FORTIFIED BY LEGAL OPINIONS

Beavy Rain of Thursday Night Sets Lincoln People to Watching Salt Creek, Which Overs flows Banks.

(From a Staff Correspondent.) LINCOLN, July 18 .- (Special.)-Land Commissioner Follmer has assumed a determined attitude regarding the proposed transfer of the Boyd county homstead lands and will not affix his signature to the deed of relinquishment unless compelled to do so by a court of recognized jurisdiction. He maintains that the state holds a legal title City on Sundays at any cost. to the property and that none of it can be relinquished in any manner other than as provided for by the constitution. Mr. Follmer has fortified bimself with opinions by well known legal authorities and is prepared to fight the case either before the Interior department, where it has been pending recently, or in any court.

The tract in dispute contains about 2,700 scres. It is claimed by the homesteaders that they setiled on it with the understanding that it was subject to entry, when, as a matter of fact, it was owned by the state and could only be sold or leased for the benefit of the school funds. The Board of Educational Lands and Funds voted to relinquish the land to the general government that the homesteaders might then make entry and retain possession. Mr Follmer opposed this action and filed objections in the Interior department to the acceptance of the deed.

The following opinion by Dean Reese, in which it is held that the board cannot relinquish the land either to the government or to individuals, except in the manner prescribed by the constitution, and which is a *part of the record of the board, explains the legal questions involved and shows the

**spart of the record of the board, explains the legal questions involved and shows the ground upon which the land commissioner is standing.

Judge Reese's Opinion.

It seems to me that the title to the land has become fully vested in the state for the benefit of the school funds of the state, and is within the provisions of the constitution relating to the school ands.

The title having thus been vessel, and is within the provisions of the constitution relating to the school ands.

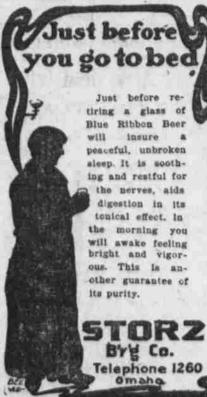
The title having thus been vessel, and it wested of its title except in the method prescribed by the constitution. Section, for article ill places all such lands in the custody and control of the Board of Educational Lands and Funds. Section 2 provided the provisions of the constitution it specifically states: "university, agricultural, common or bereafter be acquired by the state for less than 37 per acre," and the constitution for less than 37 per acre," and the constitution for less than 37 per acre," and the constitution for less than 37 per acre," and the constitution for less than 37 per acre," and the constitution for less than 37 per acre," and the constitution for less than 37 per acre," and the constitution further states that lands under control of the state shall never be donated to railroad companies, private corporations or individual. The lands have nothing to do with it. The law directs the governor to give the lands back to the United States, and that unconditionally. The board is not to be considered to the governor to give the lands back to the United States, and that unconditionally. The board is not to be considered to execute a deed of reling quishment the lands and that body can defer the provisions of the sealed of the lands and the constitution is and the provisions of the state of the same, "that the governor to give the lands back to the United States, the United States than and to the constitution is a provision of the state of the lands had been the provisions of the sealed of relinguishment to the l Nebraska be and he hereby is authorized and directed to execute a deed of relinquishment to the United States of America, conveying any and all interests of the state of Nebraska in and to the said particular tracts of school land." There is nothing for the board to do. There is no action for it to take. It is my opinion that both acts are in clear violation of the constitution and are void, and that they confer no authority upon any person or board to take any action in the matter and that any conveyance of said land by the governor, or by any other person, either with or without the sanction of the board, would be wholly without authority of law.

Lincolnites Watch Sait Creek. The heavy rain that fell in Lincoln and vicinity last night gave promise of a repetition of the flood of last Wednesday night. extended from First street over the Salt ings; R. O. Adams, Grand Island.

