OMAHA'S PEOPLE WAKED UP

Enterprising Citizens Appreciate the Importance of the Methodist Conference.

PLANS FOR ENTERTAINING VISITORS

Urgency of the Need for Exemplifying the Greatness of the City's Hospitality Set Forth in Eloquent Words by Able Speakers.

An audience of nearly 1,000 people filled the body of the Grand opera house yesterday afternoon at the mass meeting of citizens called together by the Methodist general conference committee for the purpose of setting forth the great advantages that the city will derive from the coming of that great gathering in May, and the necessity of providing suitable accommodations for the hundreds of delegates.

The decorations put up for the National Pageant still remained upon the walls, and on the stage were rows of chairs for a number of the leading clergymen and business and professional men of the city, who showed by their presence their realization of the importance of the coming conference and the need of at once taking steps to adequately care for it.

Charles F. Weller, chairman of the conference committee, called the meeting to order, and stated that the object of the gathering had been fully set forth by the newspapers. He was glad to see the interest manifested that had resulted in so large an audience being present, and was sorry that even the gallery seats were not occupied, as the importance of the occasion de manded it. He said that the citizens of Omana as a whole did not seem to be fully acquainted with the necessity of properly entertaining the noted men and women who are to be here on May 1, and able speakers were present to impress upon them a realizing sense of what was needed. He then requested Mayor Bemis to preside over the meeting.

What the Mayor Said.

After prayer by Rev. Dr. Merrill the mayor said that it was time that the citizens were waking up to the fact that Omaha is becoming a great convention city. There is much to do to complete arrangements for the large gatherings that will assemble here the com ing summer, as besides the conference there will be the national competitive drill, national convention of the peole's independent party and other events of less size and importance. One of the urgent needs of the city, and one that must be met before Omana will be as well because of the city and one that must be met before Omana will be as well prepared for entertaining conventions as some of her ambittous rivals, is a big con ention hall in the center of the city, and the sooner the people get down to business and set about securing such a hall the better it will be. Not only a hall to seat not less than 10,000 people is needed, but the city should have a big botel—something on the \$1,000,000 plan. Such 3 hotel was reeded two years ago, and the citizens must go down in their for from \$1,000 to \$10,000 each and build it, without, perhaps, the expectation of an immediate return, except the general good that it would be to the city. The city also needs some air line railroads, though there are many here now. A road to the east is needed that should go right by Chicago. Chicago.

Monied men seem to be prone to get into their shells, giving color to the assertion that a few first class funerals would benefit the city more than anything else. The speaker believed that monied men should be their own executors, doing good through life, instead of leaving that work to be done after they were dead. If the wealthy men of Omaha would realize this and act upon it there would be a city of 500,000 people here within a very few years

Methodism Is Mighty.

The mayor introduced as the first speaker Bishop Newman, who, after naming the cities that have had the honor of entertaining the quadrennial conference, stated that Washington, Indianapolis, St. Louis and Washington, University with the fore the New York conference in 1888, but as usual, Omaha came out on top and carried the prize

"But," said the bishop, "what are you roing to do with the prize, now that you have it! It doesn't mean leisure for those who guaranteed that Omaha would properly care for it, nor for the bishops, ministers and laymen who will be here as detegates. They will be in session for a month, with business meetings every day from 8 to 12:45 o'clock, with an intermission of an hour and a half, and another session until 6 o'clock for committee work, and an evening session for either business or public gath-ering. This conference is the supreme legislative assembly of the Methodist church, representing 3,000,000 members and a total constituency of nearly 15,000,000 people. Since our last quadrennial assembly our publishing department has expended \$5,000, 000 in publications. The main building in New York is one of the most substantial and modern buildings of that city, and there are branches in several other cities of the country. There should be such a branch here and a depominational paper here as These delegates who come here legis late for not less than \$25,000,000 that is given for church purposes.

Omaha Must Look Pretty.

