# THE DAILY BEE

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### The Bee Publishing Company. Proprietors THE BEE BUILDING.

SWORN STATEMENT OF CIRCULATION. Ftste of Nebraska. Sec. County of Douglas (Secretary of The Bee Jublishing company, does solemnly swear that the actual credition of The Pathy Reg. for the week ending May 2, 1891, was as Sunday, April 25.....

Monday, April 27 Tuesday, April 28 Wednosday, April 29 Thursday, April 30 Friday, May 1 Saturday, May 2 .....

Average ... GEORGE R. TZSCHUCK. Sworn to before me and subscribed in my presence this 2d day of May, A. D. 1991.

Notary Public.

Notary Public.

County of Dourins, 188
George B. Tzschuck, being duly sworn, deposes and says that he is secretary of The Bre I ublishing company, that the actual average daily circulation of The Daily Bre for the month of May, 1890, 20,180 copies; for June, 1870, 22,201 copies; for June, 1870, 22,201 copies; for July, 1890, 20,621 copies; for August, 1890, 20,752 copies; for November, 1890, 22,182 copies; for Permary, 1891, 23,248 copies; for February, 1891, 23,228 copies; for February, 1891, 23,228 copies.

Sworn to before me, and subscribed in my Sworn to before me, and subscribed in in presence, this 2d day of May, A. D., 1891.
N. P. Fetta,
Notary Public.

A DENSE forest of political sunflowers has shot up around the capitol at Lincoln, like Jonah's gourd, in a single

WITH a 30 per cent duty on Canadian barley, the American crop ought to bring good prices. The duty is practically prohibitory.

THE printing committee of congress has concluded that the Compressional Record will be a more interesting newspaper if it shall be given an editor. The country will grant the truth of this propo-

PORTLAND, Ore., received the president in the rain. A rain never dampens the ardor of citizens of Oregon's metropolis. They feel best when it rains. The ladies wait for a shower to do their shopping.

WHEN Rudini reads the report of the grand jury at New Orleans he will naturally conclude that the subjects of King Hambert gave great provocation those of Louisiana and that the lynching party did not dispose of all deserving victims.

Russia talks of filing a cross-bill in the Behring sea controversy. There is some merit in the suggestion that Russia and America should settle the matter between themselves and warn England that further poaching will awaken a protest from both countries.

THE telegram of congratulations from the tomb at Fremont is not likely to galvanize the corpse. It only recalls the fact that during the late campaign the defunct candidate had no use for Governor Thayer and would not even honor him with a call for a campaign speech.

DEADWOOD knows a good thing when she sees it and holds to it with tenacity. This is why she voted almost unanimously to bond herself for \$100,000 for public improvements and elected Sol Star mayor for the eighth successive term. If Deadwood had a first class hotel she would be metropolitan.

GOVERNOR BOYD may lose the emoluments of the office of governor, but the fame of his incumbency will go down to future generations. His case will be a precedent after it is passed upon by the supreme court of the United States, to which courts and lawyers will refer so long as courts and lawyers exist in America.

THE astute politicians who originated the movement for ousting Boyd profes to have done invaluable service for the republican party. They remind us of the chess player who was flushed with victory when he captured a knight or bishop only to lose the queen. They see just two moves ahead, but when the game proceeds on the political chess board they will find themselves stalemated.

ARAPAHOE is justly indignant over a circular which has just been distributed in the east pleading for help for the destitute and representing Furnas county farmers to be in a starving condition. Furnas county is well out on the frontier and times there are hard enough but there are no starving families. The self-appointed solicitors of aid are doing the western part of the state almost irreparable harm.

THE concensus of opinion among eminent attorneys is that the decision of the state supreme court regarding the eligibility of James E. Boyd may be taken up to the supreme court of the United States on a writ of error. Inasmuch as the issue is one in which the people of the state have a deep interest, it is to be hoped that steps will be taken to carry the case to the highest juditribunal of the land. not a question simply whether Mr. Boyd shall or shall not resume the place, or whether the men who were bona fide citizens of Nebraska before she entered the union were made the peers of the citizens of all the other states on her admission into the union, just as the citizens of annexed territory, like Texas and California, have been when those states were admitted to the union.

