RESTRAINS POLICE BOARD

Herdman Commissioners Secure a Temporary Order of Injunction.

JUDGE KEYSOR GRANTS THE APPLICATION

Rules that Defunct Board is Entitled to Hold On Until Its Motion for a Rehearing is Finally Disposed Of.

Judge Keysor yesterday granted the application of the Herdman Board of Fire and Police Commissioners for a restraining order to prevent the legal board from interfering with its operation of the fire and police departments until its application for a rehearing before the supreme court is decided.

Judge Keysor decided that he had jurisdiction in the case, and that by its refusal to grant an immediate writ of ouster the supreme court had not intended the old board to be forced out of its position until final judgment after a rehearing should be entered. The old board is placed under $1,000 bond during the pending of the order.

In view of this decision the legal board will probably take no decided action until after the motion for a rehearing has been passed upon by the supreme court. City Attorney Connell said after the decision that there would be no appeal from Judge Keysor's decision and that consequently the legal board would allow things to remain in statu quo until the matter of a rehearing was decided.

In his opinion Judge Keysor reviewed the legal acts that lead up to the case before him. The main points of the opinion are:

The decision of this motion for a temporary injunction depends upon the answer to two questions. First: Is the quo warranto proceeding which the attorney general instituted still pending in the supreme court. Second: Has a court of equity or a judge thereof power to grant the injunction prayed for? The injunction asked for can in no way affect the quo warranto case in the supreme court, or have any bearing whatever upon the title of the members of either board to the office claimed. The object sought is simply to hold matters in statu quo until a final judgment is entered in the supreme court and a writ of ouster has been issued by it thereon. And before proceeding to answer the questions above propounded I desire to say that my duty of either granting or refusing the injunction in issue does not rest upon the alleged superior qualifications of either board, or upon any alleged misconduct of the old board. Counsel on both sides admit, and rightly, too, the immateriality of all of the evidence concerning the efficiency or inefficiency of the police force, and that evidence will therefore be disregarded on this hearing.

Right of Appeal Defined.

The right of appeal from decisions of inferior tribunals is amply provided for in our constitution and laws. So in the supreme court a defeated litigant may move for a rehearing. The right to move for a rehearing in the supreme court is an invaluable safeguard, for there being no appeal from that court it is the only remedy available for the correction or reversal of an erroneous judgment in the case. No one ought to be prejudiced in any respect in the exercise of that right; certainly not to the old board in the quo warranto proceeding. The judgment in that proceeding was rendered by a divided court; it pronounced an act of the legislature unconstitutional, and thereby deprived the governor of a power given him by said act. The decision is of great importance, be it right or wrong, and every good citizen is deeply interested in having it tested by a motion for a rehearing.

The supreme court, acting under authority of law, adopted the following rule: "A motion for a rehearing may be filed, as, of course, at any time within forty days from the filing of the opinion, or rendering of the judgment of the court in the case."

Upon this rule the old board clearly has the right to file a motion for a rehearing at any time within forty days from June 23rd, 1898; and until the motion be disposed of, if filed within that time, the supreme court still has jurisdiction of the case. It may modify, reverse or affirm said judgment, and while the right to do so exists, the case must be held to be still pending in that court.

A judgment is simply the determination of the rights of the parties thereto. It does not execute itself. No one may take into his own hands the execution of a judgment in his own favor. Judgments are executed by the sheriff or some other proper officer, acting under an appropriate writ. If the writ be withheld by the court the fruits of the judgment are not attainable. It is the right and duty of the supreme court to enforce its own judgments. The refusal of that court to issue a writ of ouster is conclusive evidence that it does not intend the new board to enjoy the fruits of that judgment until the motion for a rehearing, if filed, is disposed of. That court still has control of said judgment, and of the means of enforcing it; and I am unable to perceive by what right or on what principle of law the new board, even if fortified by resolutions of the city council, may in effect enforce said judgment in its own behalf.

Defines a Statute.

The new board, however, claims the right to act at this time by virtue of section 711 of the code, which is as follows: "If judgment be rendered in favor of such claimant he shall proceed to exercise the function of the office after he has qualified as required by law." I am of the opinion that the judgment referred to in this section is not one that is subject to modification or reversal on a rehearing, but is a judgment that is final in the court where rendered. Nor do I think that it confers on the successful claimant the right to enforce the judgment himself; for section 712 provides as follows: "The court after such judgment shall order the defendant to deliver over all books and papers in his custody or under his control belonging to said office." This the supreme court has not yet done, and until it does so order the old board is entitled to retain possession thereof.

