THE OMAHA DAILY BEE.

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POLICE BOARD CASE

Supreme Court Decides in Favor of the Savage Appointees.

AFFIRMS POWER OF THE LEGISLATURE

Again Lays Down Law of State-Controlled Government for Cities.

OVERTURNS DOCTRINE HOME RULE

Police and Fire Department Subject to Governor's Board.

EXPLAINS DOCTRINE OF RES JUDICATA

Questions of Law May Be Opened or Not, the Rule Depending on the Matters Involved in Litigation.

(From a Staff Correspondent.)

LINCOLN, Neb., April 30.—(Special Telegram.)—At an adjourned meeting of the supreme court today, the opinion in the Omaha police board case was handed down. It is in favor of the present board. Judge Holcomb wrote the opinion. The syllabus:

1. The legislature may by statute confer upon the governor the power to appoint members of the board of fire and police commissioners of cities of the metropolitan class. Redell vs. Moores et al, Neb., 88 N. W. Rep., 43.

2. A judgment rendered by a court of competent jurisdiction determining the rights of the litigants on a cause of action or defense is an effectual bar against future litigation over the same right determined by such judgment, and is for all time, unless reversed or modified, binding on the parties and their privies in estate or in law.

3. A "right, question or fact" distinctly put in issue and directly determined by a court of competent jurisdiction as a ground of recovery cannot be disputed in a subsequent suit between the same parties or their privies, and this even though the second suit is for a different cause of action.

4. The right, question of fact which, when put in issue and determined, to show the subject of the rule of res judicata, must be a question of fact as distinguished from an abstract proposition of law, and the determination must be with reference to such question or questions of fact, or a mixed question of fact and law, or a legal deduction arising from a state of facts common to both actions; as, for example, a decision construing as a matter of law an agreement is binding between the parties and their privies where the same instrument is urged as a ground of recovery or defense in a subsequent suit on a different cause of action.

Subjects for Litigation.

5. Abstract questions of law cannot be made the subject of litigation. There must be real parties and a res judicata in dispute that will brew res judicata when the litigation is determined. State ex rel Wright vs. Savage, Neb., 91 N. W. Rep., 557.

6. In an action by proceedings in quo warranto to try title to an office, the claim or demand on which the judgment of the court is asked, the subject matter of the controversy, is the right to the office for the term in controversy, and the action is personal as to the parties claiming the office.

7. In such action there is no adjudication or determination of official rights, duties and powers of the person adjudged to be entitled to the office, but only an adjudication of his right to hold the office for the term in controversy and perform its functions.

8. Such an adjudication determining the right of a claimant to an office for a specified term does not determine the right of a successor to the office holding by appointment from the same authority for a different term, nor is the successor with respect to the right to the office adjudicated in a prior suit for a different term deemed in privity with his predecessor, nor is the subject matter the same in the two suits.

9. Intervenors Peabody and O'Conners held to have not valid claim to the office as members of the Board of Fire and Police Commissioners for the terms which are in controversy in the present action.

10. Held, in the case at bar, that the respondents, appointees of the governor, are the lawfully constituted Board of Fire and Police Commissioners of the city of Omaha.

Judge Holcomb's Reasoning.

Judge Holcomb, who wrote the opinion of the court, says in the course of his reasoning:

But two fundamental questions are presented for consideration in the present action, one being the alleged unconstitutionality of the act referred to, and the other the question of whether the rights of the parties herein are not to be controlled and determined by the application of the doctrine of res judicata. It is insisted by reason of the matters litigated and the judgments rendered in two of the cases heretofore decided, namely, Smyth against Moores and Smyth against Kennedy, that the respondents cannot now be heard to assert title and right to the office of which they are the present incumbents. While the act was held unconstitutional in Smyth against Moores, in the more recent case of Redell against Moores the Moores case was overruled and the act held to be within the constitutional powers of the legislature. The Redell-Moores case should be accepted as the deliberate expression of the court on this branch of the litigation, and we adhere to the conclusions announced therein.

It is insisted, if we understand counsel aright, that the judgment in the Moores case operates as a bar to the assertion by respondents of a right to the office they are now holding, and that because of this adjudication they are estopped from contending to the contrary, and that this action is by or against the same parties that were litigants in the two cases mentioned. It is said by relators that while it may be true in the Moores case that as between appointees of the mayor and the governor the thing in litigation was the office itself and the title thereof, yet nevertheless the right to the office itself was not the only point of issue presented or determined; that the question was also determined as to whether the mayor or governor had the right and power to appoint members of the board; also that the act relating to cities of the metropolitan class, authorizing the appointment by the governor, was adjudged to be unconstitutional; and further that the ordinance under which the appointment was made by the mayor was valid. The allegation was that all these questions were put in issue by the pleadings and were determined and have become res judicata, binding alike on all parties alike thereto.

