

ARGUE POLICE BOARD CASE

Attorneys for Present Board Assent Court Has Already Settled the Question.

BIG SAVING IN STATE INSTITUTIONS

Present Administration Expends \$900,000 Less Per Year Than Fusionists in Spite of High Prices for Provisions.

(From a Staff Correspondent)

LINCOLN, April 15.—(Special.)—The question of whether or not the governor has authority to appoint a Board of Fire and Police Commissioners for the city of Omaha was again argued and submitted to the supreme court this afternoon.

In legal terms the issue argued this afternoon was one of res judicata, it being asserted by the attorneys for the governor that in the afternoon session in the presentation of the case, C. T. Wright, the attorney in the application for a writ of mandamus against the governor, appeared in his own behalf and was assisted in the argument by Frank T. Ransom and William F. Gurley.

"Is this court going to play fast and loose with this respondent?" the attorney for a member of the afternoon session in the presentation of the case, C. T. Wright, you cannot appoint members of the Fire and Police Commission for the city of Omaha and deny to his appointees the right to the offices in question, and then issue a writ commanding Governor Savage, the respondent, to make such appointments as adjudicated in the Moore case, it must necessarily follow that the right of the respondent to make appointments was likewise adjudicated.

Continuing, the argument was advanced that it would be the consummation of absurdity to deny the right of the governor's appointees to the office in question, as was denied to them in the Kennedy case, and now, on the application of the respondent, compel the respondent to assent to the act which in the Moore case the court determined was of no validity and conferred no rights to the persons to whom the commissions were issued.

"But it is argued that this court in a recent opinion in the Redell case has refused to follow the rule of law laid down in the Moore case," added the attorneys. "Such is no doubt true, but that is not equivalent to reversing, vacating or modifying the judgment in the Moore case. Is it possible that by reversing a rule of law or refusing to follow a rule of law announced in some prior decision that thereby rights which were settled in that litigation become unsettled? Volume ix of the Nebraska reports contains six pages showing the overruling of those cases having an effect upon the rights of persons settled by those cases which were subsequently overruled? There can be but one answer to such a proposition. The fact that the constitutionality of a statute was in question does not alter the rule. The fact that the judgment in the cases of the State ex rel against Moore and State ex rel against Kennedy were entered in the supreme court proceedings and the further fact that an application for a mandamus does not alter the rule."

In closing it was said: "The court has twice solemnly declared that the governor of this state has no right under the act of 1897 to appoint members of the Fire and Police Commission for the city of Omaha. To now issue the writ against this respondent to compel him to make such appointments is to treat the former decisions of this court as being without coherency or consistency and will convert this forum into a theater of political strife."

Saving in State Institutions. An examination of the records in the auditor's office shows that the state institutions have been maintained under the republican administration at a cost of \$90,778.98 less than the amount appropriated by the legislature for the first year of the biennium.

If the second year presents the same results the saving in the two years will amount to more than \$180,000. In other words, at the close of the two years' term there will be a surplus in the funds of nearly \$200,000, this estimate being based on the cost for the first year.

There is every reason for the belief, however, that the sum that will be even larger than that. When the republican administration took charge nearly all of the state institutions were in a deplorable condition. New beds and bedding, furnishings and like material had to be purchased and considerable money had to be expended for immediate repairs. All this expense, as well as bills amounting several thousand dollars that were contracted by the fusionists, are included in the first year, and yet there is a surplus of more than \$90,000 in the first year's quota of the appropriations. The only expense required during the second year will be for food, clothing and salaries, so the cost the second year will likely be much less than the first.

Governor Savage and the Board of Public Lands and Buildings are gratified over the showing made, for it is much better than was ever made by the fusionists and that, too, in the face of the fact that meat, butter, eggs, potatoes and all provisions were much higher the last year than during the fusion administration, if not than ever before in the history of the state.

When the fusionists went out of power the appropriations were all exhausted and they left to their successor approximately \$140,000 in unpaid bills, for the payment of which the legislature had to make deficiency appropriations.