Under the decision of the supreme court the old board is now and always has been a board of de facto officers. That a court of equity, or a judge thereof in vacation, has the right and the power to protect a de facto board in the performance of the duties of its office pending an action in quo warranto, brought to test its title to said office, is so clearly settled by reason, common sense, and the authorities cited, that I pass on to consider whether or not I ought to exercise the power in this case.

The old board was appointed under color of law. It is in possession of its office and has performed the duties thereof for a year or more. It is liable to a suit for damages if it is finally ousted. It ought not to be disturbed in its office until it has been as fully heard as it desires and the law permits. The old board cannot now surrender its office to the new board without fatal prejudice to its motion for a rehearing, because our supreme court has held that it will not listen to a contest for an office which has been voluntarily surrendered to the claimant. If the old board is bound to retain its office in order to secure its legal right to a motion for a rehearing, then it seems to me that it has the right to perform the duties thereof.

Would Disorganize Departments.

To the propositions of the city attorney that the new board will not attempt by force to interfere with the possession of the old board, but will without possession of the records and office room quietly and peaceably assume to act as the Board of Fire and Police Commissioners, I cannot give my consent. Such a course would disorganize the fire and police departments, or at least seriously affect their efficiency; it would subject the firemen and policemen to an unnecessary and an uncertain choice of masters, and it would not be creditable to the reputation of our city. It is not the policy of the law or according to any principle of our government that two police boards should contend with each other for supremacy by winning in any way they can the allegiance of the firemen and policemen. These servants of our city ought not to be called upon to hazard either their positions or their pay on a guess as to which is the lawful board, or as to what the supreme court may do on a rehearing of the quo warranto case, if a rehearing should be granted. It is the duty of the supreme court by its interpretation of the law to decide which is the lawful board, and it will finally do so in the regular course of legal procedure, and will at the proper time either confirm the title of the old board or will by the power vested in it under the law deliver possession of the rooms, records and the office to the new board, who will then be entitled to act as the Board of Fire and Police Commissioners.

I am firmly convinced that the old board is entitled to the temporary injunction prayed for, and the motion therefore will be sustained.

The bond was carried over to the district clerk's office yesterday afternoon by Chief of Police Gallagher himself with sureties in the chief's father-in-law, James Creighton, and the board's newspaper beneficiary, G. M. Hitchcock.

WILL WAIT ON OTHER CITIES

Outcome of Suits Against Express Companies is Watched by Commercial Club.

A session of the executive committee of the Commercial club was held at noon yesterday in the club rooms. The chief matter under consideration was that of compelling the express companies to pay the tax imposed by the new revenue law upon every package sent by express. Mandamus proceedings have been begun in Kansas City, St. Joseph and other cities, asking that express companies be forced to show why they should not pay the price of the stamp rather than compel the sender to pay for it. In view of the fact that decisions will be rendered in a short time on the mandamus proceedings, it was deemed unnecessary for the Omaha people to undertake a case of that kind. The Commercial club has not lost sight of the matter, however, and will do everything possible to bring the companies to time.

A press committee, composed of Clement Chase, C. D. Thompson and J. F. Carpenter, was appointed to assist in the entertainment of visiting newspaper men.

Bernard D. Snow of the American Maize Propaganda has collected an exhibit of 100 maize products, which he desires to have placed on exhibition at the Transmississippi Exposition, but the society has no funds to defray the expenses, so the Commercial club is considering the matter of raising the necessary funds and securing the exhibit.

Some complaints have been raised that the Omaha hotels have raised their rates, so the executive committee wrote to all the local hotel men and a denial of any increase in rates was received from all of them.

HEARD ABOUT TOWN.

George L. Baker of Portland, Ore., who arrived yesterday to visit the exposition, says that one of his first duties upon arriving home will be to awaken more of the Pacific coast people to the magnitude of the show and to get some additions to the exhibits from that state.

Mr. Baker is one of the most energetic business men of the great metropolis of the northwest. Portland is to have a local industrial exposition this fall, and Mr. Baker has been chosen superintendent. Part of his purpose of a visit here is to get some points from the Transmississippi fair and utilize them to the best advantage.

"It is a great show," says Mr. Baker. "It is somewhat surprising, however, that wider interest is not shown in it, and so impressed am I by what is here displayed that I shall stir up the people out in Washington and Oregon. Its establishment here is an achievement in which Omaha has done herself proud. The people over the hills have the country with the greatest future on this continent. They are proud of it. They have an abundance of the blessings of a prosperous people and they want others to share them. We, therefore, look to this Omaha exposition to advertise us to the world. It is advertising that we need and I feel that our efforts—cumbered by difficulties as they were—to get up exhibits on a popular loan will be amply repaid in time."

