

BOYCOTT ON THE CARNIVAL

Students Betaliate for the Drubbing They Received Wednesday Night.

STATE SCHOOL FUND APPORTIONMENT

Supreme Court Passes on Many Cases, Several of Which are of More Than Ordinary Interest.

(From a Staff Correspondent.)

LINCOLN, May 21.—(Special.)—At a mass meeting of about 600 students of the State university this morning it was decided to secure an injunction to prevent the Eagles' carnival from continuing. Another meeting was held this afternoon, however, called to arrange details, and it was decided not to attempt to secure the injunction but to boycott the carnival company.

"I am opposed to any action on the part of the students in this way, because it is an infraction of the city. Their conduct last night was very reprehensible and was absolutely inexcusable. I greatly regret that the trouble occurred. On the other hand perhaps others would have used different means than those used by the police to stop the students. Possibly the police were too rough, but for all that there was no excuse for the students to attempt to break any law of the city or to destroy property."

Students' Side of Trouble.

The fight last night was the first time on record that the students lost out in carrying their point and consequently the students are very much chagrined and the police are correspondingly elated. Regarding last night's fisticuffs the students claim that they had no intention of breaking up the carnival nor of destroying the property of the carnival. Furthermore some of them claim that when they were refused admittance at the main entrance of the grounds, the police crowded them around on the south side between a building and the canvas enclosure. They claim that here were stationed main numbers of canvas men and hangers on of the show, armed with brick bats and clubs and that the fight at once began. They were unable to proceed and unable to get out or to give any side steps for safety, consequently they claim they had to submit to a beating and to the best of their ability they took all that was coming to them.

Friends of the students censure the police because they claim that Lincoln is a college town and is dependent upon the college for subsistence, therefore it behooves the town to grant the students some liberties that are not down on the statutes. They claim that the shirt tail parade is an annual affair, and the antics of the students on these occasions, by custom law are permissible.

On the other hand there is a large contingent of Lincoln people who say the police did the right thing, except not enough of it. They claim that when the students failed to gain admittance to the grounds, they charged the south side with the intent and purpose to get in, whether they fore down the canvas or not. Judge Cogswage, who was a witness of the fracas, said the law-abiding citizens of the town should uphold the police and that the grounds should be closed to the students and clubbing the students away from the grounds.

Wonder Injuries are So Slight.

The great wonder is that some one was not killed during the fight. The grounds were crowded with men, women and children. Brickbats, "new" thick and fast, whether thrown by the show people or the students is a question. Gasps, iron slabs and rocks were used as weapons. During the beginning of the fight some one fired a revolver, but who it was is not known to the police. One woman was struck in the face with a brickbat. A baby carriage was overturned and its occupant spilled on the pavement.

It was the worst encounter the police and students have had in years. About five years ago the two sides mixed up and one policeman had several of his ribs caved in. This policeman was in the crowd that did the clubbing. He got away.

Holds Law Unconstitutional.

According to Attorney General Frost the law passed by the legislature allowing the Lincoln Security Mutual Reserve company to change to a stipulated premium legal reserve company is unconstitutional. The attorney general in his opinion states that he considers it unconstitutional to permit the two-thirds majority of the board of directors in the manner provided by the bill to amend the charter of the corporation in the manner which he advised the governor to veto. The governor signed the bill at the last moment, although he expressed grave doubts as to its constitutionality and had stated to members of the board that he would veto it, because he thought that the matter ought to be fought out in the courts.

Preparing Capitol Plans.

Draughtsman Hubbard of the office of the state engineer is preparing plans for new approaches to the capitol grounds at the northwest corner and also at the north approach. The tentative plans as prepared at the order of the board, contemplate artificial stone steps. Those at the north side will be flush with the street and the full width of the walk running north from the state house to the street. It will be

about forty feet wide. It is probable that the steps at the northwest corner will be made in the form of an arc about twenty feet long. The old steps leading to the level of the campus are old rickety wood and the change to stone will make a great improvement in the appearance of the grounds. The legislature appropriated the money for the work and it will be begun as soon as contracts can be let by the board.

School Apportionment.