"The other conventions that will come here will stay for three or four days and then pass away, while these intelligent, cultured gentlemen will come and live in your midst for a month. They will pass judgment upon your streets, your progressiveness, your churches, your press, your social life. They are all competent not only to form but to express judgment. It causes a feeling of solemnity to come upon me, when I stop to ask myself what impressions they will carry away with them because of this visit. I desire to hear the expression of the business men here on this subject. I nad nothing to do with getting this conference for this carry do with getting this conference for this city, as I had nothing to do with the conference of I was reserved, and I was somewhat in donbt as to whether I was reserved as a subject for reward or wrath, but when after being elected bishop I chose this city from many other possible locations for my home, I felt in duty bound to do all that I could to help to entertain the conference that had been secured.

"Before deciding on my place of residence I was frequently besought by the newspaper I was frequently besought by the newspaper reporters to state where I proposed to make my home. A representative of a paper published in this city came to me and asked, 'Bishop, where is your home?' and I replied that it was in heaven. He printed the result of the interview, stating that I had said my home was in heaven, but adding after a long dash, 'that is a long way from Omaha.' Now I hope and trust that these delegates will be so entertained that they will not agree to that sentiment, but will feel that Omaha is no further from heaven than Chicago, New York or anywhere else. than Chicago, New York or anywhere else. Of course we don't want them to go to heaven from here, but if they must go we want them to feel that this is a good place from which to take their departure. We want them to be received with such cordiality and treated with such hospitality that they will get a good impression of us and feel that their visit has done them good."

Far Better Than Politics. Mr. Henry D. Estabrook was next intro-duced and his dry humor made the audience feel exceedingly good natured. He referred to the futile attempt of the committee that went to Washington to capture the republi-can national convention, and thought that possibly it was just as well that they didn't ret, it.

"Political conventions," said Mr. Esta-"Political convertions," said Mr. Estabrook, "are at best but short lived and explosive affairs that finally go off with a 'whang,' and the next republican convention won't even have that. Harrison will be nominated on the first ballot and there the agony will end. Then again, Harrison is not a man who cares anything for wiid ebuilitions of enthusiasm from the boys. He prefers the quiet approval of thinking men. Then, too, politicians are sentimental people, and the condition that our streets have been in all winter wouldn't please them. Politicians may like well enough to throw mud, but they don't enjoy wading in it. And mud, but they don't enjoy wading in it. And so the depot facilities might not please them. We sprouted a depot all right, but grafted it into an injunction suit, and now it bids fair to wither on the stem. So, too, our hotels,

which are all right as far as they go, would hardly prove enough to go round. These politicians would not enjoy being tucked away in odd corners or suspended on ciothes hooks, so perhaps it isn't so had after all that we lost that convention. "This conference will bring to Omaha 500

or 600 representatives, cultured men who will deliberate here every day for a month. We must entertain them royally. Omaha must do her duty fully and adequately. These men are not politicians in the secular scuse of the word. They are Christian gentlemen, who will charitably overlook any shortcomings if we make the effort to cordially entertain them. This is our opportunity to obtain a reputation throughout the globe for hospitality, and we may reason a feeded benefit as well. Many may reap a financial benefit as well. Many of those who will come here are men of means, who in looking over the topography of our city will be fully observant of the advantages of the situation. We must open our front doors, our arms and our pockets to those who will be the city's guests, and for my part I will entertain all of them that my home will accommodate."

Everybody Will Profit Thereby.

Rev. Dr. Harsha said that all denominational bia; should be laid uside and all should speak from the standpoint of public spirited citizens. He had much pride in the growth of the city, and hoped that the coming of these delegates, 500 strong, would add to Omaha's greatness, prosperity and importance. He knew that the holding of the conference here would have an influence our ference here would have an influence on our home and church life, and would advertise the city as it could be advertised in no other way. The holding of the Prespyterian synod here made. Omaha known to thousands of elders who were not here, as the meeting was referred to and its actions quoted daily from one end of the country to the other. He urged Preshyterians to do their part to eatertain this great gathering that the dele-gates might be made to feel that this is one of the spots near and dear to heaven where souls are blest.
The "T. K." quartette was introduced and,

under the direction of Prof. Kratz, sang "Consolation," after which Mr. G. M. Hitch-cock was called upon. He said:

"Angels Could Do No More,"

"As I listened to the eloquent exposition that Bishop Nawman gave of the task that confronts Omaha, I was filled with regret that Omaha was called upon to face it with so little preparation. It is true that we are disgraced by an abortive attempt to have a union depot; that our streets are well nigh impassable; that our hotels are inadequate and that we have many ragged appearances to present to people who will come from some of the most finished cities of the world, but we must do the very best we can under the circumstances. From the earliest ages hospitality has had a place among human virtues. It consists not alone in splendid entertainment but in hearty welcome and good cheer. There are many homes that can be opened here in Omaha in which the visitors can find such hospitality as would be a credit to any city in the land.

