Relator Files His Brief in the Holcom Mandamus Case.

GOVERNOR REQUIRED TO EXECUTE LAW

Opinions of Nebraska Supreme Cour Cited to Sustain Position West of Mandamus Will Lie Against Him.

LINCOLN, May 14 .- (Special.) - The re lator's brief in the case of the State of Nebraska ex rel Victor Rosewater against Silas A. Holcomb, governor of the state of Nebraska, respondent, has been filed in the office of the clerk of the supreme court. The case grows out of charges filed impeaching the members of the Fire and Police Commission of the city of Omaha, in which mandamus is asked to compel Governor Holcomb to hear the testimony in person instead of by proxy. The brief begins:

The relator comes not into this court ex-cusing himself, but by virtue of a right which the respondent is trying to deny. The question presented is not one of court-esy between the departments of government but one of justice. The motto of the state of Nebraska is "Equality Before the Law." humblest citizen in the state, equally with the wealthiest and most influential, equally even with its governor, can appeal to the courts for impartial and exact justice according to the law.

Quoting the law, he says: Section 168 of the charter provides, that upon written charges being filed against any commissioner, the governor "shall, within reasonable time, investigate the same upon testimony to be produced before him."

By virtue of the provisions of this section the governor is thereby created and constituted a judicial tribunal to try said charges, purely and simply a statutory creation, possessing none of the powers of a court of general jurisdiction with authority to ap-point a referee or delegate this statutory power to a commissioner or other officer to make a finding upon the law and the facts. After the testimony is taken in a legal manner, undoubtedly the governor can seek counsel and advice of whom he chooses, if he feels that the responsibility is too much for him, or his duties as commander-in-chief of the army and navy of the state of Nebraska are so very onerous that he cannot find time for anything that will distract his mind from the self-imposed task of over throwing Spanish dominion in America.

Position of Governor. The sum and substance of the governor's position is, therefore, that he refuses to act himself, he denies the right of the supreme court to compel him to act, still he wants to refer these grave charges to a private citizen. This position of the respondent, to quote from his brief, "is not only trifling,

but perilously near ridiculous." The express language of section 168 is that the governor shall "investigate upon testi-mony to be produced before him." Testimony presumes an oath administered lawful authority, otherwise it is not testi-

What the relator objects to is the presuming to take statements of various indi-viduals, not under oath, as required by the charter, taken by a private individual and call the same evidence. What the relator has a right to is that the governor shall set a time and place when legal testimony can be produced in a legal manner. This is

purely ministerial.
Under section 168 the governor succeeds to powers formerly vested in an appointing board, consisting of the governor, attorney general and land commissioner. Mandamus would clearly have issued against members of that board. This is admitted by re-spondent in his brief. Why not, then against his successor? Would not mandamus issue against the governor to compel performance of ministerial duties imposed on him by statute as labor commissioner or as oil inspector? Would it not issue against the governor if he were a member of the State Board of Transportation? Would it not issue against him if he were vested by statute solely with all the powers now longed in the State Board of Transportation? If not, why cannot the legislature evade the fed-eral constitution and defy federal courts by making the governor, who claims to be ex-

of Transportation?
The relator admits that there is a hopeless conflict in the decisions of the courts of last resort of other states, upon the power of the court to issue this writ to the governor to require him to perform a ministerial act, but insist that Nebraska law and precedent are all in favor of it. Required to Execute the Law.

The first words of the preamble to the Nebraska constitution say: "We the people sovereign in their own right, have dele powers to be exercised for the benefit of all people. These powers are prescribed in written laws of the state, the constitution and statutes. The legislature is bound stitution. The executive is required to exe-cute the laws as found in the constitution and as enacted by the legislature, while the judicial branch of the government is the interpreter of these laws. No one of these branches of the body politic is independent of the other in the sense of a separate sovereignty, each is circumscribed by the law, for by the law, and not by the officer,

are we governed.

In the origin of the writ of mandamus we discover the fallacy in the reasoning of those courts which hold that it will not to the executive the writ to require the performance of a minsterial act. It was a high prerogative writ issued only by the ench where the sovereign was pre-

Swollen So Could Not Get About.

Gave Cuticura A Trial, Which Resulted in Absolute and Perfect Cure.

TICURA REMEDIES I attribute my alm aculous cure. I refer all interested to the Postmaster of this place, any of the ministers, the prominent business men, and all of the citizens of our vicinity indiscriminately, and especially to my friend, John A. B. Shippey, attorney at law, who persuaded me to give CUTICURA REMEDIES A trial. DAVID M. SAPP, Plymouth, Ill.