CHOOSING ELECTORS BY DISTRICTS. The democratic legislature of Michigan accomplished what was proposed by the democrats of Ohio and Nebraska but accepted as conclusive by the editors failed in the latter states. It has provided for the election of presidential in prodding Mr. Blaine, but it will be by electors by congressional districts, with everybody else. The truth is that Mr. Arkell is a shrewd man of business, and two electors at large to be chosen, one from the eastern and the other from the it is not to be doubted that in makwestern portion of the state. This innovation is interesting and important he was prompted chiefly, if not as introducing a new element of unceraltogether, by the consideration tainty into the next presidential elecof practical benefits to his journal likely to result from it. At any rate his statetion. Under the new apportionment the electorat vote of Michigan is 14. For 10 ment is a full acquittal of Russell Haryears the democrats have never carried rison and destroys entirely the assumed less than two of the congressional dis-'official" character of the disturbing tricts, and last year they carried eight. editorial.

result of the next national election, and

the question as to how her vote may be

divided will be an added source of per

Although the democrats of Michigan

elected their governor last year and the

lower branch of the legislature, finally

getting centrol of the upper branch by a

deal, there can be no doubt that the

state is republican. This was shown by

the election of the present year and is

proved by the political history of the

state for a number of years. In 1888 the

republican plurality was nearly 23,-

believe it would not be ma-

terially less now in a national contest.

But whatever the republican majority

may be, under the new arrangement for

choosing presidential electors, the force

of haif, and possibly more, of the repub-

lican vote will be practically nullified,

the effect being the same as if the party

should lose any one of the republican

states having half as many electoral

votes as Michigan. It is, of course, to

no purpose to condemn this action of a

lemocratic legislature chosen under ex-

ceptional circumstances, but its

unfairness ought to be obvious to the

most strenuous partisan, whose preju-

preclude him from discriminating be-

tween right and wrong in politics. In

the earlier history of the country a few

of the states had this method of choosing

electors by congressional districts, while in some they were elected by the legis-

latures, and the abandonment of these

methods was the result of popular con-

viction that the plan of choosing electors

by the vote of the states as a whole was

the fairer and safer way. It is to be ad-

mitted that there are objections to this

practice, and if the district method pre-

vailed in all the states it is

possible that it would generally

result in giving a more satisfac-

tory expression of the popular prefer-

ence. But the action of the Michigan

legislature cannot be justified as being

intended for this purpose. It is an

example, however, that is very likely to

be followed in other republican states

whenever the democrats shall have

THE RESPONSIBILITY FIXED.

The democratic press has been vigor-

A great amount and variety of com-

tary of state. A few of the

more ardent friends of Mr. Blaine have

allowed themselves to be betrayed into

expressions of resentment by the persis-

tent nagging of the opposition press, and

bave said things not altogether credit-

able to their common sense and dis-

cretion. It ought not to have been be-

lieved by any thoughtful republican that

President Harrison would countenance

such a declaration as appeared in the

Frank Leslie newspaper, and particu-

larly so in view of the fact that his son

is interested in that journal. It is a

poor compliment to his judgment to sup-

pese that he would not see at a glance the

irritating and embarrassing effect which

such a statement must have upon all

concerned, and that if made with his

knowledge and approval would hurt

rather than help him in the estimation

of his party. General Harrison has

some claim to sagacity in political af-

fairs, and consideration of this forbids

the presumption that he had the least

knowledge in advance of the publication

The responsibility in the matter, how-

ever, has been fixed, to the complete

confusion of those who have been indus-

triously seeking to foment discord in the

republican ranks and to draw from Mr.

Blaine some public expression on

the subject, Mr. Arkell, the prin-

cipal owner and responsible ed-

itor of the journal in which

the much-discussed editorial appeared,

states that it was written at his instance,

that Mr. Russell Harrison knew nothing

about it before its appearance and had

telegraphed his disapproval of it, and

in question.

fore authoritative.

power to do so.

dices are not so strong as

000, and there is every reason to

plexity in political calculations.

The state was re-districted by the last The reports coming from Washington legislature, and it need hardly be said which represent Mr. Blaine as greatly that it was gerrymandered with a view annoyed over this matter, and as having to holding a majority of the congresgiven expression to his displeasure to sional districts for the democrats. If persons whose names are discreetly conthis can be done Michigan may give cealed, are not entitled to the slightest more electoral votes to the democratic credence. The secretary of state is too candidate for the presidency next year old in politics to be seriously disturbed than to the republican candidate, alby sensational newspaper utterances. though the republican vote in the state and it may safely be presumed that the should be largely in the majority, and relations between himself and the presithe democrats are confidently counting dent, with respect to the present and the future, are mutually satisfactory and upon securing not less than one-half the siectoral vote. At any rate Michigan will not be affected by anything the anti-administration press may say. must be taken out of the republican column in estimating the possible

### ESTABLISH FLOURING MILLS.

The action of the Nebraska Millers association in taking the preliminary steps toward locating a flour warehouse in Omaha illustrates another of the benefits of the warehouse bill to this city and state. There are a large number of flouring mills in the state, and with a proper storage center for the surplus others can be established.

Moreover, the building of a public flour warehouse in the city will open the eyes of Omaha capitalists to the fact that a very large proportion of the flour used in this city and state comes from Minneapolis and St. Louis. Omaha cannot hope for the water which has made the Minnesota city great, but St. Louis mills are operated by steam. There is no good reason why Omaha should not establish extensive steam flouring mills.