An executive committee was selected last evening at a meeting of the officers of the L. L. Lindsey Republican club. The session was with George A. Johnson at Ninth and O streets. This action was sufficient to place the club in complete working order. These men are on the committee: George Hollinger, chairman; William H. Nelson, Thomas Carnahan, Louis Carter, George H. Johnson, Frank Chrisman, L. A. Williams and James Trusty.

Articles of incorporation of the Wilson Steam Boiler company of Omaha were recorded in the secretary of state's office today. The company is capitalized for \$40,000. Its incorporators are: John Miller Wilson, John Morris Wilson and Carl Au-

Prepare for Firemen's Tournament. GRAND ISLAND, Neb., July 18 .- (Special.)-The executive board of the Grand Island fire department had a meeting last night, at which O. H. Tracey was elected general manager for the firemen's tournament. Good progress was reported by the several committees in the work of preparing to entertain the firemen of the state at



W. A. Wells, solicitor, 222 Broadway.

FOLLMER IS STANDING PAT their tenth annual tournament. The track, a 300-yard enclosure, is in fine shape, the rain pounding it down to a good condition. The city has raised over \$2,000 for prizes. The races will be in two classes, A and B, giving more opportunity for the less trained teams. The tournament will open on August 5.

> NO PART IN BALL ELECTION Sunday Observance League Declines to Be Party to Novel Procedure.

NEBRASKA CITY, Neb., July 17 .- To the Editor of The Bee: On Sunday, July 13, the Argo Base Ball club was arreste; for playing base ball on Sunday, and on Monday evening a called meeting was held at the Overland theater, at which the following resolution was adopted:

The following correspondence took place today between the so-called Business Men's association and the Sunday Observance

league;

NEBRASKA CITY, Neb., July 17.—The Law and Order League, Nebraska City, Neb.: Gentlemen—There will be an election held in this city on Saturday, July 19, 1902, the object of which is to determine whether public sentiment is for or against the playing of base ball on Sundays. The place of holding said election will be in the vacant building adjoining the Warren block on the west. The polls will be open from 8 a. m. to 9 p. m. and the voting will be under the Australian ballot system.

We invite you to co-operate with us in conducting this election and ask that you will appoint one judge and one clerk—we to do likewise—and a third judge to be selected by the other two.

By authority of the Business Men's association.

JOHN NORDHOUSE, Committee, NERRASKA CITY Neb. July 17.—Mr.

clation. JOHN NORDHOUSE,

NEBRASKA CITY, Neb., July 17.—Mr.
John Nordhouse, Committeeman: Dear Sir
—Your notice to the effect that there will
be an election held in this city on Saturday, July 19, 1992, to determine whether a
majority of the voters of Nebraska City
are in favor of allowing the playing of base
ball games on Sunday, together with your
request that the Sunday Observance league
appoint a judge or representative to assist
in conducting such election, is acknowledged.

We have given the matter due consideration and must decline to participate in any

tion and must decline to participate in any such undertaking or enterprise for the fol-

The populist committee elected Eland W. Nelson of this city as chairman to succeed Charles Q. Defrance. Mr. Nelson was secretary of the committee several years under former Chairman Edmisten. The chairman, candidates and executive committee were authorized to appoint a secretary and treasurer. The populist executive committee consists of: H. E. Dawes, Lincoln; J. J. Points, Omaha; W. V. Allen, Madison; F. M. Howard, Aurora; Dr. Robert Damarell, Red Cloud; J. H. Edmisten, Eddyville; Cliff

Frank, York. Chairman P. L. Hall announced the aptition of the flood of last Wednesday night. pointment of this democratic executive The rainfall in this city measured 2.56 committee: H. D. Travis, Plattsmouth; J. inches and in some nearby places was even J. O'Connor, Omaha; George L. Loomis, greater. Salt creek had overflowed its Fremont; George W. Phillips, Columbus; C. banks by daylight and at noon the water B. Scott, Kearney; R. B. Wahlquist, Hast-

basins for a distance of half a mile. City | The proposition to organize a joint com-Engineer Campen, after measuring the mittee to head the management of the camwater this afternoon, said that another paign was considered, but not acted upon. rain as heavy as the one which fell last the leaders in both committees agreeing night would bring the high water into the that it would be more politic for the two wholesale and manufacturing district again. committees to maintain separate headquarters and conduct campaign work independently of each other. The attendance at both meetings was

small. Tonight the committeemen and candidates visited W. J. Bryan at his farm res-

Fusion Conventions Called.