Bremer Crine Theatment for all Seis And Blood Rimons — Warm boths with Curricula Soar, gentle mediating with Curricula (intensit), purest of emol-ient skin curre, and mild doses of Curricula Resou-rant, gentless of blood purifiers and humor curre.

could do no wrong, he therefore could not be mandamused by himself. The judges of the King's bench who acted as the servants be mandamused by himself. The judges of the King's bench who acted as the servants or officers of the king could not issue a writ requiring the sovereign to act. Neither can our highest courts issue a writ to our sovereigns, the people, commanding them to act in a certain manner, but to say that the courts who are by the constitution clothed with the exclusive power of interpreting the law cannot by their mandate require a co-ordinate branch of the government to obey the law as so interpreted is to maintain that the executive is not only to execute, but also to pass judgment upon the law, thereby creating him a law unto himself. The logic of respondent's position is that after a certain law is placed upon the statute books prescribing certain executive acts the court shall not say how that ministerial act is to be performed. This centralization of power in one official subverts the very division of powers contemplated by the constitution. The exemption of the governor as claimed by the respondent is the shadowy relic of a doctrine of mediaeval times, pertaining alone to soverignty, and can have no place in a free republic, where the sovereignty is in the propule and where the constitution provides

ereignty, and can have no place in a free republic, where the sovereignty is in the people and where the constitution provides for the performance of the executive duties by other officers in case of absence, disability, resignation or death.

The governor is merely the head of the executive department of the state government. His collectives are by section 1 arrives and His colleagues are by section 1, article v. of the constitution, the lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney general and commissioner of public lands and buildings, and certainly the reason of the rule of exemption from mandamus applies

as forcibly to one as to the other.

The following, among the numerous adjudications of this court, awarding the writ, not alone against the governor, but also against other members of the executive department, certainly settles the rule in this state in favor of the issuing of the writ: State against Babcock, 19 Neb., 230; State against Benton, 25 Neb., 278, 756; State against Babcock, 22 Neb., 614; State against Babcock, 22 Neb., 614; State against Holcomb, 46 Neb., 612.

Referring to other cases, the relator says

Subject to Mandamus. This court has in the two cases reported in 31 Neb., State against Thayer, page 82, and State against Elder, at page 169, placed the right to issue a mandamus to the governor or other executive officer to perform a ministerial duty beyond controversy in this state. Especially in the case of State against Elder does Judge Cobb review at some length the constitutional provisions separating and defining the various powers of the several departments. The judge says, "It will be observed that the respondent's

serious ground of objection to the jurisdic-tion of the court rests on the allegation that ie is the speaker of the house of representahe is the speaker of the house of representa-tives and the presiding officer of the joint convention of the two houses. The letter of the statute makes no exception in mau-damus, in favor of the functions of such officer; so that if he is a person upon whom the law has specially enjoined the perform-ance of an act, or acts, as a duty result-ing from an office, trust, or station, he is ing from an office, trust, or station, he is, in the face of all cavil, within the letter of the code, subject to mandantus, and to the jurisdiction of the court therein." And also on page 177: "In these examples the court observed the literal sense of article if t the constitution, construing its meaning and intent to be that the respective duties ncumbent upon and applicable to each separate department of the government are con-fined to it alone; but it did not take the view, nor can it now, that where an office view, nor can it now, that where an officer of either the legislative or executive departments, or the judicial, shall refuse to execute an imperative duty, imposed by law upon the office of the incumbent, to the detriment and prejudice of a citizen or of the public, through this constitutional provision, while the courts have full power of redress in cases of delinquent judicial officers, they are prohibited from considering any flagrant violation of the constitution or laws by officers of the other departments, lest the court trench upon their prerogative. No such limited and sinister construction can be placed upon the second article withcan be placed upon the second article with-out violating the spirit of the first, and violating many of its provisions."

Several assertions made by the respondent in his brief, the relator says, call for refuta-tion, and he refers to them as follows:

 The respondent attempts to justify his course in delegating duties imposed by law upon him to a private citizen, whom he calls a referee, on the ground that he was too busily engaged in the affairs of the nation to turn aside to attend personally to the charges preferred against his police commissioners, particularly in his duties con-nected with the enlistment and mobilization court process, the State Board of troops. At the time these impeachmen for troops had been made, nor was there any call imminent. And by the time the decision is rendered in this suit the state militia will doubtless have been mustered into the volunteer army and the duties of the governor with reference to the call for troops discharged. The manifold duties devolving upon the chief executive of the state might be properly taken into consideration in determining what constitutes the reasona-ble time in which he is required to hear the testimony in support of these charges, but it affords no reason why his duty to hear the testimony should be altogether abro-

> can compel the governor to hear the testi-mony in support of the impeachment charges filed before him, as provided by law, it can also review the governor's action in hearing, receiving and excluding testimony, and de-termining as a court of appeal whether his conclusion is in conformity with the evi-dence. While the constitution of Nebraska guarantees to both parties to every civil suit the right of appeal to the court of last resort, and the question might arise whether the decision of the governor sitting as an inferior court to hear these charges may not be subject to a writ of error, yet that ques-tion is not contained in this case and should have no influence upon the judgment of the court and to the relator's right to the writ protected therein by the governor, free from prayed for.

