

GORDON WINS SALARY SUIT

Deposed Police Judge Allowed Pay at Rate of \$2,500 Per Year.

SUPREME COURT PASSES ON HIS APPEAL

Finds That His Service in Office Was Continuous and That His Compensation Could Not Be Changed.

LINCOLN, Dec. 5.—(Special.)—Among the opinions handed down by the supreme court at adjournment tonight was one in the case of the State ex rel Gordon against Moore, in which the court held in favor of Police Judge Gordon of Omaha by declaring that he was entitled to the salary provided for in the charter under which he was elected.

The compensation of salary of an officer created by the constitution cannot be increased or diminished during the term of his office. The office of police judge or police magistrate of an incorporated city is called into existence by the constitution.

This suit was a mandamus originally instituted in the district court of Douglas county. In November, 1888, Gordon was elected police judge of Omaha at a salary under the then existing charter, of \$2,500 per annum. The charter of 1887 reduced the salary of the office to \$1,200. Under this charter Gordon was re-elected for three years in April, 1887. The supreme court afterward decided that clause of the charter extending the term of office of police judge to three years, unconstitutional.

On the 22nd of January, 1893, a new charter for the city was adopted, which provided for a higher rate than \$1,200 per annum, fixed by the present charter. Gordon instituted mandamus proceedings to compel the payment of the difference between the amounts fixed by the old charter and the new one. He lost in the district court and the case came to the supreme court on error.

Order Against the "Outcasts." In the Standard Oil case the court granted the attorney general's motion for an order requiring the defendant to produce its books and records for the examination of the referee and for the production of the records and for the examination of Justice Norwalk to go part in this action. The opinion was written by Judge Sullivan. Following is the syllabus:

The action provided for in section 4 of the "anti-trust" law, which is a civil action, is not a suit in equity. It is a civil action in which the plaintiff is entitled to a verdict and judgment. A foreign corporation, by reason of having done some act in violation of the law mentioned in section 2 of the act, may be enjoined or quo warranto be extended from the state.

In construing an act of the legislature all reasonable doubts must be resolved in favor of the constitutionality of the act. The act of the anti-trust law, providing for ousting of corporations by injunction, which have been here not by right but by comity, and that the state may at pleasure revoke the privilege which it has granted to such corporations. The revocation of the privilege given a foreign corporation to do business here is not the infliction of a penalty.

Opinions and Orders. The following opinions were handed down: Blue Valley Lumber Company against Connor. Affirmed. Missouri Pacific Railroad Company against Tipton. Affirmed. Philadelphia Mortgage and Trust Company against Buckner. Affirmed. Philadelphia Mortgage and Trust Company against Hummel. Affirmed. Burke against First National Bank. Pending. Affirmed. Antea against State Insurance Company. Affirmed. State against Bank of Commerce, Grand Island, Modern Woodmen, Merriam, et al. Affirmed. Proprietor Building, Loan and Savings Association against Washburn. Affirmed. Strong against State. Reversed. Oakes against State. Reversed. State ex rel Gordon against Moore. Reversed.

Orders were made as follows: 1897. Bang against Gray. Motion to recall mandamus denied. Motion to halt to each party and new mandate to issue. 1062. Warren against Wales. Motion to vacate subpoena denied. Motion to sustain unless new bond be given within thirty days. 1074. Eitenheimer against Wallman. Motion to reverse overruled. 1089. Shilobert against Dixon County. Affirmed. 1128. Simonian against Nave-McCord Mercantile Company. Motion to dismiss appeal passed. 1148. Hayden against Parrotte. Motion to dismiss appeal denied. 1158. Allen against Plassyere. Motion for further security denied. 1163. First National Bank, Sutton, against Greenhous. Motion to quash bill of exceptions denied. 1179. Oldfield against Oldfield. Motion to allow supersedeas denied, conditioned on giving bond for \$1,000, conditioned as required in attachments.

Burglars and an Alleged Embroiderer. ASHLAND, Neb., Dec. 5.—(Special.)—The house of Austin Nutt, in Green precinct, northwest of Ashland, was entered Monday afternoon. The burglar secured a pocket-book containing \$18 in cash, two bank certificates of deposit and a note for \$25, given by George Meese to Austin Nutt. Some sacks of corn were also taken. Mr. Nutt was away from home at the time. There is no clue to the robber.