If Omaha becomes an important grain market, as she will, flouring milis will follow as a matter of course. There is no reason, however, why these enterprises may not anticipate the importance of the grain interests centering here, by providing manufactories for that grain. A huge milling interest is

entirely practicable. The benefits which may be derived from the warehouse bill can hardly be overestimated. The more the subject is considered the more public interest attaches to it. The board of trade might very profitably take up the milling liea and follow it long enough to secure some handsome returns in the way of investments and employment of labor.

FIGURES FOR THE ASSESSORS. Before the assessors make their final returns on the assessed valuation of the franchised corporations they should ascertain how much the property of these companies has been bonded for. When a company can mortgage its property for millions of dollars the value of that property must certainly be equal to the amount of the bond. Last year's assessments were just one forty-second part the bonds issued by Omaha franchised corporations, while the property of the average citizen was assessed at one-What excuse can assessors offer for

such favoritism? Look at these figures, which represent last year's valuation of the franchised corporations:

| ously endeavoring to create discord in<br>the administration and incite a rapture<br>between President Harrison and Secre-<br>tary Blaine by giving greatly exag-   | corporations:   |
|---|---|
| gerated importance to an editorial  | Assessed \$61,175.  |
| which appeared in a late issue of Frank<br>Leslie's Illustrated Newspaper, in which<br>it was stated that Mr. Blaine would not  | City tax paid         \$2,324.65           County tax paid         725.36           State tax paid         305.78                                   |
| be a candidate for the presidency in 1892,<br>that he was loyal to the president, and<br>implying that his influence would be<br>exerted for the renomination of General<br>Harrison. The fact that Mr. Russell<br>Harrison has a financial interest in the | \$3,355.79  AMERICAN WATERWORKS COMPANY.  Paid up capital \$5,000,000.  Plant bonded for that amount.  Assessed Valuation, \$25,910.  City tax paid |
| journal that gave editorial utterance to<br>this statement was made a reason for as-  | Florence assessment \$1,535—tax 42.98   |
| suming that it was inspired by him, was   | \$3,203,93  |
| probably made with the knowledge and  | OMAHA GAS MANUPACTURING COMPANY.  |
| processory manufacture and modification and   | Paid up capital, February, 1889, \$500,000.   |

approval of the president and was there-Assessed Valuation, \$60,055. City tax paid......\$2,289.09 County ment has been made upon this publica-State...... 368.90 tion of what was assumed to have come \$3,363,07 from a source very close to the presi-THOMSON-HOUSTON ELECTIC LIGHT COMPANY. dent, all of it of a character designed to Capital stock, February, 1890...... \$600,000 First mortgage bonds...... 400,000 annoy and irritate Mr. Blaine and his Assessed, 13,675. friends. The term "loyalty" has been City tax paid..... \$ 519.65 dwelt upon as offensive and all the in-County...... 167.14 genuity of perversion has been employed State ..... to demonstate that there was a studied purpose to disparage the secre-

LEGAL business grows with the city. The docket for the May term of the district court has 150 more cases than that of any previous term. The more judges and lawyers we have the more cases in court are commenced and carried through to a hearing. The expense o the courts in this county is a tremendous but apparently necessary burden.

EAST avenue and Hill streets are a ong distance from the center of population-outside the three mile circle. It is nonsense to charge the cost of grading them to the city's share of the county road fund. The "three-fifths" clause was inserted in the charter to provide for such improvements.

A MOTION to reconsider and lay on the table in a single breath is a parliamentary combination never discovered until it made its appearance in the Omaha city council. As a squelcher it proved decisive when applied to a fire limit ordinance.

Now that Health Commissioner Gapen is sure of his position it is to be hoped he and the county physician will so adjust the duties concerning which they are in controversy as to avoid further public discussion of the matter.

SENATOR MANDERSON is en route home. He will discover when he arrives that his presence was needed months ago.

THE city attorney is paid a salary of \$3,000 per annum and is allowed a stenographer. The assistant city attorney

that the only person responsible for it in is paid \$2,000 a year and he is allowed a any degree is Arkell himself. It is stenographers The city prosecutor will hardly to be expected that this will be next be asking that he also be furnished with a stenographer. The city atwho have been having a cheerful time | torney's office is rapidly becoming an expensive luxury.

PENNSYLVANIA pays \$2,000 a day for the militia who are guarding the coke ing the unauthorized announcement regions. This naturally raises the question of now long the strike would continue if the subsidy were withdrawn or the coke manufacturers were compelled to foot the pills.

> THE gentlemen who have been given military titles by Governor Boyd cannot be deprived of them whatever is done with 'he positions they represent. A military title is beyond the reach of the supreme court.

THE wildest of wild-eyed gossip is always sure to find credulous ears at our state capital, and nobody need be surprised at any story about plots and counterplots from that quarter.