3. The respondent tries to belittle the interests at issue by asserting that they constate." In reality they concern directly the people of the most populous and wealthiest city of the state, and indirectly the people of the whole state and all surrounding states. The city of Omaha contains nearly one-eighth of the population of Nebraska and contributes more than that proportion ately to the support of the state govern-ment. Whether Omaha has efficient police protection, especially during the impending exposition season, is of vital interest not only to its own inhabitants, but to the hundreds of thousands of people of this and other states who will visit in the city dur-ing the summer. But even if the case did concern "only a small portion of the state," or concerned only a single individual, th rights of that portion of the state or of that individual would be just as sacred and entitled to the same protection from the courts as the rights of the people of the

whole state.

Referring to the course of Governor Holcomb in the premises, the relator says: The respondent seems to take great pleas ure in conjuring up visions of terrible con-sequences that he thinks sure to follow the granting of the writ of mandamus as prayed for by your relator. That these visions are wholly imaginary and without foundation in fact is so plain as to require no further notice. The question is, however, pertinent, What would be the consequences of a denial of the writ and the admission by this court of the contention of the respondent, that by virtue of occupying the governor's office he is exempt from all judicial process, and in relation to the impeachment charges pre-ferred before him absolutely above the law What do these charges set up? They set up allegations fully supported by the sworn affidavits accompanying them, copies of which are a part of relator's petition, of abuses of power and misdemeanor in office by the respondent's appointees on the Board of Fire and Police Commissioners of Omaha that would be intolerable in any community police commissioners have conspired to-gether for political and unlawful purposes to disregard the law and ignore their offi-cial oaths. They charge that as a result of this law defiance, the efficiency of the police force has been utterly destroyed, the citizens of Omaha deprived of adequate po-lice protection and their lives and property constantly exposed to the raids of footpads, thieves and professional crooks, who ply

KELLEY, STIGER & CO.

Reduction Sale Monday on Dress Goods and Silks.

Silks for Monday.

Armure Checks, Etamine, Silk Melange, Mohair Novelties, and all our \$1.00, \$1.25 and \$1.50 New Silk Fancy Dress Goods-

69c Cheviots, Checks, Stripes and all our 50c

and 60c this season fancies will be Black Dress Goods Bargains.

40c Albatross and Nun's Veiling-reg-50c Figured Mohair, imported, usually

60c Storm Serge-50 inch-a very de sirable bargain-was 85c.

Cut Prices on Silks.

69c Fancy Silks, short lengths-from \$1.00 up to \$1.50, at 69c. 69c Black Taffeta Silk, 85c grade-at 75c Black Satin Duchesse-\$1.00 qual-

ity-for 75c.

90c Checks and Stripes for waists-22 inches wide-90c. 1.00 Gros Grain, Peau de Soie, Broc ades-22, 23 and 24 inches-\$1.35

grade. 50c Plaid and Neapolitan Stripe Silks-50c.

ANOTHER LARGE ASSORTMENT OF French Valenciennes Laces.

Pretty patterns and marvelous values a 20c, 25c, 30c, 40c, 50c, 75c and \$1.00-a piece New Black Silk Tosca and

Cracquele Mesh Nets. 45 inches wide for waists and skirts very fashionable at 65c, 85c, \$1.15, \$1.25, \$2.25

and \$2.75 a yard. New Black Silk Chantilly. Thread and Guipure Laces.

For trimming wraps, capes, etc., at 15c, 20c, 25c, 35c, 50c and 75c a yard. New Huguenot Puffing. Alternate rows of puffing and Val lace in-

New Guipure and Venetian Effects in Nainsook Embroidery. For trimming pique, ginghams, etc.

sertion-something new for yokes, fronts

Ladies' Revered Hemstitched Pure Irish Linen Handkerchiefs. 1214c and 15c quality-reduced to Ladies' H. S. and Scalloped Border

Irish and Swiss Handkerchiefs. 25c, 30c and 35c qualities slightly soiled-

Novelty Ribbons.

Checked and striped For ties, sashes, millinery purposes, etc. only 25c a yard.