Marshall Corwin has arrested a man named George P. Hill, who came into town Monday from Lincoln, on complaint of the Lincoln police. Hill was charged with embezzling money collected in Kansas for Crumson & Curtis, a Lincoln firm. The marshal arrested Hill in the Lincoln authorities Monday. His shortage is said to be \$700.

SOME MORE PLACES GIVEN OUT

Announcement Made of Additional Appointments Under the Incoming State Administration.

LINCOLN, Dec. 5.—(Special Telegram.)—Auditor-elect Weston this afternoon announced the selection of H. A. Babcock of Lincoln as deputy auditor. Mr. Babcock served two terms as auditor and two terms as deputy auditor. For several years past he has been engaged in the insurance business in this city.

Rev. William Hauptmann of Genoa has been chosen as chaplain of the Industrial School for Boys at Kearney. In making this appointment Governor Dietrich acted with J. H. Mallard, recently appointed superintendent. Hauptmann is a Congregational minister. He was a candidate for the legislature from Genoa county, but was defeated by a few votes.

Governor Dietrich has also named M. C. Walker of Norfolk as steward of the Hospital for the Insane at that place, Frank E. O'Connell of Omaha for one of the governor's staff officers and Dr. H. H. Bell of Council Bluffs as physician at the State Industrial School for Boys at Kearney. Chaplain Hauptmann will also have charge of the military instruction, as he is an experienced man.

At the late session of the board of regents of the University of Nebraska, the regents are contemplating the construction of a building for the department of physics, continuing, of course, upon the action of the legislature. For this building and for making all necessary repairs and improvements on university property the regents will ask the legislature for authority to expend \$105,000. This amount may be allowed without increasing the amount of university money already provided for by legislative enactment. A building of the nature planned by the regents would cost approximately \$20,000.

The entire revenue of the university will be derived from various endowment and trust funds and from a special 1-mill levy authorized by the last legislature. The 1-mill levy will return \$248,000 in two years and the trust funds \$247,500, making a total of \$495,500, none of which will come from the general fund. The regents will ask for authority to expend the entire amount, it being their intention to increase the appropriations for salaries and wages for current expenses and for improvements.

NEW BUILDING FOR PHYSICS

Faculty of University Want a Structure Which Will Not Vibrate.

NEEDS OF THE STATE HISTORICAL SOCIETY

Secretary Barrett Explains the Limitations of Appropriation Made and Why the Next One Should Be Made Larger.

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The semi-annual appropriation for the public schools of the state for the period ending November 30 amounts to \$87,830. For the corresponding period one year ago the appropriation was \$292,882 and two years ago it was \$300,815. The revenue from the various sources was as follows: State tax, \$85,048.81; interest on United States bonds, \$300; interest on county bonds, \$24,425.86; interest on school district bonds, \$1,923.80; interest on school lands, \$1,289.47; interest on saline lands, \$2,400; interest on state warrants, \$5,078.53; peddlers' licenses, \$148.80; em- ployer's tax, \$1,000; and other, \$1,000.

SHOOTS EVERYONE IN SIGHT

Platte County Citizens Put Bullets in a Blacksmith, His Partner and the Town Marshal.

COLUMBUS, Neb., Dec. 5.—(Special Telegram.)—Word was telephoned here this evening of a shooting affair at Platte Center, fifteen miles north. The details are meager, but it seems that N. J. Gentleman had an altercation with a blacksmith named Oleson and shot him in the arm. He also shot his partner, Robert Wilson, in the hip. He then turned to the town marshal, Pat Hayes, and a carpenter whose name could not be learned, as he is a new comer there. Gentleman was finally overpowered and lodged in the calaboose and officers have left here to bring him in. The carpenter is said to have been seriously injured. Gentleman has lived in and near the village for many years and has a family. He is about 40 years of age and has had much trouble of late.