IF THE national republican committee will call the national convention at Omaha they will make no mistake. Omaha is 1,800 miles nearer Chicago than San Francisco.

ordinance was practically unanimous as it should have been. No act of this council is of more importance to the city at large.

THE vote on the Douglas street grade

ONCE more we have the Douglas street grade ordinance before the mayor.

COUNCILMAN SPECIIT carries Mor rissey's scalp in his belt.

### The Garden Spot. At ham Globe

Kansas this year promises to harvest 60, 000,000 bushels of wheat. Let eastern editors continue to wail for "poor arid mort gaged Kansas.

### Another Value.

Topcka Capital. Formerly, when a Kansas farmer looked at grove on his farm, he looked at it with an eye to its value in wood. Now he considers only its advantages as a place to hold an al

### hance piente. Plowing for Politics.

Denver Sun.

The "farmers" in the legislature are not anxious about their crops. They opposed a resolution to fix the day for final adjournment. Perhaps the farmers at Springfield are like Jerry Simpson, and have given up plowing for politics.

#### The Men Who Make Tariff. Globe Democrat.

The Mills democratic tariff bill of 1888 was afraid to touch sugar and left the tariff upon it at the old rates. The McKintey bill hit it squarely. The men who make tariffs are the men to reform and change the tariff in the interests of the people.

#### Dealing in Immensities. New York Herald.

A few days ago a Minnesova man stole sawmill, and now comes the story of a North Dakota man steading a barn. It is lucky there are no very high peaks in those states. Somebody might climb up and steal the firmament right out from under the angels'

### His Home is Heaven. New-York Sun.

The story that Mr. McHaie, the Minnesota legislator who made himself famous by introducing the "anti-tights" bill, was only joking is absurd. He was dead in earnest. He is that kind of a man. Why, he won't even suffer a leg of mutton to be brought to his table until it is dressed.

# Traveled on His Face.

A wealthy New York Chinaman could not procure a passport, but was informed that he could have his photograph taken and travel to China and return on that. He must be an unusually good looking Celestial to travel thus far on his face. The majority of his race would find it difficult to get farther than the point of embarkation on their good looks.

# PASSING J ESTS

Denver Sun: Old Duffer-Is that black hair and those white teeth yours, my pretty Soubrette-Is that white hair and tho black teeth yours, sir! she said.

THAT WAY, AND NO OTHER. Free Press. "I love you so, I love you so. He whispered low to Carrie; "And that is why, Dear one, that I Am disinclined to marry."

Chicago Tribune: Street Car Conductor (in densely crowded car)—Move up, there Move up! Gasping Passenger-No use-tr ing. A man can't -go to heaven-on-thi

Atchison Globe: There is a great deal that is suggestive of heaven in a child asleep, and sometimes a suggestion of another place when the same child is awake.

Ram's Horn: No man knows how desper ate a woman can look until he has seen he undertake to ride a bicycle.

Puck: The Chief Requisite,-Kitty-You're an ideal chaperon, Mrs. Lightly. Jack-Yes; you're simply "out of sight."

Harvard Lampoon: Mr. Jones (as the grizzly draws up on him)—O! why can't I remember whether it's a grizzly or a brown bear that can't climb a tree! Kate Field's Washington: "Ten days for having been drank, said the judge.
"But, your honor," said the prisoner, "Isn't
it safer to discharge me now that I'm not

New York Weekly. Mrs. Binks-George Francis Train says that people will wake up some morning and find that Jay Gould has

Binks-That's so, every word of it. Mr. Binks-That's so, every words, and you "My goodness! When will it be, do you think! When he dies," Washington Post: "It strikes me that

lost every dollar.

pulsive day,

Russian authors tlave a remarkably venerable and careworn icek. "Yes, but then hok at the language they have to do their thinking in."

Boston Courier: "Take up your bed and walk" is not a seasonable injunction to gardener; he lays out his bed and walks.

# AN EXTREME CASE.

Washingtonian. It's a shame you called me early, called me early, Sally, dear, For this is just the sickest day of all the sad new year. Of all the bad now year, Sally, the most re-

For the landlord is relentless and we've got

to get away. It is true that moving's cheaper, so they say than paying rent, But, if one can't buy a gang-plank with whole steamboats at a cent, Even moving is a problem. It is not a time to scoff At fate when it is certain you can't stand a

# ARE STUDENTS RESIDENTS.

An Interesting Question of Right of Franchise.

FORGER CARLIN ARRAIGNED FOR TRIAL

A Traveling Man Drugged and Robbed -Real Estate Exchange Business-Supreme Court Decisions-Fuller Freed.