Gelle Freres, Veritable Parisian Perfumes, Triple Extracts.

Peau d' Espagne, Violettes Russe, Helio-trope Blanc, Trevolys, New Mown Hay, Eau de Cologne-Eau de Toilete, Eau de

R. J. Roberts' Famous Steel Scissors Extra refined, solid shear steel, nickel plated, at 50c, 60c, 70c, 80c, 90c and \$1.00

COMPLETE ASSORTMENT OF THE Celebrated Dress Shields.

Genuine "Amoline," odorless and antiseptic—absorbs like a sponge—also the "Omo," "Caufield," "Kleinerts," and "Alpha" ventilating.

Children's Ideal Waist Hose Supporters Comfortable, healthful and easy of adustment-the weight falls entirely on the

'Velvet Grip" and Frank Kerns' Side, Shoulder and Belt Hose Supporters. All at the lowest prices.

300 Extra Fine Bristle Tooth Brushes French and Japanese manufacture-spe-

High Art Corsets and Superior Muslin Underwear.

Our regular 50c Summer Corsets-high Shirt Waist Shirt Waist

\$1.00 Corset Batiste, splendid summer corsets-perfect \$1.00 Corset Corset

A pretty corset, daintly lace trimmedperfect shape. Bicycle 75c Waist Waist passed for comfort, style and shape.

Waist

250

Waist

Waist

Waist

We are taking the lead in Bath Towels by offering a good, substantial, double warp nowned.

Bath Towel, in extra size, for 10c each.

Walst

Monday only 50c.

At 50c—Our line of ladies' combination suits at 50c is without an exception the best in the city; silk finish, perfect fit, high neck and washable ascots, in all colors, 50c.

Novelty Ribbons. The New The New 1,000 yards 3 and 4% Inch Fancy Plaid, Child's Waist 50c Child's Waist Well adapted for Boys-elastic hose supporters-very substantial.

We have in our corset department "P. D." "Glove Fitting"-"Royal Worcester." "Fasso" Corset. We have the exculsive sale here of this

highly recommended and world renowned corset-a perfect-correct fit, comfort and quality, large size, 10c and 121/2c each.

fine cambric.

Sleeping Gown 45c. Insertion trimmed yoke and ruffled with

Sleeping Gown 60c. Tucked and ruffled fine cambric yoke and

Sleeping Gown \$1.00. We make a specialty at this price, with the highest grade and best styles out.

Ombrel Drawers 50c. Deep hemstitched ruffle-very pretty and well made.

The New Chemise \$1.80.

Fine Nainsook long chemise-embroidere and insertion circular yoke-ruffled embroidered and tucked at bottom.

Table Linen Specials.

No need of making any mistakes if you trade with us. We sell our linens on their merits and we save you all intermediate profits by making our purchases direct from | Ladies' Hosiery and Underwear. the largest manufacturers of table linen in the world. We carry nothing but honest goods that possess the worth and honest merit. We have the determination and ability to make the best prices. 60-inch Unbleached Table Linen, sells in

the regular way at 50c, now 39c yard. All the 60-inch Irish and Scotch bleached and unbleached Table Linen, worth, 75c, go 15 pieces of Liddell's 68-inch Irish Double

inch German full bleach Table Linen, worth up to \$1.75, now \$1.25, \$1.10, \$1.00 and 90c We carry the celebrated Dresden Table

Linen in 2, 214, and 21/2 yards wide, handled exclusively by us, and is an article that shows for treble its real value, \$1.75, \$1.65, \$1.50 and \$1.40 yard.

200 dozen 20x38-inch and 221/2x44-inch Towels, go at 121/2c and 10c each. All our extra fine Huck Towels, hemstitched borders, worth 35c, now 25c each. One case dew bleach Huck Towels, hemtitched and best possible towel for wear, 35c. or 3 for \$1.00.

Sheets and Pillow Cases.

The way the public continues to patronize this department is the surest kind of an indication that we have struck the right keynote in bargain giving. We have received two more cases of sheets and for the benefit of the hundreds who were disappointed in coming too late last Monday, we have determined to put them on sale once more at 39c and 49c each. Pillow Cases, same

We have got some charming new novelties in this line which we think will delight you. They would grace a duchess and they are the acme of daintiness and beauty Those that we have just added to our stock are so original and exclusive that we think we are putting a good deal of brightness into circulation in introducing this particular rare and radiant lot. Buy a wash dress Buy ours. Our stock is in style-new style -this season's style. You will get what was made to wear at just this time, and,

Ladies Parasals and Umbrellas.

We never knew the time when so much beauty and style could be obtained at so small a cost—positively the biggest bargain of the parasol season.

