when by the constitution his senatorial term was to commence. The position of the senator from Massachusetts is perfectly unanswerable. If this election was void the office has never been filled since the expiration of the last senatorial term. it is contended that Governor Boyd filled the place. So said Senator Douglas in answer to Senator Berrien. "He has filled it." Senator Berrien answered, "not at all." Further along Senator Butler said: but 44In-

asmuch as it is reputed that he could not a the time of taking his seat show his qualifi cation was complete. I must be permitted to say that I am clearly of the opinion that it cannot be maintained, that he ever had a valid title to his seat at all. That his elec-tion conferred upon him no title. You may qualify it by calling the election vondable or void if you please, but the result is the same." So your honors will see that the same question was there presented and there considered. That whether it was voidable or void the result was the same in the face of the constitution; that be could not seep the the constitution; that he could not keep place and therefore he never was senator. When the final vote was taken the resigna-

tion of General Shields was laid upon the table, and the senate finally voted without division, adopting the resolution that the election was void. When your honors come to look over the

classification of the names who voted upon that proposition, you will observe that there were such democrats as Mason of Virginia standing side by side with Webster, and there was Davis of Mississippi voting side by side with Seward of New York, and is not that a sufficient answer to the argument of my friend on the other side that that vote was divided on party or political lines!

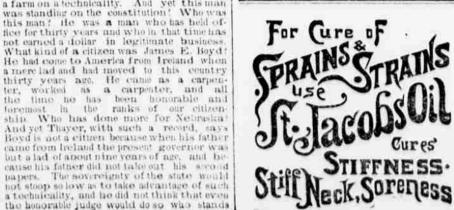
Let me invite the attention of your honors for a moment to a judicial decision to the some effect. I refer to Mr. Corliss of Rhode Island. One of the centennial commission ers had been elected as presidential elector. Under the constitution he was incligible to

be a presidential elector. He conceived the idea, that this election was simply voidable, or valid untit adjudicated invalid. y brother Howe suggests. He thought he had an soffice that he could resign, and thereby create a vacancy in which some other person might step by appointment or otherwise. The Rhode Island court concludes that opinion in this wise: "Before any per-son can decline under this section he must first be elected. No person can be elected who is ineligible, or in other words, incapa-ble of being elected. Resignation, said Lord Cockburn, Implies that the person resigning has been elected to the office that he resigns. A man cannot resign that which he is not ertitled to, and which ne has no right to oc

cupy. I lay down the proposition and I think I am able to maintain it. That under that provision of the constitution of this state no successor to Governor Thayer has ever been elected; as admitted by these menon demarrer that the charge in the information that Governor Boyd is not a citizen of the United States is true. If true, he is forbidden by the constitu-tion to hold the place. Not eligi-ble means not capable of being elected. If your honor's will take occasion to turn to the definition of that word eligible in the Centary dictionary just being published which is supposed to be the most extensive work of that character ever produced from the press, intercentration of the word eligible to be defined incapable of being elected. Not capable of holding office. Disqualified from being elected. Disqualified from being That is what the word means. The courts have said precisely the same thing. I cannot take the time that might otherwise be desitable by going through the numerous authorities in which the word eligi-ble has been defined. I may make refer-eace to one or two, but I must leave it for the present with the statement that every judicial opinion that can be found in the library defining the word eligible makes it relate back to the election and does not con-

a moment to analize that suggestion. The a moment to annual statistical states of the section of the constitution referred to has in it the provision that the lieuterant povernor may take upon himself the duties of that office where there is a disability attaching to what! The constitution attaching to what! The constitution says disability of the governor. It don't say disability of a defacto officer. It don't say disability of a person not constitu-tionally elected. It don't say the disability tionally elected. It don't say the disability of a person who is prohibited from being governor, but the very words strang to-gether in the section refers to an existing overnor, who is a reality and not a fiction. When we use the word governor in the con-stitution of this state we mean a governor But depure, a lawful governor. The word gov-ernor in that section does not relate to an of error in that section does not relate to an of-fleer that is possessed of qualities that for-bid him being such officer. There is no division limitation or reserve of the word governor dejure. And further, that section of the constitution says in the same section that the licentenant governor shall perform that the lieutenant governor shall perform those duties in the case of disability or abence or vacancy for the residue of the term It presupposes ion of a governor, who had entered pon the performance of his duties ind left the residue of the term unfulfilled. tion of noon If we should go to the extreme that my friend contends for in that section of the constitumean that the lieutenant governor becomes governor in the case where you fail to elect a governor in the case where you fail to elect a governor. My friend, upon the other hand, would have you construe that con-stitution to mean that the lieutenant governor became governor in all cases where no governor was elected. The constiwhere no governor was cortea. The construction tation don't say that, and I apprehend that it is not within the province of your honors to extend the powers given to the lieutenant governor by the constitution beyond the powers in that constitution which are specifically provided for. If my position, therefore, is right, that under the construction of the word digible, that you cannot elect a foreigner to the office of governor of this state, and as the senate of the United