Lincols, Neb., May 6 .- [Special to Tur

BEE.]-Dennis C. Berry, who ran for city clerk at the recent election in University Place, has filed a notice of contest in the county court against H. G. Wilcox, the incumbent, and who was elected to that office April 7. His petition recites that at the election the plaintiff received fifty-three votes and Wilcox sixty-three. He alleges, however, that ten of the votes cast for Wilcox in the First ward and fourteen in the Second were illegal votes, cast by non-residents. That Wilcox was not at the time of the election an elector in University Place, neither was he a resident nor a taxpayer. On these grounds Berry claims the office, and has given \$100 bond to carry on the fight. It is understood that the alleged illegal votes were cast by students at Wesleyan university, and the case is brought o determine this mooted question of whether the boys can vote where they attend college. FORGER CARLIN.

J. F. Carlin, accused of forgery, was J. F. Carlin, accused of forgery, was arraigned before Judge Stewart this afternoon. Carlin is about forty years old, and was formerly a traveling man for a clothing house. He had a wide acquaintance in Nebraska and Iowa. About eighteen months ago be was discharged, and he appears to have gone around amongst the men who knew him and secured their endorsement on bills of exchange which proved to be forgeries. For one of these he has just finished a term in Anamosa prison, where he was secured by Detective Malone. There are other charges pending against him in Iowa, and Gran Ensign was caught for \$100, which explains Carlin's presence here. He will probably plead guilty, as he acknowledges that he did wrong, but rather dislikes the idea of another term in the pen so soon. REAL ESTATE EXCHANGE.

A meeting of the real estate exchange was held yesterday afternoon. Communications from different persons wisning aid in the starting of factories were read and referred to the proper committees. Messrs, McMur-try, Imboff and Gillian were appointed a committee to correspond with eastern parties who desire locations for wholesale houses. J. K. Barr submitted a proposition to rebuild his shoe factory. A resolution was adopted commending Mr. Barr's enterprise, and expressing the opinion of the exchange that aid such as he asked for should be given. DRUGGED AND ROBBED.

The case against C. H. Young and M. H. Goodman, arrested yesterday for robbing W. Newell, who travels for a broom factory in Seward, was continued until 6 o'clock this evening to secure the attendance of wit-nesses. Newell's story is that he was waitng at the depot for a train Monday evening when the prisoners, one of whom is a rinner for a restaurant near the depot, and the other a Missouri Pacific switchman, entered into conversation with him and finally invited him across the street to get a drink. They went into the back room of a grogery, where two women were met, and they had some iquor all around. Newell says he remember: nothing since taking the second drink unti be found himself on the ground about half dozen blocks away. He found that his cash about \$50, was gone, and he believes that he was drugged. The accused deny that they took the man's money. They say that they went to the saloon with him, where several rounds of drings were ordered and swal women. Young had \$10 when arrested, but the other man was not flush, and both deny taking his money.

SUPREME COURT.

The following decisions were handed down Lewis Stricklett vs state. Error from manded. Opinion by Mr. Justice Maxwell Courtney vs Knox. Error from Lancaster county. Reversed. Opinion by Mr. Chie Justice Cobb.
Prior vs Hunter. Appeal from Furna:

Reversed conditionally. Opinion by Mr. Justice Norval. Appeal from Burt Darst vs Griffin. county. Aftirmed. Opinion by Mr. Justic Kaufman vs United States National bank

Error from Dougias county. Affirmed, Opin-ion by the court. Contracts construed and held to be a sale of a stock of goods, etc., the purchaser to assume and pay certain debts. 2. In a contract to assume certain debts, in consideration of a stock of goods, etc., two otes were described as one for \$500 and one for \$1,500 due the United States National bank. The testimony showed that the notes were not before parties when the contract was drawn, but that the only notes possesse by the bank against the vendor was one for \$500 and one for \$1,350. Held that the bank was entitled to recover against the purchasers the amount of said notes. 3. A promise made to another for the ben

efit of a third person can be enforced by such third person although the consideration did not move directly from him. DISTRICT COURT.

Judge Field yesterday afternoon heard the case of Stevens vs the Burlington. The plaintiff had shipped a lot of household goods over defendant's road to McPherson, Kan but they had never been received. He wanted \$75. The defense was that the goods were received by the company, transported to their destination, but that plaintiff didn't apply to get them, and they were stored away. Thieves broke in one night and stole he goods. Verdict for plaintiff for \$48.15. The petition of Mrs. Mary Dinueen against the gas company was knocked out because it didn't state sufficient cause of action. Leave was given to amend petition. The case wa for \$5,000 for the accidental killing of plain-tiff's husband in an explosion at defendant's

The somewhat noted divorce case of Kay vs Kay will be heard before Judge Hall to norrow morning.

Judge Tibbets and a jury are engaged in

hearing the case brought by Josie, Jennie, Maggie and Annie Blair against the city of Lincoln. Plaintiffs own property at Twelfth and K streets, which they claim has been damaged \$2,000 worth by the city's cutting lown the street from two to five feet to co form to the Rosewater grade. The defense is a general denial of liability, and a claim that plaintiffs in a petition to have Twelfth street graded and paved waived all damage: FULLER IS PREED.