Personal Paragraphs.

Mrs. G. W. Hall of San Diego, Cal., is an exposition visitor.

United States Commissioner T. L. Sloan of Pender is in the city.

Emory S. Uhl of Horton, Kan., is spending the week at the exposition.

S. H. Mallory of Chariton, Ia., a member of the Iowa commission, is in the city.

R. G. Strother, editor of the Monroe Republican, is in the city from Monroe, Neb.

W. T. Manning of the Illustrated American is in Omaha writing up the exposition.

Archie Pratt of the Chicago Inter Ocean is visiting his mother, Mrs. Sarah E. Pratt, on Hamilton street.

Miss Estelline Bennett, a daughter of Judge G. G. Bennett of Deadwood, S. D., is an exposition visitor in Omaha.

Al Shean and wife, E. C. Mack and wife, A. F. Williams and wife and S. J. Curtis of San Francisco, Cal., are stopping at the Barker.

Mrs. Whitely, Miss Whitely and Miss Laura Whitely of Baltimore, Md., who have been guests of Mrs. Campbell Fair, left for the east yesterday morning.

J. D. King and wife of Kansas City, J. W. Hurley and wife of North Loup, Neb., and A. E. Schmidt and wife of Fredericksburg, Tex., are registered at the Barker.

J. H. Smith and F. M. Smith of Lemars, Misses E. and C. Barry, Misses May and Edna Parley, Misses Belle and Dora Dailey and Miss P. Connly of Granville are Iowa guests visiting the exposition and stopping at the Barker.

Miss Blanch Oberfelder, who has just been graduated with high honors from school at New York City, was joined in Omaha yesterday by her father, Hon. Joseph Oberfelder of Sidney. Miss Oberfelder will spend the summer at home.

Miss Forrest Tucker is in the city from Texas. She is one of the woman managers of the exposition and is interested in the Southern Cable, a new publication that will make its first appearance in Fort Worth, Tex., this week. She has completed a trip through the southwest in the interests of her new paper and reports much inquiry about the exposition.

Nebraskans at the hotels: O. C. Thompson, Blair; Mrs. Mary Fitzgerald, James Monohan, A. W. Field, Charles O. Wheeler, M. I. Aitken, J. B. Strode, Lincoln Frost, E. C. Strode, H. M. Mathews, Lincoln; H. S. Manville, Fremont; H. C. Andrews, George W. Frank, Jr., G. W. Whitaker, Kearney; C. S. Richards, Hebron; Samuel Rinaker, S. C. Smith, W. H. Edgar, George A. Murphy, M. E. Shultz, A. G. Keim, W. S. Bourne, O. J. Coleman, Beatrice; Charles Woelz, Grand Island; C. A. Trumbury and wife, Fairbury; M. L. Hayward, Nebraska City; J. H. Arends, Syracuse; J. J. McCarthy, Ponca; H. W. Simpson, J. F. Mills, E. R. Turney, Laurel; John T. Bressler, Wayne; George H. Conner, Superior; George F. Palmer, Crawford; F. A. Bohac, Ravenna; J. B. Templin, Archer; J. M. Robinson, Chadron; P. M. Green, George H. McCann, Frank Swansen, Aurora; John T. Terhune, Litchfield; W. A. Hartigan, Hastings; N. V. Harlan, York; M. M. Abrams, H. E. Kryger, N. D. Jackson, William Wolfe, Neligh; C. G. King, O'Neill.; T. F. Zeigler, Hartington; W. D. Alexander, E. S. Alexander, Milford; T. B. Alderman, West Point.

Relief Corps' Lawn Social.

The George Crook Woman's Relief corps gave a sociable last evening at the home of Major John B. Furay at the corner of Seward and Twenty-fourth streets for the purpose of raising funds for the soldier boys of Nebraska. Ice cream and cake were served by the women to a large number of people and the corps made a decided success of the affair. The money thus raised will be used as an emergency fund in supplying the boys who have enlisted from this state with the necessary medical equipments and also for hospital use.

EDITORS IN CONVENTION

Western Editorial Federation Meets for Its Fourth Annual Conference.

LITTLE BUSINESS HAS BEEN TAKEN UP

President Bentley Gets Some of the Members Together Long Enough for an Informal Session—Work Begins Today.