Appropriations and Expenditures. The following table shows the total amount appropriated, the amount expended during the first year, and the surplus remaining of the first year's quota:

Table with columns: Appropriation, Expended, Surplus. Rows include University, Soldiers' and Sailors' Home, Grand Island, School for the Blind, Nebraska, School for the Deaf, Omaha, etc.

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FIRST OF CROP BULLETINS

Weather Has Been Favorable Up to Date for Prosecuting Farm Work.

CROPS, EXCEPT GRASS, ARE DOING WELL

Winter Wheat Shows Only Slight Damage During Winter and Spring and This Only in Limited Areas.

LINCOLN, April 15.—(Special.)—Following is the weekly bulletin of the Nebraska section of the climate and crop service of the Weather bureau for the week ending April 14:

In this first issue of the weekly climate and crop bulletin for 1902 a brief summary of weather and crop conditions for the last fall and winter is given to present a more complete view of the crop conditions at the opening of the season. Subsequent numbers will contain a chart of precipitation for the week ending Monday mornings and a summary of the rainfall for each county, as was done last year.

August.—The rainfall during August, 1901, was slightly below the normal, and the ground was generally in good condition for seeding the last part of the month.

September.—The rainfall during September was very heavy, more than twice the normal. This placed the ground in excellent condition for plowing and seeding. A large acreage of winter wheat was sown during the month.

October.—October was also a very favorable month for plowing, seeding and the germination and growth of fall and winter grain. The temperature was high and the soil was very moist. Some early sown fields were pastured to prevent too rank growth. Sowing winter wheat continued very late, some fields being sown near the end of the month.

November.—The precipitation was below normal in most of the wheat belt. The temperature was high and wheat continued to grow well throughout the month, although in some places more rain would have been beneficial.

December.—The weather for December did not depart widely from that of an average month, but the precipitation was slightly deficient in the southern counties, where winter wheat is sown. A sharp cold period occurred during the second decade. However, neither of these rather unfavorable conditions materially damaged the wheat.

Snow Helps Out. January.—The first three weeks were very dry, with high temperatures, but very little snow. The precipitation for the month was sufficient to make the soil moist, and to a large extent to counteract the effects of the high temperature. The snow remained quite evenly on the ground and protected the wheat well from the low temperatures which followed the first of January and the first part of February.

February.—The wheat fields were generally well covered with snow during the first twenty days of the month. The snow melted during the latter part of the month, and the ground was free from snow at the end of the month, with the ground moist and what generally is good condition.

Slight Damage to Wheat. March.—The month was dry and warm, with several days of very high winds. The temperature was above normal almost continuously, except during the latter part of the month, during which it was from 10 to 25 degrees below normal. These high temperatures continued until the middle of the month, and the soil had generally become very dry. Although the soil had generally sufficient moisture to keep it in good condition for plowing and seeding, in the southern counties considerable land was sown to oats during the month, and a few potatoes planted. Some wheat was sown in the latter part of the month, but the precipitation was deficient in the southern counties, where winter wheat is sown. The soil had generally become very dry, and the soil had generally sufficient moisture to keep it in good condition for plowing and seeding.

Child and Rescuers Burned. BATTLE CREEK, Neb., April 15.—(Special.)—The Methodist church, built about thirty-two years ago, old as the town itself, is being torn down, preparatory to building a large and commodious brick, for which \$10,000 have been subscribed. During the erection the congregation will hold services in a tent.

Child and Rescuers Burned. BATTLE CREEK, Neb., April 15.—(Special.)—Mildred, the 5-year-old daughter of Mr. and Mrs. C. F. Moutros, was severely burned last night while playing around a bonfire. She was rescued by George Miller, who was himself badly burned in saving the child.