Ladies' Fancy Parasols—All new shades with hemstich borders—bought to sell at \$3.00, special for Monday only, \$1.79 each.
Another beautiful lot in stripes, plaids, checks, foulards, bought to sell at \$2.25, special for Monday only \$1.59.

Genuine Bargains in

At 15c-Ladies' guaranteed fast black and tan hose, double role, heel and toe, a very good quality, Monday only 15c pair. At 25c—Ladies' extra fine gauge fast black and ten hose, best maco yarn, regular 35c quality, Monday only 25c pair. At 35c-Ladies' superior fast black lisle thread hose, 50c grade, white heel and toe, double sole, special for Monday only 35c

At 50c-We have an elegant assortment of ladies' fancy and plain Lisle thread hose, Satin Damask, worth up to \$1.10, go at 79c. | including tan, selling entire lot for Mon-All of the very best make of 66 and 72- day, only 50c pair.

black and tan, double heel and toe, the never-wear-out kind, all sizes, 6 to 10, Monday only 15c pair. At 12½c—Ladies' balbriggan ribbed vests, ecru and white, nicely finished, all sizes, Monday only 12½c each.

At 18c, 3 for 50c—Ladies' Richlieu ribbed vests, silk tape, low neck, short sleeves, V or square shaped neck, sold elsewhere at 25c, our price only 18c, 3 for 50c. Ladies' liste thread vests, high neck, long or short sleeves, low neck, sleeveless, knee aly good quality, all sizes, Monday only Ladies' all silk vests, Richlieu ribbed, in

cream, white, pink and sky, crechet neck and shoulder, special value, all sizes, 3 to 6,

Sheets and Pillow Cases (Continued.)

long or short sleeves, low neck, sleeveless, white or ecru; you pay elsewhere 65c; our price only 50c suit.

Children's fine Egyptian cotton vests, silk tapes, well made, sizes 16, 18, 20 at 15c; 22, 24, 26, at 20c; 28, 30 32 at 25c; knee

sleeveless, crochet trimmed, all sizes, 18 to 30, only 121/2c each.

Special Agents Butterick's Patterns.

Fine quality ribbed balbriggan shirts and drawers, extra well made, drawers double

gussetted, 25c,
Superior quality balbriggan shirts and
drawers, made of pure Egyptian cotton, pa-tent seams, drawers made with double seat, Men's fine quality drilling drawers with

ble, 50c.
French balbriggan shirts and drawers, extra fine summer weight, 75c.
Silk and liste ribbed shirts and drawers, in blue and white narrow stripe, \$1.00. Men's ribbed balgriggan union suits, pa-tent seams, well finished, \$1.00. Men's fine lisle ribbed union suits, \$1.50.

Men's Colored Shirts.

Soft shirts, with cuffs to match, made of percale and cheviot, to be worn with white Fine quality percale shirts, in light and dark colors, cuffs to match, 75c. Monarch brand shirts, in fine Scotch chevlots and madras, with cuffs to match—fine percale shirts with two turndown collars, \$1.00.

Star brand shirts, soft or stiff fronts, made of the finest French madras, with collars to match, or without collars, \$1.50.

Men's Half Hose.
Black and tan stainless hose, double heels

and soles, extra serviceable, 12½c.
Men's fancy plaid and stripe hose, plain black and tan, with double soles and heelsblack with white soles in medium and light Sweaters.

Men's all wool hand made sweaters in blue, red and tan, unusual value, \$1.50. Men's extra fine all wool hand made sweater, in pearl gray, green and blue, laced front, \$3.00 Boys' all wool hand made sweaters in green, red and blue, with roll collar, \$1.00. Boys' all wool sweaters, in blue green

Men's all wool leggins with fancy tops, Men's and ladies' fine all wool bicycle leggins, in all colors, with fancy tops to match sweater, \$1.00.

and red, with sailor collars and laced fronts,

Neckwear for Summer.

Washable string ties, made of fine quality gingham, in neat stripes, checks and plain colors, 3 for 25c.

Ladies' Neckwear.

retarded by the rains.

Cor. Farnam

and Fifteenth

their vocations unmolested by the police. They charge that the most vicious dens of infamy and disorderly resorts have been licensed by them to sell liquor, in spite of protests and remonstrances, and protected in their lawless operations. They charge that the police authorities have connived in the conduct of open gambling resorts and that liquor licenses granted their proprietors and subject to forfeiture have not been revoked, in spite of the plain violation of the law. They charge that the police force of the city has been perverted to political ends and the taxpayers compelled to pay the salaries of officers detailed to do po litical work at the behests of candidates for office and their campaign managers. for office and their campaign managers.