John F. Fuller, the forger sentenced to the penitentiary fourteen months ago and who was held in the county jail for a menth after sentence, was released from the pen this morning by the supreme court although he had a month more to serve, because the court pelieved that the imprisonment commence immediately after the sentence. ODDS AND ENDS

The case against E. W. Hutchinson, the shooter of Jennie Greene, is set for tomorrow norning at 9 o'clock. A. D. Mills and wife, whose troubles with their daughter have become public, were to

see Judge Stewart today to swear out a com-plaint of incorrigibility against the girl, and have her sent to Kearney.

Judge Stewart handed down his decision today in the case of the German National bank vs Cook & Johnson, I. N. Johnson, who had apparently executed the note out the knowledge of Cook, was held for the full amount, and Cook, who had received n consideration, was released from liability.

The remains of Mrs. R. H. Little, whose

suicide was recorded yesterday, were in terred in Yankee Hill cemetery this after

J. P. Mallon, who resigned his job as sher iff of Dodge county to take the wardenship of the penitentiary, is in hard luck. He held the job just two days. Arrangements have been completed for the trotting meeting to be held on the fair grounds track on June 15, 16 and 17. The purses will amount to \$4,000, and good flyers

vill be here to compete. Charles W. Kaley was given a divorce from his wife, Jennie S. Kaley, who failed to an pear and answer. The grounds on which the divorce was granted were desertion, habitual drunkenness and extreme cruelty Redpath Brothers and Kupatrick, Koch &

Co. filed a motion to have D. Newman ap-Co. field a motion to have D. Newman appointed receiver of the Maxwell, Sharpe & Ross company, with J. G. Southwick and L. C. Humphrey as sureties. They object to R. H. Maxwell's officiating on the ground that he is president of the company, a large stockholder and has large claims against said company and is an interested power.

### the company. WEDDING BELLS,

Marriages Solemnized on a Beautiful

May Morning. The marriage of Miss Ella Maud Schmidt and Mr. George B. Tzschuck was happily solemnized at the residence of the bride's parents, Mr. and Mrs. C. B. Schmidt, 1916 Donglas street, at high noon yesterday. In honor of the event the home of the bride was beautifully decorated, paims and flowering plants being generously distributed throughout the rooms on the lower floor in the hallway and on the stairway. Smilax and roses were prettily arranged on the mantels in the front drawing room, the library and dining room, while rose bowls filled with spring beauties stood in the niches and cor

ers of the rooms.

The library, in which the ceremony oc curred, was made particularly handsome by the dainty arrangement of myriad flowers and broad ribbons of white silk. A priendlen of white satir edged with smilax was placed in front of the large mantel, which, for the oc casion was transformed into a temporary nitar.

Just as the midday hour was sounding the orchestra, stationed in a curtained recess off the front porch, began the favorite wedding march of Mendelssohn and the wedding pro cession entered the room, two children lead ing, Julia Hoffmeyer and Carl Heinrich, followed by Rev. A. J. Turkle of Kountze Me norial Lutheran church, then the bride lean-ng on the arm of her uncle, Mr. Otto Schmidt of Denver and lastly the groom and Mrs. C. B. Schmidt, mother of the bride. The ceremony was very impressive though quite simple, the orchestra playing softly throughout the service "Bright Star of

esting young woman, presented an ideal pic ture in her beautiful wedding gown of white India silk, entraine, trimmed with lilles of the valley, the corsage of white satin made very full. The veil was caught high on the head and falling to the edge of the train. She carried a bouquet of lilies of the valley and maiden hair ferns The maid of honor, little Julia Hoff meyer, was prettily gowned in pink China silk and carried a bouquet of pinks. Her attendant, Master Carl Heinrich, who officiated in the capacity of a page, wore a quaint suit of brown velvet with ance preeches and white waistcoat with broad apels. Mrs. Schmidt was costumed in a plack grenadine with steel passementerie,

The bride, who is a very pretty and inter

After the ceremony elaborate refreshments were served, italdulf having the service in charge. Later the bride cut the wedding and, the guests being provided with wed-ling boxes containing pieces of the cake, Mr. C. B. Schmidt, who was unavoidably etained in Berlin, where he represents th detained in Berlin, where he represents the Lombard Investment company, cabled his congratulations, his brother, Mr. Otto Schmidt, representing him in his absence. The groom is well known to the people of

Omaha, having resided here for a number of years, and is now the secretary and treasurer of Tax Bax publishing company. At 4:30 the bride and groom left on a ten days' wed-ding tour which will include visits to Chicago, Milwankee, St. Paul and Minneapolis cago, Milwaukee, St. Paul and Minneapons, and after June 1 they will be at home at 2608 Half Howard street.