The first meeting of the fourth annual convention of the Western Editorial Federation was held yesterday afternoon in the parlors of the Mercer. On Monday the Texas delegation of some twenty-seven members arrived from Fort Worth, Tex., and in the afternoon of the same day a small party of editors from Colorado came to take part in the meetings of the federation. Yesterday morning the trains from the south and west brought in four editors from the Indian Territory, and later in the morning the Louisiana contingent of thirty-two members began to arrive. This morning the star aggregation of the lot will come in from Tennessee. A special train of ten coaches and a baggage car has been chartered for this party. The occasion of the visit to Omaha and the great fair is of course primarily the editorial federation of the western states, but at the same time these newspaper men are not going to lose many hours in getting acquainted with Omaha and the great exposition.

Yesterday President L. E. Bentley of the Donaldsonville (La.) Herald got together about thirty of his own party, with several members of other editorial state federations and held a meeting at the Mercer. The meeting was at first intended solely for the benefit of the Louisianians, but after consideration of the matter it was thought best to invite all those who could be reached by messenger or telephone and to turn the meeting into a sort of preliminary editorial federation. The editors from the Lone Star state went to the exposition in the afternoon and so could not be reached, but those from Colorado and the Indian Territory were present and took an active part in the proceedings.

In honor of Dr. Nicola Giztrotti of Denver, editor of Justice, the Italian consul at Omaha sent a distinguished harpist from this city to the convention to entertain the delegates at their meeting.

No Formality About It.

Mr. Bentley announced that there was no regular program set for the stay in Omaha, with the exception that a meeting would be held each day. During the course of yesterday's meeting it was decided that the one today would be held at 2 o'clock at the Mercer hotel.

The regular assessment for membership was lowered from $5 to $3 and a large number of those who had not previously joined did so on this occasion. A representative from Swift and Company of South Omaha invited the entire party to visit at the packing establishment. This visit will be taken Thursday morning. This morning was decided to be spent in viewing Fort Omaha and the troops. The invitation was sent by Colonel Bryan of the regiment, who wished to receive them in person at the fort. R. W. Richardson of the press headquarters at the exposition welcomed the delegations to the city and informed them that every courtesy possible would be shown them, both by the city and by the exposition association.

Nearly all the editors attended the exposition last evening and expressed themselves as heartily pleased with the show.

Following is a partial list of the members who arrived in town yesterday, not including the Texas party:

J. B. King and Miss Emma King of Elbert, Colo., representing the Elbert County Tribune; F. N. Lavell and wife of Eastonville, Colo. of the Eastonville World; J. E. Diehl and wife of Eureka, Colo.; Mr. Diehl is the corresponding secretary of the Utah Press association and editor of the Eureka Democrat.

Indian Territory—William J. Grant and wife of Stoka; Miss Eddleman and two sisters of Muskogee.

Louisiana—Homer Mouton of Lafayette, editor of the Gazette; Albert Brennieu of St. Martinsville, editor of the Messenger; T. T. Calhoun and R. J. Alexander of Logansport, editors of the Chronicle; A. G. Cook of Amite City, editor of the Florida Parishes; J. P. Kent of Minden, editor of the Webster Signal; John Evans of Glenmora, editor of the Inter-Parochial, accompanied by his wife; D. R. Lyons and wife of Ruston of the Chataugquan; Leon Sandoz and wife of Opelousas of the Courier; Charles Lasseigne of Bonne Carre; William T. Roy of St. Bernard, editor of the Voice; James W. Turner and wife of Lake Providence, representing the Banner Democrat; L. E. Bentley, with his wife and son and daughter of Donaldsonville, editor of the Donaldsonville Chief—his term as president of the federation has just expired; John I. Darrieux and Abner A. Polse of New Orleans, editors of the New Orleans Courier; H. Joe Verret of Napoleonville, associate editor of the Assumption Pioneer; Will A. Steidley of Westlake, editor of the Westlake Herald; Miss Natty McGrath and Miss Julia McGrath of Baton Rouge, editors of The Truth; Mrs. M. E. Foster-Comegys of Shreveport, editor of the Shreveport Journal; Mrs. H. H. Hargrove of Shreveport, who represents for her husband the New Orleans Picayune; J. P. Clarkson of Coushatta, editor of the Citizen; J. H. Jones of Mendon.

In addition to the party from Colorado is Dr. Nicola Giztrotti of Denver, who is editor of an Italian paper called the Justice.

GOODBYE TO THIRD

(Continued from First Page.)

and instrumental harmonies will be both unique and enjoyable. For the first concert the selections will probably be the "Adeste Fidelis" and the Sicilian hymn. Superintendent Kelly says that the new voices that have recently been added to the chorus have brought a very marked improvement and that the work of that organization will show a material improvement since its last performance.