State Superintendent Fowler has made his report to the state auditor for the apportionment of school money based on the report of the state treasurer. The report shows the total number of school children to be 247,297, the amount apportioned \$408,103.24 and the rate per scholar \$1.652967. The treasurer's report showed the money in the school fund to have been collected from the following sources:

Table with 2 columns: Source and Amount. Includes State tax, interest on school and saline lands, interest on school bonds, etc.

Total amount \$408,103.24

By counties the money is divided as follows:

Table with 3 columns: County, No. of Scholars, Amt. Due. Lists counties from Adams to York with corresponding scholar counts and amounts.

makes in all about twenty-five men who will be willing to serve. The two men who are being most boosted for the office are Elmer E. Thomas, populist, and Oscar Rosser, an administrator of the law. Among the others who have been mentioned to the governor is Patrick Healey, a former member of the board, and a well known democrat. Mr. Healey was at one time last year prominently mentioned as the democratic candidate for secretary of state but did not look favorably on making the race.

Railroad Not Liable.

If a passenger on a steam railroad sticks his head out of a window in Nebraska and gets hurt or killed there can be no recovery for damages from the railroad company. Such is the dictum of the supreme court in an opinion just handed down. It is written by Judge Sutherland, concurred in by Judge Holcomb, Judge Sullivan, however, dissents in a very vigorous opinion, in which he criticizes judges in general on their methods of measuring other men.

National Guard Inspection.

General Culver today issued an order giving the following dates of the Nebraska National Guard inspection by Captain Kreps: Company C, Second regiment, at Nebraska City on May 25. Company D, First regiment, at Weeping Water on May 25. Company F, Second regiment, at Lincoln June 1. Company E, First regiment, at Wilber June 2. Company C, First regiment, and regimental headquarters First regiment and Second regiment band, at Beatrice June 2. Company D, Second regiment, and Second regiment headquarters at Fairbury June 3. Company H, First regiment, at Geneva June 3. Company A, First regiment, at York June 4. Company H, Second regiment, at Aurora June 4. Troop A at Steward June 11. Company I, First regiment, at Wahio June 11. Captain Cronin will inspect the companies designated in the following order: Company L, Second regiment, at Norfolk May 25. Company F, First regiment, at Madison May 25. Company M, Second regiment, at Albion May 25. Company K, First regiment, at Columbus May 25. Company B, Second regiment, at St. Paul June 1. Company M, First regiment, at Broken Bow June 1. Company A, Second regiment, at Kearney June 4. Engineer and signal corps at Fremont June 4. Company E, Second regiment, at Tekamah June 4. West Point rifles at West Point June 5. Company B, First regiment, at Stanton June 5. The infantry companies, corps and bands will assemble at their respective armories at 10 o'clock p. m. on the day named, at such time as may be designated by the inspecting officers on the dates named.

As to Deficiency Judgments.

In the case of Burrow against Vanderburgh, from Webster county, the supreme court passes upon a question that has been in dispute for some time. It could not be brought at forced sale sufficient to pay the lien the holder could get a judgment for the deficiency. In that year the legislature repealed the deficiency judgment law, but the question was raised as to whether this prevents the recovery of a deficiency judgment upon mortgages executed before 1897. The supreme court says it does not. "The law of 1897 did not take away or impair any right of the holder of a mortgage executed before its passage to get a personal judgment for the deficiency. It could not deprive obligees of an executed contract of the effectual remedy for the enforcement of the same."

Not an Illegal Contract.

Judgment was rendered in favor of R. S. Horton, trustee in bankruptcy for the Omaha exposition, against Henry Rohlf and his bondsmen. Rohlf bought the German village concert for \$15,000, 15 percent of his receipts, and gave a bond for \$2,000 that he would pay up. He didn't and when suit was brought defended on the ground that the contract was illegal because it gave him the right to sell beer on Sunday. The novel and ingenious plea was made that a typical place where he contracted to put in could not be run without selling beer and on Sunday.

Adjunct High School Districts.

To create an adjunct high school district the concerted action of all of the districts concerned is required, says the supreme court in a mandamus case brought by one Dave against the commissioners of Cass county. The evidence showed that it was not submitted to all of the districts and was voted on by only a part of these. As only a few participated it is void.

Points in Other Decisions.