Case on Settled One Term.

The court held in the Moores case that the legislature had exceeded its constitutional powers in conferring upon the governor authority to appoint such officer and the judgment entered went in favor of the appointees of the mayor, the respondents, the appointees of the governor being ousted from office. The litigation was with respect to the title of the claimants to the office as member of the board. The thing actually decided was that the mayor's appointees were entitled to hold office for the term for which they were appointed. The validity of the ordinance and the right of the mayor to appoint were dependent upon the alleged unconstitutionality of the act giving the governor the power to appoint. The main point involved was the power of the legislature to authorize the governor to fill the office by appointment. In the case at bar the subject matter at litigation was not the validity of the ordinance or the right of the mayor to appoint members of the board. The judgment was demanded on the right and title to the office for the term for which the parties were appointed, and as a reason for the demand it was alleged that the act authorizing the governor to appoint was unconstitutional, and the citizens of Omaha had the undeniable right to select their own officers.

New Terms Not Involved.

It is conceded by all parties in interest that the terms of office of each member, the title to which was under consideration in both the Moores and Kennedy cases, have now expired, and that all save one had expired at the time of the commencement of the present action. Assuming then that the relators' claim of right to the office by appointment of the mayor is for a different term from the one in controversy, and adjudicated in the two prior actions, will those judgments operate as a bar against

(Continued on Fifth Page.)

AMERICA SALUTES LOUBET

Naval Squadron Joins in Welcoming French President Home from African Tour.

MARSEILLES, April 30. — President Loubet arrived here today from Bisert on board the warship Jeanne d'Arc, escorted by the French fleet.

As the president's ship approached the port, moving at a slow speed, it was saluted by the land batteries and the American warships, under the command of Rear Admiral Cotton. As Jeanne d'Arc entered the roadstead Admiral Cotton proceeded in a steam launch alongside of the French cruiser. He was met at the rail by the captain of the vessel, who presented him to M. Loubet. Admiral Cotton greeted the president and expressed the affection of President Roosevelt and the American people for the government and people of France.

The president cordially returned Admiral Cotton's greeting and asked him to assure President Roosevelt that France entertained the most cordial sentiments for the United States.

The ship's band then played "The Star Spangled Banner" and Jeanne d'Arc fired an admiral's salute, the American ships answering, the French sailors cheered America and the Yankee tars replied with cheers for France.

Later President Loubet landed and took a train for Paris, where he will arrive at 7 a. m.

OTTOMAN BANK IS BLOWN UP

Bulgarians Hurl Bombs While Others Keep Sultan's Guard in Check.

SALONICA, European Turkey, April 30.—The Ottoman bank was destroyed by dynamite today. The postoffice and other buildings were also attacked, resulting in a panic during which two men were killed and two others injured. A detachment of 2,000 additional troops has since arrived from Smyrna.

The attack on the bank was carried out by two bands. One attacked the guard on duty and the other hurled the bombs. It is thought the strong room resisted the explosions. Several of the men who took part have been arrested.

The destruction of the French steamer Guadalquiver by an explosion while leaving this port on Tuesday was evidently caused by a bomb. A Bulgarian has been arrested in connection with the outrage.

In an encounter with Turkish troops yesterday at Nevrokop, European Turkey, eighteen Bulgarians were killed and fourteen made prisoners. There was also a serious encounter near Djumabala, where a band of over 100 insurgents was annihilated.

PLAY SPECTACULAR TRIUMPH

Sardou's Dante Overloaded and Obscure as a Drama, According to Critics.

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LONDON, April 30.—(New York World Cablegram—Special Telegram.)—Victorien Sardou's "Dante," produced tonight in Drury Lane, with Sir Henry Irving in the title role, proved a triumph of spectacular art, but overloaded, unconvincing and obscure as a drama.

Irving realized Dante's personality with striking fidelity, but the action of the play was so confused and the cast so stupendous and the individualization of the characters so imperfect that the performance was deficient in human interest. The wonderful attractions from the scenic standpoint redeemed the play from failure. The terrors of the "Inferno" were never before portrayed so impressively.

TROOPS SUSPEND OPERATIONS

Reverses of British in North Africa Cause a Change in the Plan.

ADEN, Arabia, April 30.—In consequence of the recent British reverses in Somililand, it is reported here that the advance of the British expedition has been suspended indefinitely. Major General Egerton is mentioned as the successor of Brigadier General Manning.

Information here indicates that a complete reorganization of the executive heads of the expedition would be considered advantageous. It is feared that the recent victory will embolden the forces of the Mad Mullah to attack isolated posts.