"That our hotels are inadequate we must admit at the start, and Council Bluffs is not able to sufficiently supplement them. opinion of Omaha in the minds of Methodists all over the world will depend on the manner in which we entertain these delegates. This entertainment depends more on the ho wives of our city than on the husbands. millionaire who entertains a guest at a hotel at a cost of \$100 has no such credit as the housewife who gives up her only guest chamber or seats the visitor at her table two or three times a day. It must be remembered that even the Arab in his tent does not forget

"This is the argument from a sentimental standpoint, but there is another-a business proposition, a matter of dollars and cents. Our city cannot afford to suffer the ignominy of having the statement go out that we are poors and can not entertain or have not the capacity for entertaining. In the great competitive struggle between the cities of e great northwest, the result depends on the efforts put forth by their citizens. We will have no such means of advertising this city, the site of the future great city of the continent, to the thousands of citizens, pres ent and prospective, of the east, soon I beseech every man and woman to realize the importance of the occasion and each to do his part in properly acquitting ourselves of the duty before us."

The presiding officer espied Hon. John M. Thurston in the audience and requested him to step upon the stage and express his sentiments regarding the matter that had called the assemblage together.

Will Have Competent Judges. "I am one of the fifty gentlemen," said id, and are now anxious to see what the rest of you are going to do toward helping us out. We have a great undertaking before us. That Omaha can entertain this conference is not a matter of doubt, but that every citizen will take that interest in the matter that will complete the entertainment in rounded, perfect form is the question that confronts us "In this city will be assembled in a short time as learned and great a body of men as will assemble in this land in many years. From ities all over the world they will come to a city with which they are imperfectly ac-quainted. Their duties will be properly per-formed whether ours is or not. The quesformed whether ours is or not. The ques-tion is what will happen to Omaha as the csult of this visit after they have returned to their nomes. Some people have an idea that cities are built by men who own corner lots and hold on to them until the apprecia-tion in real estete values makes them rich. In Chicago last week a young man jumped over the barriers that had made him local, and in one

short hour Henry D. Estabrook did more to build up Omaha than those who hoard their wealth in money drawers could do in 100 vears. "The time is ripe for us to make known our advantages. The people of New England have got tired of dynamiting holes in ground in which to plant their potatoes, and are ready to come nere and till these broad prairies on which God has only to smile to cause them to blossom in all their fullness. Around us are these thousands of rich acres and varied resources, only waiting for Omaha to say the word to dump the whole

cornucopia into her lap. Methodist preachers are judges of the good things of this life. They are judges of cities, of streets, of civilization, of fast horses and of yellow legged thickers. They are judges of chickens. They are judges of hospitality, and we want them to go home and tell their brethren n the east that if the Mayflower had been a railroad train and could have landed at an Omana depot, even such as we have, the New England hills would have remained depopulated for generations to come. This great body of men must come here as our friends. We must turn loose the coffers of our banks to them, and let them reach into our pockets through the hands of our committees. It is not for the distinguished citizens of Omaha alone to do this, but the common peo ple must feel that they have part and parcel of it, and upon them devolves the responsi-bility. We must ask not for thousands, but for dollars, not for mouth's entertainment, but for meals. Do this and all will be well for when the common people of Omaha start out to make anything a success, only the coming of the resurrection day can put a

"Memories of Galilee" was sung by the quartette in a manner that elicited proiounced applause.