TRENTON, Neb., July 18 .- (Special Telegram.)-The democratic representative convention is called to meet at Palisade August 4, to place in nomination a candidate for representative. Hayes, Chase, Dundy and Hitchcock counties comprise the district. The populists' convention is called to meet at the same time and place. Thirtythree delegates are entitled to seats in the convention. The call has not been made for the senatorial convention.

Rev. Benbrook Released on Bond. BEATRICE, Neb., July 18 .- (Special Telegram.)-The attorneys in the Benbrook shooting case concluded their arguments at noon today, after which County Judge Bourne announced that he would hold defendant to await the next term of district court in the sum of \$1,000. Late this afternoon Benbrook secured bond and was re-

Bridge Catches Fire from Engine. TRENTON, Neb., July 18 .- (Special Telegram.)-A B. & M. bridge, a mile and a ing company for \$16,120. This will neceshalf east of town, caught fire by a coal state the establishment of a big wood camp dropping from an engine and was almost there. This tract of timber is one of the consumed. An extra work train came from last remaining in the northern Hills, and

Loses Roll in a Stream.

FAIRBURY, Neb., July 18 .- (Special.)-Sid Houghtelin of the Fairbury Roller mills while repairing damages to the mill dam dropped his pocketbook containing \$280 into the water and the swift current carried it away before he could recover it.

Cuming Teachers' Institute. WEST POINT, Neb., July 18 .- (Special,)-The twenty-first annual session of the Cuming county Teachers' institute will meet in this city on July 28 and continue until August 9, under the presidency of Prof. J. A. Stahl, county superintendent.

Workmen to Picnic at Geneva. GENEVA, Neb., July 18 .- (Special.) -- The Ancient Order of United Workmen lodge is making great preparations for its second pionic, to be held in Geneva next Wednesday. Excursions will be run from and twelve were made Monday. Practically all points.

Homestake Buys Wooded Sections. STURGIS, S. D., July 18 .- (Special.) - eastern part of this state. That county will

Illustrated Bee.

UTDOOR LIFE APPEALS to all, particularly in the mid-summer season. Then is when people foreake their dwellings, their places of business and their indoor amusements and go out under the sky, with the grass and the trees around them and have a good time. Recently the Bee's staff artist has been very busy making pictures of people doing things outdoors, and some of the results have already been laid before the readers. In the forthcoming

number more will be found.

BASE BALL IS KING of all summer sports in America. No other game has ever taken the hold on the people that this has, nor is it likely that any will. Everybody knows the game, everybody talks the game. "What's the score?" is the most momentous question of the day for at least five months of the year. Omaha has a base ball team this season of which any city might be proud. Some pictures made on the grounds during the progress of a game, showing the players in action, the bleachers, the grand stand and the like will be found of great interest.

BATTLESHIP NEBRASKA has a good ring to it. It will always sound right to the people of a state which has earned such enviable distinction in the army, and has long been without proper recognition in the navy. On July 4, with appropriate and impressive ceremonies, the keel for this new battleship was laid at the Moran shipyards at Seattle, Wash. The governors of Nebraska and Washington drove the first rivet home. Photographs taken at the time afford a fine collection of pictures of this important event.