Mexico's Exhibit Heard From.

Superintendent Hardt of the Department of Exhibits has received the bill of lading of the Mexican exhibit and the material is expected on the grounds July 20. The exhibit includes a very complete showing of the agricultural resources of Mexico which embrace a number of products that will be of decided interest to exposition visitors. The cotton, coffee, tobacco, jute and other peculiar Mexican cultures will be fully illustrated as well as rice, barley, wheat, indigo, saffron, chocolate, vanilla, beans, corn, fibre, linseed, sago, wool, and a score of other products. There will also be a very interesting mineral display from the Geological Institute of Mexico and a large exhibit of public documents, maps and other documents of general interest. The exhibit will occupy the space in the International building which was originally set aside for Hawaii, as Superintendent Hardt takes the position that Hawaii is now a part of the transmississippi territory and is entitled to a place in the Manufactures building.

Concert in the Grand Court.

The experiment of having evening band concerts in the grand court was inaugurated last night, when the Pawnee City band played a lengthy program in the open space between the Mines building and the Auditorium. The concert commenced about 6 o'clock, at which time quite a respectable number of people had assembled in anticipation of the concert, but the crowd was largely increased as soon as the music penetrated to the various parts of the main court and the open space between the two buildings was completely filled, while all the settees in that part of the court were gathered up by the listeners and placed in convenient spots at the east end of the plaza. The size of the crowd and the enjoyment manifested by the spectators demonstrated the wisdom of the new departure and it will be continued for a time.

Are You Advertising the Exposition?

Every man who is a resident of the west has it in his power, and we believe it to be his duty, to advertise the Transmississippi Exposition. He need not necessarily be a publisher of a newspaper. There are scores of ways in which he can bring the exposition to the notice of people who have not attended it, and be instrumental in sending his relatives, friends and acquaintances to it. Those who have seen the exposition invariably speak well of it, and it is considered second only to the World's fair. Indeed, in many of its features it surpasses the World's fair. It is worthy of patronage, and should be brought prominently to the notice of people everywhere.

While, no doubt, the people of Omaha and the west are talking up the exposition, at the same time they should do it unceasingly, and we know of no concern who has done so much to bring the exposition before the notice of the people in the western states as Montgomery Ward & Co. of Chicago. They have advertised it in 300,000 large catalogues issued last March. It will be advertised in 300,000 more issued the first of September. They have advertised it in nearly 200,000 small catalogues, in 310,000 almanacs, in over 1,000,000 circulars, and are reaching daily fully 10,000 people by special circulars, requesting the people everywhere to visit the exposition. Their advertising cars "Success" and "Progress," together with one of their electric horseless carriages are being sent through the state of Iowa, and at every town they reach and along the line of the road they are distributing advertising matter, advocating that everybody visit the exposition and take their wives and children with them. When their advertising cars reach a town the fact of their coming has been advertised days ahead, and invariably there are from 500 to 2,500 people in town to see the cars and enjoy the free entertainment Montgomery Ward & Co. give. At such time their manager, who has charge of the cars, addresses the people, states the object of the trip, tells that it is so the consumer can become better acquainted with the methods of doing business of Montgomery Ward & Co., and concludes with the following remarks: "We do not often proffer advice to our 2,000,000 customers, but in this instance we feel justified in doing so, and we advise you to take advantage of your opportunity and some time during the summer or fall visit the Omaha exposition. It is very beautiful, far more beautiful than words can describe and is deserving of your patronage. Your children should be taken with you, for it may be years, possibly they may never again have the opportunity to see exhibits which will leave such a lasting and beneficial impression on their minds. The buildings are really magnificent, as white as the driven snow and filled to completion with meritorious articles representing art, manufacture, mines, agriculture and all those things which educate the mind. At night the thousands of incandescent electric lights glow from the grand buildings and form a picture prettier than your imagination can conceive. Then there is music, there are places of amusement, there is all that you can wish to make your visit at the exposition pleasant, and one to be recalled with delight. Our large building is open to you, and we will be delighted to have you make it your headquarters. Everything is free for you there—you will find settees and easy chairs, many to wait on you, and you can bring your lunches and eat them. Free entertainments are given every hour, consisting of stereopticon views, moving pictures, phonograph concerts, and music played on a piano through the medium of electricity, and you can also ride in our horseless carriage free. We will do all in our power to make your visit with us a pleasant one, and you'll not be asked to buy anything. You cannot help but enjoy the exposition, and we hope you will see your way to visit it."