Instead of exhibiting eagerness to learn whether these charges are true and whether men appointed by him to responsible public positions have betrayed his confidence and disgraced his party, the respondent asks this court to uphold him in his refusal to investigate into their truth or falsity and to endorse his action in reappointing and keeping them in office.

If the court gives its approval to the position of the respondent the law-abiding people of Omaha are helpless to escape the evils which have been inflicted upon them

through police misgovernment and notice is given to the impeached commissioners that

they can continue their lawless practices

all judicial restraint. Wheat Sells Well. WEST POINT, Neb., May 14.—(Special.)
—Wheat has been selling right here in
West Point during this week for considerably over \$1 a bushel, and there is no

drouth in India either. The plans and specifications for the new steel bridge across the Elkhorn at this place were received several days ago and filed with the county clerk. Bids will be made out based upon this plan, and must be filed board meets to act upon the blds. The public schools have their exhibits ready for the Transmississippi Exposition.

They are of an elaborate character. The Catholic priests of this section held conference in this city Tuesday. Bishop Scannell of Omaha was in attendance. Colonel Elliott was at Lincoln this week and made arrangements to organize a company of militia in West Point, so as to be ready for the next call for troops. The first one to enlist direct from West Point under the president's call was Jerome F. Langer, late a student at the State uni

K. Second Nebraska. Bishop Williams at Schuyler. SCHUYLER, Neb., May 14 .- (Special.)-Bishop Williams of Detroit, Mich., was present at Holy Trinity church during the week, preaching Wednesday evening and confirming Clara Wells and Bessie and

Jerome is corporal in company

Laura Woods. While improving by adding to his house an accident occurred at F. J. Everett's, the end of an "L" that had been cut off and moved outward, falling inward and damaging itself, the ceiling of the remaining part and the foundation.

FREMONT, Neb., May 14.- (Special.)-Although Dodge county has sent no company to Camp Saunders there are twenty young men from this county enlisted there. The men who went from here yesterday afternoon enlisted in company H. Second Fremont elso has a representative in the Omaha Guards, companies A and H of the First, and M of the Second. S. S. Sidner and Ernest Elsner of this city enlisted yesterday in Captain Culver's cavalry company of Colonel Woods' regiment.

Colonel Bratt Directed to Report at San Francisco Immediately.

Nebraska Volunteers Destined to Go to the Philippines Are Ready to

REGIMENT TO START MONDAY MORNING

LINCOLN, May 14 .- (Special.)-The long expected orders for the movement of the First regiment to San Francisco came this afternoon at 3 o'clock and is as follows: WASHINGTON, May 14.—Colonel John P. Bratt, First Regiment United States Nebraska Volunteers, Lincoln, Neb.: By di-rection of the secretary of war you will proceed at once with your regiment to San Francisco, Cal., and report to the commanding general there. Upon receipt of this or-der you will at once communicate with chief quartermaster at Omaha for the necessary transportation and with the chief commis-sary at Omaha for ten days' field rations, the necessary travel rations and coffee money.

The quartermaster general and commissary general have instructed the chief quar-termaster and chief commissary at above

of tentage and ammunition taken with you H. C. CORBIN, Adjutant General. The time for the departure of the regiment depends now upon the department at Omaha, and it is the general opinion among the officers here that the rations and transportation will be provided so that the move can be made Monday forenoon.

This evening Colonel Bratt received the following telegram:

OMAHA, May 14.—Colonel J. P. Bratt, United States Volunteers, Lincoln: Am ordered to transport gour regiment to San Francizco. Please wire the earliest moment that you will be ready to start and give number of officers, collisted men and horses. JONES, Quartermaster. In reply to this Colomil Bratt wired that he had forty-six officers; 973 enlisted men

at Omaha was informed that the regiment if the transportation and rations are provided by that time.

ORDERS FOR FIRST TO MOVE of both regiments. The opinion in the Second is that several days will elapse before the next marching order comes, and that the regiment will not get to go to the Philippines. The prospect of a trip to Cuba at this season of the year is not viewed with much enthusiasm.

The troops encamped here are now well equipped with the exception of guns, the supply of which is still short. The cavalry troop needs about forty horses. The men packed up their extra baggage and clothing to be shipped home today. The Lincoln companies were given a few hours' leave to go into the city with their bundles.

