

LEGISLATURE MUST MEND IT

State Irrigation Law Needs Fixing and Without Any Delay.

VAST INTERESTS ARE NOW CONCERNED

Secretary Channel of the State Irrigation Board Discusses the Situation in Light of Court's Recent Decision.

LINCOLN, Nov. 29.—(Special Telegram.)—Replying to a question regarding the

effect of the recent decision of the supreme court in the matter of the case of the Crawford Company against Hathaway et al on the irrigation interests of the state, C. B. Channel, state engineer and secretary of the State Board of Irrigation, made the following statement:

"There are only two questions in this case that are of general interest, the constitutionality of the irrigation act of 1895 and the common law rights of riparian owners.

"The appellant in this case, the Crawford company, contended that that portion of the act which erects a Board of Irrigation, giving it exclusive judicial powers, is in derogation of section 1, article vi of the constitution, in that the legislature, by said act, sought to erect a new judicial tribunal in place of one that regularly constituted courts of the state.

"The court did not pass upon the constitutionality of the law, but in discussing that portion of the act the court said the Board of Irrigation was one of the instruments for its passage and is an interference with the whole act and is established by the separate ownership of land and water in this state. The court holds that this act did not affect the rights of riparian owners and the common law rule which obtained then now exists.

Doctrine of Common Law. "Under the common law doctrine, in its most general form, all property in water is held in common use by all who are alike of the riparian owners upon their borders, as an incident to the ownership of the soil; that the nature of their ownership of the water itself is simply usufructuary and that each proprietor may reasonably use the water for any purpose as it passes through his land, but always provided that he must, after having used it, return it without substantial diminution in quantity or any material change in quality to its natural bed or channel below it leaves his own land, so that it will reach his neighbor in its full, original and natural condition.

"It can be readily understood that if this definition of a riparian right applies in this case the irrigation interests of the state will be very seriously affected by the decision of the court.

"The state legislature at its approaching session should add an amendment to the irrigation law, clearly defining the rights of riparian owners and limiting their rights to so much of the natural flow of the stream as is necessary for domestic uses, including stock water, and recognizing the vested rights in power plants.

"To give you an idea of the magnitude of the interests involved I would state in this connection that water has been appropriated for about 1,500,000 acres of land and that the irrigation works constructed to date represent an investment of probably more than \$5,000,000. Add to this the increase in the value of irrigated lands, due to the construction of these works, which is not less than \$15,000,000, and the increase in the value of grazing lands contiguous to irrigated districts, which cannot be closely estimated, but is certainly several millions, and you can form some idea of the value of Nebraska's irrigation interests."

Old-Time Political Badge.

ASHLAND, Neb., Nov. 29.—(Special.)—Jacob T. Aughe of this city received a family heirloom last Saturday from his cousin, George W. Berway of Louisville, Ky., of which he feels proud. It is a silk badge from Brigadier General H. R. Buffington stating: "I have the honor to inform you that in compliance with your request the commanding officer of Fort Mifflin, Philadelphia, Pa., has this day been instructed to turn over to you one 45-caliber gun. The cannon will probably arrive here before the first of next year.

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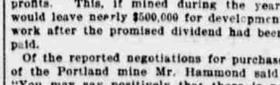
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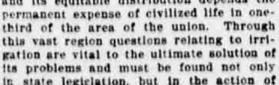
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RIVAL FOR SMELTER TRUST

New Company Preparing to Erect Three Monster Reduction Plants.

NEW YORK, Nov. 29.—The News today says: The rival of the great American Smelter Trust is in course of forming for a significant campaign. The movement has been in progress quietly for several months and yesterday it developed that plans are so far advanced that locations for plants are being selected and the last touches are being given to one of the most daring projects of the decade.

Three large plants are to be erected simultaneously. One is to be at Denver, a second at Salt Lake, and a third will be built at a favorable point in Mexico, yet to be named. Each of the plants is to have a capacity for handling automatically 1,000 tons of ore daily and all are to be built on practically the same plan. Experts for the various departments have already been invited to connect themselves with the company.