The force at the disposal of General Manning is insufficient for offensive purposes and it is expected that he will strengthen his posts and remain in activity until after the hot weather.

PARIS DRESSES UP FOR KING

Kruger Bunting is Called Into Use to Welcome Great Britain's Monarch.

PARIS, April 30.—The city has taken on an aspect of festivity in anticipation of King Edward's arrival tomorrow. The boulevards and avenues radiating on the Place D'Opera are beginning to assume a brilliant appearance. The buildings are crossed by a series of splendid arches.

The decorations symbolized by the entwining flags of France and Great Britain indicate the resumption of cordial relations between the two. Many of the balconies bear floral legends reading: "God Save the King" and "Welcome."

The newspapers comment on the fact that the same show bunting which greeted Mr. Kruger is now used to greet King Edward.

EDWARD GOES TO PARIS

King of England Leaves Rome Amid a Tremendous Farewell Demonstration.

ROME, April 30.—King Edward left Rome today for Paris amid a tremendous farewell demonstration.

The streets were crowded and the windows and balconies were filled with troops.

Detachments of troops kept back the people and permitted no rowdyism.

Three Hundred Killed in Riot.

VIENNA, April 30.—Private letters received from Czernowitz say over 300 persons were killed during the recent anti-semitic riots at Kischeneff, capital of Bessarabia.

Blizzard in Michigan.

MARQUETTE, Mich., April 30.—A fierce blizzard is raging in upper Michigan. The temperature has fallen 55 degrees in two days. Vegetation and fruit trees have suffered severely.

MOUNTAIN STILL FALLING

Boulders Continue to Crash Into Canadian Mining Town.

VALLEY RISES OVER TWO HUNDRED FEET

Frank Residents Flee in Terror, Mining Doctors to Continue Hunt Dead and Police to Stay Robbers' Ravages.

FRANK, N. W. T., April 30.—It is definitely known that fifty-six people lost their lives in Wednesday's rock slide from Turtle mountain. Many of the bodies will never be found, as some cabins are buried under 150 feet of rock and although organized efforts were made last evening and today only nineteen have so far been recovered, most of them being mangled almost beyond recognition.

Valley Rises Hundreds of Feet.

The whole east end of the mountain, extending from the tipple eastward, has gone out. It was 4,400 feet high and slid across the entire valley, blocking the track to the French mine.

This track is about forty feet higher than the Canadain Pacific railway track and its distance is about three-quarters of a mile from the mine entrance. The slide extends from a point about 200 feet east of Frank station to a point one and a half miles west. The country in between being covered with rock ranging in size from a pebble to high rocks the size of a railroad car.

The slide carried away the entire operating plant of the French-Canadian Coal company and seven houses, also owned by the company, were smashed into kindling, while ten others situated in the valley east of town were also demolished and the people in them killed as they slept.

The direct monetary damage will exceed $1,500,000 upon which the mining company will lose about $200,000.

Pieces of rock, often weighing hundreds of tons, are still falling from the strangely altered top of Turtle mountain, consequently it is extremely dangerous to approach the mountain to make an investigation into the exact cause of the catastrophe.

Picturesque Spot Obliterated.

The scene of this awful catastrophe was originally one of the most picturesque valleys in Canada. Through the center ran the Old Man river, which has its source on the eastern slope of the Crow's Nest pass. The total width was a little over a mile and a sheer wall of rock rose 3,500 feet above the level of the town.

Old Man river followed the side of Turtle mountain, close up against the foot of which Frank was built. The mountain wall was so tall and precipitous that even in the longest day in midsummer the sun set in Frank at 3 in the afternoon and after that a twilight ensued.

The slide came down a vertical wall of rock and crossed the valley, a distance of over a mile, and piled up the foothills on the opposite side of the valley to a height far above that of the highest building in the town. Where once existed cozy homes, fertile farms and stock ranches there is now nothing but huge chaotic piles of debris from the mountain, which has all the appearance of a volcanic eruption.

The land, which was once of great value and was rapidly increasing in price on account of the known presence of natural gas as well as coal deposits, is now buried many feet deep with waste matter and is practically valueless for agriculture or any other purpose.

As there is no geological expert in the town it is impossible to ascertain exactly the true character of the force exerted, but judging from the evidences now brought in by many who have been scouting around the outskirts many are inclined to believe that it was a huge mountain slide caused by an earthquake or a subterranean explosion of gas.

Turtle mountain is composed largely of limestone rock. A theory advanced by many of the mining men of the town is that the limestone cliff had been undermined by some subterranean branch of the Old Man river which had been silently working for years.

Residents Flee in Panic.

But two houses were used last night and they not by their owners, but by physicians less timid, who decided to remain and take chances. Many of the people went to Blairmore, two miles to the west, to remain until the danger is over.