Now is the Accepted Time. Norman Kuhn, chairman of the committee on entertainment, was next introduced. He said that Omaha had a reputation to make as a convention city, and should begin to make that reputation by the manner in which it would entertain the coming conference. We haven't the hotels as yet, but we have in our hearts a hospitality that will count for more than money to entertain quarts at mahe hearts. than money to entertain guests at public hos-telries. Mr. Kuhn stated that no subscrip-tions were to be asked for, but that all who would receive and entertain any of the guests were requested to send their names and make known the extent of their accom-modations to him at Fifteenth and Douglas

is soon as possible. Rev. Mr. Poster, a Baptist clergymau, was Rev. Mr. Foster, a Baptist clergyman, was called upon, and he said that ne was giad to embrace the opportunity to state that the Baptists would cheerfully avail themselves of the privilege of kissing the Methodist visitors, and their homes would gladly embrace the guests of the city. The visitors were shrewd, practical men and women, and it behooved the city to make a good impression upon them. He was sure that the Baptists would do them full duty in entertaining this magnificent gathering of christian gentlemen who will meet here in May.

Rev. Mr. Turkie said that it was a pleasure to him as one of the late arrivals in Omaha to testify to the city's hospitality, and a pleasure to line in the godly city. He thought that one of the good things which would result from the conference would be the influence that those christian men would leeve among us. Their speech and conversa-

tion in the home circles where they would be welcome guests, would be such as to edify and purify, and the speaker believed that in no better way could a month be spent than in the religious influence that the conference will bring to us.

Want Some More Room,

That concluded the addresses. Mr. Weller stated that accommodations had been pro-vided in private families for 200 delegates, and provision must be made for 150 more. He tendered the thanks of the committee their words, which he felt sure would much good, to the quartette for their beautiful music, and to the mayor for his kindness in presiding over the meeting.
"America" was then sung, the audience

rising and joining with the quartette in the singing. The benediction was pronounced by Rev. W. K. Beans. by Rev. W. K. Beans.

The meeting awakened much enthusiasm in the conference matter, and the sentiments of the various speakers were warmly applauled. The committee is much encouraged, and anticipates prompt and liberal responses henceforth to their calls for co-operations of Omeshale chizges.

tion on the part of Omaha's citizens. DECATOR, III., Nov. 24, '89, Dr. J. B. Moore—Dear Sir: I have for years past been troubled with billiousness

years bast been troubled with billiousness and tenuency to kidney trouble. Your Tree of Life is the only remedy I have ever found that gave entire relief. I cheerfully recommend it to those who may be suffering from kindred diseases.

Ex-member Illinois logislature. For sale by all druggists.

Spring style Dunlap hats now ready; very light, neat and nobby. Frederick & Co., 120 S. 15th street.

NEBRASKA AT THE WORLD'S FAIR, Something About her Place in the Educa

tional Exhibit. Theeducational exhibit at the World's Fair will be grouped by states, and yet at the same time so arranged as to ennable the studious observer to fellow the grades from the most elementary to the most advanced stage, by state, or by crossing the areas trace similiarities in each grade through all the states. Parochial and special school work will be shown in the same general system. While each state will collect and put ap its own exhibit, this will be done under the general supervision of the educational partment according to the systematic plan mapped out, with a view to convienence, and avoidance, as much as possible of an appearance of sameness. Space will be assigned o states according to their advancements in educational work, and the necessities of the

For certain features there is also to be a general exhibit irrespective of states. Originality is desired, and it is earnestly recom mended that the work presented by the classes should be left exactly as executed by the class, no "retouching" to be done by the teacher, not even to the crossing of a "t" or the dotting of an "i," the aim being to show actual everyday work, as it really is, and not especially prepared work gotten up for this particular occasion. Each state will have immediate charge of the installation and supervision of its educational exhibit under the control and direction of the chief of the department. All applications for space musbe made to the director general, who keeps in his office complete records of all applies tions for space in every department of the