NIGHTS AND DAUGHTERS OF TABOR A form one of the most extensive of secret organizations among the colored people of America. Its members claim for it great antiquity and present much historical data in support of their position. It is a benevolent organization and has a large membership in the district adjacent to Omaha. Recently its grand lodge session was held here and wound up its business with an open air installation of officers. A Bee staff artist was in attendance and got some splendid pictures of the principal incidents, which will appear on

MERICAN LIGHTS FOR ENGLISH A PIPES, the same being afforded by matches made in Great Britain by an American company is the basis of Frank G. Carpenter's weekly letter. Mr. Carpenter tells how the American matchmakers first invaded England and drove the local match company to the wall, finally buying its business, and then installing American machinery and American methods, proceeding to furnish the British public with matches which are British in name only. Illustrations are made from photographs taken in the factory.

WOMAN AND THE AUTOMOBILE IS another series of illustrated articles on the outdoor fads of eastern society women. In this article the growth of the automobile habit is briefly told, and the particular fancy of different members of the exclusive Newport set is described. The illustrations are made from photographs of some of the best known women in the country, showing them in their machines, learning to drive them, spinning along country roads, over city streets and at the races. It will be found of interest,

MANY INDEPENDENT PICTURES of outdoor subjects, as well as pictures of individuals are to be found in the next number in addition to those already mentioned. Along with these pictures is the usual amount of carefully prepared reading matter, comment on the pictures, special articles and selected matter, so that the paper will be up to The Bee standard. If you are not a subscriber already you should order the paper from your news dealer today.

Illustrated Bee.

has been purchased by the Homestake Min-McCook and repaired it so trains can pass its sale at this time was made partly necessary because the insects were gradually destroying the big pine trees, and there would soon be no timber remaining.

> Woman Reports Husband Murdered. CHEYENNE, Wyo., July 18 .- (Special lelegram.)-Mrs. Henry Beckman, living twelve miles west of Rawlins, reached the house of a neighbor this morning and reported that her husband had been murdered during the night. The ranchman came to town and the sheriff and coroner have gone to the scene of the tragedy. Details of the affair will not be known until the return of the officers. It was reported that other members of the family had been killed, but the truth of the story is doubted.

Stanley County Their Mecca.

PIERRE, S. D., July 18 .- (Special.) -- Seventy-three filings were made at the land office in this city for the first half of July. all of these are in Stanley county, which is being rapidly settled up by people from Nebraska, Iowa, Minuesota and the south-The school section near the Mumford mill receive over 1,000 new settlers this year.

Fred Whitehead Has Vivid Dream of

Killing in Pocatello, Idaho. IMPRESSED BY VISAGE OF MURDERER

Scene Corresponds to Spot and Circ cumstances Which Ended Lives of Wood River Man and Companion.

WOOD RIVER, Neb., July 18 .- (Special.) -On June 23 John Donaldson, for thirty years a resident of Wood River, was found murdered near Pocatello, Idaho. Yesterday Fred Whitehead, a farmer living three miles east of town, told of a dream he had the night before, when, in a vision, he saw with distinctness the details of the murder of Donaldson and his companion, Mr. Fritz. The guich, the lay of the land, the surroundings, the man with the rifle and his shooting of the men was vividly impressed upon Mr. Whitehead's mind and is still retained by him. The facts as published tally exactly with the vision of Mr. Whitehead. His says that his impressions of the horrible tragedy, the features and appearance of the murderer, are so sharply and clearly impressed upon his mind that he could pick the man out of 10,000.

He describes the murderer as a man about five feet ten inches tall, about 35 years old, light complexion, blue eyes, heavy, lightcolored mustache, wearing a faded gray hat, blue woolen shirt and dark-colored trousers. He has sent this description to the officers Mr. Whitehead is a prominent and well-

to-do farmer and his strange story is believed by many. INCORPORATES ROAD Interstate Rallway Company Pro-

poses to Run Line from

Galveston to Duluth.

PIERRE, S. D., July 18 .- (Special Telegram.)-Articles of incorporation were filed today for the Interstate Railway company with headquarters at Canton, S. D., with capital of \$50,000,000.