All business was suspended yesterday, the few persons who remained in town devoting themselves to the work of searching for the dead. Poor results, however, attended their efforts, as only nineteen bodies have been found.

In response to an appeal from the local Board of Trade the Dominion government has sent William R. Pearce to act in its behalf. Mr. Pearce conferred with the citizens this morning and decided to clear away the obstruction from the river so as to avoid the threatened flood.

Accompanying the government agent was a force of mounted police to police the district, something that was becoming much needed, as thieves had commenced to operate.

An idea of the immense difficulties caused by the slide may be had from the estimates that it will require 2,000 men working several months before a permanent railroad can be built to replace the two miles destroyed.

Some of the Victims.

PORTLAND, Ore., April 30.—A special to the Oregonian from Frank, N. W. T., gives the names of fifty-five victims of yesterday's disaster at the Frank mines as follows:

ALEX LEITCH, a merchant, wife and four children.
C. ACKROYD, a miner and his wife.
A. CLARK, laborer, wife and five children.
J. SIROTA, driver.
ANDREW GARESACK, trapper.
G. WILLIAMS, miner, wife and three children.
WILLIAM WARRINGTON, miner, wife and six children.
JOHN VAN DUZEN, carpenter, wife and two children.
B. SUMIS.
F. SUMIS.
B. YESKID.
F. WARRINGTON.
D. FOSTER.
A. DAWES, miner.
THOMAS LOCK, miner.
M. MADRIGAN, miner.
JAMES FRAHAM, laborer, and wife.
ROBERT WATT, laborer.
R. ROCHELLE, laborer.
THOMAS DELAPA, engineer.
A. TASGIAN, weighman.
JOSEPH BRIGHTON.
J. J. SCOTT.
FRANK VOUCHON,
JOHN M'VEIGH.
J. LEONARD, all employes of McVeigh, a railroad contractor.

The fatally injured are:
Mrs. John Watkins.
Lester Johnson, aged 14.

PHILIP WATKINS GOES FREE

Man Who Married Omaha Girl is Acquitted on Criminal Charge.

BILLINGS, Mont., April 30.—(Special Telegram.)—Philip D. Watkins, who a few months ago was wanted in several Pacific coast cities on charges of obtaining money under false pretenses, is a free man in Billings tonight. He was tried in the district court here today on a like charge, but acquitted. The alleged crime consisted of Watkins presenting to and having cashed by George F. Benninghoff, proprietor of the Grand hotel of this city, a check in the sum of $60, drawn on Amesbury Mass., in favor of George W. Swain, signed John T. Swain. The alleged crime was committed on August 21 last, when Watkins and his wife, while returning east, stopped at the Grand hotel for two days. On taking their departure Watkins, who had registered as George W. Swain and wife, presented the check above mentioned in payment of his account. He was given in return the sum of $47.50 in money. A few hours after cashing the check, Mr. Benninghoff had an intuition that the check was worthless and he telegraphed the bank in Massachusetts about it. A reply was soon received in confirmation of his doubts. He then set about to cause the arrest of Watkins, locating the man at Newcastle, Wyo., where he was arrested and brought back to Billings.

Sheriff Hubbard states that relatives have settled the other charges against him in the Pacific coast cities and that there is no probability of his arrest on any of those complaints. Watkins will leave Billings tomorrow for Omaha to join his wife, who was formerly Miss Shonfeld, daughter of S. Shonfeld of Omaha, whom he met last summer while on her way to Salt Lake City, and whom he married after knowing her only a week.

EMPLOYERS TO FIGHT STRIKERS

Kansas City Association Said to Have a Membership of Over Six Thousand.

KANSAS CITY, April 30.—(Special Telegram.)—The Employers' association, which was organized less than two months ago for the purpose of resisting the demands of union labor and to put an end to the sympathetic strike, has grown to enormous proportions and its influence is already manifest. At the close of business tonight the association had a membership of 6,350 employers. The indications are that fully 4,000 craftsmen will be on strike before May 15. The Employers' association will absolutely refuse to recognize the unions, declaring that they will close their plants and suspend business until the strikers' places are filled or the strikers themselves return to work without receiving any concessions whatsoever.

Among the unions that will strike before May 15 are the following: Carpenters, protective laborers (unskilled workmen), iron workers, stone masons, hod carriers, brass workers, hack drivers, sewer workers, hoisting engineers, iron moulders, retail clerks, bridge and structural iron workers. The waiters and cooks are already on strike.

Already the Employers' association has broken the backbone of three strikes. The employers also allege they have received better police protection since they have organized and are in a position to demand protection for their workmen.

WESTERN MATTERS AT CAPITAL

List of Rural Mail Carriers in Western States Given Out.