The higher educational institutions, such as colleges, universities, technical and professional schools, desiring to make special exhibits of their work, will be assigned space according to deserts upon making application to the director general, outlining scope of work to be exhibited and stating space re-quired. It is the intention to make the educational exhibit a great feature at the Columbian exposition, and all educational institutions are especially urged to co-operate with the authorities in the effort to make the exhibit a most forcible illustration of our intellectual progress, and it is to be hoped every educational institution in Nebraska from the most unpretentious district school to the state university, will contribute its mite to the Nebraska educational exhibit. Special rules and instructions for guidance

n preparation and collection of work, outthe aims and desires of the co sion in this matter, will soon be sent to all educational institutions county superintendents, etc., with a view of having them take hold of the work in such a way as will insure for Neoraska high rank in the way of evidence of intellectual progress. No state of similar age can make a better showing in educational work and institutions, and few, if any, as good, and it will be the aim of the commission, with the help of those whose nearts and heads are in the work, to put up such an exhibit as will leave no room doubting our devotion to the real foundation of all that is delightful in human development. All wishing special information in re gard to the educational exhibit should ad Neb. SETH P. MOBLEY, Press Committee.

A humorous fact about Hoods Sarsaparilla -it expets bad humor and creates good humor. Be sure to get Hood's.

Dr. Cullimore, oculist, Bas building C. W. Hull Co., coal. Tel. 429.

AMUSEMENTS. "Fantasma,"

One has a comfortable feeling in going to any entertainment fathered by the Hanlon Brothers, because it has come to be a well known fact that any amusement enterprise undertaken by those ingenious and liberal caterers is sure to be carried out on an elab orate scale. "Fantasma" is but one of a number of illustrations of this fact, and it probably was the knowledge of its assured excellence that attracted a large audience to the Boyd last evening.

"Fantasma" is a spectacular trick pantomime. The performance is filled with good and wicked fairies, pretty girls and iurid demons, beautifut scenery, corgeous spec-tacular effects, a clever clown who is the victim of numberless mechanical tricks and a number of monsters of the deep. This spectacle has been seen in Omaha before, but in its present production are many new features. The Hanions are the greatest creators in their line in America, and "Fantasma" is one of their best productions. I has a great variety of features and is cal culated to please people of every sort of

"Nobody's Claim," Mr. and Mrs. Joseph J. Dowling made their debut in Omaha yesterday, presenting "Nobody's Claim" at the Farnam Street theater. The play is a "western" drama, and Sadie Hasson and Mr. Dowling have been playing its leading parts in the east for the past ten years. Cyclcus suggests, in ex-planation of its presentation here at so late a day, that some diffidence was felt heretofore in introducing a "western drama" to the
west. That may be so, but indisputable it is
that "Nobody's Claim" is a melodrama of
much more than average merit, and the company having been together so long it goes
smoothly and quickly, with never a point
missed or a situation maried.

The story—well, there isn't much of a
story only sufficient to thread a series of day, that some diffidence was felt hereto

story, only sufficient to thread a series of capital stage pictures on and give the handsome and piquant principals opportunity to display their undoubted talents. The setting of the play calls for special commendation, he passing of the Pacific express being particularly praiseworthy. The story has all of the vital intensity, pathos and humor that checker life (and death) in the mountains of Montana—that is, in literature.

Miss Hasson impersonates a rough dia-mond of the Sierras, with a heart that inevi-table love educates and develops to the life.

table love educates and develops, to the life. Yesterday she captivated her audience to enthusiastic appreciation. Mr. Dowling is the young man from the east who works the weal of the righteous and the woe of the wicked, and a handsome, well spoken hero

Mr. J. H. Cooke, as the captain of the bold band, yelept the "Owls," plays sufficiently well, while the part of a genially timid Dutchman is effectively rendered by Mr. Ed

The action of the play is interrupted by some excellent musical and terpsichorear specialties, and no account of the play should close without mention of the handsome and clever horse, which has such a share in the development and denouement of the story.

Notices of five lines or less under this head, Atty cents; each additional line ten cents. VON TROTT—The funeral of John Ray Von Trott will take place today at 2 o'clock from family residence, 3520 Franklin street.

DIFFER FROM THE GOVERNOR

Police Commissioners Dany the Right to Summarily Remove Them from Office.

FACTS AND LAW IN THE CASE CITED

Personal Caprice or Political Prejudice is Not Sufficient Cause on Which to Base a Dismissal-What Smith and Gilbert Say.