The First regiment now has its full number of men. Some new applicants came in today who were unable to find places in the regiment. At noon the Second was short about forty men, as follows: Company G, four; company M, six; company B, seven; company D, eight; company I, eleven; company E, five. New recruits are coming in right along and by tomorow there will not be a single vacancy in the two regiments. some scalpers invaded the camp today, offerring to pay cash vouchers at about 50 per cent discount. Very few of the boys are so hard up as to accept such a reduction. The Sunday program for the camp has been issued as follows: 7 a. m., company drill; 8 o'clock, guard mount; 11 o'clock, religious service; preaching by Chaplain Mailleh and mass by Rev. Father Nugent; 2 o'clock, battalion drill; 5 o'clock, dress

Notes of the Camp. Major Clarkson was a visitor at the camp

yesterday evening. General Barry is taking a vacation at his ome in Greeley county.

of spectators. Colonel Bills of the Second is the senior colonel, and the Second also has the rank-ing captain, Campbell of company F. The horses of the cavalry troop have not full number of men and will be ready

Dillon Acquitted. NEBRASKA CITY, Neb., May 14 .- (Special.)—Lee Dillon, who has been on trial in the district court for the last two days for the murder of William Reisch on October 25 last, was acquitted by the jury this morning after being out about thirteen hours. Reisch was picked up in an almost unconscious condition about 12 o'clock on the night of the Bryan meeting here October 5, 1897. He died in a few minutes from a dislocation of the neck. Dillon was arrested the next day for the crime. The testimony tentage. To the reporter tonight Colonel was very conflicting, but it was developed Bratt said it would take about thirty cars in that Reisch had been drinking that day and was very conflicting, but it was developed all to transport the regiment, the train run- had become involved in a quarrel with Dillon and two or three companions and that fight ensued in which Reisch was struck would be ready to move Monday morning by Dillon. A little later the body of Reisch was found as above stated.

Governor Holcomb.

DEMAND COMMISSION FOR THEIR OWN MEN lou of Senator Allen Taken from An-

other Regiment and Made Lieuten-

ant of Norfolk Company-His

Mother Asks Him to Decline.

NORFOLK, Neb., May 14.-(Special.)-When the news reached Norfolk that Henry Allen, son of Senator W. V. Allen, had been appointed by Governor Holcomb as second lieutenant of Company L. from Norfolk, It created much unfavorable comment and uproar, which culminated in a mass meeting at the city hall, which was very largely attended, last night. Henry Allen is a member of the Allen Rifles of Madison, in the First regiment, while Company L is part of the Second regiment; therefore the apparent favoritism is greatly resented by the people here, who feel that there are a number of young men in Company L better qualified and certainly more entitled to promotion in the regular order. During the meeting a message was received from Mrs. Allen of Madison stating that she was opposed to the appointment of her son in this way and that she had already asked him to resign his commission and remain with his own company and that she had also wired Senator Allen to use his influence to the same end. Those sentiments were heartily applauded and to give time for this to be done the meeting adjourned until

next Monday night without passing any resolutions. CROP PROSPECTS VERY BRIGHT.

Rains Have Put Small Grain and

Grass in Fine Condition. IMPERIAL, Neb., May 14 .- (Special.)-Chase county is enjoying some fine rains and the crops are looking splendid. The small grain has never before looked so promising and the acreage is fully twice what it was last year. The farmers are all busy putting in their corn and are very much encouraged at the outlook. The grass on the prairies is most abundant and stock is doing finely. There are a number of parties in this county having cattle shipped in and daily parties from the east are coming into the county to look up locations for ranches and places to bring cattle to summer. The merchants of this county report business exceptionally good this spring. There are a large number of people in this county making preparations to attend the Transmississippi Exposition at Omaha

next month. BEEMER, Neb., May 14 .- (Special.)-The prospect for fruit of all kinds in this section was never better. The farmers are about through corn planting. Small grain looks remarkably well. With good crops and good prices the farmers can all attend the great exposition at Omaha this year. A fine rain is falling this morning.

WEST POINT,-Neb., May 14 .- (Special.)-A copious rain fell last night, with prospects of continuance during today. The bulk of the corn ground in this section is planted and if warm weather succeeds the present downfall of rain the ground will be in excellent condition to germinate the seed. Sarah Stockert and Principal Will T. FREMONT, Neb., May 14.—(Special.)—It were not applicants for re-election.