(From a Staff Correspondent.)

WASHINGTON, April 30.—(Special Telegram.)—These rural free delivery letter carriers were appointed today: Nebraska—Steele City, regular, John H. Friday; substitute, Harry S. Friday. Iowa—Council Bluffs, regular, Carl Neython; substitute, William Neython. Elkader, regular, Ulysses S. Clark. Morning Sun, regular, Horace P. Kerr; substitute, Albert D. Kerr. Oxford, regular, William S. McLain; substitute, Lily V. McLain. Reinbeck, regular, Michael Shoemaker; substitute, Frank Shoemaker. Traer, regular, Ed V. Stone; substitute, Edna M. Kennedy. South Dakota—Aberdeen, regular; William F. Glau; substitute, Jesse M. Glau. Canton, regular; H. O. Beig; substitute, Willie Soule.

C. O. Day of Grant, Neb., has been awarded the contract for carrying the mail from Imperial to Grant, Neb.

The application of J. M. Wilson, J. H. Mack, Martin Rowe, Jed Harrison and L. W. McLennan to organize the Macksburg National bank of Macksburg, Ia., with a capital of $25,000, has been approved by the comptroller of the currency.

Postmasters appointed: Henry D. Tucker, Bingham, Page county; A. R. Miner, Bussey, Marion county, Ia.

Proposals for the construction of new school buildings on the Tongue River Indian reservation were opened today at the Indian office. The lowest bidder was W. A. Wagner of Helena, Mont., at $48,000.

BOODLE REPORT EXONERATES

Illinois House Committee Unable to Find Any Attempt to Bribe Speaker.

SPRINGFIELD, Ill., April 30.—The house boodle committee reported this afternoon that it was unable to find any real attempt to bribe the speaker. The report was adopted by a unanimous roll call vote of 138 fifteen minutes after its introduction.

The report also condemns George H. Hinman, editor of the Chicago Inter Ocean, for his charges, which, the report says, he failed to substantiate.

The text of the findings follows:

(1) The evidence produced before us does not establish any real attempt to corruptly influence the action of the speaker of this house.

(2) There was no reasonable or substantial ground for the editorial entitled "Boodle," published in the Chicago Inter-Ocean April 20, 1903, and the charges therein contained and as specified further in the testimony of Mr. Hinman, were wholly without truth or foundation as to any member or officer of this house, so far as we have been able to discover.

GIRL HAS NARROW ESCAPE

Cab in Which She is Riding is Struck by Street Car.

PHILADELPHIA, April 30.—A hansom cab, in which Miss Katherine Cassatt, daughter of A. J. Cassatt, president of the Pennsylvania Railroad company, was riding down Chestnut street, was struck by a South Nineteenth street car and the cab was turned on its side.

Miss Cassatt saved herself from falling by holding to the door and was quickly assisted from her dangerous position none the worse for her experience.

ORGANIZED LABOR AFFAIRS

Teamsters Decide at a Late Hour Not to Hitch Up Today.

RESTAURANT EMPLOYES VOTE TO STRIKE

Portion of Carpenters Decide to Cease Labor, While Brewers, Street Car Men and Others Take Opposite Action.

In the neighborhood of 1,700 men will become idle today in Omaha as the result of action taken last night by various labor unions. These men are apportioned as follows: 850 among the teamsters, 600 restaurant and hotel workers and 250 carpenters. The Team Drivers' union declared a strike on every employer in the city who had not signed the scale proposed by the union; the restaurant and hotel men, including the waiters, cooks and helpers, decided to strike on refusal of their employers to accede to the unions' propositions, and all the carpenters employed by contractors refusing to sign the scale took similar action. The total number of teamsters is between 1,300 and 1,400, of restaurant and hotel men about 750 and carpenters 400.

The teamsters are said to hold the key to the labor situation just now and upon their action rested the course of other unions, but at the same time people who are addicted to the eating habit doubtless will be inclined to attach considerable importance to the strike of the restaurant men. Of the thirty-two restaurants in the city, but three had signed the scale up to last night. The hotels are not immediately and directly affected by this strike, although they may be drawn into it later or made to suffer some inconvenience if the teamsters' strike is prolonged. The only hotels that employed white union labor were the Schlitz and the Delione and the latter today goes out of the dining room business entirely placing its trade on the European basis altogether.

Teamsters Have Long Session.

The teamsters continued their meeting past midnight, finally reaching a decision that there was nothing left for them to do but strike, as the majority of their employers had turned down their proposition. According to Business Agent J. E. Crews, the concerns affected are: Omaha Merchants' Express and Transfer, Johnson Bros'. Transfer, Expressmen's Delivery, Fred Bush Transfer, McAuley Express, Miller Transfer, Omaha Transfer, all the coal companies except one, all the graders except Kracht & Morrissey, and all the building material concerns and the department stores. The Bennett company and possibly others may sign—though it is not certain—today. All the ice companies have signed the scale, as also have the Omaha Van and Storage company and the H. C. Dunn Transfer and Express company.