Only the relatives of the contracting par-ties were present at the ceremony and a few

very near friends, the guests being Mr. and Mrs. Bruno Tzschuck, father and mother of the groom, Miss Tzschuck, Miss Tony Tzschuck, Mr. Otto Schmidt, and Mr. Alfred Schmidt of Denver, Mr. J. W. Hurst of Newton, Kan., Mr. and Mrs. Horry Magar Mr. Otto Schmidt, Mrs. Mrs. Henry Meyer, Mr. Otto Schmidt Mr. Max Schmidt brothers of the bride; Mr. and Mrs. Rosewater, Mr. and Mrs. Gould, Judge and Mrs. Strawn, Mrs. Paul Heinrich, Miss Kitty Brandt, Miss Iler, Miss Onal Touzalin, Mr. and Mrs. Herman Meyer, Mr. Hoff-meyer, Mr. Arthur Hoffmeyer, Mr. Lamp-mann, Miss Bertha Meyer, Mr. W. H. Koenig, Mr. Lund, Mr. Fred Meyer, Mr. M.

## Mercer and Fowler.

A very pretty wedding participated in only by the relatives and a few intimate friends the narries in interest was solemn! terday at 9 o'clock at the residence of Mr. and Mrs. John J. Mercer, 2811 Hickory street. daughter of Mr. and Mrs. J. J. Mercer, and Mr. Charles H. Fowler, treasurer of the Fowler elevator company, entered the east parlor and taking a position beneath a very peautiful canopy of smilax and white ribbon estooned to the sides of the deep bay wir low, and in front of Rev. John Gordon of the Westminster Presbyterian church, were united in marriage the ceremony being a nedification of the Episcopal church

The bride, who is a tall and handson blonde, were a becoming street costume of brown camei's hair trim brown silk and brown silk fringe. A hat to match the gown was worn, brown siik with oats crown and she carrie beautful bounget of rines of the valley and naiden hair fern.

Following the ceremony and after the con gratulations of those present, a wedding breakfast was served in the dining room, which was beautifully decorated for the casion, white ribbons being suspended from the central chandelier and fastened to the corners of the central table. Throughout the house the floral decorations were very elaborate, smilax, roses and spring nowers occupy

After breakfast the bride and groom left on an extended wedding tour which will include a visit to Memphis, Chattanooga, Atlanta, Baltimore, Washington, New York and re-turn by way of the Thousand Islands and Lake They will be at home at 1907 Wirt street July 1.

The guests present at the wedding were Mr. and Mrs. Bernard Fowler of Chicago Mr. and Mrs. C. H. Cummings of Clifton,Ill. Mr. and Mrs. J. J. Mercer,Mr. Dave Mercer, Mr. and Mrs. I. H. Collins, Miss Cora Howe, Miss Georgie Fowler, Miss Birnie Fowle Miss Celia Furnas of Brownville; Mrs. " W. Tipton of Brownville; Mrs. Judge Broady of Beatrice; Mr. and Mrs. Hough Miss Zoe Matthews of Lincoln; Dr. and Mrs. John Gordon, Mrs. Bell of St. Joseph, Mc service by the rendition of several selections effective background to the impressive and beautiful ceremony.

# ON THE FLY.

The Presidential Train Will Come with a Rush.

G. W. Boyd, manager of the Harrison earty, writes Mayor Cushing that the presidential train will leave Denver at 6:30 p m May 12 and will reach Omaha at 11:30 the following morning. He states that stops will be made at intermediate points, but that one of these will interfere with the train eaching Omaha on time.

He writes that owing to the limited accommodations five persons can ride in the presi-dent's car a distance not exceeding fifteen miles. In view of this fact the committee will induce the Burlington road to run special car to Lincoln on the morning of t the president's arrival. The members of the committee will go in this car and pilot the president and party to this city.

In the Windsor's Pantry. The pantry in the Windsor hotel caught fire at 8:30 o'clock last night and burned out section of the wall. It is supposed the fire was caused by an overheated range. Damage

BOYD MAY TAKE AN APPEAL.

He Can Go to the United States Supreme Court if He Desires.

pany and is an interested party. The plain-tiffs have claims amounting to \$1,200 against UNANIMOUS CONSENT ON THIS POINT.

> Omaha Attorneys Discuss This Phase of the Question with Freedom-Permission of the State Court Unnecessary.

> The question as to whether or not Governor Boyd would appeal from the decision of the supreme court of the state, in the gubernatorial case, to the supreme court of the United States, was yesterday the subject of almost general discussion in this city. It was accompanied by another feature, namely whether or not that appeal might be made without the permission of the supreme court, which has already entered judgment of ouster against that gentleman in his official capacity. On the latter subject the opinions of leading attorneys and jurists seem almost unanimous.