When Howard B. Smith, one of the police commissioners, was asked today whether he had seen the interciew with ex-County Judge Shields, published in THE BEE of February 25, and what he thought of the positions taken by Judge Shields, he said:

"I read the interview with much interest as it would seem perfectly safe to assume that Judge Shields, being a new appointed and a democrat, would voice the sentiments of Governor Boyd accurately.

"I was very glad to see that Judge Shields frankly admitted that none of the commissioners were removed for any misconduct in office, but I doubt very much whether the reasons given are those which lie at the bottom of the matter.

"Judge Shields says, speaking of the commissioners, 'They know that they were removed because they had been appointed by a man who had usurped the authority that rightfully belonged to Governor Boyd,' and goes on to speak particularly of Mr. Gilbert. Let me take Mr. Gilbert's case, then, as an illustration. The fact is, Mr. Gilbert was appointed in 1887 for the two years term and was re-appointed in 1889 for a term of four years. His term of office would not expire, then, until May, 1893. This simple statement shows two errors of Judge Shields. It shows that Mr. Gilbert was appointed by Governor Thayer when neither Mr. Boyd nor anyone else questioned his title to the office of governor, and it shows further that there has not been a vacancy in the office held by Mr. Gilbert during the incumbency of Governor Boyd. Again, Mr. Coburn was appointed by Governor Thaver in May, 1891, while Governor Boyd was actively contesting Gov-ernor Thayer's title to the governorship, and yet Governor Boyd has reappointed Mr. Coburn. It seems to me, then, very ap parent that the reason given by Judge Shields is not the true reason. Perhaps we can find a partial solution in the fact that the old board was composed of two republicans and two democrats, while the proposed board, if legal, will be composed of two democrats, one republican and one independent.

"There may be other reasons which sug gest themselves to the mind, but, in my opin ion, reasons make very little practical differ ence if Governor Boyd has a legal right to do what he has sought to do. Certainly I, as a republican, should not for a moment expect Governor Boyd to reappoint me on the poard if he had the power to remove me for political reasons.

Spirit of the Law.

"But I confess I can find no warrant in the constitution and the laws of this state for the action taken by Governor Boyd. The reasons given by Judge Shields do not appear to me to be satisfactory. He draws a comparison between the appointment and removal of postmasters, but that comparison is not a fair one, as every lawyer knows.

"Judge Shields says that the length of the term of an office cuts no figure," but he will change his mind when he examines the authorities. When the law does not fix the term of office, it is fair to say that the legislature intended the officer to hold at the pleasure of the appointing power, but the legislature ty the mere act of limiting the term of an office shows that it does not inend to confer such authority upon the appointing power.

"I take the broad ground that Governor Boyd cannot create a vacancy for the mere purpose of filling it. If he could, the consequences would be startling. The legislature in establishing the Board of Flae and Police commissioners clearly intended to secure two things; one was such a rotation in office that there should alway remain upon the board wo experienced men and the other was that the board should be free from political influ-ences in making its appointments and in managing the affairs of the police and fire departments. If Governor Boyd has the right he contends for, then, the new governor, who will go into office next January, will have the same power and can appoint an en-tirely new board and, in case of his death within a mouth thereafter, his successor in office can appoint an entirely new board. Citizens of Omaha, then, would have one of the offices bearing directly upon the enforce ment of good order in their city dependent

upon mere gubernatorial humor. I believe that one who holds an office the term of which is fixed by law, cannot be deprived of toat office by a mere whim of any one. Even if Governor Boyd had any right to determine, or an absolute right to determine, finally whether there was good cause to dismiss any commissioner (which I deny), he could not do so without first notifying that commissioner and giving him an opportunity to be heard. It think that this propo-sition is supported not only by the greater number of authorities, but by the overwhelm ing weight of argument. One's sense of jus-tice shrinks instinctively from any other

Caprice is No Valid Excuse.