The proposed line is to extend from Galveston to Duluth, with a South Dakota line running up the Sloux valley into North Dakota, with a branch from Brookings to the Missouri river, near the line between North and South Dakota.

Crops and Ranges in Black Hills. STURGIS, S. D., July 18,-(Special.)-This will be the greatest hay year that the Black Hills have ever experienced. In fact, there will be plenty of everything. Meade county has been visited by several hallstorms in different sections, but no particular damage resulted to crops. The enormous amount of feed and water has put cattle in fine condition, and about the latter part of the present month shipping will begin. The ranges near here are very heavily stocked with cattle-in fact, this country never had so many head before as it has this year.

Aberdeen Library Completed. ABERDEEN, S. D., July 18 .- (Special.)-The Alexander Mitchell library, Carnegie's gift to the city of Aberdeen, is now complete and informally opened to the public. The building is a magnificent one and fully appreciated by the people of Aberdeen. The date for the formal opening is not yet fixed, but will probably be within a few weeks.

Kicked in Head by a Steer. YANKTON, S. D., July 18 .- (Special.)-Luther Wyman, son of F. L. Wyman, steward of the State Insahe asylum and a prominent politician, was kicked senseless required several stitches to close was made in his head and he may lose one of his eyes from the effects of the blow.

Seven Years for Manslaughter. PIERRE, S. D., July 18 .- (Special Telegram.)-The jury in the case of Robert Adams for the killing of Mexican Ed Sanches brought in a verdict of manslaughter and Adams has been given a sentance of seven years in the penitentiary. Albert Anderson was also sentenced for one year on a larceny charge.

Will Install Passenger Service. ABERDEEN, S. D., July 18 .- (Special.)-It is rumored that the Great Northern system will shortly put on a daily passenger train on the Aberdeen division in order to compete with the other lines, something it has not done for years. Heavy Potato Yield in Sully.

PIERRE, S. D., July 18 .- (Special.)-Farmers in Sully county report an excellent crop of potatoes there this year, Some fields yield as high as 100 bushels an acre. FORECAST OF THE WEATHER

Showers Saturday in Nebraska with Rising Temperature; Sunday Fair.

WASHINGTON, July 18 .- Forecast: For Nebraska, North and South Dakota -Showers Saturday, with rising temperature; Sunday fair and warmer.

For Illinois-Showers Saturday, cooler in central and southern portions; Sunday showers; fresh northeast winds, becom ing northwest. For Iowa, Kansas and Montana-Fair and warmer Saturday and Sunday.

For Missouri-Fair Saturday, except showers and cooler in southeast portion; Sunday fair and warmer. Lecal Record. OFFICE OF THE WEATHER BUREAU, OMAHA, July 18.—Official record of tem-perature and precipitation compared with the corresponding day of the last three

Maximum temperature . 74
Minimum temperature . 76
Mean temperature . 70
Mean temperature . 1.01

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

| 1902:
Normal temperature	75
Deficiency for the day	5
Deficiency for the day	5
Total excess since March	18
Normal precipitation	15
Excess for the day	88
Inch	86
Total rainfall since March	17
Excess since March	37
Inch	
Deficiency for cor. period, 1901	5
Deficiency for cor. period, 1900	2
257	
Inches Reports from Stations at 7 P. M.	

CONDITION OF THE WEATHER. maha, cloudy North Platte, partly clou Cheyenne, raining Sait Lake City, clear Rapid City, raining Huron, cloudy Williston, raining Chicago, cloudy St. Louis, partly cloudy St. Louis, partly cloudy Bavenport, cloudy Kansas City Havre, partly cloudy Helena, partly cloudy Bismarck, cloudy Galveston, partly cloudy

T indicates trace of precipitation.

L. A. WELSH.

Local Forecast Official.

SEES MURDER IN A VISION THOUSANDS OF FAIR WOMEN HERALD PRAISES FOR PE-RU-NA.