Montgomery Ward & Co. are displaying no selfishness in their invitation for people to visit the exposition. They are not having their representative talk up their exhibit to the exclusion of others, but their invitation is broad, dwelling upon the beauties of the exposition and inviting all to visit it.

Let their example be followed by others. Let every man put his shoulder to the wheel and push the good work along, to the end that hundreds and thousands of people who otherwise would stay at home may be induced to visit the exposition.

Pawnee City Band.

The Pawnee City band made its first appearance on the Plaza yesterday morning and played a very meritorious program to a somewhat limited audience. As there have been no morning concerts for some time past many of the visitors were not aware that they had been resumed and occupied themselves in inspecting the exhibits in the buildings when they might otherwise have devoted some of their time to hearing the music. The Pawnee City band is the first Nebraska band that has played an engagement on the grounds, and its work compares very favorably with that of the celebrated organizations that have been previously heard. Its music has become popular with the local public at the state fairs and during the remainder of the week its concerts are expected to constitute a strong additional attraction.

Surprises Coloradoans.

Judge William Hodges, superintendent of the United States mint at Denver, and E. L. Whitford, United States district attorney for Colorado, are delegates to the meeting of the National League of Republican Clubs. They wandered out to the exposition yesterday morning and were so astonished and surprised at the magnitude of the affair, and the grandeur of the grand court and main buildings that they decided to stay in the city several days after the convention adjourns in order to look further into the exposition. Both men expressed the greatest surprise at the sights which had met their gaze during the short time they were able to spend on the grounds yesterday and they were most emphatic in expressing their belief that Colorado had greatly injured its reputation by sending no exhibit, except one of minerals.

Life Savers Getting Ready.

The life saving crew that is to give a series of exhibitions on the Mirror has arrived and the members are hard at work getting their apparatus into shape. The crew consists of eight men and a keeper, selected from the various stations on the Great Lakes. They are under the command of Captain H. M. Knowles of the life saving station at Wakefield, R. I.

THIRD IS STEPPING HIGH

Boys Greatly Elated Over the Prospect of Going Somewhere.

EXPECT TO MOVE IN A VERY FEW DAYS

Lieutenant Colonel Vifquain Says the Regiment May Start Saturday—Condition of the Enlisted Men is Excellent.

Since the announcement that Colonel Bryan's regiment is to move the officers and privates in the regiment have done nothing but discuss where they will go and what they are likely to do. Most of the men would have preferred to go west and on to the Philippines, but are so delighted with the thought of moving soon that they express themselves as being entirely satisfied with the plans.

In speaking of the movement of the regiment Lieutenant Colonel Vifquain said: "We will probably move not later than Saturday and everything will be ready for the movement of the troops at that time if the government has the arrangements for transportation completed. It is hard to tell what the regiment will do when it gets to Jacksonville, but if we are needed in active service we are ready to go and can take care of ourselves. Of course the regiment would be in much better shape to fight three weeks from now than it is at present, but the organization is complete now, everyone knows his place and his duties and we can go into the field immediately if necessary."

Lieutenant Duff, U. S. A., who has charge of recruiting the men, mustered in Company I of Alma yesterday morning and Company F of Fremont yesterday afternoon, making twelve companies which have sworn to support the government. Lieutenant Duff expressed the opinion yesterday that the regiment would remain at Fort Omaha only a few days longer, saying that the matter of transportation is the one thing as yet unprovided for. Lieutenant Duff has orders to return to Fort Meade, S. D., as soon as the Third regiment leaves for Jacksonville.

For several days quite a number of the volunteers have been troubled with cramps, but the news of moving has cured all sickness in the camp. Only a few men are in the hospital at present and none are so seriously sick but that they will be taken with the regiment.

Visitors at the camp are much more numerous since the announcement of the proposed removal. Mrs. Bryan arrived at the post yesterday and will remain with her husband until he leaves for the front. Friends and relatives of the soldiers can be seen on all parts of the grounds and the old fort promises to be a busy place for the next few days.

Adjutant General Barry and Albert Watkins of Lincoln were among the visitors to the camp yesterday. General Barry says that the place where the troops camp at Jacksonville is a very fine camping ground. About 20,000 volunteers are in camp at Jacksonville at the present time.

CHANCE TO BID THE BOYS GOODBYE.

Railroad Officials Willing to Help Out with Military Day Plans.

The railroad officials are quite enthusiastic over the proposition to make Saturday of this week a Military day at the exposition. The matter was discussed by the passenger departments of the Omaha terminal lines yesterday afternoon and there appeared to be a very general willingness to put in a low rate and advertise the event as much as possible in such a short space of time.