"Let me read a few words from a case in the supreme court of Michigan. It is the case of Duliam against Willson, Fifty-third Michigan, 392. It was decided in 1884 and Michigan, 393. It was decided in 1884 and the governor of that state had attempted to remove Mr. Willson by simply sending him a notice of his removal. The court was com posed of Judges Champlin, Sherwood, Camp-

beil and Cooley. Here it is:
"The counsel for the respondent, while granting this, insist that such removal cannot be made without charges, notice and an opportunity for defense, and this l consider the important question in the case. Unless it is the manifest intention of the section under consideration that the proceedings should be ex parte as well as summary a removal without charges, notice and an opportunity for defense cannot be upheld. The exercise of such power, in such manner, would be too despotte for any attempt at vindication in a country which boasts of the utmost liberty compatible with the safety of the state, and is entirely opposed to the genus of our free institutions. think the people, when they adopted this amendment, intended or supposed that they were placing such unlimited power in the hands of say man. If it exists, it places it in the power of the governor, at his more will or caprice, to remove all the state officers excent legislative. move all the state officers except legislative and judicial; and to fill their places with his own partisans, thus revolutionizing the whole administration of the state and defeating the express will of the people who elected him. It is no argument its say it may never be It is no argument to say it may never be done. It is sufficient to know that it could be done and that the people in adopting the amendment never intended to grant the power by which it might be done.

"Judge Shields makes one other point and that is that the appointment of the present commissioners was not confirmed by the senate. That objection can not apply as to Mr. Hartman, because he was appointed just

Mr. Hartman, because he was appointed last May and there has been no session of the senate since, so I suppose he aims that ob-jection at Mr. Gilbert and myself parjection at 31. ticularly. It was by our own supreme court in 1887, in the case of state against Seavey, twenty-second Nebraska, 454, held that our appointments need not be submitted to the senate for confirmation. But, as attention was called to that case in an editorial in THE

Bas on February 26, I need say nothing more

Willing to Go Into Court.

"Now, as to the course which should be pursued I have this to say. Every one interested ought to be willing to do anything they can to have this matter determined by the supreme court as soon as possible, so that the interests of the city and of the fire and police departments and of the citizens may not suffer. My suggestion is this: If the gentleman who claims the right to succeed me will commence proceedings in que war-ranto in the supreme court I will enter my voluntary appearance and do all I can to bring about a speedy hearing and decision by that court. I will not only do that, but I will place the warrants, which I may receive for my salary, in the hands of some person to be by him delivered to the one whom the supreme court shall declare entitled to the office. This will secure a speedy decision, which will benefit the city, and will secure my contestant against any loss of salary."

WITHOUT WARRANT OF LAW.

Mr. Gilbert Carefully Reviews the Case from a Legal Standpoint.

OMARA, Neb., Feb. 27,-To the Editor of THE BEE: I would like through your paper to make the following statements respecting the present attitude of the fire and police commissioners:

Our metropolitan charter provides for a Board of Fire and Police commissioners, consisting of the mayor and four electors and citizens to be appointed by the governor. The governor was authorized to appoint two members for the term of four years, and the other two for two years, and at the ex-piration of such terms and each period of two years thereafter, to appoint two com-missioners. On May 10, 1887, L. M. Ben-nett and Christian Hartman were appointed for four years, and H. B. Smith and Goorge I. Gubert for two years. At the expiration of the first two years Smith and Gilbert were reappointed, and at the expiration of four years, May, 1891, Hartman was ap-pointed to succeed himself, and William Courn was appointed to succeed Mr. Bennett, Soon after he first appointments were made, the objection was raised that the appointments were not made "with the advice and consent of the senate, were therefore unconstitutional and void. To settle this question proceedings were instituted in the supreme court, entitled the State against Bennett, Hartman, Smith, Gilbert. The court at its July term, 1887. heid that under the constitution and the law the appointments were properly made and valid without being submitted to the senate. The commissioners are not state officers, and are not designated to form any part of any political administration. On the contrary, the law provides that the members shall be of "different political party faith and allegiance," making the board, as far as possible, non-partisan, and to further em-phasize the non-partisan spirit of the law and secure its faithful observance. It provides: "For official misconduct, the governor may remove any of said commission ers," not even excepting his honor, the We do not suppose, however, that the