> General J. C. Cowin in speaking of the matter said: "The question in the gubernatorial case was simply one of United States citizenship, and the determination of that question determined the case. Two of the judges, making the decision of the court, held Mr. Boyd was not a citizen, but an alien, while one of the judges, dissenting. held that Mr. Boyd was a citizen. The ques-tion, therefore, is a purely federal one, and from this decision an appeal may be taken to the supreme court of the United States,

> There are two methods of taking this appeal, one requiring the action of the chief asslice of the supreme court of the state, the other requiring the action of one of the judges or more of the supreme court of the United States, so that the case may be appealed utterly regardless of any action of the su-preme court of the state of Nebraska.
>
> "The allowance of a writ of error may be

> asked from the supreme court of the United States or one of its judges, and if allowed, a citation issues and the record goes at once to the supreme court regardless, as I have said, of any action upon the part of the supreme court of the state or its jugges. The allow-ance of the same writ may be asked from the chief justice of the supreme court of the state, and if allowed by him the case is at once taken to the supreme court of the once taken to the supreme court of the United States. But it is not necessary, as you will see from what I have stated, to make any application whatever to the chief justice of the state court.
> "While I am not suprised at the decision

> in the case, for the other side has been claiming for some time that two of the judges would rule with them, yet I was surprised that the opinion was handed down yesterday as nothing concerning the case was mentioned in court during the forenoon, and I was there guing another case but started home in the

"I am very much surprised at the haste with which judgment was entered and a writ of restitution issued, without any notice to our side about when the decision was to be made. It is unusual and extraordinary; and I wish to add further that it was wholly un-necessary, as Mr. Boyd would have promptly obeyed the mandate of that court. I presume that there was fear that a writ of error and citation might be allowed before the and citation might be allowed before the writ of restitution was executed, for, in that event, Mr. Boyd would have remained in office pending the litigation in the supreme court of the United States. The writ of error and bond operate as a supersedens and it is an open question whether Mr. Boyd may not be entitled to the office immediately after the allowance of the writ of error and the filing of the lond and before the hearing of the case in the supreme court of the

"I think the case is one the supreme court of the United States will advance upon its

"Of course, while I think the haste with which ludgment was entered and the writ of restitution issued was unusual and extraordinary, yet I do not, for a moment, ques lor the good faith of the court or any of its judges with respect to the matter."

Judge Wakeley: "I have not looked into the matter, but my impression is if the queson may be appealed at all it may be done without the consent of the supreme court of the state. All that it would require would be to have a justice of the supreme court of be to have a justice of the supreme court of the United States examine the records and allow a writ of error. This would doubtless be based upon the idea that Mr. Boyd had been denied citizenship under the laws of the country, which fact might rightfully be inquired into by the supreme court of the

Judge Lake: "The question may certainly, if it can go any place, go to the surreme court of the United States and upon a writ-error obtained from that tribunal withveany reference to any of the judges of the supreme court of the state. There is a question, however, whother the supreme court of the country, and I have heard the matter considered, would undertake to reverse the decision of a state supreme court in inter-preting the constitution of its own state. I don't know, however, if there is much in that. I suppose the supreme court of the United States would confine itself to a consideration of the question of citizenship which is involved in the matter."

J. M. Woolworth: "The case of Governor Boyd may be appealed to the supreme court of the United States by the allowance of a writ of error by any one of the judges of the supreme court of the state or by any one of the nine justices of the supreme court of the United States.

Hon. W. J. Connell: "I do not consider the decision of the supreme court as to who shall be governor as one seriously affecting the welfare of the state. I believe Nebraska is bound to go ahead without reference to the controversy regarding the chief executive. What I am now most interested in is the corn crop. With a good harvest all will be well this fail. So far as I am concerned, I would have been perfectly willing to see Governor Boyd continue to the end of his two years. He has always made a good ex-ecutive officer, and I have long admired him for his independence and fearlessness as an official. I presume he is glud to get out of a controversy which has now reached an end by the decision of the supreme court. From a cold-blooded legal standpoint I am inclined to think the decision of the supreme court is right. I do not question the good faith of Governor Boyd, in exercising as he has in the past, the rights of citizenship. The lieve he is fairly entitled to every right which can be claimed on the ground of citizenship. At the same time I am forced to conclude under the laws of the United States he is not a citizen. With regard to the power of the supreme court of the United States to review the decision rendered, I think it exists any cannot be seriously questioned. A writ of error can be allowed by a justice of the supreme tourt of the United States, and the cause can be taken to the United States su preme court without affirmative action of our state supreme court. It is doubtful if a cision could be reached during the term for Governor Boyd was would, however, determine his rights, and if favorable would make him eligible to the office of congressman or senator, to which it has been intimated he aspires."

A Moral Poem. New York Herald. There was a man in our town Who was so wondrous wise That when his business slumped way down

Began to advertise; And when the public saw his apread, With all their might and main Unto his place they straightway sped And set him up again

Highest of all in Leavening Power.-Latest U. S. Gov't Report.



ABSOLUTELY PURE