States said, there was no election, the case is States said, there was no election, the case is precisely the same as if there had been no ballots cast for governor at the last election and in such case the con-stitution don't provide that the lieutenant situation don't provide that the deduction governor shall perform the duties of gov-ernor, but the constitution upon the other hand has another provision which must be borne in mind, and the two construed to-gether, wherein it is declared that the gov-ernor elected shall hold the office for the pe-ried of two years and until his successor is elected and qualified. So that itset in order elected and qualified. So that first in order stand these facts : The constitution declares the governor in office shall remain in office, the governor dejure clothed with the constithe governor dejure clothed with the consti-tutional power to fulfill the du-ties of that office until there shall have been elected a governor constitutionally qualified to be elected. I have classified and arranged in my printed argument a large number of authorities showing the interpretation which must be not over the most framework of and upon the out upon the word "successor" and upon the word "quanified" as used in the constitution and I submit to my friend who opposes me in this contest that he will fail to find an authority that disagrees with the proposition which I am about to state to the court which is that no successor is elected and qualified within the meaning of the constitution unless he be a person for who was capable of being elected, who was clothed with all the constitutional rights to perform the duties of that office. And further that when any person undertakes to qualify by simply taking the oath of office who is in-capacitated from performing the duties of that office under the law and constitution that he is not qualified within the meaning o that word in the constitution. That identical question has been decided in many states. Way back as early as the 9th Pennsylvania (past report) early as the 9th Pennsylvania (past report) state they declare the law to be that no per-son could be elected and qualified unless he passed all the constitutional requirements to it him for accepting and performing the dutics of that office, and that is what the words mean in the statutes and that is what he words mean in the statutes and in the constitutions of our country. If that is their meaning, it cannot be said, when you admit that Gov-ernor Boyd is not a citizen of the United States, that he was ever elected or ever qual incl within the meaning of the constitution as the successor of Governor Thayer. And if fine it to the mere right to hold office. They not the successor under the constitution a technicality, and ho did not think that even but it upon the proposition that if he was Governor Thayer is not a hold over the honorable judge would do so who stands



Respectfully yours,

Turkish Remedy Company,

Omaha, Neb.



COLDS in the head by one application CATARRH In a very HAY FEVER in from EARACHE Instantly FIFTY CENTS A BOTTLE FOR SALE BY ALL DRUGOISTS Prepared only by the PRENOLINE MEDICINE CO. Barker Block, Onraba, U.S.

maha Medical and Surgical INSTITUTE.



For the treatment of all CHRONE AND SURGEAL INSEASS. Braces Argumeness for Deformities and Trassores Heat Facilities Approxima in Remainless for successful treatment of every form of discase requires Medical or surgies. Treatment, NINETY 1000M STOR PATIENTS, Boned and Attendances, level Accounted to surgies, Transfer, Cabrer, Romentis, Inhibiton, Elevel, White for circulars on beformous and Frances, Transes, Club Foot, Chry A-tanes of Solin, Piles, Tamors, Cancer, Cabrer, Romentis, Inhibiton, Elevel, Christens, Pat-eys, Kidneys, Biadder, Kre, Ea, Skin and Rood, appeciales, Beck or Diseases of Women Free, We have lately added a bying is Department for Women paring continement Strately Priotes, Out Mark and the Sease Statistics of Women Free, We have lately added a bying is Department for Women paring continement Strately Priotes, Out Mark and the Seases. Att Blood Desenators unceassfully treated. Model and or instruments seat by mail or express Security and instruments what or a spress of women paring continement Read by the solid strates of the strates of the personal interview preferred. Chi and consult and marked no marks to Indeaste contents or solid not used bistory of your cases, and we will send the and support our Rook TO MENS First, Lapon Per-ter, Special Journal Department is strated by and person and the strates of the strates of the strates to an argument of non-cases the strates of the strates of the personal information of the strates of the strates of the personal difference to the strates of the strates of the personal difference to the strates of the personal difference to the strates of the str or the treatment of all CHRONICAND SURGICAL

Dr. A. T. McLaughlin, President, ith and idarney Streets, Omahras



Specific for Systeria, Dixmess, Fid. Scorsigna, Wake uimoss, Mental Depression, Scilesung of the Brain, re-puting is insenity and leading to milary deray and masch, Promature Od Age, harrisnness, Loss of lower in sither next have been and the senitation of the same of the encoded of the brain, estimate these of the senitation of the brain, estimate of ment. It aloc, or six for 80, and 50 ment in raid. With each other for six based, will sent partianed that the senitation of the brain of the brain that has been been been and postering of the brain that has been been and postering of the brain of the brain that has been only for six based, will sent partian for the output of the brain mober of the brain set that for the output of the brain of the brain set the brain of the brain the set of the brain mober of the brain set the brain of the brain set the brain of the brain set the brain set the brain set of the brain set the brain set of the brain

GOODMAN DRUG CO.,

1113 Farceam Street. - Omaira, Nob. FREE REMEDY.

Exc. as curred. Navig reference. I will gladdy same resulted & R.R.E. to all sufferences, a course that curved ing of these frontestics. A first set of share, Lo. A. BRADI, 53, first set or set, his h

000, and to make other improvements amount-ing to about \$1,500,000 more. The depot will front on Broadway, between O'Fulion and Carr streets, and is to be from eight hundred to one thousand feet long. An ordinance providing for these improvements is in the committee of the municipal assembly, and