present state executive will attempt to re-move the present mayor, even "for cause" or because he is not "ip harmony with his ad-ministration." But on the 23d inst. his ex-cellency addressed to each of the other members—Hartman, Smith, Coburn and Gilbert
—a note saying: "You are hereby notified
that I have this day removed you for cause from the office of fire and police commission ers for the city of Omnha, and have declared said office vacant." No note of warning or displeasure had been given. Those who have sympathized with him during the past few mouths while his official head has been held to the judicial block, have been made the first victums of his mental rethe first victims of his mental re-action. We naturally inquire among ourselves what "official misconduct" have we been guilty of! Without notice or charge of opportunity to defend ourselves, we are asked opportunity to defend ourselves, we are asked to plead guilty that step down and out. If any charges were ever made, they were the product of the mind of the governor, and by him kept from our knowledge. We are in-formed that the governor-has already named our proposed successors, and we are teld by one of them that "there is no use in those fellows making any fuss about it," and add that the governor had "appointed commis-sioners who will be in harmony with his administration."

Cardinal Principle Involved.

This is the situation; and the more we re flect, the more we are convinced that the governor has erred and exceeded his authority in such way as to violate frivate rights, and outrage the spirit of the law. Notwithstanding the notices from the governor, we think we are still authorized and bound to perform the duties incident to the Board of Fire and Police commissioners. A principle of good government is involved, as well as of private rights. Speaking upon this principle an eminent English judge once said: "The Almighty and Omniscent Being would not condemn our first parents without their being heard. That precedent had been always acted upon." This is not only the rule in England, but in this country the same rule is followed, and the supreme court of Michigan says that any other rule "would be too despotic fo any attempt at vindication in a country which boasts of the utmost liberty, compat ible with the safety of the state, and would oe opposed to the genus of our free institu-

Referring to this question of the removal of appointed officers, Chief Justice Marshall says: "The reputation and the right of the neumbent to the office for the term specified n his commission are involved, and the right to know the accusation and to be neard in his defense."

We claim that the legislature did not in-tend this board to be the foot ball of any administration: that the charter does not con fer upon the governor the despotic power to remove at will the members of this board. If he can do it today, he can do it tomorrow and so on from mouth to month to the utter confusion of the fire and police departments of the city.

Procedure in Removal.

The members of the board are municipal officers, provided for in the act called our city charter. The state has no more interest in their official acts than in those of any other of the city officers. The governor has no control over their acts: is not responsible for them; has no power to require them to re-port to bim. He has no means of inquiring into their official conduct. Notwithstanding this absence of power, the legislature has not left the city at the mercy of corrupt officials, guilty of official misconduct. The set (charter) provides that "The power to re-move from his office the mayor or any councilman or other officer, in this act in any city of the metropolitan class, for good and suf-cient cause, is hereby conferred upon the court, and, whenever the mayor shall make and file with the clerk of said court the proper charges and specifications against any councilman or other officer mentioned in this act, alleging and showing that he is guilty of malfeasance or misfeasance in such office or that he is incompetent, or neglects any of his duties, or that for any other good and sufficient cause stated he should be re-moved from his office, the judge of such court may issue the proper writ, requiring such officer to appear before him on a day therein named, not more than ten days after the service of such writ, together with a copy of such charges and specifications upon such officer, to show cause why he should not be removed from his office."

This section is not inconsistent with sec-

This section is not inconsistent with section 145 of the act giving the governor the naked power to remove. After the court finds the charges true, then he may exercise this power of removal and fill the vacancy. Under the constitution the executive is not vested with judicial power. The district court is the proper tribunal to examine into facts constituting "official misconduct:" upon facts constituting "official misconduct;" upon its findings as to members of the board, he would be able to act intelligently and safely. and in perfect accordance with the spirit of our municipal government. Respectfully, GEORGE I. GILBERT.

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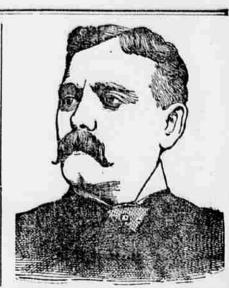
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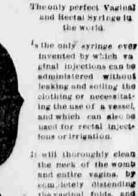
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