[Catarrhal Dyspepsia and Nervous Prostration Makes Invalids of More Women Than All Other Diseases Combined.]



Systemic catarrh causes nervousness, Pe-ru-na a True Friend to Women. | man of Appleton, Wis., and President of poor appetite, tired feelings. cures catarrh wherever located. LETTERS FROM WOMEN.

Miss Anna Prescott's Letter. Miss Anna Prescott, in a letter from 216 Its effects are truly wonderful in rejuven- Peruna will make you feel like another

"I was completely used up last feeling," as a few doses always makes me fall, my sppetite had failed and I feel like a different woman."—Florence felt weak and tired all time. My druggist advised me to try Peruna

Peruna will be found to effect an immeand the relief I experienced after diate and lasting cure in all cases of sysderful.

and am glad to say that my com-plete restoration to health was a Peruna Makes You Feel Like a New happy surprise to myself as well Person.
as to my friends."—Anna Prescott. Miss Marie Coats, a popular young wo-

Miss Florence Allan, a beautiful Chicago the Appleton Young Ladies' Club, writes: girl, writes the following from 75 Walton "As a tonic for a worn out system, Pe-

South Seventh street, Minneapolis, Minn., ating the entire system. I keep it on hand person inside of a week. all the time, and never have that 'tired feeling,' as a few doses always makes me

taking one bottle was truly won- temic catarrh. It acts quickly and beneficially on the diseased mucous membranes, "I continued its use for five weeks, and with healthy mucous membranes the

"When that languid, tired feeling comes over you, and your food no longer tastes runa stands at the head in my estimation. good, and small annoyances irritate you,

> "I have now used it for three seasons, and find it very valuable and efficacious." -Miss Marie Coats.

> If you do not derive prompt and satisfactory results from the use of Feruna write at once to Dr. Hartman, giving a full statement of your case, and he will be pleased to give you his valuable advice

Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.



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Government supervision and equipment. Army officer detailed, Propages for Universities. Government supervision and equipment. Army officer detailed, Prepares for Universities, National Academies or for Life. COL. SANDFORD SELLERS, M.A., Supt., Lexington, Me.

Baptist Female College LEXINGTON.

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Hot Springs Treatment for Syphilis And all Blood Diseases. No "BREAKING OUT" on the skin or face and all external signs of the disease disappear at once. A treatment that is more successful and far more satisfactory than the "old form" of treatment and at less than HALF THE COST. A cure that is guaranteed to be permanent for life.

OVER 20,000 cases cured of nervous of vitality and all unnatural weaknesses of men. Stricture, Gleet, Kidney and Bladder Discases, Hydroceie, cured permanently. Treatment by mail. P. O. Box 766.
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Fiolent cathartics leave you worse than they find you. There is only one medicine that acts easily, yet surely, upon the bowels while acting as a tonic, and contains valuable vegetable properties which act upon the stumach, liver, kidneys and blood, and that



Lazakola is not only the most efficient of family remedies, but the most economical, because it com-bines two medicines, vir I laxative and tonic, and at one price. No other remedysgives so much for the money. At druggists, 25c. and 50c., or send for free sample to LAXAKOLA CO., 132 Nassau Street, N.Y. For sale by Sherman & McConnell Drug Co. Omaha, Neb.

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Is the worst disease on earth, yet the easiest to cure WHEN YOU KNOW WHAT TO DO. Many have pimples, spous on the skin, sores in the mouth, licers, falling hair, bone pains, catarrh; don't know it is BLOOD POISON. Send to DR. BROWN, 255 Arch St., Philadelphia, Pa., for BROWN'S BLOOD CURE, E.00 per bottle; lasts one month. Sold only by Sherman & McConnell Drug Co., 18th and Dodge Sts., Omaha. Brown's Capsules Cures Meeting few days Drug Store, 16th and Dodge Streets.