One of the passenger men said last evening: "There is no doubt but that the lines will put in a reduced rate, probably one fare for the round trip. The extent of territory through which the rate will be offered will probably be within a radius of 200 miles of Omaha. I do not know whether the rate will be put in east of the Missouri river or not, but it will certainly be made effective in Nebraska. I think we will have a bigger crowd here to see Bryan's regiment in its last public dress parade before going to the front than went on any of the excursions to the camp at Lincoln. The matter of rates for the day will probably be determined on Wednesday, and notice at once telegraphed to all agents. The tickets will be made good for return on Monday, so the visitors can also spend Sunday at the exposition."

ROBERG DIES FROM ACCIDENT

Inquest Fails to Develop Any Evidence that He Was Murdered.

The inquest over the body of Charles Roberg, the Barker hotel engineer who was found dead in a bath tub Sunday morning, was begun on Monday and continued until yesterday afternoon in order to secure additional witnesses. More than twenty witnesses were introduced in the case, but there was nothing to show that Roberg received any injuries previous to his going to the hotel which would cause death. Witnesses from East Omaha testified that Roberg was out there and acted very queerly and one witness testified that he had to forcibly eject Roberg from his premises. No testimony given pointed to unfair play and after a long consideration of the case the jury brought in a verdict of accidental drowning in a bath tub. Roberg's remains were sent yesterday to his brother-in-law, John Rosen of Oakland, Neb.

NINE BOY BURGLARS OWN UP

Juvenile Thieves Plead Guilty Before Judge Gordon and Three Are Held.

Nine small boys whose ages range from 8 to 14 years and whose heights graduated from two to five feet were arraigned before Police Judge Gordon yesterday afternoon charged with burglary.

Two stores were entered by them, one at 1324 Sherman avenue, owned by M. J. Kane, and the other at 2403 Leavenworth street, conducted by R. Friend & Co. At the first named store the lads secured four gold watches and a bunch of finger rings, and at the latter a quantity of fruit, cigars and candy. Entrance to both stores was effected by prying open a rear door with a jimmy. All of the boys, not realizing the seriousness of their crime, pleaded guilty, and three of them, Joe Reid, Carl Bloomberg and Gray Yates, were bound over to the district court in bonds of $500. These three boys were the eldest of the lot. The other boys will be subjected to a few hours confinement in a dark cell and will be sent home with a severe reprimand.

The names of the boys in custody besides the three mentioned are: Joe Reeves, Charles Rever, Charles Schmeare, Walter Kramer, John Rogers and Ed Riley.

SOUTH OMAHA NEWS.

The packing house strike is beginning to assume serious proportions and it is expected that a general walkout at Cudahy's will come within a short time. Fully 500 men are now out and from indications as many more will quit work today. Yesterday afternoon the cellar gang at Cudahy's quietly suspended operations and left the premises and shortly afterwards Sheehan's gang quit. In some departments the work was badly hampered by the strike, but by the transfer of help from other departments the cars to be loaded were turned over to the railroads last night with only a little delay. The work of loading, however, was being done by green hands at the business, as none of the old loading gang have as yet applied for their old positions.

The sheep gang, which is composed of about twenty-five men, held back when time was called yesterday morning and when asked by Superintendent Cameron what was wanted they stated that hereafter they wanted to be payed from the time they were called out instead of the time they commenced work. It appears that these men frequently report for duty at 8 o'clock in the morning and if the sheep trains are late in arriving they do not get to killing until 11 o'clock or sometimes later. The men want pay for the time they are held waiting for sheep to arrive. A dozen beef luggers followed in the steps of the sheep gang and declined to carry beef unless granted an advance of 25 cents a day. Next came the icing gang with a demand for an increase of 2½ cents an hour, making 17½ cents an hour instead of 15 cents. To all of these demands the officers of the Cudahy company made the same reply—namely, that when the other packers paid the prices asked it would be paid at the Cudahy house.

At the other plants work is progressing the same as usual.

There has been no disturbance of any kind reported, the majority of the men remaining at their homes after leaving the packing house. A few gather on the downtown streets during the afternoon and evening, but the best of order prevails and no trouble is looked for even should the rest of the force at Cudahy's decide to go out. In speaking about the matter yesterday afternoon Superintendent Cameron said that the men had so far left the works quietly and that there had been no disorder of any kind in the neighborhood. As for granting the request of the men for a higher rate of pay Mr. Cameron asserted that nothing of the sort would be done. He is paying, he says, as much as the other packers here and he cannot afford to increase the scale.