The teamsters meet again this afternoon at 2 o'clock at Grand Army of the Republic hall, 114 North Fifteenth street.

Last night was one of the busiest in labor circles that Omaha has known for a long time. The waiters and allied unions, freight handlers, teamsters, Building Trades Council, street car men and brewery workers all held meetings, on which hung serious consequences. The restaurant and hotel unions decided on a strike in all the restaurants of the city, save three, which had signed up the scale; the brewery workers secured a settlement with their employers; all the building trades, except part of the carpenters, found it possible to avoid the necessity of striking; the freight handlers decided to wait awhile and the street car men disposed of their troubles without involving themselves any further.

Pass Up President Smith.

All there was to the street car men's affair was a vote on whether H. G. Smith, their president, who was discharged by the company recently, should be supported, or whether the company should be upheld. The men voted to stand by the company by 227 to 112, allowing Mr. Smith to take care of his own case. The company gave as its reason for letting Smith out that he, as motorman, was responsible for too many accidents. Some of Smith's friends charged that this was a pretense and the real reason was that Smith was president of the union.

Waiters' Case Serious.

The waiters' strike presents a serious aspect unless an early adjustment can be arranged. The waiters themselves number about 300 or a little more and with their allied unions they number nearly 600. There are thirty-two restaurants in the city and only three had signed the scale up to last night, when the business agent of the waiters' union was seen. These were Billy Huston's, the Denver and the Blue Front. The Barker hotel signed the scale all through. The situation looks like a complete tie-up of the restaurants, none of the larger ones having signed up with the men. The One Minute restaurant proprietor, John Halpin, last night paid off all his men and decided to close his place this morning until matters are settled. He will take advantage of the spell to do some repairing. Mr. Halpin and his men parted in a friendly manner and the proprietor, while unwilling to sign the scale, said they had not talked strike matters.

What the Waiters Want.

As was said the waiters asked no raise in wages, but simply a six day week. In demanding six days a week, or sixty hours a week, for their female members they point out that this is nothing more than the law of the state provides. The men appear firm and would seem that unless there is a yielding on the other side some people in Omaha are either going hungry or must besiege the hotels for a while at least.

Considerable feeling was aroused over the action of the Commercial club in discharging its five union waiters and employing colored nonunion men. The waiters ascribe this to the claim that the Business Men's association dominates the Commercial club and is opposing all union men.

Brewery Workers Win.

As to the brewery workers, they demanded eight hours a day instead of nine and got it as the result of a conference with their employers yesterday afternoon. They also got a concession for 40 cents an hour overtime and 50 cents overtime for the drivers who work nine hours a day.

Part of Carpenters Out.

At the meeting of the Building Trades council the only members who decided on a strike were the carpenters that are employed by contractors who refuse to sign the scale. The number of these carpenters, according to Business Agent Stevenson, is about 250, while the remainder of the 400 union carpenters will remain at work for the five contractors who have signed the scale. This leaves the men on the new Krug theater, the Joslyn residence and the

(Continued on Fourth Page.)

CONDITION OF THE WEATHER

Forecast for Nebraska—Fair and Warmer Friday; Saturday Fair.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	27	1 p. m.	38
6 a. m.	27	2 p. m.	40
7 a. m.	27	3 p. m.	41
8 a. m.	28	4 p. m.	45
9 a. m.	30	5 p. m.	46
10 a. m.	32	6 p. m.	45
11 a. m.	34	7 p. m.	44
12 m.	36	8 p. m.	42
		9 p. m.	41

CREIGHTON ALUMNI BANQUET

Doctors Get Together for an Evening of Good Cheer and Good Fellowship.

Fifty-five persons enjoyed the flow of cheer and oratory attendant upon last night's annual banquet of the alumni of Creighton Medical college in the historical laboratory of the institution. Dr. Bryan Riley of the class of 1901 was the toastmaster and directed the execution of the program, which comprised several short addresses, with music by an orchestra for the interludes.

Tonight the class of '03, with its membership of twenty-nine, is to be graduated from the college in the college auditorium, and later will be banqueted by the faculty at the Iler Grand hotel. It will be No. 13 in the list of banquets given by the faculty to retiring classes.