Each of the new smelters will be provided with refineries, where gold, copper or lead can be refined to a degree necessary for the world's use.

Eastern Colorado capital has been subscribed. It is asserted the plants will cost \$1,000,000 each, much less than the amount publicly announced by the promoters.

Colonel Sanford of Alabama Sworn In as Governor While Propped in Invalid Chair.

OPELIKA, Ala., Nov. 29.—The oath of office as governor of Alabama was administered to Colonel W. J. Sanford in his sick room today by his son, who is a notary public. Colonel Sanford was able to sit up this morning and, surrounded only by the members of his family and physicians, he took the oath.

Complete Returns from Kentucky.

LONDON, Ky., Nov. 29.—With official returns from every county in Kentucky the Courier-Journal announces Bryan's plurality as 7,975 and Beckham's as 5,515. The vote will be canvassed at Frankfort on December 8 and the result officially announced.

Rob the Postoffice.

RAYVILLE, La., Nov. 29.—Burglars last night stole from the postoffice safe at Girard, a village west of here, with dynamite and secured several hundred dollars in cash and a large number of stamps. The sheriff with bloodhounds is in pursuit of the robbers.

FAIR SKIES AND WEST WINDS

Weather Will Remain of the Same Delightful Sort That Lately Blessed Us.

WASHINGTON, Nov. 29.—Forecast for Friday and Saturday: For Nebraska, North Dakota, South Dakota and Kansas—Fair Friday and Saturday; westerly winds.

For Iowa—Fair Friday; warmer in eastern portion; Saturday, fair; south to west winds.

For Missouri—Fair Friday and Saturday; warmer Friday in extreme eastern portion; variable winds.

For Wyoming and Montana—Fair Friday and Saturday; west to north winds.

For Colorado—Fair Friday and Saturday; variable winds.

For Illinois—Fair, warmer Friday; Saturday, fair; fresh west to south winds.

For Arkansas—Fair Friday and Saturday; north to east winds.

For Eastern Texas—Fair Friday and Saturday; fresh north to east winds.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Nov. 29.—Official record of temperature and precipitation compared with the corresponding day of the last three years:

1900, 1899, 1898, 1897. Maximum temperature... 52 61 40 25. Minimum temperature... 30 43 26 -2. Precipitation... .00 .00 .00 .00.

Record of temperature and precipitation at Omaha for this day and since March 1.

Normal temperature... 35. Excess for the day... 16. Total excess since March 1... 346. Normal precipitation... .02 inch. Excess for the day... .00. Total rainfall since March 1... 29.78 inches. Excess since March 1... 29.78 inch. Deficiency for the day... .00. Deficiency for cor. period, 1898... 3.31 inches.

Report from Stations at S. F. M.

STATIONS AND STATE OF WEATHER.

Omaha, clear... 46 52 00. North Platte, clear... 38 52 00. Cheyenne, clear... 38 52 00. Salt Lake City, clear... 38 44 00. Denver, clear... 38 44 00. Huron, clear... 38 52 00. Williston, clear... 26 34 00. Chicago, clear... 44 48 00. St. Louis, clear... 44 48 00. St. Paul, clear... 44 48 00. Davenport, clear... 34 40 00. Kansas City, clear... 46 52 00. Des Moines, clear... 46 52 00. Havre, partly cloudy... 38 44 00. Haverhill, cloudy... 30 36 00. Galveston, clear... 48 52 00.

T indicates trace of precipitation. L. A. WELSH, Local Forecast Office.

THE HEALTH OF YOUNG WOMEN

Two of Them Healed by Mrs. Pinkham—Read their Letters.

"DEAR MRS. PINKHAM:—I am sixteen years old and am troubled with my monthly sickness. It is very irregular, recurring only once in two or three months, and also very painful. I also suffer with cramps and once in a while pain strikes me in the heart and I have rowdy headaches. If there is anything you can do for me, I will gladly follow your advice