It was reported that the men are quietly organizing and that as soon as the Armour plant is opened a new scale of wages will be presented to the packers. In case the demand for an increase of wages is refused it is more than likely that a general strike will be the result. Laborers want an increase of 25 cents a day, making their pay $1.75 a day instead of $1.50, as at present. Cudahy asserts that $1.50 is the lowest rate paid at his plant here, while at Kansas City and Chicago $1.25 per day is the rate for unskilled labor.

It is stated that with the opening of the Armour plant there will be a scarcity of labor and consequently an increased demand and those who have taken the most interest in the welfare of the laboring men assert that now is the best possible time for making a demand for an increase in wages.

Business men here sincerely hope that a general strike may be averted, as there is no desire for a repetition of the experience of the last strike in August, 1894.

There was no sign of a walkout at the other packing houses yesterday. At the Omaha plant the men appeared to be satisfied and the same might be said of the other plants. It was stated last evening that those who are now out on a strike would appoint a committee to visit the workmen in the other packing houses today in order to ascertain what the feeling was. The butchers have the strongest organization here at the present time, but it is understood that these men have no grievances to speak of, at least none which cannot be adjusted without a strike.

The men have very little to say as yet, but all appear to be determined and they say that they will insist upon an increase in wages. There was a meeting of packing house laboring men at Blum's hall last night, when the question of an increase in wages was thoroughly discussed. It is understood that committees were appointed to visit the different packing houses today with a view to induce the men still working to join the strike.

Rumors were current on the street last night that by Friday night not a wheel would be turning at any of the packing houses.

Magic City Gossip.

Frank Olsen has returned from a trip to the country.

Sneak thieves entered the pigeon coop of Thomas Allen, Twenty-sixth and Z streets, a day or two ago and stole $10 worth of pigeons.

Mrs. Thomas Hector, wife of County Commissioner Hector, is seriously ill.

A son was born yesterday to Mr. and Mrs. Harry Tagg, Twenty-first and J streets.

On account of no quorum the council adjourned last night until Thursday evening.

Josiah Roberts, a well known farmer and stock raiser of Otoe county, spent yesterday in the city.

Herbert Broadwell expects to leave for a visit to his old home in New York state the latter part of this week.

H. E. Slade of the electrical department at Hammond's left yesterday for Toronto, Ont., on a visit to his parents.

During the month of June twelve patients were received at the South Omaha hospital and seven were discharged.

Temporary repairs have been made to L street between Twenty-second and Twenty-third streets, so that traffic can be resumed.

Miss K. M. Tracy of Armour's stenographic department, Chicago, arrived here yesterday and is now at the local offices of the company.

The Woman's Home Missionary society of the First Methodist Episcopal church will meet with Mrs. T. G. Smith, Thirteenth and M streets.

A couple of strangers tried to work the padlock game on a stockman yesterday afternoon, but the cattleman caught on and escaped with his money.

Mrs. Anna Graham will return to her home at Olympia, Wash., today after spending a couple of months with her daughters, Mrs. R. A. Carpenter and Miss Jennie Graham.

FUNERAL DIRECTORS MEET

Annual Convention of the Nebraska Association Makes a Fair Start.

The annual meeting of the Nebraska funeral directors began its session at Creighton hall yesterday afternoon. P. C. Heaffey of Omaha, president of the association, presided at the meeting and first introduced Rev. John Williams, who opened the afternoon's session with devotional exercises. Mayor Moores welcomed the delegates to the city in a royal fashion and made them all feel at home by his cordial greeting. J. M. Doyle of Crete responded to the welcome and the meeting began the transaction of business.

Committees on credentials and auditing were appointed and began their work. Several representatives from Kansas attended the meeting and asked that funeral directors who have withdrawn from the Kansas association they be received into the Nebraska association. A committee was appointed to consider the receiving of the applicants for admission and the meeting adjourned to meet at 9:30 this morning in Creighton hall.

Among the funeral directors who are in attendance are: E. P. Meyers, Ogalalla; George C. Read, Crawford; J. S. Freeland, Axtell; V. V. Bell, Norfolk; J. Ort, Wahoo; J. E. Peterson, Stromsburg; W. F. Kepner, Osceola; T. J. Kombrink, Central City; Frederick Herick, Columbus; J. R. Lafler, Panama; A. B. Foutch, Verdon.

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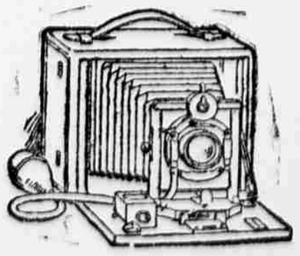

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