When the alumni met last night it transacted its usual grist of yearly business first, electing Dr. N. V. Steiner, '01, to the presidency; Dr. R. Rix, '99, to the secretaryship, and Dr. Fred Wearn to the treasurership. For the banquet the laboratory tables had been ingeniously converted into dining tables. All sorts of dainty refreshments were served on them before the speaking began. Dr. C. L. Pickett welcomed the new class and was responded to by O. R. Brittain. Mrs. S. Rhode read a paper on "A New Cure for Rheumatism," which provoked much laughter, as it was intended to do. Dr. Gustave Hahn, '03, told a story; Dr. Harry Bierbower, '00, army surgeon from the front, told of the doctor's life in the Philippines, and Dr. E. S. Pinto added more testimony in this matter, having been on the islands for two years or more in the government service in the cholera and fever districts.

SHERIFF GETS ONLY THE MAN

Doesn't Find the Promised Gambling Devices When He Raids Alleged Pool Room.

Sheriff Power and Deputy Sheriff James Roach went to a room in the rear of the Diamond saloon at 1313 Douglas street at 2:15 yesterday afternoon and took into custody Samuel Boyce, William Everhart, V. L. Chucovich and several employes. The sheriff made the arrests on warrants issued from the county court upon the complaint of D. D. Anthony, a detective brought here by C. R. Scott and others, it is said, to ferret out alleged bookmaking. Anthony accompanied the sheriff yesterday and pointed out the men. The sheriff found in the room none of the gambling devices mentioned in the petition. The men, when taken before Judge Vinsonhaler, declined to plead. The court entered a plea of not guilty and set their examination for May 7. A Douglas street pawnbroker went bail for Chucovich and then the two went bail for the others, each of whom was held in the sum of $500.

HASTINGS BANKS COMBINE

First National of that City Absorbs the Adams County Bank.

HASTINGS, Neb., April 30.—(Special Telegram.)—The First National bank of Hastings absorbed the Adams County bank of this city today. The deal is one of the largest business transactions in the history of the city, as it involves over $250,000. The First National bank possesses the assets and good will of the Adams County bank and assumes the liabilities of the same. At the last statement the combined deposits of these two banks was $882,481.94. The First National bank is to have a lease of the present location of the Adams County bank for a term of one year, during which time a new building will be erected for the express purpose of the First National bank.

William Kerr, who has been president of the Adams County bank since its establishment in 1886, retires, feeling that he has earned a rest from business cares.

BUSY DAY FOR PRESIDENT

Kansas City and Other Cities Arrange to Occupy Brief Visits to the Full.

KANSAS CITY, April 30.—President Roosevelt will arrive from St. Louis at 9 tomorrow. He will be met by a citizens' committee and the Third Missouri regiment of militia, and will be driven to the Paseo, where he will be greeted by 25,000 school children. Afterward he is to speak in Covington, with luncheon at the Baltimore hotel, and at 1:30 he will be turned over to the Kansas City, Kan., committee at the state line.

On the Kansas side he will review the assembled school children.

At Lawrence, Kan., where a short stop will be made, the president will drive through the city. At Topeka he will remain all Friday night.

Brilliant weather is promised tomorrow, a holiday has been proclaimed and elaborate preparations for the care of a vast number of visitors have been made.

Big Telescope Completed.

PITTSBURG, Pa., April 30.—Prof. John A. Brashear of Allegheny announces that the astronomical instrument just completed for the Smithsonian institution, Washington, D. C., will shortly be sent to St. Louis, where the government will have it mounted for exhibition at the big fair. It is the largest and most perfect instrument of its kind ever constructed and will be used primarily for the study of solar phenomena.

Movements of Ocean Vessels April 30.

At New York—Sailed—Bluecher, for Hamburg; Grosser Kurfurst, for Bremen, via Plymouth; Pomeranian, for Glasgow.

At Leghorn—Arrived—Hesperia, from Philadelphia, via Genoa.

At Queenstown—Arrived—Germanic, from New York. Sailed—Teutonic, from Liverpool, for New York; Friesland, for Philadelphia.

At Gibraltar—Passed—Calabria, from Naples, via Algiers, for New York.

At Glasgow—Sailed—Carthagenian, for New York.

At Yokohama—Arrived—Empress of India, from Vancouver, for Hiogo, Shanghai and Hong Kong.

At Hong Kong—Arrived—Rio Jun Maru, from Seattle, via Yokohama, etc.

At Teneriffe—Arrived—Amiss, from San Francisco, via St. Vincent, for Hamburg.

At St. Michaels—Arrived—Vancouver, from Boston, for Gibraltar, Naples and Genoa.

At Liverpool—Sailed—New England, for Boston.

At the Lizard—Passed—Auguste Victoria, from New York, for Plymouth, Cherbourg and Hamburg.

CHIEF ACCEPTS FAIR

President Receives Exposition Grounds and Dedicates Them to People.