In Robble against Union Stock Yards Bank the court holds against the latter on the ground that a note to be negotiable must bear on its face entire certainty as to the amount that will be paid on maturity. In Clay County against Adams County it was held that if an insane man has a settlement of more than thirty days in a county that county is liable for his keep in state institutions. In this case a man who had been from Adams county for a period of two months, and Clay county sued the other county for expenses incurred. The supreme court informs the district judge of Nuckolls county that courts have no judicial knowledge of the fact that masons charge for hollow walls just as though they were solid ones. The trial court made this mistake in the case of Bixby against Bruce, and it is sent back for another trial. The suit is for the number of brick that were not put in a fourteen-inch wall, but which the manufacturer wants pay for anyway. A husband and wife case was that of Meyer against Michaels, from Douglas county, the lawyers filing all sorts of briefs and motions. It was a scrap over a wholesale watchmaker's tools, stock and the decision of the lower court is affirmed. Meyer losing out in his claim based on a check mortgaged given by his son, one of the members of the firm who sold out before the trouble came. The law permitting counties to levy taxes for a fund to pay owners of sheep killed by dogs is upheld in McCulloch against Colfax county, although McCulloch loses out because the attorney did not plead all of the conditions precedent to entitle him to payment of his claim. The court says the law is a proper exercise of the police power of the state. Tom Sudborough loses out in his suit against the Pacific Express company to recover big damages for alleged false arrest. The court says that the evidence disclosed that the express company was systematically robbed for years in a total of \$60,000 or \$80,000, and that Sudborough had confessed to getting some \$14,000, all of which was outlawed. It adds that the trial court rightfully instructed the jury to return a verdict in defendant as it was established beyond question that there was probable cause to believe Sudborough guilty. Mutuals May Recover. The suit of the Farmers Mutual Insurance company against the Phoenix of Brooklyn, is ordered retried in the district court of Lancaster county. This is one of a series of suits brought by mutual companies to recover from old line companies the unearned premiums upon policies which they had cancelled by the parties holding them and substituted mutual policies. The case was passed on some time since, but on rehearing the fact was disclosed that the request for cancellation had in many cases been made before the new insurance was effected. The court says that there is no question but in each of these instances the plaintiff is entitled to a return of his home for some time because of the accident. Odd Fellows Meet at Beatrice. BEATRICE, Neb., May 21.—(Special.)—The sixth district convention of the Redwood lodge, No. 104, of Odd Fellows, was held in this city yesterday afternoon and evening. The lodges from Fairbury, Blue Springs, De Witt, Fairbury and

A new institution with a capital stock of \$5,000. The incorporators are Frank Nelson, G. W. Chambers and Ralph Gilman. The Damon-Koeb Notion company of Omaha has filed articles of incorporation to a general notion business, including the dealing in dry goods. The capital stock of the company is \$100,000 and the incorporators are G. F. Damon and Henry P. Kolb.

Held After Normal.

Senator Dean of Phelps county was here today trying to get a straight line on that day the school will be closed. The senator seemed to think that the other towns were raising so much fuss Holdrege was going to land that school. "I have heard nothing much about the coming meeting of the state central committee," said Senator Dean, "and I have no idea upon this day the school will be closed. I notice some of the democratic papers are calling for a non-political candidate for supreme judge. That may sound all right for democrats to talk that way, but if the republicans had no chance to elect they would change their tune. We have some good timber among the republicans that would make good supreme judges, and it will be trotted out in due time."

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Body of Missing Man Found.

HUMBOLDT, Neb., May 21.—(Special.)—Word was received in this city that the body of a farmer living a few miles east of Dawson had been discovered in a pile of driftwood along the banks of the Nemaha. The body was badly decomposed and the almost unbearable stench is what attracted the attention of the farmer who found the body. The body lay, adjoining the field in which he was plowing. Investigation revealed that the body was probably that of Jesse Roate, who disappeared from the home of his father, Mrs. Steve Harmon, late in February, and was the day he thought to have fallen in the river and washed under the lee. As was recounted in these dispatches at the time the young man, who had just come into the house from herding cattle, had been seen to get into the Nemaha to get some water, the custom being to dip it up from a foot bridge, the body lay, adjoining the field in which he was plowing. 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