GRAND ISLAND'S SMALPOX

—There were no new cases of smallpox in Grand Island this morning. It is likely, too, that after the measures which have been taken by the city authorities, the disease will be eradicated. Last night the chairman of the Board of Health, Mayor Platt, called off the guards from the house of ill-repute at night, too, a negro who had been there whose appearance did not tend to allay the fears of the people. He was one of the Occidental hotel people who have been sick. There being no guard at the Occidental and the negro being refused admission, only placards being posted that contagious diseases existed there, the negro is said to have left the hotel and when he wanted to re-enter was refused. No one would take him in and the police officers were finally compelled to lock him in the city jail. This morning he was released. The city authorities state that the man is over the disease. But the populace, not satisfied with the management of affairs in regard to the contagion, is increased at the action and at the failure of the authorities to quarantine every place where the disease is said to exist. Mayor Platt stated this morning that he had called off the guard at the house in the suburbs on the ground that it was no longer necessary to guard there if no guards were kept at all other places. And to keep guards at all other places, he stated, was meeting the opposition of some of the councilmen. The council will have a regular meeting tonight and the strictest quarantine regulations are in a manner violated, to have the offender arrested and placed in the pest house. The Board of Health was also instructed to compel every physician to report every case as soon as it comes to his knowledge. Grand Island is now quarantined, conditioned on giving bond for \$1,000, conditioned as required in attachments.

THE LITTLE SICKNESSES

Which Grow Into Big Ones. A little cold in the head is a trifle, but if neglected and it hangs on from week to week and gets into the throat and lungs it is no longer a trifle. It is then no longer a slight cold, but the beginning of chronic catarrh.

Do not make the mistake of thinking you have no catarrh because the head and nose appear to be clear. If there is cough, tickling in the throat, hoarseness or a sense of oppression in the chest, you have throat and bronchial catarrh. If the appetite is poor, nausea, gagging and disgust for food, especially in the morning, you have catarrh of the stomach.

The surest and safest treatment for every form of catarrh is an internal remedy which acts especially on the blood and mucous membranes. Such a remedy is the new catarrh cure, sold everywhere by druggists under the name of Stuart's Catarrh Tablets. This medicine is pleasant, convenient tablet form and containing all the best and latest specifics for catarrh, whether located in nose, throat, bronchial tubes or stomach.

Stuart's Catarrh Tablets are composed of Sanguinaria, gualacal, red gum and similar antiseptics, which destroy the germs of catarrh in the blood, and no one who suffers from any form of catarrh and has seen the senses of smell and hearing, these tablets will ever go back to them after once trying so convenient, pleasant and harmless a remedy as Stuart's Catarrh Tablets and a remedy which gives relief in so short a time.

Even in cases where catarrh has affected the senses of smell and hearing, these tablets accomplish a cure, because the blood being cleansed of catarrhal germs, the mucous surfaces of the nose and throat no longer clog the respiratory passages with catarrhal secretions.

All druggists sell full sized treatments of Stuart's Catarrh Tablets for the nominal price of 50 cents, and the regular daily use of them will effectually cure this troublesome and dangerous disease.

TALK OF REAPPORTIONMENT

Representative Burkett Discusses the Proposed Congressional Membership.

SCHEMES TO SAVE NEBRASKA ITS SIX

Opposition to the Crampacker Bill Expected to Organize to Preserve at Least Existing Membership in Congress.

WASHINGTON, Dec. 5.—(Special Telegram.)—Republicans in congress whose states will suffer should the basis of representation in congress be placed at 150,000 or upwards are determined to make a fight for the present basis and purpose holding meetings in the near future to plan for systematic opposition. Congressman Burkett, who has given considerable study to the Nebraska situation, in talking about the matter said: "There is no doubt but that the general sentiment is against increasing the roll of membership in the house. Members think the house is already large enough and is unwieldy and undoubtedly a strong effort will be made to keep the total down to what it is now, but there may be some things to overcome this sentiment when we get to a discussion of the question. It must not be forgotten that upon the reapportionment now made will depend the electoral college for the next ten years, as well as the makeup of the house, and it will be very easy to legislate an increase of several members for either party in the electoral college. Of course, I surmise that the republicans will try not to give the democrats any necessary advantage in numbers in either place. If the present membership of 387 should be retained and an apportionment be made on that basis, considering that the republicans would gain one seat at the last election, the republicans would lose in the electoral college one vote each from Indiana, Kansas, Maine, Michigan, Nebraska and Ohio, or a total of six, and would gain one seat from Illinois, Minnesota, New Jersey and New York, or a total of four, thus leaving them with a net loss of two.

Adjutant General Barry and Colonel Hayward and Killian, comprising the State Military board, have approved, with slight changes, a national guard bill introduced two years ago by Senator Burkett. The measure would be organized by the adjutant general to comply with national military laws. Instead of setting forth the company and regimental organizations in detail and specifying the number of men in each, the bill would require all military organizations to be the same as those of the regular army, the strength of the companies, however, not to exceed the existing limitations. Another provision was to require the original bill authorizing the governor to give leave of absence for regiments called into the service of the government for a period equaling the term of enlistment, also authorizing him to organize provisional regiments to take the place of those of leave of absence.