PEOPLE PROTEST has rained here steadily the greater part of the day and farm work is consequently at a standstill. Small grain is mostly up and looking fine. Corn planting is greatly

Cor. Farnam

and Fifteenth

DUNCAN, Neb., May 14 .- (Special.)-Two inches of water fell here last night, thoroughly soaking the ground. Crops of all kinds are looking fine. SCHUYLER, Neb., May 14.—(Special.)-In addition to four very propitious days for corn planting during the week there have been two splendid showers to keep the ground in fine condition and everything growing, the last rain having been a heavy

fall during this forenoon. Small grain is

in excellent condition and pastures are now first class, having been kept back by cool weather. Farmers are in good spirits. Lincoln Local Notes. LINCOLN, May 14 .- (Special Telegram.) The young people of Grace Methodist Episcopal church will celebrate the ninth anniversary of the organization of the Epworth league tomorrow. A sunrise prayer neeting will be held in the morning, in the afternoon there will be an address to young

people and in the evening a full program of addresses and musical numbers. The Lancaster County Old Settlers' association held its annual meeting today and elected officers for the ensuing year. John McClay, who took part in the organization of Lancaster county, was present and told how it was done. C. M. Parker gave a history of the schools of Lincoln from an early day, when he was a member of the School

board up to the present time. The child study section of the Woman's club held its last meeting of the year this afternoon at St. Paul's Methodist Episcopal church. Mrs. Dinsmore read a paper on the moral nature of children and Prof. Luckey of the university spoke in regard to the moral training of children. The department has been very successful this year and is making preparations for even more

instructive work the coming season. The Pilger Creamery company at Pilger, Stanton county, has filed articles of incorporation with the secretary of state. The company starts out with a capital stock of \$5,000 and its incorporators are J. Dotey, Adam Pilger, Howell Reese, J. G. Tinney,

C. G. Ohman and J. E. Nicholas. The State Reading Circle board met today, but no action was taken in regard to the selection of books. Another meeting has been set for May 26, when this matter will be taken up.

Johnstown Robbers Caught. AINSWORTH, Neb., May 14.—(Special.) The Johnstown robbers have been caught. Of this there can be little doubt. At present one of them, Arthur Johnston, is in the county jail in this city and his partner in the affair, John Duncan, is in the hands of officers and has turned state's evidence. On the evening of February 28 of this year, the depot at Johnstown, this county, was robbed of some \$140 in cash, two robbers holding up the agent, D. W. Allspaugh, making him deliver over all money in his The robbery was committed just hands. after the westbound passenger had left.

Select Tenchers at Weston. WESTON, Neb., May 14.—(Special.)—The school board at its last meeting elected the following teachers for the coming year: Principal, Prof. Burwell; grammar, Gibbs; intermediate, Katie Fingado; primary, Martha Mauck. Three of the present corps of teachers, Miss Lillian Klots, Mrs. Sarah Stockert and Principal Will T. Mauck

Suffered Untold Agonies. Limbs

Ablest Physicians Signally Failed. Was Absolutely Disheartened. Had Lost All Hope.

For ten years I suffered untold agonies from that dread disease Eczema, my lower limbs most of the time being so swollen and broken out that I could hardly go about. I had to wear allpers so that I could move about at all. My brother, a physician of thirty years' practice brother, a physician of thirty years practice and extensive experience, had tried in vain to effect a cure and signally failed. I tried other physicians of splendid ability with like results, and had reached that point where I became absolutely disheartened, and in fact had lost all hope, when a friend induced me to give Cuticuna Remedies a trial. I used two cakes of Cuticuna Soap and two boxes of Cuticuna (ointment), and it resulted in an absolute and permanent cure. I am now

CUTICURA WORKS WONDERS ricena Remedies instantly relieve and ily cure every humor and disease of the scalp, and blood, with loss of hair, whether

Leave When the Cars Pull Up to Load.

place to provide the transportation, rations and coffee money. Telegraph day of de-parture to commanding general at San Fran-

Colonel Bratt was seen shortly after the arrival of the order, and was asked when his regiment would be ready to go. "They are ready to go now," said Colonel Bratt. "If the department will tell us what trains to take we can have the tents down, the baggage packed and loaded and the boys on the train in three hours time.

and five horses, and that three cars would be needed for transportation of baggage and ning in three sections. The quartermaster

Boys Are Ready to Start.

There was a feeling of rejoicing all through that part of the camp occupied by the First regiment after the circulation of the news that the order to move had arrived. The companies are full, the boys are well equipped, and they are heartily tired of remaining in camp. The happiness was not shared by the boys of the Sec ond, where there is much disappointment

Mass Meeting to Denounce the Favoritism of

H. T. Clarke came down from Omaha today to call on the boys of the two Omaha companies. The First regiment indulged in a base ball game this afternoon, with a large number

move as soon as the government provides the horses to mount the balance of

LINCOLN, May 14.—(Special Telegram.) -A hearing was held today before the governor in the requisition case wherein a man named Farrington is wanted in Council Bluffs by a nurseryman, who charges Farrington with embezzlement. Farrington claims it is a scheme to get him out of this state and into lows in order to enforce the collection of a debt and he made strong ond, where there is much disappointment showing in the hearing. The governor has that the order did not call for the movement taken the matter under advisement.