ALL NATIONS PAY HOMAGE TO AMERICA

Kings and Emperors Send Representatives to St. Louis Celebration.

STATES AND UNION DELEGATES ATTEND

Governors, Diplomats and Soldiers Join Public at St. Louis.

BLANKETS CLOTHE FASHIONABLE BEAUTIES

Cold, Wet Weather Fails to Trouble Great Crowd, Which Laughs When Smart Set Veil Filmy Dresses.

ST. LOUIS, April 30.—Rulers and representatives of rulers, those who make the laws and those who enforce them, soldiers, sailors and a great concourse of the sovereign American people today joined in one enthusiastic whole to formally dedicate the Louisiana Purchase exposition grounds and hand them over to the nation.

It was a raw, cold day, with just enough snow to emphasize the lateness of the spring and more than enough rain to make the crowd of shivering spectators uncommonly uncomfortable, yet there was not enough of both combined to keep one away or dishearten any who were there. The flags which warmed the somber lines of city streets into a glow of Oriental color, were, indeed, draggled and forlorn and the dyes in some of the cheaper decorations failed to stay in place, but this none noticed, being apparently content to take all things as they found them and unite in making light of all discomforts.

Blankets Cover Smart Set.

The crowd of women, wives and daughters of the distinguished guests, had turned out in all the glory of modern civilized garb as though anxious to eclipse the glittering uniforms of the military contingents gathered to typify the power of the great republic and its component states. These were in torture. Laces, silks and bows of colored ribbons lend enchantment, but hardly serve to turn the penetrating cold of a late Missouri spring. Consequently Mrs. Odell, wife of the governor of New York, and other members of the board of lady managers hunted up a supply of warm army blankets and distributed them among their shivering sisters. Thus all unintentionally the earliest of all the races to control the Louisiana Purchase were represented by proxy and a crowd looking for all the world like rows of Indian squaws sat and shivered and beamed, cheered and waved dainty handkerchiefs when at length President Roosevelt walked across from the luncheon tent to receive, on the part of the nation, the first tangible signs of next year's monster fair.

But all this came late in the day, long after the western empire had shown its power and rivaled the pomp of its older and less democratic sisters by a monster gathering of the clans and an elaborate parade of 11,000 troops through the city streets. This was the show feature of the day, but it was less what the hordes of visitors came to see than the subsequent gathering in the Liberal Arts building on the fair grounds, where one president and one ex-president of the United States, the official representatives of half the nations of the world and the executive heads of practically every state in the union united in the official dedication ceremonies. Here it was that President Roosevelt received probably the greatest ovation yet given him since he left Washington nearly a month ago on his long western tour. There were 60,000 people there representing every class and every country in the world.

Nations All Do Honor.

In the center of the platform sat those destined to take the more active part in the pending ceremonies. There sat the president and his predecessor in office, Grover Cleveland, and Mr. Francis and Mr. Carter, the presidents respectively of the exposition company and the World's fair commission. To the right was the entire diplomatic contingent removed temporarily from Washington to typify the honor their respective governments wished to pay these United States, and with them officials of the State department and still other distinguished foreigners.

To the left were those representing the national congress and the three generals, Miles, Corbin and Bates, representing the army and all that its power typifies.

The two front sections of the auditorium proper were entirely taken up by governors of states and their staffs, the national World's Fair commissioners, the United States government board, United States senators and congressmen who were not members of the congressional joint delegation, while across the aisles was a brilliantly gowned assemblage of women, including wives or guests of the men connected with the ceremonies, and the board of lady managers.

Behind these rose tier on tier of the general public.

Those in the rear of this contingent had difficulty in hearing the speakers, for the hall is a long one, and the miles of bunting and flags, exhibiting the ming'ed colors of Spain, France and the United States, impaired the acoustic properties of the building, still all could see and the rear guard cheered the appearance of the speakers as heartily as if actually able to follow their words.

Surely never has such a gathering congregated on American soil and seldom on that of any of the older countries.

When at length the formal transfer was made and President Roosevelt accepted Mr. Francis' tender of the grounds and buildings a salvo of aerial guns broke forth in long booming salute and the serried multitude within the building rose cheering, yelling itself hoarse in honor of the man the nation has chosen as its chief spokesman, and of the land he represents.

Then all surged forth, gay, animated and not at all discouraged by the climatic gloom and dripping raineloids, and then, later, surged back again to see the first of the gigantic fireworks displays arranged for the three days' celebration.

PARADE A GREAT SUCCESS

Thousands View Great Military Pageant March Through City Streets.

ST. LOUIS, Mo., April 30. — The great military parade which was designed to be distinctively the show spectacle of the dedication ceremonies was held this morning and proved to be all that its promoters could wish and all that the