School Apportionment. The semi-annual apportionment for the public schools of the state for the period ending November 30 amounts to \$87,830. For the corresponding period one year ago the appropriation was \$292,882 and two years ago it was \$300,815. The revenue from the various sources was as follows: State tax, \$85,048.81; interest on United States bonds, \$300; interest on county bonds, \$24,425.86; interest on school district bonds, \$1,923.80; interest on school lands, \$1,289.47; interest on saline lands, \$2,400; interest on state warrants, \$5,078.53; peddlers' licenses, \$148.80; employer's tax, \$1,000; and other, \$1,000.

Historical Society Needs. The State Historical society will ask the next legislature for an appropriation of \$18,000. Secretary Jay Amos Barrett said today that he considered this a very modest and reasonable request.

The city council voted today the ordinance proposed by the Ladies' Improvement society to change the designation of the east and west streets from letters to names. This measure was introduced at the special request of a number of the members of the council. It was adopted by a vote of 14 to 2. The ordinance will be effective on January 1, 1901.

Moderns Woodmen Win. LINCOLN, Dec. 5.—(Special Telegram.)—The modern woodmen of an opinion by the supreme court today will be reimbursed the order of the Modern Woodmen of America in whole or in part of the sum of \$27,000 deposited in the Bank of Commerce of Grand Island when it failed in 1896.

John Coger Heard From. NEBRASKA CITY, Dec. 5.—(Special Telegram.)—John E. Coger, the contractor of this city who disappeared three weeks ago while fishing in the Missouri river, was heard from today. The letter, which has been identified as Coger's handwriting, is dated at Falls City and states that he is alive and will return soon. He offers an explanation of his strange disappearance. His wife believed he had been drowned in the river and had offered a reward for the recovery of his body.

Butler County Poultry Show. DAVID CITY, Neb., Dec. 5.—(Special.)—The annual exhibit of the Butler County Poultry association will be held in this city December 11 to 14. The association is offering some valuable premiums this year and the entries will be numerous. The object of the association is to encourage a more extensive pure breeding and more careful study in producing all kinds of poultry. Hon. C. H. Rimes of North Topeka, Kan., who judged last year, has been secured again.

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friends for the inauguration. He was at the capitol and called upon Senators Hanna and Frye.

Peter Jensen of Jensen, Neb., is one of the guests of President McKinley tonight at a dinner given by the chief executives to the Faris commissioners. Mr. Jensen will attend the Nebraska celebration Friday evening.

Secretary Hitchcock in his annual report, made public today, pays a tribute to the efficiency of Assistant Attorney General Willis Vandevanter of Wyoming. He says: "For the first time in twenty years the work of the Interior department is now practically current, a result effected only through the unremitting efforts of the assistant attorney general and his assistants in dispatching extremely difficult public business."

For Storage Reservoirs. Congressman Mondell appeared before the committee on rivers and harbors today to urge an appropriation of \$250,000 for the construction of a storage reservoir on Finney creek in Wyoming. Mr. Mondell urged that this reservoir should be the first of the general system of reservoirs which should be placed at the head of the Missouri river. He contended that they would be of great value to the arid region in that locality and would serve to prevent erosion and floods on the Missouri. While appearing in behalf of the Wyoming project his proposition is general in its scope, as it contemplates the construction of storage reservoirs in each of the arid and semi-arid states wherever practicable. For the survey of such projects he urges an appropriation of \$10,000.

Congressmen Gamble and Burke will appear before the house committee on public buildings on Friday in behalf of a public building at St. Louis, Mo. Mr. Gamble and Mr. Burke are members of the Kansas City high school at \$400 a year.

Postmasters appointed today: Nebraska—J. W. Plank, at Agnew, Lancaster county; Wm. C. H. Gieseler, resigned; Minnie M. Cornick, at Kent, Loup county; J. O. Graham, resigned, and W. H. Merrick, at Newark, Kearney county; vice J. H. Nicholson, resigned, Iowa—W. E. Weeks, at Cumby, Cherokee county; William Scribner, at St. Mary, Taylor county; and May Lou at Whitten, Hardy county. South Dakota—W. B. Tobey, at Ethan, Davis county; J. O. Taylor, at Spokane, Custer county, and A. E. Berg, at Warner, Brown county.

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