Progress of Spring Work. First Half of April.—The first half of April has been cold, with less than the normal precipitation. In the western part

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Our Mammoth Food Exposition

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- Macaroni—10c per package. Queen Olives—9c per bottle. Assorted Syrups—8 1/2c per can. O'Brien Saus—5c per quart. Glass Jar Jam—10c per package (assorted flavors). Assorted Syrups—5c per package (assorted flavors). Soda and Oyster Crackers—5c per package. Capital Wheat—9c per 2-pound package. Capital Pancake Flour—10c per 2-pound package. German Sago—7c per package.

Teas, Coffees, Spices

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Only pure fruit juices used. Ice Cream Soda, all flavors—5c per glass.

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Cigar Department

- Havana Queen, 5c cigar, for each 3 1/2c. Key West Cigar, 10c cigar, for each 4c. The American Clear Havana, 50 for \$1.00, 3.90. Duke's Mixture, 10c straight, 25c. Piper Heidsieck Chewing Tobacco, 5c cut for. Per pound 5c.

The Cartridge Pipe, 25c pipe, only for one day, for 20c

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SAFE CRACKERS AT MILLIGAN

Robbers Drill Hole in Bank Vault, but Fright Fells Them.

BEATRICE, Neb., April 15.—(Special Telegram.)—An attempt was made to rob the bank at Milligan, Fillmore county, last night. The robbers drilled a hole in the safe, but were frightened away before entrance to the vault was effected. They escaped on a handcar and were followed as far as Fairmont, Neb. They are supposed to be the same gang that robbed the bank at Ruskin a few weeks ago.

District Court Convenes at Stanton

STANTON, Neb., April 15.—(Special.)—District court convened here yesterday with Hon. Guy T. Graves presiding. There are no criminal cases on the docket, but several important cases will probably be tried. One very important case is for damages against Frank Pateh for selling liquor to an intoxicated man, who afterward fell downstairs and became injured for life. Another is an ad quod damnum case against the Stanton Water Power company, one against the Continental Insurance company to recover a loss by lightning and one against the Citizens bank in which the heirs of an estate seek to recover money on a certificate of deposit after the estate has been settled and the creditors had not been paid the amounts of their claims. The term will probably continue through the entire week.

Crabs Flourish in Chase County

CHAMPION, Neb., April 15.—(Special.)—The weather greatly favors crabs here and in all of Chase county. A steady rain set in Saturday night and continued for about two days. Fall grain, rye, wheat and alfalfa are doing splendidly. All spring wheat is sown and breaking through the ground. Kilpatrick Bros. of Beatrice have a large force of men and teams at work on their irrigation ditch, which is now full of running water. They are sowing a acreage of alfalfa and oats on their ranch near the ditch. Stock is doing well and there is plenty of new grass along the Frenchman river. There will soon be plenty of grass in the hills.

Boy Shot While Hunting

KIMBALL, Neb., April 15.—(Special.)—Charles Sprague, a schoolboy, and a companion were hunting Sunday, when a gun which they carried was accidentally discharged, the ball entering young Sprague's hip and lodging in the flesh four inches below. It was a .22-caliber ball and it made an ugly wound.

McLaughlin to Probe Indian Matter

FENDER, Neb., April 15.—(Special Telegram.)—Major James McLaughlin, Indian inspector, arrived today from Washington to investigate the advisability of paying the Omaha Indians the money in question in house of legislation.

Will Convene in Beatrice

BEATRICE, Neb., April 15.—(Special.)—A district convention of the Knights and Ladies of Security will be held in this city April 20. Delegates from fifteen counties in the southern part of the state will attend the meeting.

TRAMP FORCES BOY TO BEG

Miscreant Puts Lye on Lad's Hand, Causing Soreness for Purpose of Exciting Sympathy.

BEATRICE, Neb., April 15.—(Special.)—Thomas Bay, aged 15 years, was picked up here last night by the police in company with a tramp, whom, he says, has made him beg from town to town for the last month. The boy's right hand was bandaged and had been made very sore by the use of concentrated lye placed on it by the man, so that the boy could do a better job of begging. His home is in Denver, Ind., and he will be sent there at once by the authorities. The tramp was sentenced to thirty days in the county jail this morning for vagrancy.

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